



# Federal Register

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**Monday,  
April 24, 2000**

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**Part XXI**

**Environmental  
Protection Agency**

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**Semiannual Regulatory Agenda**

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Ch. I

FRL-6549-2

#### April 2000 Agenda of Regulatory and Deregulatory Actions

**AGENCY:** Environmental Protection Agency.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Environmental Protection Agency (EPA) publishes the Semiannual Agenda of Regulatory and Deregulatory Actions to update the public about:

- Regulations currently under development,
- Reviews of existing regulations, and
- Rulemakings completed or canceled since the last Agenda.

EPA believes that if the people affected by rules take part in developing them, we will produce rules that are clearer, less burdensome, and more effective.

#### TO BE PLACED ON THE AGENDA MAILING LIST:

If you would like to receive copies of future Agendas, please contact Janice Gray-Ndunguru (2136), 1200 Pennsylvania Avenue NW., Washington, DC 20460; or gray-ndunguru.janice@epa.gov; or by phone at (202) 564-6572. There is no charge for the Agenda.

**FOR FURTHER INFORMATION CONTACT:** We welcome your comments and suggestions. If you have questions or comments about a particular rule, please get in touch with the agency contact listed for that rule. If you have general comments or questions about the EPA's rulemaking process, please direct them to: Philip Schwartz (2136), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; phone: (202) 564-6564; e-mail: schwartz.philip@epa.gov.

#### SUPPLEMENTARY INFORMATION:

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#### The Rulemaking Process

Congress has created a number of requirements that agencies must meet when they issue regulations. These requirements are designed to support the creation of quality regulations and protect the rights of people affected by agencies' rules. These requirements are contained in the Administrative Procedure Act, the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act, and the Congressional Review Act. You can find information on many of these statutes at <http://www.law.cornell.edu/uscode/>.

President Clinton has also ordered that we meet a number of requirements when we issue regulations. Of particular significance for EPA rulemakings are Executive Orders 12866 (Regulatory Planning and Review), 13045 (Children's Health Protection), 13084 (Consultation and Coordination with Indian Tribal Governments), and 13132 (Federalism). You can find information on these and other Executive orders at <http://library.whitehouse.gov/>.

We encourage you to take part in the rulemaking process to make your views known and help us craft rules that:

- Protect human health,
- Preserve and enhance the environment, and
- Meet environmental goals without being unnecessarily burdensome.

In addition to contacting the expert responsible for developing a particular rule, you also can comment on proposed rules that we publish in the **Federal Register**. Once we have proposed a rule, we will consider your comments and address them before issuing a final rule. To be most effective, comments should contain information and data that support your position, and you should also explain why we should incorporate your suggestion in the final rule. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

The Agenda also includes some of our more important guidance documents. While these documents are not legally binding on EPA or outside parties, they will guide our thinking in major policy areas. We invite you to take part in developing these documents.

#### EPA's Regulatory Philosophy and Priorities

EPA's efforts to develop a system that works better and costs less are focused on five areas: Greater public access to information, more regulatory flexibility to obtain better results; stronger partnerships with States, tribes, and industries, more compliance assistance, and less paperwork and red tape. To learn more about what we are accomplishing in these areas please refer to the "Statement of Regulatory Priorities" contained in EPA's regulatory plan (64 FR 64023; and online at [http://ciir.cs.umass.edu/ciirdemo/ua/AgendaOctober1999/web\\_pages/priority/pfile-14.html](http://ciir.cs.umass.edu/ciirdemo/ua/AgendaOctober1999/web_pages/priority/pfile-14.html)).

#### What Actions Are Included in the Agenda?

EPA includes regulations and certain major policy documents in the Agenda. We do not generally include minor amendments or the following categories of actions in the Agenda:

- Under the Clean Air Act: Revisions to State Implementation Plans; Equivalent Methods for Ambient Air Quality Monitoring; Deletions from the New Source Performance Standards source categories list; Delegations of Authority to States; Area Designations for Air Quality Planning Purposes.
- Under the Federal Insecticide, Fungicide, and Rodenticide Act: Actions regarding pesticide tolerances and food additive regulations; decision documents defining and establishing registration standards; decision documents and termination decisions for the Special Review Registration process; and data call-in requests made under section 3(c)(2)(B).
- Under the Resource Conservation and Recovery Act: Authorization of State solid waste management plans; hazardous waste delisting petitions.
- Under the Clean Water Act: State Water Quality Standards; Deletions from the section 307(a) list of toxic pollutants; Suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); Delegations of NPDES authority to States.
- Under the Safe Drinking Water Act: Actions on State underground injection control programs.

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The Office of Management and Budget has exempted most of these actions from the Executive Order 12866 review procedures. There is no legal significance to the omission of an item from the Agenda.

**How Is the Agenda Organized?**

In accordance with Executive Order 12866, we publish the EPA Agenda of Regulatory and Deregulatory Actions in April and October of each year as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions.

We have organized the Agenda:

- First, by the law that would authorize a particular regulation;
- Second, by the current stage of development (proposal, final, etc.); and
- Third, by the section number of the statute which requires or authorizes the rule.

The following 14 sections deal with 13 laws that EPA administers and a fourteenth broader section called "General" that includes cross-cutting actions, such as rules authorized by multiple statutes and general acquisition rules:

1. General
2. The Clean Air Act (CAA)
3. The Atomic Energy Act (AEA)
4. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
5. The Toxic Substances Control Act (TSCA)
6. The Emergency Planning and Community Right-to-Know Act (EPCRA)
7. Chemical Safety Information, Site Security and Fuels Regulatory Relief Act
8. The Resource Conservation and Recovery Act (RCRA)
9. The Oil Pollution Act (OPA)
10. The Comprehensive Environmental Response, Compensation, and Liability Act Superfund (CERCLA)
11. The Clean Water Act (CWA)
12. The Safe Drinking Water Act (SDWA)
13. The Marine Protection, Research, and Sanctuaries Act (MPRSA)
14. The Shore Protection Act (SPA)

In each of these 14 sections, there are up to 5 headings covering the following stages of rulemaking:

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

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

2. Proposed Rules—This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).
3. Final Rules—This section includes rules that are within a year of final promulgation.
4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action is after March 2001.
5. Completed Actions—This section contains actions that have been promulgated and published in the **Federal Register** since publication of the November 1999 Agenda. It also includes actions that we are no longer considering. If an action appears in the completed section, it will not appear in future Agendas unless we decide to initiate action again, in which case it will appear as a new entry. EPA also announces the results of our Regulatory Flexibility Act section 610 reviews in this section of the Agenda.

**What Information Is in Agenda Entries?**

Agenda entries include the following information, where applicable:

*Sequence Number:* This indicates where the entry appears in the Agenda.

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

*Priority:* Entries are placed into one of five categories described below.

**Economically Significant:** As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of \$100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. OMB reviews all economically

significant rules under Executive Order 12866.

**Other Significant:** A rulemaking that is not economically significant but is considered significant by the agency. This category includes rules that are an EPA priority and rules that EPA anticipates will be reviewed by the Office of Management and Budget under Executive Order 12866 because they are likely to:

- create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients; or
- raise novel legal or policy issues.

**Substantive, Nonsignificant:** A rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

**Routine and Frequent:** A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

**Informational/Administrative/Other:** A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Agenda to inform the public of the activity.

Also, if we believe that a rule may be "major" as defined in the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act (SBREFA) (5 U.S.C. 801; Public Law 104-121) because it is likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified in this law, we indicate this under the "Priority" heading with the statement "Major under 5 U.S.C. 801."

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

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

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

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Rulemaking, a Final Action, or some other action.

**Abstract:** A brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, the alternatives that the agency is considering to address the problem; and the potential advantages and disadvantages of the action.

**Timetable:** The dates (and citations) that documents for this action were published in the **Federal Register** and, where possible, a projected date for the next step. Projected publication dates frequently change during the course of a rule development. The projections in the Agenda are our best estimates as of the date we submit the Agenda for publication. For some entries, the timetable indicates that the date of the next action is "to be determined."

**Regulatory Flexibility Analysis Required:** Indicates whether EPA has prepared or anticipates that it will be preparing a regulatory flexibility analysis under section 603 or 604 of the Regulatory Flexibility Act. Generally, such an analysis is required for proposed or final rules that EPA believes may have a significant economic impact on a substantial number of small entities.

**Small Entities Affected:** Indicates whether we expect the rule to have any effect on small entities.

**Government Levels Affected:** Indicates whether we expect the rule to have any effect on levels of government and, if so, whether the governments are State, local, tribal, or Federal.

**Federalism Implications:** Indicates whether the action is expected to have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

**Unfunded Mandates:** Section 202 of the Unfunded Mandates Reform Act requires an assessment of anticipated costs and benefits if a rule includes a mandate that may result in expenditures of more than \$100 million in any 1 year by State, local, and tribal governments, in the aggregate, or by the private sector. If we expect to exceed the section 202 threshold, we note that in this section.

**Reinventing Government:** If an action is part of the President's Reinventing Government Initiative, we indicate it in this section.

**Agency Contact:** The name, address, phone number, and e-mail address, if available, of a person who is knowledgeable about the regulation.

**SAN Number:** A code number that EPA uses to identify and track rulemakings.

**RIN:** The Regulatory Identifier Number is used by OMB to identify and track rulemakings.

#### Impacts on Small Entities

**Rules Under Development Expected To Have Some Impact on Small Entities, but Not a Significant Impact on a Substantial Number**

In the "Small Entities Affected" section, we indicate whether we expect an action will have an impact on small businesses, governments, or nonprofit organizations, but one which is less than a significant impact on a substantial number. In the second index at the end of the Agenda, we list all actions that we believe will not have a significant impact on a substantial number of small entities but which will have some impact on small entities.

**Regulatory Flexibility Act Considerations: Rules Expected To Have a Significant Impact on a Substantial Number of Small Entities**

The Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) requires that we pay particular attention to the impact of regulations on small entities (i.e., small businesses, small governmental jurisdictions, and small nonprofit organizations). The RFA/SBREFA applies to rules we are now developing and requires us to:

1. Convene a Small Business Advocacy Review (SBAR) Panel prior to proposing any rule with the potential to impose a significant economic impact on a substantial number of small entities (RFA section 609). SBREFA also established the EPA's Small Business Advocacy Chair who chairs each SBAR Panel. A SBAR Panel has four members: The Chair, the Chief Counsel for Advocacy of the Small Business Administration, the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, and a senior manager from the EPA program office responsible for the subject rule. In the case of rules requiring a SBAR Panel, the Agency's small entity outreach prior to the convening of a Panel

culminates in the development of a summary document that contains information on the potential impact of a proposed rule on small entities, and particularly on the issues referenced in RFA section 609. This summary then serves as the basis for convening the Panel. The Panel then conducts its review, carries out its own small entity outreach, and prepares a final report based on the comments from the small entity representatives and the Panel's deliberations. The Panel's final report is provided to the EPA Administrator and is made a part of the rulemaking record. Rules listed in the first appendix at the end of the Agenda may require Small Business Advocacy Review Panels.

2. At the proposed and final rule stages of rule development, the Agency must prepare a regulatory flexibility analysis for any rule subject to notice and comment rulemaking requirements (RFA sections 603 and 604), unless the Administrator certifies that the rule will not have a "significant economic impact on a substantial number of small entities" (RFA section 605). A regulatory flexibility analysis must, among other items specified in the RFA, identify the extent to which small entities will be subject to the rule's requirements and describe any significant alternatives to the rule that accomplish the objectives of applicable statutes and which minimize any significant economic impacts on small entities. We have listed in the first index at the end of the Agenda all rules under development that may require a regulatory flexibility analysis.
3. RFA section 610 requires that an agency review within 10 years of promulgation those regulations that have or will have a significant economic impact on a substantial number of small entities. We undertake these reviews to decide whether we should continue the rule unchanged, amend it, or withdraw it. We announce our forthcoming 610 reviews in the "Prerule" section of the Agenda. We encourage small entities to provide comments on the need to change these rules. We will consider all of your comments as we decide whether to continue, amend, or withdraw these rules. We particularly encourage comments by small entities about how rules could be made clearer, more effective, or remove

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conflicting or overlapping requirements with other Federal or State regulations. Please direct your comments to the contact person listed in the Agenda entry. If you have general questions about our 610 review program or suggestions for other rules we should review under section 610, please contact Philip Schwartz (2136), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; fax: (202) 260-5478, e-mail: schwartz.philip@epa.gov.

**Accessing Federal Register Documents via the Internet and via Email**

Like many organizations in the public and private sector, EPA is harnessing the power of the Internet to meet the needs of those we serve. The EPA Web site offers more than 100,000 files online.

In February 2000, we significantly upgraded the security of EPA Internet computer systems. As a result, we are not currently updating information as often as usual for some Agency Web sites.

You may subscribe for e-mail about our electronic **Federal Register** (FR) document collections. We maintain 12 collections including: air; water; wastes and emergency response; pesticides; toxic substances; right-to-know and toxic release inventory; environmental impacts; endangered species; meetings; the Science Advisory Board; daily full-text notices with page numbers; and general information. For more information and to subscribe via our FR Web site, visit: <http://www.epa.gov/fedrgstr/subscribe.htm>. If you have e-mail without full Internet access, please send an e-mail to [envsubset@epa.gov](mailto:envsubset@epa.gov) to request instructions for subscribing to the EPA **Federal Register** listservers.

Several Web sites allow access to the full text of **Federal Register** documents.

- The Government Printing Office site has a number of databases online including the Unified Agenda and the **Federal Register** going back to 1994. This site is the official source for the electronic **Federal Register**. It provides public access via telnet, Internet, and dial-up connection and is located at [http://www.access.gpo.gov/su\\_docs/aces/aces002.html](http://www.access.gpo.gov/su_docs/aces/aces002.html).

- EPA's site (<http://www.epa.gov/fedrgstr/>) has environmental rules issued by EPA and other Federal agencies dating back to October 1994 and lets you search by date, page citation or keyword. It includes links to the Regulatory Information Service Center and Government Printing Office sites.
- The Regulatory Information Service Center of the General Services Administration maintains a site to help users who want to find information about Federal, State, and local regulations at <http://www.reginfo.gov/>. This site includes all agencies' regulatory agendas and regulatory plans going back to October 1995.

In the Additional Information section of many of the entries in this Agenda we include the Internet address for documents that we have already published as part of the rulemaking.

The April 2000 EPA Agenda follows.

**Dated:** March 24, 2000.

**Richard T. Farrell,**  
*Associate Administrator, Office of Policy and Reinvention.*

**GENERAL—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
3107	SAN No. 4056 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements .....	2020-AA39
3108	SAN No. 4191 Revision to EPAAR 1552.211-73, Level of Effort .....	2030-AA64
3109	SAN No. 4226 Incorporating Informal Clauses (EP) Into the EPAAR .....	2030-AA66
3110	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest .....	2030-AA67
3111	SAN No. 3629 EPA Mentor-Protege Program .....	2030-AA40
3112	SAN No. 3876 Incrementally Funding Fixed Price Contracts .....	2030-AA50
3113	SAN No. 3874 Deletion of EPA Acquisition Regulations for Quality Systems for Environmental Programs .....	2030-AA51
3114	SAN No. 3817 Implementation of Changes to 40 CFR Part 32 .....	2030-AA48
3115	SAN No. 3240 Public Information and Confidentiality Regulations .....	2020-AA21
3116	SAN No. 4180 Rewriting of EPA Regulations Implementing the Freedom of Information Act .....	2020-AA40
3117	SAN No. 4270 Cross-Media Electronic Reporting (ER) and Recordkeeping Rule .....	2020-AA41
3118	SAN No. 4292 Proposed Revision to EPA's Implementing NEPA Regulations .....	2020-AA42
3119	SAN No. 4351 Warrants for On-Scene Coordinators .....	2030-AA68
3120	SAN No. 4396 Business Ownership Representation .....	2030-AA69
3121	SAN No. 4397 Contractor Diversity Clause .....	2030-AA70
3122	SAN No. 4398 Display of EPA Office of Inspector General Hotline Poster .....	2030-AA71
3123	SAN No. 4400 Administrative Corrections to EPAAR 1515, Contracting By Negotiation .....	2030-AA73
3124	SAN No. 4175 Pesticide Tolerance Reassessment Program .....	2070-AD24

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## GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3125	SAN No. 3736 Revision to 40 CFR 35 Subpart A and Promulgation of Performance Partnership (State) Grant Regulation .....	2030-AA55
3126	SAN No. 4128 Revision to 40 CFR 35 Subpart A and Promulgation of Performance Partnership (Tribal) Grant Rule .....	2030-AA56
3127	SAN No. 4187 EPAAR Coverage on Local Hiring and Training .....	2030-AA62
3128	SAN No. 3580 Incorporation of Class Deviations Into EPAAR .....	2030-AA37
3129	SAN No. 3807 Consolidation of Good Laboratory Practice Standards (GLPS) Regulations Currently Under TSCA and FIFRA Into One Rule .....	2020-AA26
3130	SAN No. 3933 Environmental Impact Assessment of Nongovernmental Activities in Antarctica .....	2020-AA34
3131	SAN No. 4185 Electronic Funds Transfer .....	2030-AA57
3132	SAN No. 4399 Ratification and Debarment/Suspension Procedures .....	2030-AA72
3133	SAN No. 4401 Revision to Award Fee Clauses, 1552.216-70 and 1552.216-75 .....	2030-AA74
3134	SAN No. 3890 Tolerances for Pesticide Emergency Exemptions .....	2070-AD15
3135	SAN No. 4027 Pesticides; Tolerance Processing Fees .....	2070-AD23
3136	SAN No. 3671 Guidelines for Carcinogen Risk Assessment .....	2080-AA06

## GENERAL—Completed Actions

Sequence Number	Title	Regulation Identification Number
3137	SAN No. 4386 Codification to Revision of OMB Circular A-110: Public Access to Data Produced Under an Award	2030-AA75

## CLEAN AIR ACT (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3138	SAN No. 4393 Methyl Tertiary Butyl Ether; Advanced Notice of Intent To Initiate Rulemaking Under the Toxic Substances Control Act To Eliminate or Limit the Use of MTBE as a Fuel Additive .....	2060-AJ00

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

Sequence Number	Title	Regulation Identification Number
3139	SAN No. 3263 Performance Warranty and Inspection/Maintenance Test Procedures .....	2060-AE20
3140	SAN No. 3262 Inspection/Maintenance Recall Requirements .....	2060-AE22
3141	SAN No. 3407 Method 301: Field Validation of Pollution Measurement Methods for Various Media; Revisions .....	2060-AF00
3142	SAN No. 3412 Operating Permits: Revisions (Part 70) .....	2060-AF70
3143	SAN No. 3649 Amendments to Method 24 (Water-Based Coatings) .....	2060-AF72
3144	SAN No. 3741 Service Information Availability .....	2060-AG13
3145	SAN No. 3819 NSPS: Sewage Sludge Incinerators .....	2060-AG50
3146	SAN No. 3820 NESHAP: Plywood and Composite Wood Products .....	2060-AG52
3147	SAN No. 3970 NESHAP: Miscellaneous Cellulose Production .....	2060-AH11
3148	SAN No. 3969 NESHAP: Municipal Solid Waste Landfills .....	2060-AH13
3149	SAN No. 3986 Consolidated Emission Reporting Rule .....	2060-AH25
3150	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions .....	2060-AH31
3151	SAN No. 3910 Streamlined Evaporative Test Procedures .....	2060-AH34
3152	SAN No. 4046 Federal Major New Source Review (NSR) Program for Nonattainment Areas .....	2060-AH53
3153	SAN No. 4022 NESHAP: Coke Ovens: Pushing, Quenching, and Battery Stacks .....	2060-AH55
3154	SAN No. 4120 Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import & Export .....	2060-AH67
3155	SAN No. 4111 NESHAP: Fumed Silica Production .....	2060-AH72
3156	SAN No. 4114 NESHAP: Polyvinyl Chloride and CoPolymers Production .....	2060-AH82

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

Sequence Number	Title	Regulation Identification Number
3157	SAN No. 4119 Performance Specification 16 - Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources .....	2060-AH84
3158	SAN No. 4082 NESHAP: Wet-formed Fiberglass Mat Production .....	2060-AH89
3159	SAN No. 4003 Technical Change to Dose Methodology for 40 CFR 191, Subpart A .....	2060-AH90
3160	SAN No. 4333 Decision on a Petition from the Territory of American Samoa to be Exempted from the Gasoline Anti-dumping Regulations. ....	2060-AI60
3161	SAN No. 1002 NAAQS: Sulfur Dioxide (Response to Remand) .....	2060-AA61
3162	SAN No. 3470 Requirements for Preparation, Adoption, and Submittal of State Implementation Plans (Guideline on Air Quality Models) .....	2060-AF01
3163	SAN No. 3656 NESHAP/NSPS: Reciprocating Internal Combustion Engine .....	2060-AG63
3164	SAN No. 3657 NESHAP: Combustion Turbine .....	2060-AG67
3165	SAN No. 3343 NESHAP: Iron Foundries and Steel Foundries .....	2060-AE43
3166	SAN No. 3346 NESHAP: Integrated Iron and Steel .....	2060-AE48
3167	SAN No. 3326 NESHAP: Reinforced Plastic Composites Production .....	2060-AE79
3168	SAN No. 3452 NESHAP: Miscellaneous Organic Chemical Production and Miscellaneous Coating Production .....	2060-AE82
3169	SAN No. 3449 NESHAP: Chlorine Production .....	2060-AE85
3170	SAN No. 3551 Amendments to General Provisions Subparts A and B for 40 CFR 63 .....	2060-AF31
3171	SAN No. 3747 NESHAP: Boat Manufacturing .....	2060-AG27
3172	SAN No. 3749 NESHAP: Tire Manufacturing .....	2060-AG29
3173	SAN No. 3823 NESHAP: Large Appliance (Surface Coating) .....	2060-AG54
3174	SAN No. 3825 NESHAP: Miscellaneous Metal Parts and Products (Surface Coating) .....	2060-AG56
3175	SAN No. 3827 Paper and Other Web Coating NESHAP .....	2060-AG58
3176	SAN No. 3655 NESHAP: Asphalt Roofing and Processing .....	2060-AG66
3177	SAN No. 3837 NESHAP: Industrial, Commercial and Institutional Boilers .....	2060-AG69
3178	SAN No. 3902 NESHAP: Semiconductor Production .....	2060-AG93
3179	SAN No. 3905 NESHAP: Metal Coil (Surface Coating) Industry .....	2060-AG97
3180	SAN No. 3907 NESHAP: Automobile and Light-Duty Truck Manufacturing (Surface Coating) .....	2060-AG99
3181	SAN No. 3908 Offset Lithographic Printing National VOC Rule .....	2060-AH00
3182	SAN No. 3924 NESHAP: Primary Magnesium Refining .....	2060-AH03
3183	SAN No. 2841 NESHAP: Chromium Electroplating Amendment .....	2060-AH08
3184	SAN No. 3968 NESHAP: Site Remediation .....	2060-AH12
3185	SAN No. 3964 NESHAP: Leather Tanning and Finishing Operations .....	2060-AH17
3186	SAN No. 3903 NESHAP: Solvent Extraction for Vegetable Oil Production .....	2060-AH22
3187	SAN No. 3972 NESHAP: Rocket Engine Test Firing .....	2060-AH35
3188	SAN No. 3971 NESHAP: Organic Liquid Distribution .....	2060-AH41
3189	SAN No. 3973 NESHAP: Flexible Polyurethane Foam Fabrication Operations .....	2060-AH42
3190	SAN No. 3479 Amendments to Parts 51, 52, 63, 70 and 71 Regarding the Provisions for Determining Potential To Emit .....	2060-AI01
3191	SAN No. 4218 NESHAP: Process Heaters .....	2060-AI35
3192	SAN No. 3751 NSPS: New Source Performance Standards and Emission Guidelines for Other Solid Waste Incinerators .....	2060-AG31
3193	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas .....	2060-AH01
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3199	SAN No. 4271 Protection of Stratospheric Ozone: Additional Steps to conform US Methyl Bromide Program to Obligations under the Montreal Protocol and Recent Changes to the CAA .....	2060-AI41
3200	SAN No. 4385 Amendments to Vehicle Inspection Maintenance Program Requirements Implementing the Onboard Diagnostic Check; Proposed Amendment to the Final Rule .....	2060-AJ03
3201	SAN No. 4105 NESHAP: Generic MACT for Carbon Black, Ethylene, Cyanide and Spandex .....	2060-AH68
3202	SAN No. 4115 NESHAP: Chromium Electroplating Amendment .....	2060-AH69
3203	SAN No. 4154 Control of Emissions From Nonroad Spark-Ignition Engines Rated Over 19 kW and New Land-Based Recreational Spark-Ignition Engines .....	2060-AI11

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

Sequence Number	Title	Regulation Identification Number
3204	SAN No. 4251 Control of Emissions of Air Pollution from New Compression-Ignition and Spark-Ignition Recreational Marine Engines .....	2060-AI36
3205	SAN No. 4252 Protection of Stratospheric Ozone: Manufacture of Halon Blends, Intentional Release of Halon, Technical Training and Disposal of Halon and Halon-Containing Equipment - Amendment .....	2060-AI40
3206	SAN No. 4253 Protection of Stratospheric Ozone: Process for Exempting Quarantine and Preshipment Methyl Bromide Used in the United States and Baseline Adjustments .....	2060-AI42
3207	SAN No. 4266 Review National Ambient Air Quality Standards for Carbon Monoxide .....	2060-AI43
3208	SAN No. 4284 Revision of Schedule for Standards Under section 112 of the Clean Air Act .....	2060-AI52
3209	SAN No. 4285 Control of Emissions of Hazardous Pollutants from Motor Vehicles and Motor Vehicle Fuels .....	2060-AI55
3210	SAN No. 4340 Transportation Conformity Amendments: Response to March 2, 1999, Court Decision .....	2060-AI56
3211	SAN No. 4309 National VOC Emission Standards for Consumer Products; Proposed Amendments .....	2060-AI62
3212	SAN No. 4316 NESHAP for Ethylene Oxide Commercial Sterilization Operations-Monitoring Amendments .....	2060-AI64
3213	SAN No. 4310 NESHAP for the Printing and Publishing Industry; Amendments .....	2060-AI66
3214	SAN No. 4325 NESHAP: Brick and Structural Clay Products Manufacturing .....	2060-AI67
3215	SAN No. 4355 Heavy-Duty Engine Emission Standards and Diesel Fuel Sulfur Control Requirements .....	2060-AI69
3216	SAN No. 4313 Petitions to Delist Hazardous Air Pollutants (e.g., MEK, EGBE, Methanol, and MIBK) from Section 112(b)(1) of the Clean Air Act .....	2060-AI72
3217	SAN No. 4144 NESHAP: Engine Test Facilities .....	2060-AI74
3218	SAN No. 4346 NESHAP: Lightweight Aggregate Manufacturing .....	2060-AI75
3219	SAN No. 4354 National Emission Standards for Hazardous Air Pollutants for Source Categories - Pharmaceuticals Production; Proposed Amendments .....	2060-AI78
3220	SAN No. 4273 Proposed Rule to Amend Subpart H, 40 CFR Part 61 for Emissions of Radionuclides Other Than Radon from DOE Facilities .....	2060-AI90
3221	SAN No. 4304 National Ambient Air Quality Standard for Ozone - Corrections Notice .....	2060-AI95
3222	SAN No. 4306 Development of Reference Method for the Determination of Source Emissions of Filterable Fine Particulate Matter as PM <sub>2.5</sub> .....	2060-AI96
3223	SAN No. 4348 Inspection Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule .....	2060-AI97
3224	SAN No. 4358 Regulation of Fuels and Fuel Additives: Reformulated Gasoline Adjustment .....	2060-AI98
3225	SAN No. 4380 NESHAP: Taconite Iron Ore Processing Industry .....	2060-AJ02
3226	SAN No. 4402 NESHAP: Oil & Natural Gas Production & Natural Gas Transmission & Storage; Amendments .....	2060-AJ08
3227	SAN No. 4417 Removal of Aluminum Die Casting and Aluminum Foundries From the Secondary Aluminum NESHAP and Applicability Stay for These Industries .....	2060-AJ11
3228	SAN No. 4390 New Source Review Sector-Based Approach .....	2060-AJ14

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

Sequence Number	Title	Regulation Identification Number
3229	SAN No. 3259 New Source Review (NSR) Reform .....	2060-AE11
3230	SAN No. 3380 NSPS: Synthetic Organic Chemicals Manufacturing Industry - Wastewater (FINAL) & Amend. to Appendix C of Part 63 & Appendix J of Part 60 .....	2060-AE94
3231	SAN No. 3549 NESHAP: Petroleum Refineries—FCC Units, Reformers and Sulfur Plants .....	2060-AF28
3232	SAN No. 3569 Source Specific Federal Implementation Plan for Navajo Generating Station; Four Corners Power Plant .....	2060-AF42
3233	SAN No. 2915 Methods for Measurement of Visible Emissions—Addition of Methods 203A, 203B, and 203C to Appendix M of Part 51 .....	2060-AF83
3234	SAN No. 3637 Federal Implementation Plan (FIP) To Control Emissions From Sources Located on the Fort Hall Indian Reservation .....	2060-AF84
3235	SAN No. 3568 Environmental Radiation Protection Standards for Yucca Mountain, Nevada .....	2060-AG14
3236	SAN No. 3743 Amendments for Testing and Monitoring Provisions to Part 60, Part 61, and Part 63 .....	2060-AG21
3237	SAN No. 3744 Amendment to Standards of Performance for New Stationary Sources; Monitoring Requirements (PS-1) .....	2060-AG22
3238	SAN No. 3748 Consolidated Federal Air Rule for the Synthetic Organic Chemical Manufacturing Industry .....	2060-AG28
3239	SAN No. 3900 Addition of Method 207 to Appendix M of 40 CFR Part 51 Method for Measuring Isocyanates in Stationary Source Emissions .....	2060-AG88
3240	SAN No. 3958 Addition of Opacity Method to Appendix M of 40 CFR Part 51 (Method 203) .....	2060-AH23

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

Sequence Number	Title	Regulation Identification Number
3241	SAN No. 4030 Expanded Definitions for Alternative-Fueled Vehicles and Engines Meeting Low-Emission Vehicle Exhaust Emission Standards .....	2060-AH52
3242	SAN No. 4123 NESHAP: for Source Category: Pulp and Paper Production; Amendments to the Promulgated Rule .....	2060-AH74
3243	SAN No. 4103 NESHAP: Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Industry (SOCMI) & Other Processes Subject to the Negotiated Regulation for Equipment Leaks .....	2060-AH81
3244	SAN No. 4077 Protection of Stratospheric Ozone: Reconsideration on the 610 Nonessential Products Ban .....	2060-AH99
3245	SAN No. 4165 Optional Certification Streamlining Procedures for LDVs, LDTs, and HDEs .....	2060-AI15
3246	SAN No. 4254 Revision to the Definition of Volatile Organic Compound (VOC) to Exclude Tertiary Butyl Acetate ...	2060-AI45
3247	SAN No. 4295 Additional Flexibility Amendments to Inspection Maintenance Program Requirements; Amendments to the Final Rule .....	2060-AI61
3248	SAN No. 3304 NESHAP: Phosphate Fertilizers Production .....	2060-AE44
3249	SAN No. 3340 NESHAP: Primary Copper Smelting .....	2060-AE46
3250	SAN No. 3078 NESHAP: Secondary Aluminum Industry .....	2060-AE77
3251	SAN No. 3550 NESHAP: Manufacturing of Nutritional Yeast .....	2060-AF30
3252	SAN No. 3829 Revisions to the Regulation for Approval of State Programs and Delegation of Federal Authorities 112(l) .....	2060-AG60
3253	SAN No. 3939 NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins and Group IV Polymers and Resins .....	2060-AH47
3254	SAN No. 4162 NESHAP: Oil and Natural Gas Production and NESHAP: Natural Gas Transmission and Storage, Amendments .....	2060-AI13
3255	SAN No. 3613 New Source Performance Standards and Emission Guidelines for Commercial and Industrial Solid Waste Incineration Units .....	2060-AF91
3256	SAN No. 4352 Transportation Conformity Amendment: Deletion of Grace Period .....	2060-AI76
3257	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations .....	2060-AI03
3258	SAN No. 3361 Nonroad Spark-Ignition Engines At or Below 19 Kilowatts (25 Horsepower) (Phase 2) .....	2060-AE29
3259	SAN No. 3556 Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 .....	2060-AF36
3260	SAN No. 3560 Protection of Stratospheric Ozone: Refrigerant Recycling Rule Amendment To Include Substitute Refrigerants .....	2060-AF37
3261	SAN No. 3525 Protection of Stratospheric Ozone: Update of the Substitutes List Under the Significant New Alternatives Policy (SNAP) Program .....	2060-AG12
3262	SAN No. 4159 Redefinition of Glycol Ethers Listed as HAPs Under the Clean Air Act, and Hazardous Substances Under CERCLA .....	2060-AI08
3263	SAN No. 4043 Control of Emissions of Air Pollution From 2004 and Later Model Year Heavy-Duty Highway Engines and Vehicles; Revision of Light-Duty Truck Definition .....	2060-AI12
3264	SAN No. 4219 Hospital/Medical/Infectious Waste Incinerators—Federal Plan (Federal Plan for existing Hospital/Medical/Infectious Waste Incinerators) .....	2060-AI25
3265	SAN No. 4240 NESHAP: Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand Alone Semichemical Pulp Mills .....	2060-AI34
3266	SAN No. 4243 Standards and Guidelines for Small Municipal Waste Combustion Units .....	2060-AI51
3267	SAN No. 4286 National Emission Standards for Benzene Emissions from Coke By-Product Recovery Plants (Part 61, subpart L) .....	2060-AI65
3268	SAN No. 4282 Technical Amendment to the Finding of Significant Contribution and Rulemaking for Certain States for Purposes of Reducing Regional Transport of Ozone (The NOx SIP Call rule) .....	2060-AI71
3269	SAN No. 4318 Protection of Stratospheric Ozone: Allocation of 2000 Essential-Use Allowances .....	2060-AI73
3270	SAN No. 4353 Amendments to the Aerospace Manufacturing and Rework Facilities NESHAP for the Hap and Voc Content Limits for Primer Operations and Stay of Compliance. ....	2060-AI77
3271	SAN No. 4315 Source Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation .....	2060-AI79
3272	SAN No. 4276 Revision to NOx SIP Call Emission Budgets for Connecticut, Massachusetts and Rhode Island .....	2060-AI80
3273	SAN No. 4275 Amendment to National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning .....	2060-AI91
3274	SAN No. 4299 Revision to Method 24 for Electrical Insulating Varnishes .....	2060-AI94
3275	SAN No. 4387 Amendments to State and Federal Operating Permits Programs, Part 70 and Part 71, Compliance Certification Requirements .....	2060-AJ04
3276	SAN No. 4384 Direct Final Amendments to the Polyether Polyols NESHAP .....	2060-AJ10
3277	SAN No. 4388 Extending Operating Permits Program Interim Approval Expiration Dates .....	2060-AJ12
3278	SAN No. 4379 Electric Arc Furnace NSPS Amendment .....	2060-AJ13

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

Sequence Number	Title	Regulation Identification Number
3279	SAN No. 4410 Protection of Stratospheric Ozone Allocation of Essential-Use Allowances for Calendar Year 2000: Laboratory Essential Use Exemptions .....	2060-AJ15

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

Sequence Number	Title	Regulation Identification Number
3280	SAN No. 3553 Implementation of Ozone and Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations .....	2060-AF34
3281	SAN No. 3922 Revised Permit Revision Procedures for the Federal Operating Permits Program .....	2060-AG92
3282	SAN No. 3975 Review of Minor New Sources and Modifications in Indian Country .....	2060-AH37
3283	SAN No. 4045 Rulemaking To Modify the List of Source Categories From Which Fugitive Emissions Are Considered in Major Source Determinations .....	2060-AH58
3284	SAN No. 4102 NESHAP: Taconite Iron Ore Processing .....	2060-AH73
3285	SAN No. 4104 NESHAP: Hydrochloric Acid Production Industry .....	2060-AH75
3286	SAN No. 4116 NESHAP: Ammonium Sulphate Production (Caprolactam By-Product) .....	2060-AH77
3287	SAN No. 4107 NESHAP: Asphalt/Coal Tar Application on Metal Pipes .....	2060-AH78
3288	SAN No. 4113 NESHAP: Clay Processing Minerals .....	2060-AH79
3289	SAN No. 4112 NESHAP: Hydrogen Chloride Production .....	2060-AH80
3290	SAN No. 4098 NESHAP: Uranium Hexafluoride Production .....	2060-AH83
3291	SAN No. 4096 Federal Implementation Plans (FIPs) To Reduce the Regional Transport of Ozone in the Eastern United States .....	2060-AH87
3292	SAN No. 4070 General Conformity Regulations; Revisions .....	2060-AH93
3293	SAN No. 4247 Revisions to Air Pollution Emergency Episode Requirements (Subpart H, 40 CFR Part 51) .....	2060-AI47
3294	SAN No. 3638 Revision of EPA's Radiological Emergency Response Plan .....	2060-AI49
3295	SAN No. 3746 NESHAP: Paint Stripping Operations .....	2060-AG26
3296	SAN No. 3754 Petroleum Solvent Dry Cleaners Maximum Achievable Control Technology (MACT) Standard .....	2060-AG34
3297	SAN No. 3652 NESHAP: Refractories Manufacturing .....	2060-AG68
3298	SAN No. 3651 NESHAP: Lime Manufacturing .....	2060-AG72
3299	SAN No. 3899 NESHAP: Friction Products Manufacturing .....	2060-AG87
3300	SAN No. 3906 NESHAP: Metal Can (Surface Coating) Industry .....	2060-AG96
3301	SAN No. 3909 NESHAP: Fabric Printing, Coating and Dyeing .....	2060-AG98
3302	SAN No. 3962 NESHAP: Manufacture of Carbon Black .....	2060-AH19
3303	SAN No. 2937 Field Citation Program .....	2020-AA32
3304	SAN No. 3904 NESHAP: Wood Building Products (Surface Coating) .....	2060-AH02
3305	SAN No. 4245 Consumer and Commercial Products: Flexible Package Printing Materials: Determination on Control Techniques Guidelines in Lieu of Regulation .....	2060-AI31
3306	SAN No. 4110 NESHAP: Alumina Processing .....	2060-AH70
3307	SAN No. 4222 NESHAP: Ethylene Oxide Commercial Sterilization and Fumigation Operations .....	2060-AI37
3308	SAN No. 4255 Review of the National Ambient Air Quality Standards for Particulate Matter .....	2060-AI44
3309	SAN No. 3626 Protection of Stratospheric Ozone: Amendment to Transshipment Provision in Final Rule Accelerating the Phaseout of Ozone-Depleting Substances .....	2060-AI46
3310	SAN No. 4274 Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable (7 areas) .....	2060-AI57
3311	SAN No. 4343 NESHAP: Ceramics .....	2060-AI68
3312	SAN No. 4383 Interstate Ozone Transport: Rulemaking on Section 126 Petitions From the District of Columbia, Delaware, Maryland, and New Jersey .....	2060-AI99
3313	SAN No. 4391 Rescinding the Finding That the Pre-existing PM10 Standards Are No Longer Applicable in Northern Ada County/Boise, Idaho .....	2060-AJ05
3314	SAN No. 4413 NESHAP: Aluminum Die Casting and Aluminum Foundries .....	2060-AJ09

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## CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3315	SAN No. 4095 Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport .....	2060-AH88
3316	SAN No. 4108 NESHAP: Off-Site Waste and Recovery Operations; Final Rule—Settlement Agreement; and NESHAP for Off-Site Waste and Recovery Operations; Technical Amendments .....	2060-AH96
3317	SAN No. 4078 Control of Emissions of Air Pollution From New Marine Diesel Engines At or Above 37 Kilowatts ....	2060-AI17
3318	SAN No. 4211 Tier II Light-Duty Vehicle and Light-Duty Truck Emission Standards and Gasoline Sulfur Standards	2060-AI23
3319	SAN No. 3228 NESHAP: Manufacturing of Amino/Phenolic Resins (previously known as Polymers & Resins Group III) .....	2060-AE36
3320	SAN No. 3341 NESHAP: Cyanide Chemicals Manufacturing .....	2060-AE45
3321	SAN No. 3377 NESHAP: Publicly Owned Treatment Works (POTW)-Amendments .....	2060-AF26
3322	SAN No. 3821 NESHAP: Ethylene Processes .....	2060-AG53
3323	SAN No. 3967 NESHAP: Spandex Production .....	2060-AH14
3324	SAN No. 4328 List of Regulated Substances and Thresholds for Accidental Release Prevention; Petition to Delist Vinyl Acetate .....	2050-AE70
3325	SAN No. 4291 List of Regulated Substances and Thresholds for Accidental Release Prevention; Proposed Amendment; Flammable Hydrocarbon Fuel Exemption .....	2050-AE72
3326	SAN No. 4244 Amendment to Regulations Governing Equivalent Emission Limitations by Permit .....	2060-AI28
3327	SAN No. 4066 Federal Plan Requirements for Municipal Solid Waste Landfills that Commenced Construction Prior to 5/30/91 and Have Not Been Modified or Reconstructed Since 5/30/91 .....	2060-AI50
3328	SAN No. 4289 Process Wastewater Provisions of the Generic MACT .....	2060-AI53
3329	SAN No. 4335 Revisions to Promulgation of Federal Implementation Plan for Arizona - Maricopa Nonattainment Area PM-10 Test Methods .....	2060-AI54
3330	SAN No. 4272 Area Source Title V Operating Permit Deferrals .....	2060-AI58
3331	SAN No. 4287 National Volatile Organic Compound Emission Standard for Architectural Coatings; Proposed Amendments .....	2060-AI63
3332	SAN No. 4356 Regulation of Fuels and Fuel Additives: Extension of Reformulated Gasoline Program to the Kansas City, KS Former Ozone Nonattainment Area .....	2060-AI70
3333	SAN No. 4273 Proposed Rule to Amend Subpart H, 40 CFR Part 61 for Emissions of Radionuclides Other Than Radon from DOE Facilities .....	2060-AI81
3334	SAN No. 4299 Revision to Method 24 for Electrical Insulating Varnishes .....	2060-AI85
3335	SAN No. 4304 National Ambient Air Quality Standard for Ozone - Corrections Notice .....	2060-AI86
3336	SAN No. 4306 Development of Reference Method for the Determination of Source Emissions of Filterable Fine Particulate Matter as PM2.5 .....	2060-AI87
3337	SAN No. 4348 Inspection Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule	2060-AI88
3338	SAN No. 4358 Regulation of Fuels and Fuel Additives: Reformulated Gasoline Adjustment .....	2060-AI89
3339	SAN No. 4339 Amendments to the NESHAP: Halogenated Solvent Cleaning .....	2060-AJ01

## ATOMIC ENERGY ACT (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3340	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste .....	2060-AH63
3341	SAN No. 4403 Revision of the 40 CFR Part 194 Waste Isolation Pilot Plant Compliance Criteria .....	2060-AJ07

## ATOMIC ENERGY ACT (AEA)—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3342	SAN No. 3602 Protective Action Guidance for Drinking Water .....	2060-AF39

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## FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3343	SAN No. 4170 Pesticides; Procedures for Registration Review Program .....	2070-AD29

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

Sequence Number	Title	Regulation Identification Number
3344	SAN No. 2687 Data Requirements for Pesticide Registration (Revision) .....	2070-AC12
3345	SAN No. 4173 Data Requirements for Antimicrobial Registrations; Product Chemistry Requirements .....	2070-AD30
3346	SAN No. 4143 Endocrine Disruptor Screening Program .....	2070-AD26
3347	SAN No. 4216 Regulatory Review of Pesticide Emergency Exemption Regulations .....	2070-AD36

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

Sequence Number	Title	Regulation Identification Number
3348	SAN No. 3731 WPS; Pesticide Worker Protection Standard; Glove Amendment .....	2070-AC93
3349	SAN No. 2684 Exemptions for Plant Pesticides Regulated Under FIFRA and FFDCA .....	2070-AC02
3350	SAN No. 3222 Ground Water and Pesticide Management Plan .....	2070-AC46
3351	SAN No. 3432 Pesticide Management and Disposal .....	2020-AA33
3352	SAN No. 2659 Pesticide Management and Disposal: Standards for Pesticide Containers and Containment .....	2070-AB95
3353	SAN No. 3892 Registration Requirements for Antimicrobial Pesticide Products; and Other Pesticide Regulatory Changes .....	2070-AD14
3354	SAN No. 4347 Registration of Granular Fertilizer-Pesticide Combination Products .....	2070-AD40

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

Sequence Number	Title	Regulation Identification Number
3355	SAN No. 2720 Policy or Procedures for Notification to the Agency of Stored Pesticides With Cancelled or Suspended Registration .....	2020-AA29

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

Sequence Number	Title	Regulation Identification Number
3356	SAN No. 4260 Status of Pesticide-Treated Seeds under FIFRA .....	2070-AD37

## TOXIC SUBSTANCES CONTROL ACT (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3357	SAN No. 4176 Chemical Right-to-Know Initiative .....	2070-AD25
3358	SAN No. 4174 TSCA Section 4 Enforceable Consent Agreement for Certain Oxygenated Fuel Additives .....	2070-AD28

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## TOXIC SUBSTANCES CONTROL ACT (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3359	SAN No. 4015 TRI; Review of Chemicals on the Original TRI List .....	2070-AD18
3360	SAN No. 4376 Lead-Based Paint Activities Rules; Training, Accreditation, and Certification Rule and Model State Plan Rule—Building and Structures Section 402(a) .....	2070-AC64
3361	SAN No. 3990 Multi-Chemical Test Rule; High Production Volume Chemicals .....	2070-AD16
3362	SAN No. 3494 Test Rules; Generic Entry for Proposed Decisions .....	2070-AB07
3363	SAN No. 2245 Test Rules; Negotiated Consent Order and Test Rule Procedures .....	2070-AB30
3364	SAN No. 2563 Test Rule; ATSDR Substances .....	2070-AB79
3365	SAN No. 3882 Test Rule for Certain Metals .....	2070-AD10
3366	SAN No. 1923 Follow-Up Rules on Existing Chemicals .....	2070-AA58
3367	SAN No. 3894 TSCA Biotechnology Follow-Up Rules .....	2070-AD13
3368	SAN No. 2249 Asbestos Worker Protection Rule Amendments .....	2070-AC66
3369	SAN No. 3557 Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(c)(3) .....	2070-AC83
3370	SAN No. 4172 Lead; Notification Requirements for Lead-based Paint Abatement Activities and Training .....	2070-AD31

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

Sequence Number	Title	Regulation Identification Number
3371	SAN No. 3301 TSCA Inventory Update Rule Amendments .....	2070-AC61
3372	SAN No. 3243 Lead; TSCA Section 403; Identification of Dangerous Levels of Lead .....	2070-AC63
3373	SAN No. 3493 Test Rules; Generic Entry for Final Decisions .....	2070-AB94
3374	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs) .....	2070-AC76
3375	SAN No. 4425 Test Rule; OSHA Chemicals Dermal Testing .....	2070-AD42
3376	SAN No. 1976 Follow-Up Rules on Non-5(e) New Chemical Substances .....	2070-AA59
3377	SAN No. 3495 Chemical-Specific Significant New Use Rules (SNURs) To Extend Provisions of Section 5(e) Orders .....	2070-AB27
3378	SAN No. 2150 PCBs; Polychlorinated Biphenyls; Exemptions From the Prohibitions Against Manufacturing, Processing, and Distribution in Commerce .....	2070-AB20
3379	SAN No. 3528 Refractory Ceramic Fibers; Significant New Use Rules on National Program Chemicals .....	2070-AC37
3380	SAN No. 3021 PCBs; Polychlorinated Biphenyls (PCBs) Reclassification of PCB and PCB Electrical Equipment Rule .....	2070-AC39
3381	SAN No. 3148 Asbestos Model Accreditation Plan Revisions .....	2070-AC51
3382	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules .....	2070-AB08
3383	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules .....	2070-AB11
3384	SAN No. 2779 Acrylamide; Prohibition on Manufacture, Importation, Distribution and Use of Acrylamide for Grouting .....	2070-AC17
3385	SAN No. 3118 TSCA Section 8(e) Policy; Notice of Clarification .....	2070-AC80
3386	SAN No. 3559 Notice of TSCA Section 4 Reimbursement Period and TSCA Section 12(b) Export Notification Period Sunset Dates for TSCA Section 4 Substances .....	2070-AC84

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

Sequence Number	Title	Regulation Identification Number
3387	SAN No. 3508 Lead; Management and Disposal of Lead-Based Paint Debris Section 402(a) .....	2070-AC72
3388	SAN No. 2865 Voluntary Children's Chemical Safety Testing Program .....	2070-AC27
3389	SAN No. 3252 Lead; Regulatory Investigation Under the Toxic Substances Control Act (TSCA) To Reduce Lead (Pb) Consumption and Use .....	2070-AC21
3390	SAN No. 4179 PCBs; Polychlorinated Biphenyl; Use Authorizations .....	2070-AD27

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## TOXIC SUBSTANCES CONTROL ACT (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3391	SAN No. 3243 Lead; Overview of Rulemakings Under TSCA Section 402, Lead-Based Paint Activities for the Regulatory Plan .....	2070-AD06

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

Sequence Number	Title	Regulation Identification Number
3392	SAN No. 2847 TRI; Pollution Prevention Act Information Requirements .....	2070-AC24
3393	SAN No. 4265 TRI; Revisions to the Otherwise Use Activity Exemptions and the Coal Extraction Activities Exemption .....	2070-AD39

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

Sequence Number	Title	Regulation Identification Number
3394	SAN No. 2425 TRI; Responses to Petitions Received To Add or Delete or Modify Chemical Listings on the Toxic Release Inventory .....	2070-AC00
3395	SAN No. 4259 TRI; Lowering of EPCRA Section 313 Reporting Thresholds for Lead and Lead Compounds .....	2070-AD38

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

Sequence Number	Title	Regulation Identification Number
3396	SAN No. 3007 TRI; Chemical Expansion; Finalization of Deferred Chemicals .....	2070-AC47
3397	SAN No. 3877 TRI; Data Expansion Amendments; Toxic Chemical Release Reporting; Community Right-to-Know .....	2070-AD08
3398	SAN No. 4023 TRI; Addition of Oil and Gas Exploration and Production to the Toxic Release Inventory .....	2070-AD19
3399	SAN No. 3215 Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule .....	2050-AE17
3400	SAN No. 3994 Response to a Petition Requesting Deletion of Phosmet from the Extremely Hazardous Substances (EHSs) List .....	2050-AE42
3401	SAN No. 3993 Modification of Threshold Planning Quantity for Isophorone Diisocyanate .....	2050-AE43
3402	SAN No. 4392 TRI: APA Petition-EPCRA 313 Definition of "Overburden" as it relates to the mining industry. ....	2070-AD41

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

Sequence Number	Title	Regulation Identification Number
3403	SAN No. 3880 TRI; Reporting Threshold Amendment for Certain Persistent and Bioaccumulative Toxic Chemicals (PBTs) .....	2070-AD09

## CHEMICAL SAFETY INFORMATION, SITE SECURITY AND FUELS REGULATORY RELIEF ACT—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3404	SAN No. 4345 Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act Section 112(r)(7); Distribution of Off-Site Consequences Analysis Information .....	2050-AE80

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## CHEMICAL SAFETY INFORMATION, SITE SECURITY AND FUELS REGULATORY RELIEF ACT—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3405	SAN No. 4302 Amendments to the List of Regulated Substances and Thresholds for Accidental Release Prevention; Flammable Substances Used as Fuel or Held for Sale as Fuel at Retail Facilities .....	2050-AE74

## RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3406	SAN No. 3201 Regulatory Determination on Remaining Wastes From the Combustion of Fossil Fuels .....	2050-AD91
3407	SAN No. 4093 Reinventing the Land Disposal Restrictions Program .....	2050-AE53
3408	SAN No. 4350 Criteria for Municipal Solid Waste Landfills ( <b>Section 610 Review</b> ) .....	2050-AE75

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

Sequence Number	Title	Regulation Identification Number
3409	SAN No. 3805 Paint Manufacturing Wastes Listing: Hazardous Waste Management System: Identification and Listing of Hazardous Waste .....	2050-AE32
3410	SAN No. 3888 Mercury-Containing and Rechargeable Battery Management Act; Codification of Waste Management Provisions .....	2050-AE39
3411	SAN No. 3989 Removal of Requirement To Use SW-846 Methods (Test Methods for Evaluating Solid Waste: Physical/Chemical Methods) .....	2050-AE41
3412	SAN No. 4028 Standardized Permit for RCRA Hazardous Waste Management Facilities .....	2050-AE44
3413	SAN No. 4083 Listing of Hazardous Waste; Inorganic Chemical Wastes; Land Disposal Restrictions for Newly Listed Wastes; CERCLA Hazardous Substances Reportable Quantities .....	2050-AE49
3414	SAN No. 4084 Office of Solid Waste Burden Reduction Project .....	2050-AE50
3415	SAN No. 4090 RCRA Appendix VIII Streamlining .....	2050-AE55
3416	SAN No. 3066 Listing Determination of Wastes Generated During the Manufacture of Azo, Anthraquinone, and Triarylmethane Dyes and Pigments .....	2050-AD80
3417	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials .....	2050-AE23
3418	SAN No. 3333 NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors-Phase II Covering Boilers and Certain Industrial Furnaces .....	2050-AE01
3419	SAN No. 3328 Hazardous Waste Identification Rule (HWIR): Identification and Listing of Hazardous Wastes .....	2050-AE07
3420	SAN No. 3147 Hazardous Waste Manifest Regulation .....	2050-AE21
3421	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Shop Towels and Wipes .....	2050-AE51
3422	SAN No. 4092 Glass-to-Glass Recycling of Cathode Ray Tubes (CRTs): Changes to Hazardous Waste Regulations .....	2050-AE52
3423	SAN No. 4094 Land Disposal Restrictions; Potential Revisions for Mercury Listed and Characteristic Wastes .....	2050-AE54
3424	SAN No. 4233 Land Disposal Restrictions; Treatment Standards for Spent Potliners from Primary Aluminum Reduction (K088) and Regulatory Classification of K088 Vitrification Units .....	2050-AE65
3425	SAN No. 4230 Revisions to Solid Waste Landfill Criteria—Leachate Recirculation .....	2050-AE67
3426	SAN No. 4208 Proposed Regulatory Amendments on Recycling of Hazardous Wastes in Fertilizers .....	2050-AE69
3427	SAN No. 4419 Proposed Amendments to the Corrective Action Management Unit Rule .....	2050-AE77
3428	SAN No. 4418 NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors-Phase I Clarification and Proposed Changes .....	2050-AE79

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

Sequence Number	Title	Regulation Identification Number
3429	SAN No. 3856 Management of Cement Kiln Dust (CKD) .....	2050-AE34
3430	SAN No. 4088 Recycled Used Oil Containing PCBs .....	2050-AE47

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

Sequence Number	Title	Regulation Identification Number
3431	SAN No. 2647 RCRA Subtitle C Financial Test Criteria (Revision) .....	2050-AC71
3432	SAN No. 3151 Listing Determination for Wastewaters and Wastewater Treatment Sludges from Chlorinated Aliphatics Productions; Land Disposal Restrictions for Newly Identified Waste .....	2050-AD85
3433	SAN No. 4360 Alternative Land Disposal Restrictions Treatment Standards for Contaminated Soils, Deferral of PCB's as an Underlying Hazardous Constituent in Soil .....	2050-AE76

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

Sequence Number	Title	Regulation Identification Number
3434	SAN No. 3428 Hazardous Waste Management System: Slag Residues Derived From High Temperature Metals Recovery (HTMR) Treatment of KO61, KO62 and F006 Wastes .....	2050-AE15
3435	SAN No. 3668 Hazardous Waste Identification; Recycled Used Oil Management Standards .....	2050-AE28
3436	SAN No. 4017 Storage, Treatment, Transportation, and Disposal of Mixed Waste .....	2050-AE45
3437	SAN No. 3189 Final Determination of the Applicability of the Toxicity Characteristic Rule to Petroleum Contaminated Media and Debris from Underground Storage Tanks .....	2050-AD69
3438	SAN No. 2390 Corrective Action for Solid Waste Management Units (SWMUs) at Hazardous Waste Management Facilities .....	2050-AB80
3439	SAN No. 4263 Temporary Suspension of Toxicity Characteristic Rule for Specific Lead-Based Paint Debris .....	2050-AE68
3440	SAN No. 4411 Notice of Data Availability Regulation of Gasification Devices Processing Hazardous Waste at Petroleum Refineries .....	2050-AE78

## RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3441	SAN No. 3886 Review of Toxicity Characteristic Level for Silver Under the Resource Conservation Recovery Act (RCRA) .....	2050-AE37
3442	SAN No. 4178 180-Day Accumulation Time Under RCRA for Generators of F006 Waste Water Treatment Sludges from the Metal Finishing Industry .....	2050-AE60
3443	SAN No. 4229 Revisions to Guidelines for the Storage and Collection of Residential, Commercial, and Institutional Solid Waste .....	2050-AE66

## OIL POLLUTION ACT (OPA)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3444	SAN No. 2634 Oil Pollution Prevention Regulation: Revisions .....	2050-AC62
3445	SAN No. 4217 Facility Response Plan Regulation for Certain Non-Transportation-Related Facilities that Handle, Store, or Transport Vegetable Oils and Animal Fats .....	2050-AE64

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

Sequence Number	Title	Regulation Identification Number
3446	SAN No. 3423 Reportable Quantity Adjustments for Carbamates .....	2050-AE12
3447	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules .....	2050-AD75
3448	SAN No. 4177 Revise 40 CFR Part 35 Subpart O: Cooperative Agreements and Superfund State Contracts for Superfund Response Actions .....	2050-AE62

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

Sequence Number	Title	Regulation Identification Number
3449	SAN No. 3806 Grants for Technical Assistance Rule Reform—40 CFR Part 35 Subpart M .....	2050-AE33

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

Sequence Number	Title	Regulation Identification Number
3450	SAN No. 2394 Reporting Exemptions for Federally Permitted Releases of Hazardous Substances .....	2050-AB82
3451	SAN No. 3885 Streamlining the Preauthorization Mixed Funding for Application and Implementation of Claims Against Superfund .....	2050-AE38
3452	SAN No. 4201 Criteria for the Designation of Hazardous Substances under CERCLA Section 102(a) .....	2050-AE63

## CLEAN WATER ACT (CWA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3453	SAN No. 4364 Effluent Limitations Guidelines and Standards for the Organic Chemicals, Plastics and Synthetic Fibers Category ( <b>Section 610 Review</b> ) .....	2040-AD45

## CLEAN WATER ACT (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3454	SAN No. 2806 Effluent Guidelines and Standards for the Metal Products and Machinery Category, Phases 1 and 2 .....	2040-AB79
3455	SAN No. 3833 Effluent Guidelines and Standards for Iron and Steel Manufacturing Point Source Category .....	2040-AC90
3456	SAN No. 4153 Effluent Guidelines and Standards for the Feedlots Point Source Category, Swine and Poultry Subcategories, and NPDES Regulation for Concentrated Animal Feeding Operations .....	2040-AD19
3457	SAN No. 4167 Effluent Limitations Guidelines and Standards for the Feedlots Point Source Category, Dairy and Beef Cattle Subcategories .....	2040-AD21
3458	SAN No. 4168 Revisions to Effluent Guidelines and Standards for the Coal Mining Point Source Category .....	2040-AD24
3459	SAN No. 4280 Effluent Guidelines for the Construction and Development Industry .....	2040-AD42
3460	SAN No. 4368 2000 Effluent Guidelines Program Plan .....	2040-AD47
3461	SAN No. 3662 Water Quality Standards Regulation — Revision .....	2040-AC56
3462	SAN No. 4264 Water Quality Standards for Alabama—Phase II .....	2040-AD35
3463	SAN No. 4344 Water Quality Standards for Indian Country Waters .....	2040-AD46
3464	SAN No. 4047 Test Procedures for the Analysis of Cryptosporidium and Giardia Under the Safe Drinking Water and Clean Water Acts .....	2040-AD08
3465	SAN No. 4214 Test Procedures for the Analysis of E. Coli and Enterococci Under the Clean Water Act .....	2040-AD34
3466	SAN No. 4378 Revisions to Method Detection and Quantification for Use Under the Clean Water Act and Safe Drinking Water Act .....	2040-AD53
3467	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces - Phase II .....	2040-AD39
3468	SAN No. 3444 Minimizing Adverse Environmental Impact from Cooling Water Intake Structures Under Section 316(b) of the Clean Water Act .....	2040-AC34
3469	SAN No. 3786 NPDES Streamlining Rule — Round III .....	2040-AC84
3470	SAN No. 3999 Revisions to NPDES Requirements for Municipal Sanitary Sewer Collection Systems .....	2040-AD02
3471	SAN No. 4051 Establishment of Electronic Reporting for NPDES Permittees .....	2040-AD11
3472	SAN No. 4332 Recognition Awards Under the Clean Water Act .....	2040-AD44
3473	SAN No. 2804 Clean Water Act Definition of the Waters of the United States .....	2040-AB74
3474	SAN No. 4261 Further Revisions to Clean Water Act Definition of Discharge of Dredged Material .....	2040-AD41
3475	SAN No. 4375 Revision to Clean Water Act Regulatory Definition of "Fill Material" .....	2040-AD51

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## CLEAN WATER ACT (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3476	SAN No. 2805 Effluent Guidelines and Standards for the Centralized Waste Treatment Industry .....	2040-AB78
3477	SAN No. 3204 Effluent Guidelines and Standards for the Transportation Equipment Cleaning Category .....	2040-AB98
3478	SAN No. 3767 Reformatting of Effluent Guidelines and Standards in 40 CFR Parts 401 through 471 .....	2040-AC79
3479	SAN No. 4086 Revisions to Effluent Guidelines and Standards for Synthetic-Based Drilling Fluids in the Oil and Gas Extraction Point Source Category .....	2040-AD14
3480	SAN No. 4192 Effluent Guidelines and Standards for the Bleached Papergrade Kraft Subcategory of the Pulp, Paper, and Paperboard Category; Certification in Lieu of Monitoring for Chloroform .....	2040-AD23
3481	SAN No. 3504 Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California .....	2040-AC44
3482	SAN No. 4195 Water Quality Standards for Alabama—Phase I .....	2040-AD25
3483	SAN No. 4235 Amend the Final Water Quality Guidance for the Great Lakes System to Prohibit Mixing Zones for Bioaccumulative Chemicals of Concern .....	2040-AD32
3484	SAN No. 4234 EPA Review and Approval of State and Tribal Water Quality Standards .....	2040-AD33
3485	SAN No. 3713 Performance Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures .....	2040-AC93
3486	SAN No. 3155 Guidelines Establishing Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase One .....	2040-AC95
3487	SAN No. 4409 Clean Water Act and Safe Drinking Water Act Methods Update .....	2040-AD59
3488	SAN No. 3663 Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution .....	2040-AC58
3489	SAN No. 3762 NPDES Streamlining Rule — Round II .....	2040-AC70
3490	SAN No. 4145 Total Maximum Daily Load (TMDL) Program Regulations Revisions .....	2040-AD22
3491	SAN No. 4294 Total Maximum Daily Load (TMDL) - NPDES and WQS Regulations Revisions .....	2040-AD36
3492	SAN No. 3288 Comparison of Dredged Material to Reference Sediment .....	2040-AC14

## CLEAN WATER ACT (CWA)—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3493	SAN No. 4050 Effluent Guidelines and Standards for the Pulp, Paper, and Paperboard Category, Phase II .....	2040-AD10
3494	SAN No. 4370 Effluent Limitations and Guidelines for the Dissolving Kraft and Dissolving Sulfite Subcategories of the Pulp, Paper, and Paperboard Point Source Category (Phase III) .....	2040-AD49
3495	SAN No. 4406 Effluent Limitations Guidelines and Standards for the Aquaculture Industry .....	2040-AD55
3496	SAN No. 4407 Revisions to Effluent Guidelines and Standards for the Meat Products Point Source Category .....	2040-AD56
3497	SAN No. 4408 Effluent Guidelines and Standards for the Industrial Container and Drum Cleaning Point Source Category. ....	2040-AD57
3498	SAN No. 3661 Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants; States' Compliance .....	2040-AC55
3499	SAN No. 3921 Selenium Criterion Maximum Concentration for Water Quality Guidance for the Great Lakes System .....	2040-AC97
3500	SAN No. 3618 Guidelines Establishing Whole Effluent Toxicity West Coast Test Procedures for the Analysis of Pollutants Under the Clean Water Act .....	2040-AC54
3501	SAN No. 3702 Guidelines Establishing Test Procedures for the Analysis of Trace Metals Under the Clean Water Act .....	2040-AC75
3502	SAN No. 3714 Increased Method Flexibility for Test Procedures Approved for Clean Water Act Compliance Monitoring .....	2040-AC92
3503	SAN No. 4049 Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act .....	2040-AD09
3504	SAN No. 4089 Guidelines Establishing Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase Two .....	2040-AD12
3505	SAN No. 4377 Test Procedures for the Analysis of Mercury Under the Clean Water Act (Method 245.7) .....	2040-AD52
3506	SAN No. 3234 Revision of NPDES Industrial Permit Application Requirements and Form 2C—Wastewater Discharge Information .....	2040-AC26
3507	SAN No. 3488 Standards for the Use or Disposal of Sewage Sludge (Round II) .....	2040-AC25
3508	SAN No. 4207 Amendments to Round I Final Sewage Sludge Use or Disposal Rule —Phase Two .....	2040-AC53

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## CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3509	SAN No. 3489 Effluent Guidelines and Standards for Landfills .....	2040-AC23
3510	SAN No. 4041 Effluent Guidelines and Standards for Commercial Hazardous Waste Combustors (formerly titled Industrial Waste Combustors) .....	2040-AD03
3511	SAN No. 4193 Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants; States' Compliance — Revision of Polychlorinated Biphenyls (PCBs) Criteria .....	2040-AD27
3512	SAN No. 3701 Guidelines Establishing Test Procedures for the Analysis of Cyanide Under the Clean Water Act ....	2040-AC76
3513	SAN No. 3785 NPDES Comprehensive Storm Water Phase II Regulations .....	2040-AC82

## SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3514	SAN No. 4212 Use of Screening Procedures for Compliance Monitoring of Drinking Water Contaminants .....	2040-AD31
3515	SAN No. 4373 Unregulated Contaminant Monitoring Rule - List 2 .....	2040-AD58
3516	SAN No. 2340 National Primary Drinking Water Regulations: Ground Water Rule .....	2040-AA97
3517	SAN No. 2807 National Primary Drinking Water Regulations: Arsenic and Clarifications to New Source Contaminant Monitoring .....	2040-AB75
3518	SAN No. 4147 Long Term 1 Enhanced Surface Water Treatment and Filter Backwash Rule .....	2040-AD18
3519	SAN No. 4341 Long Term 2 Enhanced Surface Water Treatment Rule .....	2040-AD37
3520	SAN No. 4342 Stage 2 Disinfectants/Disinfection Byproducts Rule .....	2040-AD38
3521	SAN No. 4404 National Secondary Drinking Water Regulation for Methyl Tertiary Butyl Ether (MTBE) .....	2040-AD54

## SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3522	SAN No. 2281 National Primary Drinking Water Regulations: Radon .....	2040-AA94
3523	SAN No. 3563 Reformatting of Drinking Water Regulations .....	2040-AC41
3524	SAN No. 3992 National Primary Drinking Water Regulations: Radium, Uranium, Alpha, Beta and Photon Emitters .....	2040-AC98
3525	SAN No. 4281 Revision to the Interim Enhanced Surface Water Treatment Rule (IESWTR) and the Stage 1 Disinfectants and Disinfection Byproducts Rule (DBPR) .....	2040-AD43
3526	SAN No. 4009 Public Water System Public Notification Regulation .....	2040-AD06
3527	SAN No. 4236 Update of State Underground Injection Control Programs .....	2040-AD40
3528	SAN No. 4152 Drinking Water State Revolving Fund Regulations .....	2040-AD20

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

Sequence Number	Title	Regulation Identification Number
3529	SAN No. 3176 National Primary Drinking Water Regulations: Sulfate .....	2040-AC07
3530	SAN No. 3238 National Primary Drinking Water Standards for Aldicarb .....	2040-AC13
3531	SAN No. 4369 Regulated Drinking Water Contaminant Occurrence Reporting .....	2040-AD48

## SAFE DRINKING WATER ACT (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3532	SAN No. 4044 National Primary and Secondary Drinking Water Regulations: Analytical Methods for Chemical and Microbiological Contaminants and Revisions to Laboratory Certification .....	2040-AD04
3533	SAN No. 4374 Unregulated Contaminant Monitoring Rule - Perchlorate and Acetochlor Methods .....	2040-AD50
3534	SAN No. 2778 Revisions to the Underground Injection Control Regulations for Class V Injection Wells .....	2040-AB83

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SAFE DRINKING WATER ACT (SDWA)—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
3535	SAN No. 3440 National Primary Drinking Water Regulations: Lead and Copper .....	2040-AC27
3536	SAN No. 3761 Streamlining Drinking Water Monitoring Requirements .....	2040-AC73

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

Sequence Number	Title	Regulation Identification Number
3537	SAN No. 2737 Revisions to Ocean Dumping Regulations for Dredged Material .....	2040-AB62

SHORE PROTECTION ACT (SPA)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3538	SAN No. 2820 Shore Protection Act, Section 4103(b) Regulations .....	2040-AB85

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

General

**3107. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN PROCUREMENT UNDER ASSISTANCE AGREEMENTS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 9605(f); PL 100-590; EO 12432; EO 12138; EO 11625; PL 101-549 sec 1001; PL 101-507; PL 102-389

**CFR Citation:** 40 CFR 33

**Legal Deadline:** None

**Abstract:** The regulation will codify revisions to the Agency's program for the utilization of Small, Minority and Women's Business Enterprises in procurements under assistance agreements (i.e., grants and cooperative agreements awarded by EPA as well as grants and cooperative agreements awarded by other agencies under interagency agreements with EPA). The revisions are necessary to ensure consistency with the Supreme Court's decision in *Adarand Constructors, Inc. v. Pena*, 115 S.Ct. 2097 (1995), and were identified as part of the Administration's recent review of affirmative action programs. They include: 1) placing greater emphasis on requiring assistance agreement recipients to submit documentation supporting proposed fair share procurement objectives for Minority

Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) based on the availability of qualified MBEs and WBEs in the relevant geographic market; 2) authorizing or requiring recipients and their prime contractors to take reasonable race/gender-conscious measures (e.g. bidding credits) in the event that race/gender-neutral efforts prove inadequate to meet fair share objectives; and 3) administering statutory MBE/WBE objectives as a national goal, allowing smaller or larger fair share objectives for particular grants or cooperative agreements based on the availability standard.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/00	
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

**Additional Information:** SAN No. 4056

**Agency Contact:** Mark Gordon, Environmental Protection Agency,

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**RIN:** 2020-AA39

**3108. REVISION TO EPAAR 1552.211-73, LEVEL OF EFFORT**

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

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

**CFR Citation:** 48 CFR 1552

**Legal Deadline:** None

**Abstract:** This rule will revise EPAAR 1552.211-73, Level of Effort, to define more concisely the services being acquired, and to more accurately reflect the relationship between services provided and fee payments.

**Timetable:**

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

## EPA—General

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information:** SAN No. 4191**Agency Contact:** Larry Wyborski, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460

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Email: wyborski.larry@epamail.epa.gov

**RIN:** 2030-AA64**3109. INCORPORATING INFORMAL CLAUSES (EP) INTO THE EPAAR****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 301 Sec 205(c); 63 Stat 390, as amended**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** This rule is being promulgated to amend the EPAAR to incorporate Environmental Protection (EP) clauses into the EPAAR. There are a large number of EP clauses being used by contracting officers. This promulgation will capture those EP clauses that have not been submitted for public comment. Most of the EP clauses are used in contracts on a case-by-case basis. The contractor concurs with use of such clauses.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Action	07/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.**Additional Information:** SAN No. 4226**Agency Contact:** Paul Schaffer, Environmental Protection Agency,

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**RIN:** 2030-AA66**3110. REVISIONS TO ACQUISITION REGULATION CONCERNING CONFLICT OF INTEREST****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The purpose of this rule is to revise the Agency's conflict of interest (COI) acquisition regulations. The specific revisions involve more stringent requirements for submission of relevant information from Agency contractors and potential contractors regarding their relationships with parent companies, affiliates, subsidiaries, and sister companies. Current Agency regulations do not require the submission of this level of information. Receipt and evaluation of this information is critical in order for the Agency to decide whether or not COI situations exist and how they are to be handled. This revised rule will also codify several COI clauses that have been developed since the issuance of the previous rule in 1994.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.**Additional Information:** SAN No. 4319**Sectors Affected:** 5413 Architectural, Engineering and Related Services; 5416 Management, Scientific and Technical Consulting Services; 54162 Environmental Consulting Services; 5417 Scientific Research and Development Services; 562 Waste Management and Remediation Services**Agency Contact:** Cal McWhirter, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460

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**RIN:** 2030-AA67**3111. EPA MENTOR-PROTEGE PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c)**CFR Citation:** 48 CFR 1544; 48 CFR 1552**Legal Deadline:** None**Abstract:** This proposed rule will amend EPA's Acquisition Regulation (EPAAR) to establish a Mentor-Protege Program. Participating prime contractors serving as mentors will provide technical and managerial support to protege small disadvantaged business subcontractors.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Action	08/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3629**Agency Contact:** Frances Smith, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460

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**RIN:** 2030-AA40**3112. INCREMENTALLY FUNDING FIXED PRICE CONTRACTS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

## EPA—General

## Proposed Rule Stage

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

**CFR Citation:** 48 CFR 1532

**Legal Deadline:** None

**Abstract:** This proposed rule will add subpart 1532.7, Contract Funding, to the Environmental Protection Agency's Acquisition Regulation (EPAAR). It also will revise part 1552 of the EPAAR to include a clause for incrementally funding fixed price contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	
Final Action	08/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 3876

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**RIN:** 2030-AA50

**3113. DELETION OF EPA ACQUISITION REGULATIONS FOR QUALITY SYSTEMS FOR ENVIRONMENTAL PROGRAMS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 1546.2

**Legal Deadline:** None

**Abstract:** EPA is deleting the quality assurance requirements in its Acquisition Regulation (EPAAR) because the Federal Acquisition Regulation (FAR) contains coverage on this subject.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	
Final Rule	08/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 3874

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**RIN:** 2030-AA51

**3114. IMPLEMENTATION OF CHANGES TO 40 CFR PART 32**

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

**Legal Authority:** EO 12549; EO 12689 and FASA

**CFR Citation:** 40 CFR 32

**Legal Deadline:** None

**Abstract:** Periodically OMB amends the Government-wide Common Rule for suspension and debarment of contractors and assistance participants who threaten the integrity of Federal programs because of criminal misconduct or poor performance. All agencies must issue changes to their individual codified versions to conform to the Common Rule. Recently, the Interagency Suspension and Debarment Coordinating Committee prepared recommendations for comprehensive changes to the Common Rule to conform to changes made in the Federal Acquisition Regulation (FAR) as a result of the Federal Acquisition Streamlining Act (FASA). In addition, several other proposals to improve or change the rule were recommended by various agencies. In December 1996, OMB declined to implement the changes at that time due to differences with some agencies about some changes unrelated to those occasioned by FASA.

Among other things, FASA replaced the small purchase threshold (\$25,000) with the simplified acquisition amount (\$100,000). That change unintentionally exposed certain EPA programs to participation by contractors who may have been debarred for serious misconduct already. OMB has agreed to permit agencies to amend the coverage section of their individual agency rules to reduce or eliminate exposure to suspended or debarred persons.

EPA intends to issue a notice of proposed rulemaking to amend 40 CFR 32.110 to reduce EPA exposure to such consequences.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/00	
Final Action	11/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3817

This is an assistance-related statutory requirement. There is no paperwork burden associated with this action.

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**RIN:** 2030-AA48

**3115. PUBLIC INFORMATION AND CONFIDENTIALITY REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2005; 15 USC 2601 et seq; 21 USC 346; 33 USC 1251 et seq; 33 USC 1414; 42 USC 11001 et seq; 42 USC 300(f) et seq; 42 USC 4912; 42 USC 6901 et seq; 42 USC 7401 et seq; 42 USC 9601 et seq; 5 USC 552; 7 USC 136 et seq

**CFR Citation:** 40 CFR 2; 40 CFR 57; 40 CFR 122; 40 CFR 123; 40 CFR 145; 40 CFR 233; 40 CFR 260; 40 CFR 270; 40 CFR 271; 40 CFR 281; 40 CFR 350; 40 CFR 403; 40 CFR 85; 40 CFR 86

**Legal Deadline:** None

**Abstract:** EPA regulations at 40 CFR part 2, subpart B, provide procedures for handling and disclosing information claimed as confidential business information (CBI). Although the current regulations have succeeded in protecting CBI, changes in Agency workload, practice, and statutory authority have made it difficult to handle CBI activities as expeditiously as desired. EPA is examining its CBI regulations to determine what changes are needed to make the regulations as efficient and effective as possible. Provision 40 CFR 2.205(c), which automatically protects CBI substantiations claimed as confidential,

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## Proposed Rule Stage

is being examined individually and as part of the CBI regulations as a whole.

**Timetable:**

Action	Date	FR Cite
NPRM/CBI Regs Proposal to revise EPA's CBI regulations as a whole	11/23/94	59 FR 60446
Final/CBI Substant. Final rule to eliminate special treatment of substantiations	08/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3240

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**RIN:** 2020-AA21

### 3116. REWRITING OF EPA REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552

**CFR Citation:** 40 CFR 2

**Legal Deadline:** None

**Abstract:** This document proposes revisions to EPA's regulations under the Freedom of Information Act (FOIA). The FOIA regulations have been streamlined and written in plain English wherever possible. These revisions reflect the principles established by President Clinton and Attorney General Reno in their FOIA Policy Memoranda of October 4, 1993. They also reflect developments in the case law and include updated cost figures for calculating and charging fees. In addition, the proposed

revisions include provisions implementing the Electronic Freedom of Information Act Amendments of 1996. These revisions will simplify and expedite responses to FOIA requests.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses,  
Governmental Jurisdictions,  
Organizations

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4180

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**RIN:** 2020-AA40

### 3117. CROSS-MEDIA ELECTRONIC REPORTING (ER) AND RECORDKEEPING RULE

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** PL 104-13; PL 105-277

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Cross-Media Electronic Reporting (ER) and Recordkeeping Rule will provide a uniform legal framework for paperless ER, including electronic signature/certification, across EPA's environmental compliance programs. The rule will both remove current legal requirements for paper that create obstacles to ER and provide for mechanisms to assure the legal validity and authenticity of electronic documents and associated electronic signatures, whether transmitted as reports or maintained as records. This rule is important because the legal and electronic signature issues remain the chief obstacle to implementation of ER, and affect the overall enforceability of environmental programs both federally and under state

delegation/authorization. Also, the Government Paperwork Elimination Act of 1998 requirements and the Administrator's Reinventing Environmental Information (REI) Action Plan goal of universal ER availability by 2003 can only be met if this rulemaking has active participation by the AA-ships and moves on a fast track.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

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

**Additional Information:** SAN No. 4270

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**RIN:** 2020-AA41

### 3118. PROPOSED REVISION TO EPA'S IMPLEMENTING NEPA REGULATIONS

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

**Legal Authority:** 42 USC 4321

**CFR Citation:** 40 CFR Part 6

**Legal Deadline:** None

**Abstract:** The proposed revision is necessary to clarify and update EPA's National Environmental Policy Act (NEPA) regulation. The revision would clarify Agency responsibilities for: Congressionally funded special appropriation projects and EPA funded grant programs. The revision would clarify public involvement procedures and organization responsibilities. The proposal would revise the list of actions which are categorically excluded from analyses. The revision is also needed to incorporate a number of Executive Orders and other cross-

## EPA—General

## Proposed Rule Stage

cutting requirements into the NEPA process.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4292

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**RIN:** 2020-AA42

**3119. WARRANTS FOR ON-SCENE COORDINATORS**

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency (EPA) is amending the EPA Acquisition Regulations (EPAAR) to include a clause concerning the issuance of warrants for on-scene coordinators. The intent is to allow program officials with remedial type requirements to receive on-scene coordinator warrants so that they can issue letter contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Action	08/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no

statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 4351

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**RIN:** 2030-AA68

**3120. BUSINESS OWNERSHIP REPRESENTATION**

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

**Legal Authority:** 5 USC 301 Sec 205(c); 63 Stat 390 as amended

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** A new EPAAR clause will be developed to report the ownership category of offerors. This clause would be similar to the FAR clause at 52.219-1 (ALT II). The information obtained will be used to provide outreach initiatives for future awards to those ownership categories that lack EPA awards.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Rule	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 4396

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**RIN:** 2030-AA69

**3121. CONTRACTOR DIVERSITY CLAUSE**

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

**Legal Authority:** 63 Stat 390as amended; 5 USC 301 Sec 205(c)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The EPAAR will be revised to include a diversity clause for EPA contractors. The clause will require EPA contractors to submit a plan that explains its approach to promoting diversity in the performance of EPA contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	
Final Rule	02/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 4397

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**RIN:** 2030-AA70

**3122. DISPLAY OF EPA OFFICE OF INSPECTOR GENERAL HOTLINE POSTER**

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

**Legal Authority:** 5 USC 301 205(c); 63 Stat 390 as amended

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rule adds a clause to the EPAAR requiring contractors, with EPA contracts over a certain dollar threshold, to display the EPA Office of Inspector General Hotline poster in contractor work areas. This will enable contractor employees to report suspected improper conduct occurring under EPA contracts.

## EPA—General

## Proposed Rule Stage

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAN No. 4398

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RIN: 2030-AA71

**3123. • ADMINISTRATIVE CORRECTIONS TO EPAAR 1515, CONTRACTING BY NEGOTIATION**

Priority: Info./Admin./Other

**Legal Authority:** 5 USC 301; 205(c) 63 Stat 390 as amended

CFR Citation: Not Yet Determined

Legal Deadline: None

**Abstract:** Administrative corrections will be made to EPAAR 1515 for clarification purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Rule	07/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAN No. 4400

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RIN: 2030-AA73

**3124. PESTICIDE TOLERANCE REASSESSMENT PROGRAM**

Priority: Other Significant

Legal Authority: 21 USC 346(a)(q)

**CFR Citation:** 40 CFR 180; 40 CFR 185; 40 CFR 186

**Legal Deadline:** Other, Statutory, August 3, 2002, See additional information.

**Abstract:** EPA will reassess pesticide tolerances and exemptions for raw and processed foods established prior to August 3, 1996, to determine whether they meet the reasonable certainty of no harm standard of the Federal Food, Drug and Cosmetic Act (FFDCA). FFDCA sec. 408(q), as amended by the Food Quality Protection Act (FQPA). FQPA requires that EPA conduct this reassessment on a phased 10-year schedule. Based on its reassessment, EPA will take a series of regulatory actions to modify or revoke tolerances.

**Timetable:**

Action	Date	FR Cite
NPRM Modification or revocation of tolerances for numerous pesticides	04/00/00	
Final Action Modification or revocation of tolerances for numerous pesticides	09/00/00	

**Regulatory Flexibility Analysis**

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4175

**LEGAL DEADLINE CONT:** EPA is required to complete reassessments on a phased schedule of: 33% by August 3; 1999; 66% by August 3; 2002; and 100% by August 3; 2006. The Agency will continue to access pesticide tolerances throughout year.

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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RIN: 2070-AD24

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Final Rule Stage

## General

**3125. REVISION TO 40 CFR 35 SUBPART A AND PROMULGATION OF PERFORMANCE PARTNERSHIP (STATE) GRANT REGULATION**

Priority: Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

duplication, or streamline requirements.

**Legal Authority:** PL 104-134; PL 105-65

CFR Citation: 40 CFR 35

Legal Deadline: None

**Abstract:** This proposed regulation: (1) updates, clarifies, and streamlines requirements governing environmental

program grants; (2) establishes requirements for the new Performance Partnership Grant (PPG) program; and (3) establishes requirements for grant programs that began after the original rule was published. (A regulation governing environmental program grants to Indian tribes and tribal consortia is published elsewhere in this issue of the Federal Register.)

## EPA—General

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/23/99	64 FR 63731
Final Action	05/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 3736**Agency Contact:** Scott McMoran, Environmental Protection Agency, Administration and Resources Management, 3903R, Washington, DC 20460

Phone: 202 564-5376

**RIN:** 2030-AA55**3126. REVISION TO 40 CFR 35 SUBPART A AND PROMULGATION OF PERFORMANCE PARTNERSHIP (TRIBAL) GRANT RULE****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** PL 104-134; PL 105-65**CFR Citation:** 40 CFR 35**Legal Deadline:** None**Abstract:** This proposed regulation will: (1) update, clarify, and streamline requirements governing environmental program grants (2) establish requirements for the new Performance Partnership Grant (PPG) program; and (3) establish requirements for grant programs that were developed after the original rule was published. (EPA is also issuing a regulation governing environmental program grants to State and Interstate agencies.)**Timetable:**

Action	Date	FR Cite
NPRM	07/23/99	64 FR 63732
Final Action	05/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, Tribal**Additional Information:** SAN No. 4128**Agency Contact:** Michelle McClendon, Environmental Protection Agency, Administration and Resources Management, 3903R, Washington, DC 20460

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**RIN:** 2030-AA56**3127. EPAAR COVERAGE ON LOCAL HIRING AND TRAINING****Priority:** Other Significant**Legal Authority:** 5 USC 301 sec 205(c); 63 Stat 390 as amended**CFR Citation:** 48 CFR 1526; 48 CFR 1552**Legal Deadline:** None**Abstract:** This rule will amend the EPA Acquisition Regulation (EPAAR) to include part 1526, Other Socioeconomic Programs, and to revise part 1552, Solicitation Provisions and Contract Clauses. The purpose is to provide an incentive for prime contractors to utilize local hiring and provide training to local hires in specific geographical locations where contractual requirements will be performed. This incentive will support economic development in areas where EPA contracts are performed.**Timetable:**

Action	Date	FR Cite
NPRM	12/09/98	63 FR 67845
Final Action	06/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information:** SAN No. 4187**Agency Contact:** Frances Smith, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460

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**RIN:** 2030-AA62**3128. INCORPORATION OF CLASS DEVIATIONS INTO EPAAR****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c)**CFR Citation:** 48 CFR 1537; 48 CFR 1552**Legal Deadline:** None**Abstract:** The Agency has approved a number of class deviations (e.g. changes to reporting requirements and monthly progress reports) to the EPAAR since its promulgation in April 1994. This proposed rule would incorporate most of the class deviations to the EPAAR.**Timetable:**

Action	Date	FR Cite
NPRM	03/16/00	65 FR 14405
Final Action	07/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.**Additional Information:** SAN No. 3580**Agency Contact:** Frances Smith, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460

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**RIN:** 2030-AA37**3129. CONSOLIDATION OF GOOD LABORATORY PRACTICE STANDARDS (GLPS) REGULATIONS CURRENTLY UNDER TSCA AND FIFRA INTO ONE RULE****Priority:** Info./Admin./Other**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 15 USC 2601 et seq; 7 USC 136 et seq**CFR Citation:** 40 CFR 160; 40 CFR 792**Legal Deadline:** None**Abstract:** On November 29, 1983, EPA published Good Laboratory Practice

## EPA—General

## Final Rule Stage

Standards (GLPS) regulations intended to help ensure data integrity for studies required to support marketing and research permits under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA). These rules were last amended on August 17, 1989. GLPS data integrity measures can be applied to a wide variety of scientific studies. Although the TSCA and FIFRA GLPS contain identical provisions, they were published as separate rules to account for statutory and program differences between TSCA and FIFRA, such as differences in records retention requirements. EPA believes it will be able to address the differences between TSCA and FIFRA, such as differences in records retention requirements. EPA believes it will be able to address the differences of those programs without duplicating the entire GLP standard in two places.

This action is intended to consolidate EPA's GLPS into one rule. Program-specific requirements will be addressed in either separate sections of the consolidated rule, or in separate rules as is determined appropriate. This action is not intended to change the requirements, applicability, or enforceability of GLPS with respect to any statute.

EPA has received comments from stakeholders regarding the understandability of many aspects of the GLPS, and over the years has issued numerous clarifications. EPA believes that some clarifications, if included directly in the rule, would make the rule easier to understand and enhance compliance. Therefore, EPA intends to include such clarifications where appropriate in this rulemaking. Finally, in the interest of maintaining consistency between EPA's and Food and Drug Administration's regulations, EPA will determine any modifications that have occurred to the FDA GLP rule and consider incorporation of such changes into the EPA rule. This action will serve to reduce the total regulatory text in the Code of Federal Regulations by an estimated 10 pages, by consolidating 23 pages of text to approximately 13. In the process it will provide a generic GLP rule that may be used by other programs in the Agency.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/99	64 FR 3456
Final Action	05/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** SAN No. 3807

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**RIN:** 2020-AA26

### 3130. ENVIRONMENTAL IMPACT ASSESSMENT OF NONGOVERNMENTAL ACTIVITIES IN ANTARCTICA

**Priority:** Other Significant

**Legal Authority:** 16 USC 2401 et seq, as amended; 16 USC 2403(a); PL 104-227

**CFR Citation:** 40 CFR 8

**Legal Deadline:** Final, Statutory, October 2, 1998, See additional information.

**Abstract:** The purpose of this action is to develop regulations for: (1) the environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Antarctic Treaty and (2) coordination of the review of information regarding environmental impact assessment received by the United States from other parties under the Protocol on Environmental Protection. The Office of Federal Activities (OECA/OFA) will use the decisionmaking process of the National Environmental Policy Act (NEPA) to analyze the environmental setting; the types of nongovernmental activities, including tourism, to be addressed by the regulations; their potential for impact; and the alternatives available under rulemaking for environmental impact assessments for nongovernmental activities. An interim final rule, 40 CFR part 8, promulgated April 30, 1997, and on July 15, 1998 extended through the

2000-2001 austral summer, will be replaced by a final rule. The interim final rule was effective immediately so that the U.S. could ratify the Protocol and implement its obligations under the Protocol as soon as it entered into force. These rules are being developed in coordination with other Federal agencies with specific interests in and expertise with Antarctica including the Department of State, National Science Foundation, National Oceanic and Atmospheric Administration, U.S. Coast Guard, Marine Mammal Commission, Department of Justice, and the Council on Environmental Quality.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/30/97	62 FR 23538
Extend Effective Date Interim Rule	04/15/98	63 FR 18352
Final Action	01/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** SAN No. 3933

**Legal Description:** The Interim Final Rule, effective 7/14/98, through the year 2000-2001 austral summer.

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**RIN:** 2020-AA34

### 3131. ELECTRONIC FUNDS TRANSFER

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

## EPA—General

## Final Rule Stage

**Legal Authority:** 5 USC 301 Sec 205(c); 63 Stat 390 as amended

**CFR Citation:** 48 CFR 1532.11

**Legal Deadline:** None

**Abstract:** This rule complies with the revised Federal Acquisition Regulations (FAR) coverage regarding implementation of the Debt Collection Improvement Act. Because the revised FAR offers choices in implementation, each agency must communicate with its vendor community its choices. This rule will let our vendor community know that EPA will require the use of FAR Clause 52.232-34, Payment by Electronic Funds Transfer (Non-CCR), as prescribed in FAR 32.1105(a)(2). Within the Clause, under (c) the payment office shall be inserted as the prescribed designated office. Further inserted shall be that the required EFT information shall be provided no later than 15 days prior to submission of the first request for payment.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 4185

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**RIN:** 2030-AA57

**3132. • RATIFICATION AND DEBARMENT/SUSPENSION PROCEDURES**

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

**Legal Authority:** 5 USC 205(c); 63 Stat 390 as amended

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rule updates internal Agency procedures for taking

administrative actions under the Government-wide rule for suspension and debarment of contractors.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 4399

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**RIN:** 2030-AA72

**3133. • REVISION TO AWARD FEE CLAUSES, 1552.216-70 AND 1552.216-75**

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

**Legal Authority:** 5 USC 301 Sec 205(c); 63 Stat 390as amended

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The EPAAR clause at 1552.216-70 will be revised to conform to Federal Acquisition Circular 97-15 concerning disputes arising under Government contracts. In addition, an administrative change will be made to EPAAR 1552.216-75 to correct the date of the clause.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 4401

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**RIN:** 2030-AA74

**3134. TOLERANCES FOR PESTICIDE EMERGENCY EXEMPTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 346(a)

**CFR Citation:** 40 CFR 176

**Legal Deadline:** Final, Statutory, August 3, 1997.

**Abstract:** This regulation will set out policies and procedures under which EPA will establish food tolerances associated with the use of pesticides under emergency exemptions. Emergency exemptions are issued for temporary use of pesticides where emergency conditions exist. Under the Federal Food, Drug and Cosmetic Act, as amended by the Food Quality Protection Act, EPA must establish time-limited tolerances for such pesticides if the use is likely to result in residues in food. EPA expects to describe the procedures to be used, and the criteria for establishing tolerances.

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/99	64 FR 29823
Final Action	09/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3890

**Sectors Affected:** 111 Crop Production; 112 Animal Production; 9241 Administration of Environmental Quality Programs

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Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides

## EPA—General

## Final Rule Stage

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**RIN:** 2070-AD15

### 3135. PESTICIDES; TOLERANCE PROCESSING FEES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 346(a)

**CFR Citation:** 40 CFR 180.33

**Legal Deadline:** None

**Abstract:** In 1996, the Food Quality Protection Act amended the Federal Food, Drug, and Cosmetic Act to require EPA to charge tolerance fees that, in the aggregate, will cover all costs associated with processing tolerance actions, including filing a tolerance petition, and establishing, modifying, leaving in effect, or revoking a tolerance or tolerance exemption. Since 1983 (the last time a cost analysis was conducted), factors such as expanded data requirements, changes in risk assessment methods, improvements in data base management and tracking systems, and the increasing complexity of scientific review of petitions have resulted in costs substantially exceeding the fees currently charged. This rule will adjust the fee structure and fee amounts for tolerance actions.

**Timetable:**

Action	Date	FR Cite
NPRM	06/09/99	64 FR 31039
Final Action	01/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4027

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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**RIN:** 2070-AD23

### 3136. GUIDELINES FOR CARCINOGEN RISK ASSESSMENT

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

**Legal Authority:** Not applicable

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Agency will use these guidelines to evaluate suspect carcinogens in line with the policies and procedures established in the statutes administered by the EPA. These guidelines revise and replace EPA Guidelines for Carcinogen Risk Assessment published at 51 FR 33992, September 24, 1986. These guidelines provide EPA staff and decision-makers with the directions and perspectives necessary to develop and use risk assessments. The guidelines also provide the general public with basic information about the Agency's approaches to risk assessment.

To develop guidelines the Agency must find a balance between consistency and innovation. Consistent risk assessments provide consistent bases to support regulatory decision-making. On the other hand, innovation is necessary so the Agency will base its decisions on current scientific thinking. In balancing these and other science policies, the Agency relies on input from the general scientific community through established scientific peer review processes. The guidelines incorporate basic principles and science policies based on evaluation of the currently available information. The revisions place increased emphasis on the role of carcinogenic mechanisms in risk assessment and clearer explication of underlying assumptions in risk assessment.

These guidelines will have minimal to no impact on small businesses or State, local, and tribal governments.

**Timetable:**

Action	Date	FR Cite
Reproposed Guidelines	04/23/96	61 FR 17960
Implementation Policy	06/25/96	61 FR 32799
Final Guidelines	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3671

**Agency Contact:** William Wood,  
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**RIN:** 2080-AA06

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Completed Actions

### General

### 3137. • CODIFICATION TO REVISION OF OMB CIRCULAR A-110: PUBLIC ACCESS TO DATA PRODUCED UNDER AN AWARD

**Priority:** Other Significant

**Legal Authority:** 5 USC 301

**CFR Citation:** 40 CFR 30 (Revision)

**Legal Deadline:** Other, Statutory,  
January 17, 2000, OMB requires

codification to interim final rule by January 17 2000.

**Abstract:** In November 1999, OMB provided EPA with a draft notice which revises our current codification of OMB Circular A-110 to reflect the final revision OMB issued on September 30, 1999 and published in the Federal Register on October 8, 1999. OMB requested that we codify the revision to Circular A-110 by January 17, 2000.

Congress included a two-sentence provision in the Office of Management and Budget's (OMB) appropriation for fiscal year 1999, contained in Public Law 105-277, directing OMB to amend Circular A-110 "to require Federal awarding agencies to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act." The

## EPA—General

## Completed Actions

provision also provides for a reasonable fee to cover the costs incurred in responding to a request. In directing OMB to revise Circular A-110, Congress entrusted OMB with the authority to resolve statutory ambiguities, the obligation to address implementation issues the statute did not address, and the discretion to balance the need for public access to research data with protections of the research process. EPA is publishing an interim final rule to codify OMB Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." The Agency's interim final rule incorporates the provisions of OMB Circular A-110 regarding the

availability of data produced under an award through the Freedom of Information Act into the Agency's grants administration regulation at 40 Code of Federal Regulations Part 30. It also applies to such entities if they are recipients of subawards from States, local and Indian Tribal governments administering programs under EPA awards.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14417

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4386

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**RIN:** 2030-AA75

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Prerule Stage

## Clean Air Act (CAA)

**3138. • METHYL TERTIARY BUTYL ETHER; ADVANCED NOTICE OF INTENT TO INITIATE RULEMAKING UNDER THE TOXIC SUBSTANCES CONTROL ACT TO ELIMINATE OR LIMIT THE USE OF MTBE AS A FUEL ADDITIVE**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** EPA is considering taking action to control the use of Methyl Tertiary Butyl Ether (MTBE), which is an organic compound that is primarily used as a fuel additive in gasoline. MTBE has been used to meet the oxygen requirement established by the Federal Reformulated Gasoline Program (RFG) established by the 1990 amendments to the Clean Air Act (CAA). Over 85 percent of reformulated gasoline contains MTBE. EPA is concerned that the widespread use of MTBE may have resulted in the

contamination of groundwater and drinking water supplies, threatening their future use. While current detections levels are generally believed to be below levels that may cause public health concerns, low level MTBE contamination may render water unpotable due to offensive taste and odor. In November of 1998, EPA established a Blue Ribbon Panel to investigate air quality benefits and water quality concerns associated with oxygenates, including MTBE, in gasoline, and to provide independent advice and recommendations on ways to maintain air quality while protecting water quality. In September, 1999, the panel recommended that the use of MTBE be substantially reduced. EPA is now evaluating the Blue Ribbon Panel's recommendations, and has conducted a preliminary review of authorities available to address risks associated with MTBE. EPA intends to issue an Advance Notice of Proposed Rulemaking to inform the public of this preliminary inquiry, and to solicit public comment on possible regulatory action.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Organizations, Businesses, Governmental Jurisdictions

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4393

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**RIN:** 2060-AJ00

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**Clean Air Act (CAA)**

Proposed Rule Stage

**3139. PERFORMANCE WARRANTY AND INSPECTION/MAINTENANCE TEST PROCEDURES**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7541; 42 USC 7601**CFR Citation:** 40 CFR 51; 40 CFR 85**Legal Deadline:** None

**Abstract:** This action establishes a new short test procedure for use in I/M programs required by the Clean Air Act Amendments of 1990. Vehicles that are tested and failed using this procedure and that meet eligibility requirements established by the act would be eligible for free warranty repair from the manufacturers.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	
Final Action	01/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 3263

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**RIN:** 2060-AE20
**3140. INSPECTION/MAINTENANCE RECALL REQUIREMENTS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7511(a)(2)(b); 42 USC 7511(a)(2)(b)(2)**CFR Citation:** 40 CFR 51**Legal Deadline:** None

**Abstract:** This action specifies requirements for enhanced I/M programs to establish a program to ensure compliance with recall notices. This is pursuant to the Clean Air Act Amendments of 1990.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3262

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**RIN:** 2060-AE22
**3141. METHOD 301: FIELD VALIDATION OF POLLUTION MEASUREMENT METHODS FOR VARIOUS MEDIA; REVISIONS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq; PL 101-549; 42 USC 7410 et seq**CFR Citation:** 40 CFR 60; 40 CFR 63**Legal Deadline:** None

**Abstract:** After promulgation of Method 301, questions were raised about the statistical calculations and the procedure for determining the quality of the data. This rule will clarify those rule provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	
Final Action	09/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** SAN No. 3407

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**RIN:** 2060-AF00
**3142. OPERATING PERMITS: REVISIONS (PART 70)**
**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 7661 et seq**CFR Citation:** 40 CFR 52; 40 CFR 70; 40 CFR 51**Legal Deadline:** None

**Abstract:** In response to litigation on the operating permits rule regulations, 40 CFR Part 70, to provide more effective implementation of part 70, and to address comments provided in response to notices of proposed rulemaking, parts 70, 51 and 52 are being revised. The changes streamline the procedures for revising stationary-source operating permits issued by State and local permitting authorities under title V of the Clean Air Act.

**Timetable:**

Action	Date	FR Cite
NPRM	08/29/94	59 FR 44460
Supplemental NPRM Part 71	04/27/95	60 FR 20804
Supplemental NPRM Part 70	08/31/95	60 FR 45530
Direct Final Interim Approval Extension	07/27/98	63 FR 40054
NPRM Interim Approval Extension	07/27/98	63 FR 40053
NPRM	09/00/00	
Final Action	09/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State**Additional Information:** SAN No. 3412

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**RIN:** 2060-AF70
**3143. AMENDMENTS TO METHOD 24 (WATER-BASED COATINGS)**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 60**Legal Deadline:** None

**Abstract:** The determination of volatile organic compounds (VOCs) content of a surface coating by reference Method 24 involves determination of its water content and calculation of its VOC content as the difference of the two measurements (volatile content minus water content). Method 24 is inherently less precise for water-based coatings than it is for solvent-based coatings and the imprecision increases as water content increases. This action will amend Method 24 by adding a direct measurement procedure for measuring VOC content of water-based coatings. This amendment will improve the

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

precision of Method 24 for water-based coatings.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3649

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**RIN:** 2060-AF72

**3144. SERVICE INFORMATION AVAILABILITY**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7521(m)

**CFR Citation:** 40 CFR 86

**Legal Deadline:** None

**Abstract:** This rule will require manufacturers of automobiles to provide necessary information needed to make use of emission control diagnostic systems as well as that needed to make emission-related diagnosis and repairs by any person engaged in the repairing or servicing of motor vehicles or motor vehicle engines. This will allow independent service repair garages, individual owners, parts manufacturers, etc., to have access to emission control information to better service automobiles and ensure clean air compliance requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3741

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**RIN:** 2060-AG13

**3145. NSPS: SEWAGE SLUDGE INCINERATORS**

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

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 7401-7626

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The Agency has decided not to regulate sewage sludge incinerators as a category under Section 129 of the Clean Air Act. Section 129(a)(1) requires the Agency to establish standards under Section 129 for each category of "solid waste incineration units." "Solid waste incineration unit" is defined as a "distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, or motels)." The Agency believes that sewage sludge generated by publicly-owned treatment works (POTWs) and combusted in SSIs is "solid waste." However, this sludge is from a municipal source, and not from "commercial or industrial establishments or the general public." Therefore, SSIs that combust this sludge are not "solid waste incineration units" and section 129 does not apply to them. Virtually all of the SSIs that would be candidates for regulation combust sludge from POTWs, and thus are not covered under Section 129.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/14/97	62 FR 1868
Delisting Notice	04/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 3819

**Sectors Affected:** 22132 Sewage Treatment Facilities

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**RIN:** 2060-AG50

**3146. NESHAP: PLYWOOD AND COMPOSITE WOOD PRODUCTS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 7412(d)

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, November 15, 2000.

Final, Statutory, November 15, 2000.

**Abstract:** This project is to develop national emission standards for hazardous air pollutants (NESHAP) by establishing maximum achievable control technology (MACT) for facilities manufacturing wood panels and engineered wood products. MACT standards are under development to reduce the release of hazardous air pollutants (HAP) from all industries to protect the public health and environment. Emissions of HAP from this industry have been associated with, but are not limited to, the drying of wood and binders. The scope of the affected source category has not been determined; however, this rule is anticipated to apply to the manufacture of products involving wood and some kind of binder or bonding agent. This project may include, but is not limited to, facilities that manufacture waferboard, hardboard fiber board (MDF), oriented strandboard (OSB), medium density fiberboard, particleboard, strawboard, hardwood and softwood plywood, glue-laminated lumber, laminated veneer lumber, and engineered wood products. The source category may also include lumber drying kilns at sawmills which are located on the same site as a facility that manufactures any of the wood products mentioned above. The project may also include some coatings operations. The name of the source category was formerly Plywood and Particleboard MACT.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	
Final Action	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3820

**Sectors Affected:** 32121 Veneer, Plywood, and Engineered Wood Product Manufacturing

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**RIN:** 2060-AG52

### 3147. NESHAP: MISCELLANEOUS CELLULOSE PRODUCTION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, November 15, 2000.

**Abstract:** This project is to develop national emission standards for hazardous air pollutants (NESHAPs) by establishing maximum achievable control technology (MACT) for facilities manufacturing cellulose ether, carboxymethyl cellulose ether, methyl cellulose ether, cellulose food casing, cellulosic sponges, producing rayon, and producing cellophane. MACT standards are under development to reduce the release of hazardous air pollutants (HAP) from all industries to protect the public health and environment. Emissions of HAP from this industry have been associated with, but are not limited to, product washing operations, material storage tanks, and film drying. The scope of the rule has not been determined.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3970

Project combined with SAN 3963

**Sectors Affected:** 325221 Cellulosic Organic Fiber Manufacturing; 326113 Unsupported Plastics Film and Sheet (except Packaging) Manufacturing

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**RIN:** 2060-AH11

### 3148. NESHAP: MUNICIPAL SOLID WASTE LANDFILLS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This project is to develop national emission standards for hazardous air pollutants (HAP) by establishing maximum achievable control technology (MACT) for municipal solid waste landfills. MACT standards are under development to reduce the release of HAP from all industries to protect the public health and environment. The scope of the rule has not been determined. This project is now scheduled to start in fiscal year 1998. The initial stage of this project is to gather preliminary information on landfills to establish a presumptive MACT. That work will be followed by development of a regulatory package to propose and promulgate a MACT standard.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	
Final Action	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3969

**Sectors Affected:** 562212 Solid Waste Landfill

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**RIN:** 2060-AH13

### 3149. CONSOLIDATED EMISSION REPORTING RULE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410(a)(2)

**CFR Citation:** 12 CFR 120.2(d)(4); 40 CFR 51.321 to 51.323

**Legal Deadline:** Final, Statutory, June 30, 2000.

**Abstract:** Three sections of the Clean Air Act and its amendments require State agencies to report emission estimates to EPA. Some of these sections contain obsolete wording, inconsistent instructions, and duplicate reporting requirements. This rule will consolidate the requirements into one area, eliminate obsolete wording, eliminate duplicate reporting requirements, and provide options for collecting and reporting data. There will be no impact on small businesses. State agencies will continue to report the same or reduced amounts of data to EPA. The rule will provide for flexibility in collecting and reporting data. There will be no effect on local agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	11/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 3986

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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**RIN:** 2060-AH25

### 3150. TRANSPORTATION CONFORMITY RULE AMENDMENT: CLARIFICATION OF TRADING PROVISIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 to 7671 CAA sec 176(c)

**CFR Citation:** 40 CFR 51; 40 CFR 93

**Legal Deadline:** None

**Abstract:** The transportation conformity rule, promulgated in November 1993, ensures that transportation and air quality planning are consistent with Clean Air Act air quality standards. The Open Market Trading Guidance provides guidance to states for establishing a method to quantify emissions reductions (called discrete emissions reductions or DERs) that can be traded among parties and how such trading should occur. This action will amend the transportation conformity rule to clarify how emissions trading could be reconciled in the conformity process.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local

**Additional Information:** SAN No. 3917

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**RIN:** 2060-AH31

### 3151. STREAMLINED EVAPORATIVE TEST PROCEDURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7521(m)

**CFR Citation:** 40 CFR 86 (Revision)

**Legal Deadline:** None

**Abstract:** This action will streamline the test procedure used to establish compliance with evaporative emission requirements for light duty vehicles and trucks. The current test procedure requires both two and three day diurnal emission tests, as well as running-loss testing. The revisions will delete the three day requirement and add flexibilities for running-loss compliance. This will enable manufacturers to save significant resources without any decrease in environmental benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/00	
Final Action	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3910

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**RIN:** 2060-AH34

### 3152. FEDERAL MAJOR NEW SOURCE REVIEW (NSR) PROGRAM FOR NONATTAINMENT AREAS

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 124; 40 CFR 51.165; 40 CFR 52.10; 40 CFR 52.24

**Legal Deadline:** None

**Abstract:** The Clean Air Act (Act) (title I, part D) requires that construction permit programs for new or modified major stationary sources of air pollution be established for areas not attaining the NAAQS. This action will add Federal rules at 40 CFR 52.10 for permitting the construction of new or modified major stationary sources in certain nonattainment areas where State, local, or tribal rules in whole or in part are not in place that meet the statutory permitting requirements. These rules will basically incorporate the requirements for State nonattainment NSR permit programs, codified at 40 CFR 51.165(a), with supplemental provisions added to make explicit the permit requirements of

section 173 of the Act and certain long-standing policies regarding nonattainment NSR permitting. This action will also change 40 CFR 52.24 to specify that the requirements of 40 CFR 52.10 govern any permits issued in certain nonattainment areas where acceptable nonattainment NSR rules are not in place. Changes to 40 CFR part 124 will specify that the permit processing, public participation, and permit appeal requirements that otherwise apply to Federal PSD permitting will also apply, in most cases, to Federal nonattainment NSR permitting under 40 CFR 52.10.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	09/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4046

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**RIN:** 2060-AH53

### 3153. NESHAP: COKE OVENS: PUSHING, QUENCHING, AND BATTERY STACKS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, November 15, 2000.

**Abstract:** There are currently 25 active domestic coke plants, 20 of which are furnace coke plants and 5 of which are foundry coke plants. Coke oven batteries used to produce metallurgical coke at these plants emit hazardous air pollutants (HAPs) such as coke oven emissions and polycyclic organic matter listed in section 112 of the Clean Air Act (CAA).

This action will establish a National Emission Standard for Hazardous Air Pollutants (NESHAP) for three specific

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operations associated with coke ovens, namely pushing, quenching, and battery stacks.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4022

**Sectors Affected:** 324199 All Other Petroleum and Coal Products Manufacturing; 331111 Iron and Steel Mills

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**RIN:** 2060-AH55

### 3154. PROTECTION OF STRATOSPHERIC OZONE: ALLOWANCE SYSTEM FOR CONTROLLING HCFC PRODUCTION, IMPORT & EXPORT

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82.6(h); 40 CFR 82.5(h); 40 CFR 82.8

**Legal Deadline:** None

**Abstract:** The Stratospheric Protection Division currently oversees an allowance allocation system for the class I ozone-depleting substances. An allowance allocation system for class II ozone-depleting substances or hydrochlorofluorocarbons (HCFCs) had not been established prior to 1998 because consumption figures had hovered around 80% of the cap imposed by the Montreal Protocol in 1992. The HCFC consumption figures for 1998 indicate that the US is within 92% of the cap. Since the US is in danger of violating this cap if high HCFC consumption rates continue into

1999, the system for allocating allowances must be in place as soon as possible in order to control HCFC consumption for all four quarters of 2000.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/04/99	64 FR 16373
NPRM	05/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4120

**Additional deadline:** Montreal Protocol. The Protocol requires compliance with a formulary cap of all Parties' consumption of HCFCs.

The ANPRM is available on the Internet at:

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**RIN:** 2060-AH67

### 3155. NESHAP: FUMED SILICA PRODUCTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAAA Section 112; EO 12866

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** Fumed silica is produced at four facilities in three states. There is no NSPS for the source category. Based on preliminary results of a screening study, the source category emits chlorine, HCl, and chlorinated organics.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	
Final Action	02/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4111

**Sectors Affected:** 325188 All Other Basic Inorganic Chemical Manufacturing

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**RIN:** 2060-AH72

### 3156. NESHAP: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1857

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, November 15, 2000.

**Abstract:** Title III of the Clean Air Act Amendments of 1990 requires EPA to develop emission standards for each major source category of hazardous air pollutants (HAPs). The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the administrator of the EPA. The EPA has determined that some plants may be major sources for one or more HAPs. As a consequence, a regulation (emission standards) is being developed for the polyvinyl chloride industry, to be promulgated by November 15, 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Action	01/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4114

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**RIN:** 2060-AH82

**3157. PERFORMANCE SPECIFICATION 16 - SPECIFICATIONS AND TEST PROCEDURES FOR PREDICTIVE EMISSION MONITORING SYSTEMS IN STATIONARY SOURCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411 CAA section 111

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** Performance Specification 16 is being proposed to provide performance criteria for predictive emission monitoring systems. Predictive systems represent a new technology that uses process information or parameters to predict pollutant emissions instead of directly measuring them. The Agency is allowing their use in recently-promulgated rules and they are being considered by a number of regulated facilities. The specification lists the requirements for acceptable systems that are met by passing tests that compare the monitoring system with standardized methods and audit gases to determine system accuracy and stability. Performance Specification 16 will primarily apply to facilities whose emissions can be predicted from process parameters such as combustion processes (including gas turbines and internal combustion engines).

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4119

**Sectors Affected:** 333618 Other Engine Equipment Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 333611 Turbine and Turbine Generator Set Unit Manufacturing; 33241 Power Boiler and Heat Exchanger Manufacturing

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**RIN:** 2060-AH84

**3158. NESHAP: WET-FORMED FIBERGLASS MAT PRODUCTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The CAA required the EPA to publish an initial list of all categories of major and area sources of hazardous air pollutants (HAPs) listed in section 112(b) of the CAA and to establish and meet dates for promulgation of emission standards for each of the listed categories of HAP emissions sources. The wet-formed fiberglass mat production industry is not included in the initial list of categories for standards development but information available to the Administrator suggests that the industry is a major source of HAP emissions and, as such, emission standards shall be developed for this industry. The standards are to be technology-based and are to require the maximum degree of reduction determined to be achievable by the Administrator. The EPA has determined that the wet-formed fiberglass mat production industry may be reasonably expected to emit one of the pollutants listed in section 112(b) of the CAA. The purpose of this action is to include the industry in the source category list and to pursue a regulatory development program such that emission standards may be proposed and promulgated for this industry.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	04/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 4082

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**RIN:** 2060-AH89

**3159. TECHNICAL CHANGE TO DOSE METHODOLOGY FOR 40 CFR 191, SUBPART A**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 2021 Atomic Energy Act of 1954; Reorganization Plan No. 3 of 1970; Nuclear Waste Policy Act of 1982

**CFR Citation:** 40 CFR 190(B); 40 CFR 191(A)

**Legal Deadline:** None

**Abstract:** This action is a technical change to the dose methodology for subpart A, Environmental Standards for Management and Storage, of 40 CFR 191, Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes. The current methodology is outdated. The new method, which would be employed as a result of this action, is consistent with recent radiation protection standards as well as Federal Guidance reports issued by EPA. No significant impacts from this action are anticipated.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	03/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4003

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RIN: 2060-AH90

**3160. DECISION ON A PETITION FROM THE TERRITORY OF AMERICAN SAMOA TO BE EXEMPTED FROM THE GASOLINE ANTI-DUMPING REGULATIONS.**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7625-1(a)(1) CAAA

**CFR Citation:** 40 CFR 80.90 to 80.130

**Legal Deadline:** None

**Abstract:** EPA will decide whether to grant American Samoa's petition to be exempted from meeting the regulations at 40 CFR 80 that require all conventional gasoline sold in the U.S. to not be more polluting than it was in 1990—called the “gasoline anti-dumping regulations.” These regulations were promulgated to prevent gasoline refiners and distributors from “dumping” pollutants into conventional gasoline that are prohibited in the manufacture of reformulated gasoline. American Samoa (and other U.S. territories) are allowed under Clean Air Act (CAA) section 325(a) to petition the Administrator for exemption from certain CAA requirements if such compliance is not feasible or is unreasonable due to unique geographical, meteorological, or economic factors of such territory, or other local factors deemed significant.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4333

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RIN: 2060-AI60

**3161. NAAQS: SULFUR DIOXIDE (RESPONSE TO REMAND)**

**Priority:** Economically Significant

**Legal Authority:** 42 USC 7409 CAA sec 109

**CFR Citation:** 40 CFR 50.4; 40 CFR 50.5

**Legal Deadline:** Final, Judicial, December 31, 2000.

**Abstract:** On November 15, 1994, the Environmental Protection Agency (EPA) proposed not to revise the existing 24-hour and annual primary standards. The EPA sought public comment on the need to adopt additional regulatory measures to address the health risk to asthmatic individuals posed by short-term peak sulfur dioxide exposure.

On March 7, 1995, EPA proposed implementation strategies for reducing short-term high concentrations of sulfur dioxide emissions in the ambient air.

On May 22, 1996, EPA published its final decision not to revise the primary sulfur dioxide NAAQS. The notice stated that EPA would shortly propose a new implementation strategy to assist States in addressing short-term peaks of sulfur dioxide. The new implementation strategy - the Intervention Level Program - was proposed on January 2, 1997. In July 1996, the American Lung Association and the Environmental Defense Fund petitioned the U.S. Court of Appeals for the D.C. Circuit for a judicial review of EPA's decision not to establish a new 5-minute NAAQS. On January 30, 1998, the court found that EPA did not adequately explain its decision and remanded the case so EPA could explain its rationale more fully. EPA published a schedule for responding to the remand in the May 5, 1998 Federal Register. The schedule calls for a final response to the remand by December 2000. Any final action on the intervention level program would occur no sooner than December 2000.

**Timetable:**

Action	Date	FR Cite
NPRM NAAQS Review	11/15/94	59 FR 58958
NPRM NAAQS Implementation (Part 51)	03/07/95	60 FR 12492

Action	Date	FR Cite
Final Rule NAAQS Review	05/22/96	61 FR 25566
NPRM Revised NAAQS Implementation (Part 51)	01/02/97	62 FR 210
Notice Schedule for Response to NAAQS Remand	05/05/98	63 FR 24782
NPRM Response to NAAQS Remand	05/00/00	
Final Action Response to NAAQS Remand	12/00/00	
Final Action NAAQS Implementation (Part 51)	01/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 1002

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RIN: 2060-AA61

**3162. REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF STATE IMPLEMENTATION PLANS (GUIDELINE ON AIR QUALITY MODELS)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410 CAAA sec 110(a)(2); CAAA sec 165(e); CAAA sec 172(a); CAAA sec 172(c); 42 USC 7601 CAAA sec 301(a)(1); CAAA sec 320

**CFR Citation:** 40 CFR 51.112; 40 CFR 51.160; 40 CFR 51.166; 40 CFR 52.21

**Legal Deadline:** None

**Abstract:** This action proposes revisions to the Guideline on Air Quality Models, published as appendix W to 40 CFR part 51. Such models are used to predict ambient concentrations of pollutants for programs ranging from

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Prevention of Significant Deterioration (PSD) to State Implementation Plans (SIPs) for controlling air pollution sources. Appendix W to 40 CFR part 51 fulfills a Clean Air Act mandate for EPA to specify models for air management purposes. This proposed rulemaking enhances appendix W with new and/or improved techniques.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3470

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**RIN:** 2060-AF01

### 3163. NESHAP/NSPS: RECIPROCATING INTERNAL COMBUSTION ENGINE

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** 42 USC 7412 CAA sec 112; PL 101-549

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, November 15, 2000.  
Final, Statutory, November 15, 2000.

**Abstract:** The stationary reciprocating internal combustion engine source category is listed as a major source of hazardous air pollutants (HAPs) under section 112 of the Clean Air Act (CAA). A major source is one which emits more than 10 tons/yr of one HAP or more than 25 tons/yr of a combination of 189 HAPs. The EPA will gather information on HAP emissions from internal combustion engines and determine the appropriate maximum achievable control technology (MACT) to reduce HAP emissions, if any. The EPA will also gather information for NOx, SO2, CO, and PM and decide whether standards are required to reduce these emissions. The EPA will use information that has already been developed, if possible, by gathering information by working with State/local agencies, vendors, manufacturers of

internal combustion engines, owners and operators of internal combustion engines, and environmentalists. Some small businesses that use internal combustion engines may be directly impacted as well as a few small government entities who produce their own power. The number of small entities that would be affected is not known at this time.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/00	
Final Action	11/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Additional Information:** SAN No. 3656

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**RIN:** 2060-AG63

### 3164. NESHAP: COMBUSTION TURBINE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAA sec 112

**CFR Citation:** 44 CFR 63

**Legal Deadline:** NPRM, Statutory, November 15, 2000.  
Final, Statutory, November 15, 2000.

**Abstract:** The combustion turbine source category is listed as a major source of hazardous air pollutants (HAPs) under section 112 of the Clean Air Act (CAA). A major source is one which emits more than 10 tons/yr of one HAP or more than 25 tons/yr of a combination of 189 HAPs. Combustion turbines also emit NOx, SO2, CO, and PM. Combustion turbines are already regulated for NOx and SO2 emissions under section 111 of the

CAA. The EPA will gather information on HAP emissions from combustion turbines and determine the appropriate maximum achievable control technology (MACT) to reduce HAP emissions, if any. The EPA will also gather information to revise the 1979 NSPS for NOx and SO2 and decide whether CO and PM standards are required for combustion turbines. The EPA information that has already been developed will be used if possible and additional information will be gathered by working with State/local agencies, vendors, manufacturers of combustion turbines, owners and operators of combustion turbines, and environmentalists. The number of small entities that would be affected is not known at this time.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 3657

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**RIN:** 2060-AG67

### 3165. NESHAP: IRON FOUNDRIES AND STEEL FOUNDRIES

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

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000, See additional information.

**Abstract:** Iron foundries and steel foundries have been identified by the EPA as potentially significant sources

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of air emissions of manganese compounds, lead compounds, and other substances that are among the pollutants listed as hazardous air pollutants in section 112 of the Clean Air Act, as amended in November of 1990. As such, these industries may be source categories for which national emission standards may be warranted.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Additional Information:** SAN No. 3343

EPA is required to promulgate standards for all of the source categories listed in accordance with section 112(e) by November 15, 2000.

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**RIN:** 2060-AE43

**3166. NESHAP: INTEGRATED IRON AND STEEL**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412 CAAA sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, November 15, 2000.

Final, Statutory, November 15, 2000.

**Abstract:** The Clean Air Act, as amended November 1990, requires the EPA to regulate categories of major and area sources of hazardous air pollutants (HAP). The EPA has determined that integrated iron and steel mills emit several of the 188 HAP listed (including compounds of chromium, lead, manganese, toluene, and polycyclic organic matter) in quantities sufficient to designate them as major sources. As a consequence, integrated iron and steel facilities are among the

HAP-emitting source categories selected for regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/00	
Final Rule	09/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 3346

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**RIN:** 2060-AE48

**3167. NESHAP: REINFORCED PLASTIC COMPOSITES PRODUCTION**

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

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, November 15, 2000.

**Abstract:** Project is to develop a NESHAP for the source category which involves the manufacture of composite products involving thermoset resins and re-enforcements. Some of the specific products in the source category are tubs/showers, auto/truck parts, appliances, furniture, piping, construction materials, sporting goods using such materials, and intermediate compounds such as bulk molding compound and sheet molding compounds. The most common HAP in the resins used is styrene, which is present in polyester and vinylester resins as a monomer. Styrene is listed as a candidate urban area source HAP. So is methylene chloride, which is sometimes used for cleaning, and xylenes, which may appear in some mold release formulas. All HAP, except for methylene chloride, are also VOC's.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	
Final Action	06/00/01	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3326

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**RIN:** 2060-AE79

**3168. NESHAP: MISCELLANEOUS ORGANIC CHEMICAL PRODUCTION AND MISCELLANEOUS COATING PRODUCTION**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412 CAAA sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, November 15, 2000.

**Abstract:** This regulation will cover organic chemical manufacturing processes not covered by the HON or other MACT standards. The regulation will control process vents (continuous and batch, including mixing operations), equipment leaks, storage tanks, wastewater, solvent recovery, and heat exchange systems.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3452

**Sectors Affected:** 325 Chemical Manufacturing

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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**RIN:** 2060-AE82

### 3169. NESHAP: CHLORINE PRODUCTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAAA sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The chlorine production source category includes facilities engaged in the production of chlorine and sodium hydroxide (caustic) by one of the following electrolytic processes: diaphragm cell, membrane cell, and mercury cell. Hazardous air pollutants emitted include chlorine, hydrogen chloride, and mercury. None of the facilities are major sources on their own. However, several are co-located with major sources (e.g., pulp and paper plants, polymer plants, synthetic organic chemical plants, etc.). Emissions of chlorine and hydrogen chloride are very minor and the Agency is evaluating whether regulation of these HAPs is warranted. Relative to mercury, which is among five pollutants listed for regulation under section 112(c)(6) due to their persistent and bioaccumulative effects, the Agency intends to subject to regulation under section 112(d)(2) all mercury cell facilities regardless of major source status.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 3449

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**RIN:** 2060-AE85

### 3170. AMENDMENTS TO GENERAL PROVISIONS SUBPARTS A AND B FOR 40 CFR 63

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAA sec 112; PL 101-549

**CFR Citation:** 40 CFR 63.1; 40 CFR 63.51

**Legal Deadline:** None

**Abstract:** The General Provisions (subpart A) were promulgated on March 16, 1994 (59 FR 12408). The General Provisions create the technical and administrative framework and establish general procedures and criteria for implementing MACT standards. On May 16, 1994, six litigants filed petitions for EPA to review certain provisions of the General Provisions. Subpart B, the procedures for implementing section 112(j), were promulgated on May 26, 1994. In June, 1994 litigants filed petitions for EPA to review the promulgated procedures. As a result of the litigation, it is anticipated that a number of technical and administrative amendments to subpart A and B will be proposed.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 3551

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**RIN:** 2060-AF31

### 3171. NESHAP: BOAT MANUFACTURING

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This action will result in the reduction of hazardous air pollutants emitted by the boat manufacturing industry. This rule will affect the manufacture of fiberglass and aluminum boats. The most abundant pollutant emitted by this industry is styrene, which is listed as a hazardous air pollutant in the 1990 Clean Air Act. The Agency will study the various hazardous air pollutants emitted by the industry and will evaluate pollution prevention and abatement techniques which can reduce emissions from these pollutants.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3747

**Sectors Affected:** 336611 Ship Building and Repairing; 336612 Boat Building

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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**3172. NESHAP: TIRE MANUFACTURING**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7401 et seq  
**CFR Citation:** 40 CFR 63  
**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This is a 10-year MACT covering the HAP emissions from the manufacturing of Rubber tires. The emission sources associated with the rubber compound mixing (banbury); extruding; calendaring; building; curing and finishing are covered in this MACT. Forty one facilities have been initially identified. This includes approximately 35 facilities of at least 10 tpy and 26 facilities of at least 25 tpy. Emissions are primarily associated with rubber processing and the use of HAP bearing solvent and cements. Several facilities have eliminated through substitution much of the HAP bearing solvent and cements. However, evaluation of the MACT and separation of the rubber processing emissions from HAP bearing solvents and cement will reduce the number of affected facilities to about 30. In addition, the tire cord coating operations will also be included. Typically these facilities are separate non-colocated operations. The major pollutant associated with tire cord is formaldehyde. There are approximately 12 affected major facilities

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/00	
Final Action	08/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 3749

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 RIN: 2060-AG29

**3173. NESHAP: LARGE APPLIANCE (SURFACE COATING)**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7401 et seq  
**CFR Citation:** 40 CFR 63  
**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This regulation will apply to surface coating of large appliance products and parts. This regulation will reduce nationwide emissions of HAPs from surface coating of large appliances, a measure required by section 112 of the Clean Air Act.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** State, Tribal

**Additional Information:** SAN No. 3823

**Sectors Affected:** 333298 All Other Industrial Machinery Manufacturing; 335228 Other Major Household Appliance Manufacturing; 336391 Motor Vehicle Air-Conditioning Manufacturing; 333415 Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing; 333319 Other Commercial and Service Industry Machinery Manufacturing; 335222 Household Refrigerator and Home Freezer Manufacturing; 335221 Household Cooking Appliance Manufacturing; 335224 Household Laundry Equipment Manufacturing; 335212 Household Vacuum Cleaner Manufacturing

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 RIN: 2060-AG54

**3174. NESHAP: MISCELLANEOUS METAL PARTS AND PRODUCTS (SURFACE COATING)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.  
**Unfunded Mandates:** Undetermined  
**Legal Authority:** 42 USC 7401 et seq  
**CFR Citation:** 40 CFR 63  
**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This regulation will control emissions of hazardous air pollutants (HAPs) from operations that apply surface coatings to metal parts and products. Although this rule would cover a wide variety of coating operations, it would not apply to specific coating operations for which regulations have been developed (e.g., plastic parts coating, can coating, large appliance coating, etc.). This regulation is required under section 112 of the Clean Air Act of 1990.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	
Final Action	02/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 3825

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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**3175. PAPER AND OTHER WEB COATING NESHAP**

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 40 CFR 63; 40 CFR 59

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This action would result in the reduction of hazardous air pollutants (HAPs) emitted by the paper and other web coating industries. The Agency will study the various HAP and VOC pollutants emitted by the industry and will evaluate pollution prevention and control techniques which can reduce these emissions. There are likely to be small businesses in the paper and other web coating industry, but at this time it is not known how many of these small businesses will be subject to these rules.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	
Final Action	06/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** State

**Additional Information:** SAN No. 3827

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**RIN:** 2060-AG58

**3176. NESHAP: ASPHALT ROOFING AND PROCESSING**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412 CAAA sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The CAA required EPA to publish an initial list of all categories of major and area sources of hazardous air pollutants (HAPs) listed in section 112(b) of the CAA and to establish and meet dates for promulgation of emissions standards for each of the listed categories of HAP emissions sources. The standards are to be technology-based and are to require the maximum degree of reduction determined to be achievable by the Administrator. The EPA has determined that the asphalt roofing and processing industry may be reasonably anticipated to emit one of the pollutants listed in section 112(b) of the CAA. As a consequence, the source category is included on the initial list of HAP-emitting categories scheduled for standards promulgation within ten years of enactment of the CAA Amendments of 1990. The purpose of this action is to pursue a regulatory development program such that emission standards may be proposed and promulgated according to the mandated schedule.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	
Interim Final	02/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3655

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**RIN:** 2060-AG66

**3177. NESHAP: INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL BOILERS**

**Priority:** Economically Significant. Major under 5 USC 801.

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

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The Clean Air Act, as amended in 1990, requires EPA to develop emission standards for sources of hazardous air pollutants (HAPs). Industrial boilers and institutional/commercial boilers are among the potential source categories to be regulated under section 112 of the CAA. Emissions of HAPs will be addressed by this rulemaking for both new and existing sources. EPA promulgated an NSPS for these source categories in 1987 and 1990. The standards for the NESHAP are to be technology-based and are to require the maximum achievable control technology (MACT) as described in section 112 of the CAA.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
Final Action	11/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 3837

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**RIN:** 2060-AG69

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3178. NESHAP: SEMICONDUCTOR PRODUCTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Statutory, November 15, 2000.  
Final, Statutory, November 15, 2000.**Abstract:** This rule will establish a MACT (maximum available control technology) for semiconductor production facilities. There are currently 3 major sources that would be affected by the NESHAP. This action will result in little or no additional emission reduction but will establish a Federal MACT level for large facilities. EPA is evaluating whether there will continue to be major sources in this category before proceeding with rule development.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
Final Action	01/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State, Federal**Additional Information:** SAN No. 3902**Agency Contact:** Susan Wyatt, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711  
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Phone: 919 541-5439  
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Email: wayne.tony@epa.gov**RIN:** 2060-AG93**3179. NESHAP: METAL COIL (SURFACE COATING) INDUSTRY****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Statutory, November 15, 2000.**Abstract:** This action will result in the reduction of hazardous air pollutants emitted by the metal coil surface

coating industry. The Agency will study what pollutants are emitted and evaluate the control techniques, including pollution prevention, that are used to reduce these emissions. The Agency will also determine what, if any, impact the rule would have on small businesses.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	03/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.**Additional Information:** SAN No. 3905**Agency Contact:** Rhea Jones, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711  
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Action	Date	FR Cite
NPRM	02/00/01	
Final Action	02/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local**Additional Information:** SAN No. 3907**Agency Contact:** Dianne Byrne, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711  
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Action	Date	FR Cite
NPRM	03/00/01	
Final Action	03/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** State**Additional Information:** SAN No. 3908**Agency Contact:** Daniel Brown, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711  
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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3182. NESHAP: PRIMARY MAGNESIUM REFINING**

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

**Legal Authority:** 42 USC 7412 CAA sec 112

**CFR Citation:** 40 CFR 60

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** Section 112 of the Clean Air Act (Act), as amended November 1990, requires the EPA to regulate categories of major and area sources of hazardous air pollutants (HAPs) listed in section 112(b). The EPA has determined that sources that manufacture primary magnesium may reasonably be anticipated to emit several of the 189 HAPs listed (including chlorine and hydrochloric acid) in quantities sufficient to designate them as a major source. As a consequence, primary magnesium refining is among the HAP emitting source categories selected for regulation and is in the group of categories for which final rules are scheduled to be promulgated by November 15, 2000 (58 FR 63941, December 3, 1993).

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/01	
Final Action	03/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 3924

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**RIN:** 2060-AH03

**3183. NESHAP: CHROMIUM ELECTROPLATING AMENDMENT**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412 CAA 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** Final standards under section 112(d) for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks (40 CFR 63, subpart N) were promulgated on January 25, 1995. Since promulgation, the Agency has determined that a class of chromium electroplating operations were inadvertently excluded from regulation. Specifically, the final standards do not apply to sources engaged in continuous chromium electroplating of steel sheet used to make cans and other containers. It is the Agency's intent to regulate all facilities engaged in chromium electroplating. Therefore, the Agency plans to amend the chromium electroplating rule to extend its applicability to continuous chromium electroplating operations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 2841

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**RIN:** 2060-AH08

**3184. NESHAP: SITE REMEDIATION**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 7401 et seq; PL 101-549 104 Stat. 2399

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, November 15, 2000.  
Final, Statutory, November 15, 2000.

**Abstract:** This rule will specify maximum achievable control technology for site remediation.

Hazardous air pollutant emissions from spills of organic liquids, the excavation, transportation, and treatment of contaminated soils and groundwater, and other operations will be considered in developing the rule.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/01	
Final Action	03/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 3968

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**RIN:** 2060-AH12

**3185. NESHAP: LEATHER TANNING AND FINISHING OPERATIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, November 15, 2000, The Clean Air Act requires promulgation by 11/15/00.

**Abstract:** Title III of the Clean Air Act requires EPA to develop air emission standards for facilities that emit any of the 189 hazardous air pollutants. This action will develop a MACT standard for sources involved in leather tanning and finishing operations. Facilities involved in these operations release over 1.7 million pounds of hazardous air pollutants per year. Regulation of these facilities will result in a reduction of the emissions of hazardous air pollutants, several of which are highly toxic.

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 3964**Sectors Affected:** 31611 Leather and Hide Tanning and Finishing**Agency Contact:** Bill Schrock, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711

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**RIN:** 2060-AH17**3186. NESHAP: SOLVENT EXTRACTION FOR VEGETABLE OIL PRODUCTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** NPRM, Statutory, November 15, 2000.

**Abstract:** This action develops National Emission Standards for Hazardous Air Pollutants (NESHAP) for vegetable oil production facilities as authorized under section 112(d) of the Clean Air Act (Act). The action is based on the determination that vegetable oil production plants emit organic hazardous air pollutants (HAPs) listed in section 112(b) of the Act. On July 16, 1992, EPA listed vegetable oil production as a source for which NESHAP are to be promulgated. On December 3, 1993, EPA published a schedule for promulgating NESHAP for vegetable oil production plants by November 15, 2000. NESHAP developed under section 112(d) apply to both new and existing facilities. NESHAP for existing facilities are to be based on the average emission limitation achieved by the best

performing 12 percent of existing sources.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	03/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State**Federalism:** Undetermined**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.**Additional Information:** SAN No. 3903**Sectors Affected:** 311222 Soybean Processing; 311223 Other Oilseed Processing; 311225 Fats and Oils Refining and Blending; 311225 Fats and Oils Refining and Blending**Agency Contact:** James Durham, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711

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**RIN:** 2060-AH22**3187. NESHAP: ROCKET ENGINE TEST FIRING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** As required by section 112(c) of the Clean Air Act, the Environmental Protection Agency has developed a list of categories of sources of hazardous air pollutants (HAP's). The HAP's are listed in section 112(b) of the Clean Air Act. The Rocket Engine Test Firing source category and the Engine Test Facilities source category are included on EPA's list of sources of HAP's. The Rocket Engine Test Firing source category includes facilities engaged in

test firing of rocket engines using solid or liquid propellants. The Engine Test Facilities source category includes any facility engaged in the testing of stationary or mobile engines, including turbines and reciprocating engines.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.**Additional Information:** SAN No. 3972**Agency Contact:** Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711

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**RIN:** 2060-AH35**3188. NESHAP: ORGANIC LIQUID DISTRIBUTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Statutory, November 15, 2000.

**Abstract:** This project is to develop national emission standards for hazardous air pollutants by establishing maximum achievable control technology (MACT) for facilities distributing organic liquids. MACT standards are under development to reduce the release of hazardous air pollutants (HAPs) from all industries to protect the public health and environment. The EPA has not determined the scope of this project. However, this project should include but is not limited to those activities associated with the storage and distribution of organic liquids other

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than gasoline at sites that serve as distribution points from which organic liquids may be obtained for further use and processing.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3971

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**RIN:** 2060-AH41

### 3189. NESHAP: FLEXIBLE POLYURETHANE FOAM FABRICATION OPERATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAAA 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The Clean Air Act (CAA) requires development of emission standards for sources emitting any of the hazardous air pollutants (HAP) listed in section 112(b) of the CAA. Flexible Polyurethane Foam Fabrication Operations is listed as a category of major sources based on documented emissions of the following HAP: methylene chloride, trichlorethane, hydrogen cyanide, and hydrogen chloride. This source category covers emissions from various polyurethane foam bonding operations, including foam gluing and flame lamination. This action will explore alternatives for reducing HAP emissions from the following emission sources located at foam fabrication plants: process vents,

raw material storage and transfer operations, and equipment leaks. By mid-1999, these facilities had to be in compliance with the revised, lower OSHA permissible exposure limits for methylene chloride, which is the predominant HAP. Most, if not all facilities have responded by replacing methylene chloride with a non-HAP. Most, if not all of these facilities may no longer be major sources of HAP emissions. If there are still major sources in the source category, a NESHAP for this source category will be developed based on Maximum Achievable Control Technology.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3973

**Sectors Affected:** 326299 All Other Rubber Product Manufacturing; 326199 All Other Plastics Product Manufacturing

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**RIN:** 2060-AH42

### 3190. AMENDMENTS TO PARTS 51, 52, 63, 70 AND 71 REGARDING THE PROVISIONS FOR DETERMINING POTENTIAL TO EMIT

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This action proposes to amend regulations already established to implement the new Federal air toxics program under section 112, including

the General Provisions, the Federal operating permit program under title V, and the major source preconstruction programs under parts C and D of title I.

The proposed rule will address issues related to the determination of a stationary source's potential to emit in response to three court decisions.

This action resulted from splitting of RINs 2060-AC98 and 2060-AC63.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
Final Action	06/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 3479

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**RIN:** 2060-AI01

### 3191. NESHAP: PROCESS HEATERS

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The Clean Air Act, as amended in 1990, requires EPA to develop emission standards for sources of hazardous air pollutants (HAPs). Process heaters is among the potential source categories to be regulated under section 112 of the CAA. Emissions of HAPs will be addressed by this rulemaking for both new and existing sources. The standards for the NESHAP are to be technology-based and are to require the maximum achievable

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control technology (MACT) as described in section 112 of the CAA.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4218

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**RIN:** 2060-AI35

### 3192. NSPS: NEW SOURCE PERFORMANCE STANDARDS AND EMISSION GUIDELINES FOR OTHER SOLID WASTE INCINERATORS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7509 CAA sec 129

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** Section 129 of the Clean Air Act of 1990 requires the Agency to promulgate New Source Performance Standards (NSPS) and Emission Guidelines (EG) for solid waste incinerators. Section 129 specifically required the Administrator to publish a schedule for regulating Other Solid Waste Incinerators (OSWI). A notice in the Federal Register was published on November 2, 1993 that announced that the Administrator would promulgate OSWI standards by November 15, 2000. The notice also listed what classes of incinerators would be covered by the OSWI standards. Because it is believed that these OSWI emit significant amounts of air pollution that cause public health and environmental problems, the Administrator intends to promulgate the NSPS and EG for OSWI in accordance with section 129.

Standards will be set for the following pollutants: particulate matter, opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead cadmium, mercury, and dioxins and dibenzofurans.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/28/94	59 FR 66850
NPRM	11/00/00	
Final Action	11/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State

**Additional Information:** SAN No. 3751

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**RIN:** 2060-AG31

### 3193. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON-FEDERAL CLASS I AREAS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7670 to 7479 CAA sec 160-169

**CFR Citation:** 40 CFR 51.166; 40 CFR 52.21

**Legal Deadline:** None

**Abstract:** Under the Clean Air Act's prevention of significant deterioration (PSD) program, a State or tribe may redesignate their lands as class I areas to provide enhanced protection for their air quality resources. This rule will clarify the PSD permit review procedures for new and modified major stationary sources near these non-Federal class I areas. EPA seeks to develop clarifying PSD permit application procedures that are effective, efficient, and equitable.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/16/97	62 FR 27158
NPRM	10/00/00	
Final Action	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, State, Tribal

**Additional Information:** SAN No. 3919

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**RIN:** 2060-AH01

### 3194. METAL FURNITURE (SURFACE COATINGS) NESHAP

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, November 15, 2000.

**Abstract:** This regulation will apply to surface coating of metal furniture products and parts. This regulation will reduce nationwide emissions of HAPs from surface coating of metal furniture products and parts, which is required under section 112 of the Clean Air Act.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Tribal

**Additional Information:** SAN No. 3824

**Sectors Affected:** 337124 Metal Household Furniture Manufacturing; 33636 Motor Vehicle Fabric Accessories and Seat Manufacturing; 337215 Showcase, Partition, Shelving, and Locker Manufacturing; 337127 Institutional Furniture Manufacturing; 332116 Metal Stamping; 332612 Wire Spring Manufacturing; 337215 Showcase, Partition, Shelving, and Locker Manufacturing

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RIN: 2060-AG55

**3195. PLASTIC PARTS (SURFACE COATING) NESHAP**

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

**Legal Authority:** 42 USC 7401 et seq  
**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This action would address the hazardous air pollutants (HAP) emissions from the coating of plastic parts. Pollution prevention approaches will be considered. Specific sectors of the plastic parts industry to be included in this action have not yet been determined.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	
Final Action	02/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 3826

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RIN: 2060-AG57

**3196. LOCATION OF SELECTIVE ENFORCEMENT AUDITS OF FOREIGN MANUFACTURED VEHICLES AND ENGINES; AMENDMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7525 CAA sec 206(b)

**CFR Citation:** 40 CFR 86G (Revision); 40 CFR 86K (Revision)

**Legal Deadline:** None

**Abstract:** This action would consider an amendment to the existing regulations to include ports of entry as a location for EPA selection of foreign produced vehicles and engines for SEA emissions testing at laboratories in the U.S. While the regulations do not specify EPA authority to conduct such port selections, the increased flexibility provided by port selections warrants amending the regulations. Presently, EPA must travel overseas to conduct SEA audits of foreign manufactured vehicles and engines, even though most manufacturers now have access to laboratory facilities in the U.S. The benefits include a reduction in Agency cost since fewer overseas trips would be necessary. Also, EPA would be able to conduct more audits of foreign manufactured vehicles and engines.

Separate from the provisions proposed in this NPRM for amendments to allow port selection for SEAs, EPA is also proposing to make two other amendments to 40 CFR part 86. The first would amend current Selective Enforcement Auditing regulations to change the minimum annual limit of Selective Enforcement Audits per manufacturer to two (2) per year. Currently, the minimum annual limit is one audit per manufacturer. Under the proposed amendments EPA would be able to perform a second audit on those manufacturers that might otherwise be limited to one audit.

The second additional proposed amendment to part 86 would delete from subparts A and E references to the Agency representation in certain types of administrative hearings. The two provisions state that the Office of General Counsel will represent the Agency in administrative procedures governing hearings on certification for light-duty vehicles, light-duty trucks, heavy-duty engines and motorcycles.

The Agency is proposing to delete these two provisions in order to be consistent with other hearing procedures in part 86.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3139

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RIN: 2060-AD90

**3197. REVIEW OF FEDERAL TEST PROCEDURES FOR EMISSIONS FROM MOTOR VEHICLES; TEST PROCEDURE ADJUSTMENTS TO FUEL ECONOMY AND EMISSION TEST RESULTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 101-549

**CFR Citation:** 40 CFR 600; 40 CFR 86

**Legal Deadline:** None

**Abstract:** This action considers potential adjustments to fuel economy and emission test results to compensate for test procedure changes previously adopted; it applies to light-duty vehicles and light-duty trucks. This aspect of the previous rulemaking (SAN 3323, RIN 2060-AE27) was deferred.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3979

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RIN: 2060-AH38

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**3198. PROTECTION OF STRATOSPHERIC OZONE: RECONSIDERATION OF SECTION 608 SALES RESTRICTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7671(g) CAA sec 608**CFR Citation:** 40 CFR 82(F)**Legal Deadline:** None

**Abstract:** The rule will include the reconsideration of the sales restriction as it relates to split systems. The Agency was petitioned to reconsider the part of the sales restriction that included the sale of pre-charged split systems. It restricted such sales to certified technicians. Since then, EPA stayed that portion of the sales restriction in response to the petition. This rule will include the determination of the Agency related to the reconsideration. It addresses environmental problems of ozone depletion resulting from emissions of chlorofluorocarbons, hydrochlorofluorocarbons, and other ozone-depleting substances. Through restricting sales of certain pre-charged items to persons certified as technicians, emissions to the atmosphere are decreased. The impact on small businesses and governments would be negligible, since persons can become certified if the EPA determination is a full restriction. Most businesses and governments will have at least one certified technician on board. This action has no impact on small business and State, local, and tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Action	01/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3673**Agency Contact:** Vera Au, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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**RIN:** 2060-AG20**3199. PROTECTION OF STRATOSPHERIC OZONE: ADDITIONAL STEPS TO CONFORM US METHYL BROMIDE PROGRAM TO OBLIGATIONS UNDER THE MONTREAL PROTOCOL AND RECENT CHANGES TO THE CAA****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 40 CFR 82**Legal Deadline:** None

**Abstract:** This rulemaking will propose remaining phaseout steps for methyl bromide, adjust phaseout data, and establish additional exemptions.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4271**Agency Contact:** Tom Land, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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**RIN:** 2060-AI41**3200. • AMENDMENTS TO VEHICLE INSPECTION MAINTENANCE PROGRAM REQUIREMENTS IMPLEMENTING THE ONBOARD DIAGNOSTIC CHECK; PROPOSED AMENDMENT TO THE FINAL RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 51; 40 CFR 85

**Legal Deadline:** Other, Statutory, April 30, 2000, States must begin OBD check by 1/1/01 and need time to address changes.

**Abstract:** This action proposes substantive and minor revisions to the Motor Vehicle Inspection/Maintenance (I/M) requirements to provide additional flexibility to state I/M programs by allowing such programs to replace traditional I/M tests on model year 1996 and newer vehicles with a check of the onboard diagnostic (OBD) system. Additionally, the proposed amendments would: Revise and simplify the failure criteria for the OBD

check; address State Implementation Plan (SIP) credit modeling for the OBD check; and allow for limited exemptions from some OBD check failure and/or rejection criteria for certain model years.

**Timetable:**

Action	Date	FR Cite
NPRM Amendments to Vehicle I/M Program Requirements for OBD Checks	05/00/00	
Final Rule Amendments to Vehicle I/M Program Requirements for OBD Checks	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** SAN No. 4385**Agency Contact:** Ed Gardetto, Environmental Protection Agency, Air and Radiation

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**RIN:** 2060-AJ03**3201. NESHAP: GENERIC MACT FOR CARBON BLACK, ETHYLENE, CYANIDE AND SPANDEX****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAA 112**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Statutory, November 15, 2000.

**Abstract:** Several of the source categories that are subject to MACT (maximum achievable control technology) standards contain only a few sources (e.g., fewer than five). For such categories, EPA plans to develop a generic MACT standard for these source categories. Given the relatively few affected sources caught by the generic standard, the overall cost and environmental effects of this action are expected to be small, nationally.

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**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 4105**Sectors Affected:** 325182 Carbon Black Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing**Agency Contact:** John Schaefer, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711  
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Phone: 919 541-5396  
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Email: lasster.penny@epa.gov**RIN:** 2060-AH68**3202. NESHAP: CHROMIUM ELECTROPLATING AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63 (Revision)**Legal Deadline:** None

**Abstract:** Since the promulgation of the chromium electroplating NESHAP we have been informed of several sources that are experiencing difficulty in complying with the concentration limit for new sources even though they have installed and operate composite mesh pad scrubber technology similar or identical to that used as the basis for the MACT emission limit. These sources operate new state-of-the-art plating tanks not encountered during rule development which feature enclosing hoods that completely cover the surface of the plating tank. This covered tank design allows for effective capture and ventilation at substantially lower exhaust air flow rates than otherwise encountered with more conventional exterior hooding. Although these sources exceed the new source standard concentration limit of 0.015 mg/dscm, actual mass rate

emissions are more than 50 percent lower than would otherwise be achieved with more conventional hooding and higher ventilation rates. The chromium electroplating standard will be amended to include this alternative type of control system.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State**Additional Information:** SAN No. 4115**Sectors Affected:** 332813 Electroplating, Plating, Polishing, Anodizing and Coloring**Agency Contact:** Al Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711  
Phone: 919 541-5602  
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Phone: 919 541-5289  
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Email: mulrine.phil@epa.gov**RIN:** 2060-AH69**3203. CONTROL OF EMISSIONS FROM NONROAD SPARK-IGNITION ENGINES RATED OVER 19 KW AND NEW LAND-BASED RECREATIONAL SPARK-IGNITION ENGINES****Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 7401 to 7671(q)**CFR Citation:** 40 CFR 94**Legal Deadline:** NPRM, Judicial, September 30, 2000. Final, Judicial, December 31, 2001.

**Abstract:** Emissions from large spark-ignition engines are currently unregulated. EPA and California Air Resources Board (CARB) are cooperating in an effort to set emission standards for these engines to substantially reduce their contribution to the emission inventory.

**Timetable:**

Action	Date	FR Cite
Proposed Finding	02/08/99	64 FR 6008
NPRM	09/00/00	
Final Action	09/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4154**Sectors Affected:** 333924 Industrial Truck, Tractor, Trailer and Stacker Machinery Manufacturing; 335312 Motor and Generator Manufacturing; 42183 Industrial Machinery and Equipment Wholesalers**Agency Contact:** Don Kopinski, Environmental Protection Agency, Air and Radiation, Ann Arbor, MI 48105  
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Phone: 734 214-4805  
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Email: stout.alan@epamail.epa.gov**RIN:** 2060-AI11**3204. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW COMPRESSION-IGNITION AND SPARK-IGNITION RECREATIONAL MARINE ENGINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7547(a)**CFR Citation:** 40 CFR 94**Legal Deadline:** Final, Judicial, October 31, 2000. NPRM, Judicial, November 23, 1999.

**Abstract:** This proposed rulemaking will establish numerical emission limits for compression-ignition and spark-ignition engines used on marine recreational vessels. This action will complete EPA's emission control program for marine engines (commercial engines and spark-ignition outboard and personal watercraft engines are covered in separate rules).

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
Final Action	11/00/01	

**Regulatory Flexibility Analysis Required:** Yes

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**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4251

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**RIN:** 2060-AI36

**3205. PROTECTION OF STRATOSPHERIC OZONE: MANUFACTURE OF HALON BLENDS, INTENTIONAL RELEASE OF HALON, TECHNICAL TRAINING AND DISPOSAL OF HALON AND HALON-CONTAINING EQUIPMENT - AMENDMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671(q)

**CFR Citation:** 40 CFR 82.250 to 82.270

**Legal Deadline:** None

**Abstract:** EPA promulgated a final rule (63 FR 11084, March 5, 1998) concerning numerous aspects of the handling and processing of halons, a group of gaseous or easily vaporized hydrocarbons that are used in a wide range of fire and explosion protection applications. Halons are Class I ozone-depleting substances regulated under Title VI of the Clean Air Act (Act). Following publication of this rule, members of the regulated community and other stakeholders requested clarifications to two technical provisions of this rule, and other, editorial, clarifications. The two technical clarifications relate to (1) EPA's requirements regarding the efficiency of equipment used during halon recovery and recycling activities, and (2) EPA's requirements regarding technician training. SPD therefore will consider adding substantive or editorial clarifications, and/or additional preamble discussion, to address these issues. These changes are expected to be fully consistent with the original scope and intent of the March 5, 1998 regulation. By providing greater clarity and specificity to the requirements as

requested by members of the regulated community and other stakeholders, EPA will better ensure achievement of the environmental objectives of this action.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Action	01/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4252

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**RIN:** 2060-AI40

**3206. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING QUARANTINE AND PRESHIPMENT METHYL BROMIDE USED IN THE UNITED STATES AND BASELINE ADJUSTMENTS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7671 to 7671(q); 42 USC 7414

**CFR Citation:** 40 CFR 82.1 to 82.13

**Legal Deadline:** None

**Abstract:** The Montreal Protocol exempts quarantine and preshipment from the methyl bromide production and import baseline; therefore, a regulation must be promulgated to allow for the exemption in EPA's current allowance system.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4253

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**RIN:** 2060-AI42

**3207. REVIEW NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE**

**Priority:** Other Significant

**Legal Authority:** Clean Air Act Title I

**CFR Citation:** 40 CFR 50

**Legal Deadline:** Final, Statutory, May 31, 2001, Clean Air Act requires reviews every five years.

**Abstract:** Review of the national ambient air quality standards (NAAQS) for carbon monoxide (CO) every 5 years is mandated by the Clean Air Act. This review assesses the available scientific data about the health and environmental effects of CO and translates the science into terms that can be used in making recommendations about whether or how the standards should be changed. The last review of the CO NAAQS was completed in 1994 with a final decision that revisions were not appropriate at that time.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/00	
Final Action	05/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4266

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**RIN:** 2060-AI43

**3208. REVISION OF SCHEDULE FOR STANDARDS UNDER SECTION 112 OF THE CLEAN AIR ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 Clean Air Act sec 112

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** Section 112 of the Clean Air Act requires the EPA to publish a list of major and area source categories which emit one or more of the hazardous air pollutants listed in section 112. An initial list of source categories was finalized in July 1992, and contained 174 categories. Section 112 further requires the Agency to prioritize the listed categories such that standards are promulgated for 40 source categories within 2 years of enactment, 25% of all initially listed categories within 4 years, 50% within 7 years, and 100% within 10 years. The schedule for the promulgation of emissions standards was published in December 1993. This action revises the list of source categories and the corresponding schedule for emission standards. This is in accordance with the statute, which requires the Agency to periodically amend the list in response to public comment or new information, and no less often than every eight years. The list and the schedule were last updated on November 18, 1999.

**Timetable:**

Action	Date	FR Cite
Notice	11/18/99	64 FR 63025
Notice	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4284

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**RIN:** 2060-AI52

**3209. CONTROL OF EMISSIONS OF HAZARDOUS POLLUTANTS FROM MOTOR VEHICLES AND MOTOR VEHICLE FUELS**

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** PL 101-549 sec 202(l)(2)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** NPRM, Judicial, July 14, 2000, Civil Action No. 95-1747 Sierra Club v. Carol M. Browner. Final, Judicial, July 28, 2000, Civil Action No. 95-1745 Sierra Club v. Carol M. Browner.

**Abstract:** This action will: (1) describe the hazardous air pollutants emitted from motor vehicles and motor vehicle fuels; (2) discuss the Agency's existing and planned emission control programs to reduce emissions of these pollutants; and (3) explore the need for additional controls. Any additional control programs will be undertaken and tiered separately from this action.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4285

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**RIN:** 2060-AI55

**3210. TRANSPORTATION CONFORMITY AMENDMENTS: RESPONSE TO MARCH 2, 1999, COURT DECISION**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7401-7671q

**CFR Citation:** 40 CFR 93

**Legal Deadline:** None

**Abstract:** The Clean Air Act requires EPA to promulgate rules that establish the criteria and procedures for determining whether highway and transit plans, programs, and projects conform to state air quality plans.

“Conformity” means that the transportation actions will not cause or worsen violations of air quality standards or delay timely attainment of the standards. The original conformity rule was finalized on November 24, 1993, and most recently amended on August 15, 1997. On March 2, 1999, the U.S. Court of Appeals overturned certain provisions of the 1997 conformity amendments. This rulemaking will amend the conformity rule in compliance with the court decision. The rulemaking will formalize the May 14, 1999 EPA guidance and the June 18, 1999 DOT guidance that was issued to guide action on this issue until a rulemaking could be issued. Specifically, the rulemaking will clarify the types of projects that can be implemented in the absence of a conforming transportation plan. It will also explain EPA's process for reviewing newly submitted air quality plans and when those submissions can be used for conformity purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Rule	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4340

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**RIN:** 2060-AI56

**3211. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS; PROPOSED AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 59

**Legal Deadline:** None

**Abstract:** Amendments to the consumer products rule are being proposed to clarify and correct the rule.

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4309

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**RIN:** 2060-AI62

**3212. NESHAP FOR ETHYLENE OXIDE COMMERCIAL STERILIZATION OPERATIONS-MONITORING AMENDMENTS****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 7412 CAA sec 112**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The proposed amendments will correct technical problems associated with both the compliance testing and monitoring requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4316

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**RIN:** 2060-AI64**3213. NESHAP FOR THE PRINTING AND PUBLISHING INDUSTRY; AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAAA 112**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 1994.

**Abstract:** The amendments will clarify the rule and ensure it reflects the EPA's intent.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 4310

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**RIN:** 2060-AI66**3214. NESHAP: BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** The brick and structural clay products manufacturing source category primarily includes facilities that manufacture structural brick from clay, shale, or a combination of the two. Other structural clay products that are included in the source category include clay pipe, adobe brick, chimney pipe, flue liners, drain tiles, roofing tiles, and sewer tiles. The manufacture of brick and structural clay products involves mining, grinding, screening and blending of the raw materials followed by forming, cutting or shaping, drying, firing, cooling, storage, and shipping of the final product.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	
Final Action	02/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4325

Split from RIN 2060-AH79.

**Sectors Affected:** 327121 Brick and Structural Clay Tile Manufacturing; 327122 Ceramic Wall and Floor Tile Manufacturing; 327124 Clay Refractory Manufacturing; 327123 Other Structural Clay Product Manufacturing

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**RIN:** 2060-AI67**3215. HEAVY-DUTY ENGINE EMISSION STANDARDS AND DIESEL FUEL SULFUR CONTROL REQUIREMENTS****Priority:** Economically Significant. Major under 5 USC 801.

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rulemaking would set new quality requirements for fuel used in diesel engines and tighten heavy duty NOx and PM engine standards. Improving the quality of diesel fuel will enable advanced technologies for diesel emission control. A key approach taken in developing the "Tier II" standards (Tier II Light-Duty Vehicle and Light-Duty Truck Emission Standards and Gasoline Sulfur Standards — see RIN 2060-AI23) was "fuel-neutrality" — applying standards equally to diesel- and gasoline- powered vehicles. Reducing sulfur levels in on highway diesel fuel will help facilitate development of diesel-powered vehicles that meet these standards. Low sulfur diesel fuel is needed so that advanced technology for diesel engines will be available to meet new more stringent standards. There are also additional air quality benefits such as particulate matter and sulfate reductions associated with reducing sulfur levels in diesel fuel.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/16/99	64 FR 32209
NPRM	04/00/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4355

This rule incorporates the work done on Control of Diesel Fuel Quality, RIN 2060-AI32, SAN 4268 which is listed as Withdrawn in the Completed section of this Agenda.

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**RIN:** 2060-AI69

**3216. PETITIONS TO DELIST HAZARDOUS AIR POLLUTANTS (E.G., MEK, EGBE, METHANOL, AND MIBK) FROM SECTION 112(B)(1) OF THE CLEAN AIR ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act Section 112(b)(3)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Agency has received 4 petitions to remove certain pollutants (i.e., methanol, methyl ethyl ketone, ethylene glycol butyl ether, and methyl isobutyl ketone) from the list of hazardous air pollutants (HAPs) under Section 112(b) of the Clean Air Act. The Agency must review the petitions and either grant or deny the petition within 18 months of the date the complete petition was received. If the Agency grants a petition, a notice of proposed rulemaking will be published in the Federal Register, allowing the opportunity for public comment. If the Agency denies a petition, a notice of denial will be published in the Federal Register providing an explanation for such denial. If the Agency grants a petition and ultimately removes the pollutant from the HAP list then sources emitting such pollutants would not be required to meet MACT emissions standards for the pollutant. If on the other hand, the Agency denies the petition, then MACT standards would be issued as currently planned under Section 112(c) and 112(d) of the Clean Air Act for sources emitting such pollutants. Depending on the 4 individual determinations, the Agency will issue separate notices for each.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	07/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4313

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**RIN:** 2060-AI72

**3217. NESHAP: ENGINE TEST FACILITIES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** As required by section 112(c) of the Clean Air Act, the Environmental Protection Agency has developed a list of categories of sources of hazardous air pollutants (HAP's). The HAP's are listed in section 112(b) of the Clean Air Act. The Engine Test Facilities source category are included on EPA's list of sources of HAP's. The Engine Test Facilities source category includes any facility engaged in the testing of stationary or mobile engines, including turbines and reciprocating engines. Aircraft engine testing consists of facilities which perform testing on uninstalled aircraft engines. Non-aerospace engine test facilities consists of facilities which perform testing on uninstalled engines such as automotive engines, stationary turbines, IC engines, and diesel engines.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 4144  
Split from RIN 2060-AH35

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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**3218. NESHAP: LIGHTWEIGHT AGGREGATE MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** EPA is required under Section 112 of the Clean Air Act to develop maximum achievable control technology (MACT) standards for various industrial source categories. The lightweight aggregate manufacturing industry is currently part of the clay products MACT source category. However, EPA is developing a separate MACT standard for lightweight aggregate in anticipation that the current clay products source category will be broken down into 4 separate source categories, including lightweight aggregate. The lightweight aggregate source category will be proposed at the time the MACT standard is proposed. Lightweight aggregate kilns that burn hazardous waste are subject to the hazardous waste combustor MACT standard.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/01	
Final Action	01/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Local, Federal, State, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4346

Split from RIN 2060-AH79

**Sectors Affected:** 327121 Brick and Structural Clay Tile Manufacturing; 327122 Ceramic Wall and Floor Tile Manufacturing; 327123 Other Structural Clay Product Manufacturing; 327124 Clay Refractory Manufacturing

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**RIN:** 2060-AI75**3219. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES - PHARMACEUTICALS PRODUCTION; PROPOSED AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR part 63**Legal Deadline:** None

**Abstract:** The final rule was promulgated on September 21, 1998. On November 20, 1998, a petition to review the final rule was filed by the Pharmaceutical Research and Manufacturers Association with the Court of Appeals for the District of Columbia Circuit. This action proposes amendments to the rule per the settlement agreement. The amendments include several clarifications, changes to key definitions, changes to the alternative standard requirements, and changes in the administrative requirements. There are no anticipated incremental impacts due to these amendments, in fact, the impacts of the rule have been reduced due to the streamlining of the monitoring, reporting and recordkeeping requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	10/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4354

**Sectors Affected:** 325411 Medicinal and Botanical Manufacturing; 325412 Pharmaceutical Preparation Manufacturing

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**RIN:** 2060-AI78**3220. PROPOSED RULE TO AMEND SUBPART H, 40 CFR PART 61 FOR EMISSIONS OF RADIONUCLIDES OTHER THAN RADON FROM DOE FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAAA 112(g) or (q); PL 95-95**CFR Citation:** 40 CFR 61.93(a); 40 CFR 61.93(b)(2)(ii)**Legal Deadline:** None

**Abstract:** Subparts H and I of 40 CFR Part 61 establish limits, under the Clean Air Act, for radionuclide emissions (other than radon) from Department of Energy (DOE) and other non-DOE federal facilities. These Subparts require emission sampling, monitoring, and calculations to identify compliance with the standard. The current air sampling methodology required by the standards is embodied in ANSI-N13.1-1969, a consensus guidance document that is incorporated by reference in EPA's standards. That guidance has recently been updated (in 1999), and contains new technical recommendations (that differ from the 1969 version) for obtaining representative air samples. EPA is updating Subparts H and I to incorporate the new sampling guidance, ANSI-N13.1-1999, and require its use for new facilities and for those undergoing significant changes to ventilation systems. Existing facilities will be allowed to continue sampling in accordance with the current requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Action	05/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4273

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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### 3221. NATIONAL AMBIENT AIR QUALITY STANDARD FOR OZONE - CORRECTIONS NOTICE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7409; 42 USC 7601(a)

**CFR Citation:** 40 CFR 50.9 (a)

**Legal Deadline:** None

**Abstract:** This action corrects the Code of Federal Regulations to include an alternative pollutant-monitoring method that was inadvertently left out when the National Ambient Air Quality Standards for Ozone were revised in 1979. This amendment will assure that States have the flexibility in choice of monitoring methods that was originally intended.

**Timetable:**

Action	Date	FR Cite
Notice	04/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4304

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RIN: 2060–AI95

### 3222. DEVELOPMENT OF REFERENCE METHOD FOR THE DETERMINATION OF SOURCE EMISSIONS OF FILTERABLE FINE PARTICULATE MATTER AS PM2.5

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 51 App M

**Legal Deadline:** None

**Abstract:** Under this action, EPA is initiating the publication of a reference test method that can be used to quantify that portion of particulate matter emissions that are solid at stack conditions and are equal to or less than 2.5 µm in aerodynamic diameter. This test method is to be used in conjunction with existing and future reference methods which are designed to quantify condensable particulate and particulate precursors. Condensable particulate is that portion of particulate matter emissions that are gaseous at stack conditions but which quickly condense to a solid form when released to the atmosphere. Particulate precursors are gaseous compounds which become solids as a result of chemical reactions in the atmosphere. This test method supports the amended National Ambient Air Quality Standard (NAAQS) for particulate matter which was promulgated on July 18, 1997. The NAAQS was revised by adding new standards for particulate of 2.5 µm aerodynamic diameter. An important foundation element of State efforts to attain the NAAQS will be the development of reliable inventories of baseline particulate and particulate precursor emissions. The emission inventories developed should be based upon credible source tests of individual facilities or emission factors developed from credible source tests. At the present time there is no reference test method available for quantifying the filterable particulate matter of 2.5 µm aerodynamic diameter from emission sources.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Action	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4306

**Sectors Affected:** 21231 Stone Mining and Quarrying; 221112 Fossil Fuel Electric Power Generation; 3212 Veneer, Plywood and Engineered Wood Product Manufacturing; 32411 Petroleum Refineries; 3251 Basic Chemical Manufacturing; 327 Nonmetallic Mineral Product

Manufacturing; 3311 Iron and Steel Mills and Ferroalloy Manufacturing; 3313 Alumina and Aluminum Production and Processing; 3314 Nonferrous Metal (except Aluminum) Production and Processing; 3315 Foundries

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RIN: 2060–AI96

### 3223. INSPECTION MAINTENANCE PROGRAM REQUIREMENTS FOR FEDERAL FACILITIES; AMENDMENT TO THE FINAL RULE

**Priority:** Other Significant

**Legal Authority:** 42 USC 7401 et seq; 23 USC 101

**CFR Citation:** 40 CFR 51 (revision); 40 CFR 93 (new)

**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency (EPA) has had oversight and policy development authority for Inspection and Maintenance (I/M) programs since the passage of the Clean Air Act (CAA) in 1970. The 1977 amendments to the CAA mandated I/M for certain areas with long-term air quality problems and the 1990 amendments set forth standards for implementation of I/M programs. EPA used the statutory requirements of the Act, including I/M requirements for Federal facilities, to promulgate regulations which states would use in the development of their I/M State Implementation Plans (SIPs). Those rule requirements effectively gave states certain authorities over the Federal government. The Department of Justice has now ruled that Federal sovereign immunity was not fully waived under the CAA for those requirements and EPA should amend its rule to remove the requirement that states include those elements in their SIPs. EPA is proposing to: 1) Amend the Federal facilities I/M requirements

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by removing that section. 2) Correct existing I/M SIP approval actions which include these elements. 3) Establish new Federal facilities I/M program requirements which Federal Facilities in I/M program areas must meet in order to comply with the Act. 4) Designate for each state which section of the Act Federal agencies must comply with based on how that state promulgated its I/M regulations. These changes will have minimal to no impact on the states as no new requirements are being created. The states are under no obligation, legal or otherwise, to modify existing SIPs meeting the previously applicable requirements as a result of this action, nor will emissions reduction credit be affected. However, the changes will clarify for affected Federal facilities what they must do to meet the CAA requirements by establishing new regulations per those requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4348

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**RIN:** 2060-AI97**3224. REGULATION OF FUELS AND FUEL ADDITIVES: REFORMULATED GASOLINE ADJUSTMENT****Priority:** Other Significant**Legal Authority:** Not Yet Determined**CFR Citation:** 40 CFR 80.45**Legal Deadline:** None

**Abstract:** The proposed regulation would allow CO reductions (associated with oxygen in the gasoline above 2.0 wt %) to be used to offset increases in VOC emissions. The change would allow gasoline that has ethanol as an

oxygenate to have a slightly higher Reid Vapor Pressure (RVP), which would alleviate some cost burdens for complying with Phase II of the RFG program. The change would therefore address the concern of the ethanol industry that such gasoline would otherwise be locked out of the market.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4358

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**RIN:** 2060-AI98**3225. • NESHAP: TACONITE IRON ORE PROCESSING INDUSTRY****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 7412 CAA 112**CFR Citation:** Not Yet Determined**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The taconite iron ore processing source category is comprised of nine facilities operating in the United States. Seven facilities are located in Minnesota and two are located in Michigan. The expected sources of HAP emissions for this source category include: fossil fuel combustion sources, and possibly the handling and transfer of mined ore containing naturally occurring inorganic compounds. Anticipated HAP emissions released from these sources primarily include: formaldehyde, manganese, nickel, arsenic, and chromium. The quantities of HAP released are expected to exceed major source levels.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/01	
Final Rule	03/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4380

There are nine taconite processing facilities in the U.S.; seven are located in Minnesota and two are located in Michigan. The MACT standard for this industry group will be shared between EPA and the State of Minnesota. State regulations currently in place include both air emissions limitations and prohibition of effluent discharge to Great Lakes waters, and both air and water monitoring requirements. Other existing Federal regulations may be affected under RCRA and TSCA.

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**RIN:** 2060-AJ02**3226. • NESHAP: OIL & NATURAL GAS PRODUCTION & NATURAL GAS TRANSMISSION & STORAGE; AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63 (Revision)**Legal Deadline:** None

**Abstract:** The rule amendments are needed to clarify agency intent. Some areas requiring revision are: applicability determination procedures, definitions, and recordkeeping and reporting requirements. No impacts are anticipated as a result of the amendments on small businesses and state/local/tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/00	
Final Action	04/00/01	

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**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4402**Sectors Affected:** 211111 Crude Petroleum and Natural Gas Extraction; 211112 Natural Gas Liquid Extraction; 48621 Pipeline Transportation of Natural Gas; 22121 Natural Gas Distribution**Agency Contact:** Greg Nizich, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711  
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**RIN:** 2060-AJ08**3227. • REMOVAL OF ALUMINUM DIE CASTING AND ALUMINUM FOUNDRIES FROM THE SECONDARY ALUMINUM NESHAP AND APPLICABILITY STAY FOR THESE INDUSTRIES****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** Under the final Secondary Aluminum Production NESHAP, the EPA has based its MACT standard for aluminum die casting and aluminum foundries, as well as its assessment of the economic impacts on small businesses in these industries, on information on representative facility practices provided to EPA by these industries to date. However, affected facilities in these industries have

expressed concern that the information and assumptions upon which EPA has relied may be incomplete or may not adequately represent the processes and emissions at such facilities.

Accordingly, in this action, EPA will issue a proposed rule to remove the aluminum die casting and aluminum foundry industries from the present secondary aluminum standard and to stay the applicability of the present standard to these industries while EPA reevaluates the MACT requirements applicable to such facilities. The EPA will also initiate a formal process to collect further information from the facilities in these industries on the activities in which they engage and the potential of these activities to contribute to HAP emissions. After evaluating this information, EPA will make a new determination concerning MACT requirements for both major facilities and area sources in these industries.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4417**Sectors Affected:** 331521 Aluminum Die-Castings; 331524 Aluminum Foundries**Agency Contact:** Juan E. Santiago, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711  
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Phone: 919 541-5596  
Email: crowder.jim@epa.gov**RIN:** 2060-AJ11**3228. • NEW SOURCE REVIEW SECTOR-BASED APPROACH****Priority:** Other Significant**Legal Authority:** 42 USC 7401 to 7671q**CFR Citation:** 40 CFR 51; 40 CFR 52.21**Legal Deadline:** None**Abstract:** The New Source Review (NSR) Program is the principal means by which EPA assures that new pollution sources install reasonably effective air pollution controls before they are allowed to begin operation. EPA is currently involved in a comprehensive rulemaking ("NSR Reform", SAN 3259), intended to streamline the NSR program and reduce its administrative burden. This new rulemaking is an outgrowth of that reform effort, and will provide industries with the flexibility to focus more on existing pollution sources, with the goal of achieving as good or better environmental results than could be achieved focusing strictly on new sources.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Rule	03/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4390**Agency Contact:** Kathy Kaufman, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711  
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**ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**Clean Air Act (CAA)**

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**3229. NEW SOURCE REVIEW (NSR) REFORM**
**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** CAA as amended, title I

**CFR Citation:** 40 CFR 51.160 to 51.166; 40 CFR 52.21; 40 CFR 52.24

**Legal Deadline:** None

**Abstract:** This action is to revise the CAA new source review (NSR) regulations, which govern the preconstruction air quality review and permitting programs that are implemented by States and the Federal Government for new and modified major stationary sources of air pollution. This rulemaking will deregulate, that is, exclude from major NSR program requirements those activities of sources that, with respect to air pollution, have little environmental impact. The rulemaking will encourage pollution control and pollution prevention projects at existing sources. Control technology requirements will be clarified with respect to when and how they apply to sources that are covered. The action seeks to more clearly define the appropriate roles and requirements of sources, permitting authorities and Federal land managers and EPA in the protection of air-quality-related values in Federal Class I areas (i.e., certain national parks and wilderness areas) under the NSR regulations. State, local, and tribal permitting agencies will be given more flexibility to implement program requirements in a manner that meets their specific air quality management needs. Consequently, the rulemaking decreases the number of activities that are subject to NSR requirements and also expedites the permitting process for those sources that are subject to NSR. This action is designed to reduce the regulatory burden over all industries without respect to commercial size or capacity; therefore, it should have no detrimental impact on small businesses. Finally, this action also addresses several pending petitions for judicial review and administrative action pertaining to NSR applicability requirements and control technology review

requirements. Regulations that will be affected are State implementation plan requirements for review of new sources and modifications to existing sources (40 CFR 51.160-166), the Federal prevention of significant deterioration program (40 CFR 52.21), and Federal restriction on new source construction (40 CFR 52.24).

**Timetable:**

Action	Date	FR Cite
NPRM	07/23/96	61 FR 38249
Final Action	07/00/00	

**Regulatory Flexibility Analysis**
**Required:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3259

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**RIN:** 2060-AE11

**3230. NSPS: SYNTHETIC ORGANIC CHEMICALS MANUFACTURING INDUSTRY - WASTEWATER (FINAL) & AMEND. TO APPENDIX C OF PART 63 & APPENDIX J OF PART 60**
**Priority:** Other Significant

**Legal Authority:** CAAA

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** This rule will develop a new source performance standard to control air emissions of volatile organic compounds from wastewater treatment operations of the synthetic chemical manufacturing industry.

**Timetable:**

Action	Date	FR Cite
NPRM	09/12/94	59 FR 46780
Supp NPRM-1st	10/11/95	60 FR 52889
Supp NPRM-2nd	12/09/98	63 FR 67988
Appendix J to Part 60		
Final Action	09/00/00	

**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3380

**Sectors Affected:** 3251 Basic Chemical Manufacturing

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**RIN:** 2060-AE94

**3231. NESHAP: PETROLEUM REFINERIES—FCC UNITS, REFORMERS AND SULFUR PLANTS**
**Priority:** Other Significant

**Legal Authority:** 42 USC 7401 et seq; PL 101-549 104 Stat. 2399

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** Title III of the Clean Air Act Amendments of 1990 requires EPA to develop national emission standards for hazardous air pollutants (NESHAPs). EPA promulgated NESHAP rules for petroleum refineries on August 18, 1995 (RIN 2060-AD94). This action covers three process vents not covered under RIN 2060-AD94. These are the catalyst regeneration vents from fluid catalytic cracking units (FCCU) and catalytic reformers and the tail gas vents from sulfur recovery plants.

**Timetable:**

Action	Date	FR Cite
NPRM	09/11/98	63 FR 48889
Final Action	09/00/00	

**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3549

**Sectors Affected:** 32411 Petroleum Refineries

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RIN: 2060-AF28

### 3232. SOURCE SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; FOUR CORNERS POWER PLANT

**Priority:** Other Significant

**Legal Authority:** 42 USC 1740

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** EPA proposes to federalize standards from the Arizona and New Mexico State Implementation Plans (SIPS) applicable to the Four Corners Plant, respectively. Where necessary, EPA's proposed emission standards modify the standards extracted from the States' regulatory programs to ensure comprehensive emission control and Federal consistency.

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48731
Final Action	09/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3569

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RIN: 2060-AF42

### 3233. METHODS FOR MEASUREMENT OF VISIBLE EMISSIONS—ADDITION OF METHODS 203A, 203B, AND 203C TO APPENDIX M OF PART 51

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401(b)(1); 42 USC 7410; 42 USC 7470 to 7479; 42 USC 7501 to 7508; 42 USC 7601(a)

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

**Abstract:** This rulemaking adds Test Methods 203A, 203B, and 203C to 40 CFR part 51, appendix M (entitled Example Test Methods for State Implementation Plans). These methods describe procedures for estimating the opacity of visible emissions. States have requested that EPA promulgate these methods so that they can use them in State Implementation Plans in enforcing visible emissions regulations from Stationary Sources.

**Timetable:**

Action	Date	FR Cite
NPRM	11/22/93	58 FR 61639
Final Action	01/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 2915

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RIN: 2060-AF83

### 3234. FEDERAL IMPLEMENTATION PLAN (FIP) TO CONTROL EMISSIONS FROM SOURCES LOCATED ON THE FORT HALL INDIAN RESERVATION

**Priority:** Other Significant

**Legal Authority:** CAA, title I

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** EPA will propose Federal rulemaking for sources located on the Reservation to implement the intent of the Clean Air Act (CAA) title I program to bring about attainment of the PM-10 NAAQS both on and off the Fort Hall Indian Reservation.

**Timetable:**

Action	Date	FR Cite
NPRM	02/12/99	64 FR 7307
NPRM	01/24/00	65 FR 3680
NPRM	01/27/00	65 FR 4465
Final Action	07/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 3637

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RIN: 2060-AF84

### 3235. ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR YUCCA MOUNTAIN, NEVADA

**Priority:** Other Significant

**Legal Authority:** Energy Policy Act sec 801

**CFR Citation:** 40 CFR 197

**Legal Deadline:** NPRM, Statutory, August 1, 1996.

**Abstract:** This rulemaking is in response to section 801 of the Energy Policy Act of 1992 which directs the Administrator to promulgate public health and safety standards for protection of the public from releases from radioactive materials stored or disposed of in the repository at the Yucca Mountain site. The only regulated entity is the U.S. Department of Energy.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/99	64 FR 46976
Final Action	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3568

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RIN: 2060-AG14

### 3236. AMENDMENTS FOR TESTING AND MONITORING PROVISIONS TO PART 60, PART 61, AND PART 63

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401; 42 USC 7410 to 7412; 42 USC 7414; 42 USC 7416

**CFR Citation:** 40 CFR 60; 40 CFR 61; 40 CFR 63

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**Legal Deadline:** None

**Abstract:** This rulemaking will amend the emission test methods and performance specifications in appendices A and B of part 60, appendix B of part 61, and appendix A of part 63 by revising the method format to conform with Environmental Monitoring Management Council (EMMC) guidelines. Conformance to the guidelines will promote consistency among inter-program methods. In addition, minor technical and printing errors in the methods will be corrected. Similar errors in various subparts of part 60 will also be corrected. Performance specification 15 is also being proposed in this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/97	62 FR 45369
Final Action	04/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3743

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**RIN:** 2060-AG21

### 3237. AMENDMENT TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS (PS-1)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA sec 111

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** This action proposes to clarify and update requirements for source owners and operators who must install and use continuous stack or duct opacity monitoring equipment. This action also proposes amendments regarding design and performance validation requirements for continuous opacity monitoring system (COMS)

equipment in appendix B, PS-1. These amendments to subpart A and PS-1 will not change the affected facilities' applicable emission standards or requirement to monitor. The amendments will: (1) clarify owner and operator and monitor vendor obligations, (2) reaffirm and update COMS design and performance requirements, and (3) provide EPA and affected facilities with equipment assurances for carrying out effective monitoring. The specifications shall apply to all COMS's installed or replaced after the date of promulgation. Following promulgation, a source owner, operator, or manufacturer will be subject to these performance specifications if installing a new COMS, relocating a COMS, replacing a COMS, re-certifying a COMS that has undergone substantial refurbishing, or has been specifically required to re-certify the COMS with these revisions.

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/94	59 FR 60585
Supplemental NPRM	09/23/98	63 FR 50824
Final Action	05/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3744

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**RIN:** 2060-AG22

### 3238. CONSOLIDATED FEDERAL AIR RULE FOR THE SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

**CFR Citation:** 40 CFR 65; 40 CFR 60; 40 CFR 61; 40 CFR 63

**Legal Deadline:** None

**Abstract:** Over the past 25 years, EPA has issued a series of national air regulations, many of which affect the same facility. Some facilities are now subject to five or six national rules, sometimes affecting the same emission points. Each rule has emission control requirements as well as monitoring, recordkeeping, and reporting requirements.

These requirements may be duplicative or overlapping.

All existing Federal air rules applicable to an industry sector will be reviewed to determine whether their provisions can be consolidated into a single new rule. Affected industries, State agencies, and other stakeholders will be consulted to identify duplicative provisions. The chemical industry and State representatives have agreed to work on a pilot project with EPA's air programs to explore this approach. If the approach is successful with the chemical industry, it may be expanded to air rules for other industry sectors.

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/98	63 FR 57748
Final Action	06/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3748

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**RIN:** 2060-AG28

### 3239. ADDITION OF METHOD 207 TO APPENDIX M OF 40 CFR PART 51 METHOD FOR MEASURING ISOCYANATES IN STATIONARY SOURCE EMISSIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 51

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**Legal Deadline:** None

**Abstract:** The Clean Air Act Amendments of 1990 listed certain isocyanate compounds as hazardous air pollutants (HAPs). The Agency does not have any published test methods that would measure air emissions of these isocyanate compounds from stationary sources. This action would add a validated test method to measure isocyanate emissions to appendix M of part 51. Test methods in part 51 can be adopted by any State for use in any regulation that requires the measurement of any of the isocyanate compounds on the HAP list. This action would not impose any new regulatory requirements that do not already exist. It should benefit State governments by providing them with a validated test procedure for measuring the emissions of isocyanate compounds.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	12/08/97 01/00/01	62 FR 64532

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3900

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**RIN:** 2060-AG88**3240. ADDITION OF OPACITY METHOD TO APPENDIX M OF 40 CFR PART 51 (METHOD 203)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 51**Legal Deadline:** None

**Abstract:** This rulemaking proposes to add a method, Method 203, for the measurement of opacity from stationary sources, to appendix M (Example Test Methods for State Implementation Plans) in 40 CFR part 51. This action provides States with an instrumental test method which can be used in determining, on a continuous basis, compliance with stationary source opacity emission limitations.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	10/07/92 01/00/01	57 FR 46114

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal**Additional Information:** SAN No. 3958

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**RIN:** 2060-AH23**3241. EXPANDED DEFINITIONS FOR ALTERNATIVE-FUELED VEHICLES AND ENGINES MEETING LOW-EMISSION VEHICLE EXHAUST EMISSION STANDARDS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2001; 15 USC 2002; 15 USC 2003; 15 USC 2005; 15 USC 2006; 15 USC 213; 42 USC 7521; 42 USC 7522; 42 USC 7524; 42 USC 7525; 42 USC 7541; 42 USC 7542; 42 USC 7549; 42 USC 7550; 42 USC 7552

**CFR Citation:** 40 CFR 88; 40 CFR 86**Legal Deadline:** None

**Abstract:** This action will ease the burden of certification for both Original Equipment Manufacturers (OEMs) and after-market conversion entities. This action will, for vehicles and engines meeting LEV emission standards, broaden the definition of the term dedicated fuel system, broaden the criteria for engine families, and provide an exemption from certification fees. This action is not a deregulatory action. This action will provide another means for small business to remain active entities in supplying alternatively fueled vehicles to the market place. The above three changes are intended to reduce the cost of complying with the requirements of certification, and small business will benefit from these changes. This action will enhance the ability for the regulated industry to provide alternatively fueled vehicles to the consumer in support of the Executive Order 13031.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	07/20/98 04/00/00	63 FR 38767

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4030

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**RIN:** 2060-AH52

**3242. NESHAP: FOR SOURCE CATEGORY: PULP AND PAPER PRODUCTION; AMENDMENTS TO THE PROMULGATED RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63.440 to 63.459 (Revision)**Legal Deadline:** None

**Abstract:** The purpose of this action is to clarify sections of the promulgated pulp and paper industry maximum achievable control technology (MACT) standards where commenters have indicated that the wording is confusing or changes are needed. This action will also correct any typographical errors noted. This action will contain guidance and amended rule language.

**Timetable:**

Action	Date	FR Cite
Final Rule Interpretations and technical amendment	09/16/98	63 FR 49455
Direct Final Rule Amendment	12/28/98	63 FR 71385
NPRM Amendment	12/28/98	63 FR 71408
Final Action Interpretations and technical amendment	04/12/99	64 FR 17555
NPRM Proposed rule amendments and notice of public hearing	01/25/00	65 FR 3907
Final Action	01/00/01	

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

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**Additional Information:** SAN No. 4123

**Sectors Affected:** 3221 Pulp, Paper, and Paperboard Mills

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**RIN:** 2060—AH74

**3243. NESHAP: ORGANIC HAZARDOUS AIR POLLUTANTS FROM THE SYNTHETIC ORGANIC CHEMICAL INDUSTRY (SOCMI) & OTHER PROCESSES SUBJECT TO THE NEGOTIATED REGULATION FOR EQUIPMENT LEAKS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63.100 to 63.152

**Legal Deadline:** None

**Abstract:** The actions will amend the HON that was first promulgated on April 22, 1994, to clarify applicability of process vent requirements. The changes to the rule will clarify the EPA's intent regarding the meaning of the term process vent and address the way these provisions are to be implemented through the permit rule. The need for this action became apparent recently when it was learned that industry was interpreting the definition more narrowly than we intended, and thus, not identifying all process vents subject to the HON. These amendments will clarify the rule to ensure consistent interpretations of the term process vent while preserving the intended applicability of the requirements. These clarifications will not increase or lower or otherwise affect emissions or environmental protection. Additionally, the actions may clarify additional sections of the HON and correct any typographical errors noted. These actions may contain guidance as well as amended rule language.

**Timetable:**

Action	Date	FR Cite
NPRM	01/20/00	65 FR 3169
Final Action	09/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4103

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**RIN:** 2060—AH81

**3244. PROTECTION OF STRATOSPHERIC OZONE: RECONSIDERATION ON THE 610 NONESSENTIAL PRODUCTS BAN**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671-7671(q)

**CFR Citation:** 40 CFR 82(C)

**Legal Deadline:** None

**Abstract:** This action would propose to extend the current class I and class II bans on the sale and distribution of nonessential uses of ozone-depleting substances where sufficient substitutes are already readily available. As part of the initial 1993 rulemaking, EPA banned the use of ozone-depleting substances in aerosols, pressurized dispensers, and foams where substitutes were available. Since that rulemaking was issued, the phaseout of production and consumption of class I substances has become effective and the Significant New Alternatives Policy (SNAP) Program under section 612 has been promulgated. The phaseout of newly manufactured class I substances and the identification of new acceptable substitutes for both class I and class II applications provide compelling reasons to reconsider the initial decisions regarding both product-specific exemptions and the decision to limit the ban's effect on major sectors that traditionally used

ozone-depleting substances. Most domestic manufacturers have already incorporated the non-ozone-depleting substances in their products. The continued availability and use of ozone-depleting substances in parts and products manufactured abroad, which are sold or incorporated into larger products that are then sold into interstate commerce in the United States, negatively affects the competitiveness of domestic manufacturers who use substitute substances in their production. Therefore, it is appropriate to reconsider the applicability of the class I ban to both specific products and product categories. Amending these requirements would limit the potential use of ozone-depleting substances in applications where substitutes are available and thus, further protect the stratospheric ozone layer.

**Timetable:**

Action	Date	FR Cite
NPRM	06/14/99	64 FR 21772
Final Action	08/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4077

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**RIN:** 2060—AH99

**3245. OPTIONAL CERTIFICATION STREAMLINING PROCEDURES FOR LDVS, LDTS, AND HDES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2001; 15 USC 2002; 15 USC 2003; 15 USC 2005; 15 USC 2006; 15 USC 213; 42 USC 7521; 42 USC 7522; 42 USC 7524; 42 USC 7525; 42 USC 7541; 42 USC 7542; 42 USC 7549; 42 USC 7550; 42 USC 7552

**CFR Citation:** 40 CFR 86; 40 CFR 88

**Legal Deadline:** None

**Abstract:** This action will ease the burden of certification for both Original Equipment Manufacturers (OEMs) and after-market conversion entities that meet Clean-Fuel Vehicle requirements.

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**Timetable:**

Action	Date	FR Cite
NPRM	07/20/98	63 FR 38767
Final Action	04/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4165**Agency Contact:** Clifford Tyree, Environmental Protection Agency, Air and Radiation, AAVP, Ann Arbor, MI 48105

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**RIN:** 2060-AI15**3246. REVISION TO THE DEFINITION OF VOLATILE ORGANIC COMPOUND (VOC) TO EXCLUDE TERTIARY BUTYL ACETATE****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act Title I**CFR Citation:** 40 CFR 51.100(s)**Legal Deadline:** None

**Abstract:** The definition of VOC is proposed to be revised to add tertiary butyl acetate to the list of negligibly reactive compounds. This is a deregulatory action that will remove tertiary butyl acetate from the necessity to be controlled as a VOC in SIPs for attaining the ozone standard. This is not expected to have a significant impact on small businesses or local governments.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/99	64 FR 52731
Final Action	04/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4254**Agency Contact:** Diane McConkey, Environmental Protection Agency, Air and Radiation, 7426GG, Washington, DC 20460

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**RIN:** 2060-AI45**3247. ADDITIONAL FLEXIBILITY AMENDMENTS TO INSPECTION MAINTENANCE PROGRAM REQUIREMENTS; AMENDMENTS TO THE FINAL RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 101; 42 USC 7401 et seq**CFR Citation:** 40 CFR part 51

**Legal Deadline:** Other, Statutory, August 13, 1999, Must be published by 8/13/99 to avoid application of 2:1 offset sanctions in Louisiana.

**Abstract:** The Environmental Protection Agency (EPA) has had oversight and policy development responsibility for Inspection and Maintenance programs since the passage of the Clean Air Act (CAA) in 1970. The 1977 amendments to the CAA mandated I/M for certain areas with long-term air quality problems and the 1990 amendments to the Clean Air Act set forth standards for implementation of the I/M programs. EPA is proposing several minor substantive amendments and revisions to the I/M requirements published on November 5, 1992 (40 CFR part 51, subpart S. EPA believes these amendments and revisions are necessary to bring existing rule up-to-date with current technological developments, policy decisions and statutory requirements, also providing states additional flexibility to tailor their Inspection and Maintenance programs to meet future needs. Among these future needs are: The need to accommodate an aging fleet that is rapidly turning over to newer, cleaner, and more durable vehicle technologies; the desire to maximize program efficiency and customer convenience by capitalizing on newer vehicle testing options such as on-board diagnostic (OBD) system testing; and the need to assess the role of I/M programs in areas that will attain the one-hour National Ambient Air Quality Standards (NAAQS) and begin to look at how to attain, or maintain, the new, eight-hour NAAQS. These amendments are authorized by the CAA provisions that EPA's guidance for such programs be "from time to time revised" and are also in response to the 1995 National

Highway System Designation Act's I/M provisions. It is important to note that this action will not increase the existing burden on states; the proposed changes represent an opportunity for states to take advantage of additional options and flexibilities. Furthermore, states are under no obligation, legal or otherwise, to modify existing plans meeting the previously applicable requirements as a result of this action.

**Timetable:**

Action	Date	FR Cite
NPRM	08/06/99	64 FR 55195
Final Action	06/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4295**Agency Contact:** David Sosnowski, Environmental Protection Agency, Air and Radiation, RSPD, Ann Arbor, MI 48105

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**RIN:** 2060-AI61**3248. NESHAP: PHOSPHATE FERTILIZERS PRODUCTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAAA sec 112**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 1997, Clean Air Act Amendments of 1990.

**Abstract:** EPA is required to publish an initial list of all categories of major and area sources of the hazardous air pollutants (HAPs) listed in section 112(b) of the CAAA and, to establish dates for the promulgation of emission standards for each of the listed categories of HAP emission sources and develop emission standards for each source of HAPs so that the schedule is met. The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The Agency has determined that the phosphate fertilizer production industry emits several of the 189 HAPs listed in section 112(b) of the CAAA. The purpose of this action is to pursue a regulatory

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development program that would ensure that emission standards may be proposed and promulgated for this industry.

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/96	61 FR 68430
Final Action	05/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3304

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**RIN:** 2060—AE44

**3249. NESHAP: PRIMARY COPPER SMELTING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAAA sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The primary copper smelting industry is known to emit a number of the hazardous air pollutants listed in section 112 of the Clean Air Act. The industry is comprised of seven smelters located in four states. All have extensive control systems for oxides of sulfur and HAPs. However, fugitive emissions may cause several smelters to exceed major source levels.

**Timetable:**

Action	Date	FR Cite
NPRM	04/20/98	63 FR 19582
Final Action	08/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 3340

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**RIN:** 2060—AE46

**3250. NESHAP: SECONDARY ALUMINUM INDUSTRY**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial, December 15, 1999.

**Abstract:** The Clean Air Act requires EPA to publish an initial list of all categories of major and area sources of the hazardous air pollutants (HAPs) listed in section 112(b) of the Act, to publish a schedule establishing a date for the promulgation of emission standards for each of the listed categories of HAP emission sources, and develop emission standards for each source of HAPs such that the schedule is met. The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The Agency has determined that the secondary aluminum industry may reasonably be anticipated to emit several of the 188 HAPs listed in section 112(b) of the Act. As a consequence, the source category is included on the initial list of HAP emitting categories and is on the list of categories scheduled for standards promulgation within seven years of enactment of the Act. The purpose of this action is to pursue a regulatory development program that would help to ensure that emission standards may be promulgated. Emission standards for this category were proposed on February 11, 1999.

**Timetable:**

Action	Date	FR Cite
NPRM	02/11/99	64 FR 6946
Final Action	04/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3078

**Sectors Affected:** 331314 Secondary Smelting and Alloying of Aluminum

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**RIN:** 2060—AE77

**3251. NESHAP: MANUFACTURING OF NUTRITIONAL YEAST**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412 CAA sec 112(d)

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** Section 112 of the Clean Air Act requires major sources of hazardous air pollutants to achieve emission reduction based on the maximum achievable control technology (MACT). This regulatory action will establish this level of control for both new and existing sources in the nutritional yeast manufacturing industry. This industry is currently comprised of 10 sources of 5 different manufacturers located in 8 different states. The only known HAP emission from this source is acetaldehyde. It is produced as a by-product during the fermentation process. The proposed regulatory options set maximum emission limits of acetaldehyde, which will be achievable by improved process control to reduce formation of this by-product.

**Timetable:**

Action	Date	FR Cite
NPRM	10/10/98	63 FR 55812
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 3550

**Sectors Affected:** 311999 All Other Miscellaneous Food Manufacturing

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**RIN:** 2060–AF30

### 3252. REVISIONS TO THE REGULATION FOR APPROVAL OF STATE PROGRAMS AND DELEGATION OF FEDERAL AUTHORITIES 112(L)

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 7412 CAA Sec 112(l)

**CFR Citation:** 40 CFR 63(E)

**Legal Deadline:** None

**Abstract:** Guidance in the form of rulemaking is being developed in accordance with the requirements of section 112(l) of the Clean Air Act Amendments of 1990 for the approval of State air toxic programs and the delegation of Federal authorities to the States for the implementation and enforcement of section 112 emission standards and other requirements. This regulatory document will provide some flexibility to States in the following areas: minimum requirements for EPA approval of State air toxics regulations that are equivalent to or more stringent than the Federal standards and minimum requirements for EPA approval of State air toxics programs that are equivalent to or more stringent than the Federal program. Specific

issues that will be addressed include: alternative work practice standards; alternative monitoring, recordkeeping, and reporting; alternative test method approval process; equivalency by permits; and mechanisms and requirements for approval of State air toxics programs. Additionally, the Partial Approval and Delegable Authorities rulemakings will be added to this rulemaking. The Partial Approval language will provide flexibility to States by allowing States to accept delegation of parts of standards. This will allow them to implement and enforce these provisions on a smaller scale. The delegable authorities rulemaking will clarify what authorities EPA has delegated to States when the part 63, subpart A, general provisions have been delegated.

**Timetable:**

Action	Date	FR Cite
NPRM	01/12/99	64 FR 1880
Final Action	05/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

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

**Additional Information:** SAN No. 3829

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**RIN:** 2060–AG60

### 3253. NESHAP: GROUP I POLYMERS AND RESINS AND GROUP IV POLYMERS AND RESINS AND GROUP IV POLYMERS AND RESINS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63.480 to 63.506 (Revision); 40 CFR 63.1310 to 63.1335 (Revision)

**Legal Deadline:** None

**Abstract:** During the development of the National Emission Standard for Hazardous Air Pollutants (NESHAP) for elastomers (Group I polymers and resins) and thermoplastics (Group IV polymers and resins) (RINs 2060-AD56 and 2060-AE37), many of the provisions contained in the Hazardous Organic NESHAP (HON) were referenced directly by these polymers and resins regulations due to similarities in processes, emission characteristics, and control technologies. On January 17, 1997, the EPA promulgated changes to the HON to remove ambiguity, to clearly convey EPA intent, and to make the rule easier to understand and implement in response to industry petitions. It is necessary to make parallel changes to the polymers and resins NESHAP; otherwise inconsistencies will exist for NESHAPs regulating similar source categories. An ANPRM was published in the Federal Register on 11/25/96 (61 FR 59849), to explain the nature of changes planned.

Subsequently, six litigants have petitioned for review of the elastomers and thermoplastics regulations. Four companies have petitioned EPA to reconsider specific provisions in the thermoplastics regulation. Revisions will be proposed to parallel HON changes and to resolve petitioners' issues. There are no impacts anticipated for small businesses or State/local/tribal governments.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/25/96	61 FR 59849
NPRM	03/09/99	64 FR 11559
Final Action	04/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3939

**Sectors Affected:** 325211 Plastics Material and Resin Manufacturing

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RIN: 2060-AH47

**3254. NESHAP: OIL AND NATURAL GAS PRODUCTION AND NESHAP: NATURAL GAS TRANSMISSION AND STORAGE, AMENDMENTS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412 CAA sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** Hazardous air pollutants (HAPs) known to be emitted from oil and gas production, storage, and transmission facilities include benzene, toluene, ethyl benzene, and xylene isomers (collectively referred to as BTEX), along with 2,2,4-trimethylpentane and n-hexane. Potential HAP emission sources are glycol dehydrator reboilers (stand-alone and co-located); condensate storage vessels; and equipment leaks at natural gas processing plants. The original NESHAP rule for these sources was promulgated on June 17, 1999, at 64 FR 32609. This action will amend that rule.

**Timetable:**

Action	Date	FR Cite
Final Amendment	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 4162

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RIN: 2060-AI13

**3255. NEW SOURCE PERFORMANCE STANDARDS AND EMISSION GUIDELINES FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS**

**Priority:** Other Significant

**Legal Authority:** CAA sec 129

**CFR Citation:** 40 CFR 60

**Legal Deadline:** NPRM, Judicial, November 15, 1999.

Final, Judicial, November 15, 2000.

**Abstract:** Section 129 of the Clean Air Act Amendments requires the Agency to finalize New Source Performance Standards (NSPS) and Emission Guidelines (EG) for Commercial and Industrial Solid Waste Incinerators (CISWIs). Negotiations have been completed with the litigants to grant an extension to the Agency. The Agency has agreed to propose standards by November 1999, and promulgate standards by November 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/99	64 FR 67092
Final Action	11/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Additional Information:** SAN No. 3613

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RIN: 2060-AF91

**3256. TRANSPORTATION CONFORMITY AMENDMENT: DELETION OF GRACE PERIOD**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 to 7671q

**CFR Citation:** 40 CFR 93.102(d)

**Legal Deadline:** Final, Judicial, December 31, 1999.

**Abstract:** This action would delete a provision of the transportation conformity rule that was overturned by the U.S. Court of Appeals. In 1995, EPA amended the conformity rule so that new nonattainment areas would have a one-year grace period before transportation conformity began applying. In 1997, the court overturned this grace period. This action would formally delete the provision from the transportation conformity rule in compliance with the court ruling. In addition, this action will discuss some issues that we raised in a Petition for Reconsideration of the original transportation conformity rule (finalized November 24, 1993). This action would not change the conformity rule in response to these issues. EPA is required by court settlement to finalize this action by December 31, 1999. EPA entered into settlement in 1998 in response to litigation by the Environmental Defense Fund. This action will have no practical impact for areas that are subject to conformity, because the provision that will be deleted was overturned—and therefore has not been implemented—since 1997. Transportation conformity is a Clean Air Act requirement for transportation plans, programs, and projects to conform to state air quality plans. Conformity to a state air quality plan means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/99	64 FR 66832
Final Action	04/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4352

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RIN: 2060-AI76

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**3257. IMPORTATION OF NONCONFORMING VEHICLES; AMENDMENTS TO REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7522 CAA sec 203; 42 USC 7525 CAA sec 206; 42 USC 7541 CAA sec 207; 42 USC 7542 CAA sec 208; 42 USC 7601 CAA sec 301; 42 USC 7522 CAA sec 203; 42 USC 7550 CAA sec 216; 42 USC 7601 CAA sec 301**CFR Citation:** 40 CFR 85**Legal Deadline:** None

**Abstract:** This action will amend the regulations in 40 CFR part 85, subpart P to allow entry into the U.S. of vehicles which are originally sold in Canada and which are identical to their U.S. counterparts, without obtaining a certificate of conformity from EPA. This action is in response to a petition for review of import rules. The final rule also will address certain other issues in part 85, subpart P and subpart R, including: 1) formalizing a long-standing EPA policy regarding the importation of owned vehicles that are proven to be identical to a vehicle certified for sale in the U.S., 2) establishing new emission standards applicable to imported nonconforming vehicles, 3) clarifying the regulatory language that concerns exclusions and exemptions from meeting Federal emission requirements, and 4) providing several minor clarifications to the existing regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	03/24/94	59 FR 13912
Supplemental NPRM	02/12/96	61 FR 5840
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 2665

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**RIN:** 2060-AI03**3258. NONROAD SPARK-IGNITION ENGINES AT OR BELOW 19 KILOWATTS (25 HORSEPOWER) (PHASE 2)****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 42 USC 7547, CAA sec 213**CFR Citation:** 40 CFR 90**Legal Deadline:** Final, Statutory, March 1, 2000.

**Abstract:** This action will establish the second phase of emissions standards for new nonroad spark-ignition engines at or below 19 kilowatts (25 horsepower), as required by section 213(a)(3) of the Clean Air Act, as amended. The Environmental Protection Agency (EPA) had been developing the second phase of small-engine regulations through a negotiated rulemaking, with representation by engine manufacturers, equipment manufacturers, emissions control manufacturers, equipment dealers, environment and public health interests, and State air programs. The negotiations came to an end on February 16, 1996 with no consensus reached. EPA will now develop the rulemaking through other means. EPA will now develop the rulemaking through other means.

The affected engines are used in lawn, garden, and utility equipment, such as lawnmowers, string trimmers, chain saws, and small pumps and generators. The first phase was established July 3, 1995 (60 FR 34582), effective for the 1997 model year, and was very similar to the tier 1 small-engine regulations developed by California for the same engines. Regulated pollutants are hydrocarbons, carbon monoxide, and oxides of nitrogen.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/27/97	62 FR 14740
NPRM Hand-held engines	01/27/98	63 FR 3950
NPRM Non-hand-held engines	01/27/98	63 FR 3950
Final Action Non-hand-held engines	03/30/99	64 FR 15207
Final Action Hand-held engines	04/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3361

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**RIN:** 2060-AE29**3259. PROTECTION OF STRATOSPHERIC OZONE: SUPPLEMENTAL RULE REGARDING A RECYCLING STANDARD UNDER SECTION 608****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq CAA sec 608**CFR Citation:** 40 CFR 82(F)**Legal Deadline:** None

**Abstract:** This rule will amend the recordkeeping aspects of the technician certification program, clarify aspects of a sales restriction, and adopt an updated version of ARI standard 740. The rule will also clarify the distinction between major and non-major repairs and amend several definitions including small appliances. The rule also addresses the transfers of unreclaimed refrigerant between majority-owned and majority-controlled subsidiaries.

**Timetable:**

Action	Date	FR Cite
NPRM 1	02/29/96	61 FR 7858
NPRM	11/01/96	61 FR 56493
Final Action	06/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 3556

Additional SANs 3895, 3896. This rule will address a potential adoption of a more flexible method for cleaning refrigerants for refrigerant transferred between appliances with different ownership with a potential adoption of a 3rd party certification program for labs.

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## EPA—Clean Air Act (CAA)

## Final Rule Stage

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RIN: 2060-AF36

**3260. PROTECTION OF STRATOSPHERIC OZONE: REFRIGERANT RECYCLING RULE AMENDMENT TO INCLUDE SUBSTITUTE REFRIGERANTS****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq; 42 USC 7671(g) CAA sec 608**CFR Citation:** 40 CFR 82(F)**Legal Deadline:** None

**Abstract:** This action would facilitate fulfillment of the statutory mandate to apply the venting prohibition to substitute refrigerants. The action would provide regulations covering recovery/recycling equipment, recovery/recycling practices, and applicable certifications that would be required to accomplish compliance with the venting prohibition. Requirements would parallel those of the current section 608 regulations, expanding applicability, where appropriate, to substitute refrigerants.

**Timetable:**

Action	Date	FR Cite
NPRM	06/11/98	63 FR 32044
Final Action	09/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 3560**Agency Contact:** Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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RIN: 2060-AF37

**3261. PROTECTION OF STRATOSPHERIC OZONE: UPDATE OF THE SUBSTITUTES LIST UNDER THE SIGNIFICANT NEW ALTERNATIVES POLICY (SNAP) PROGRAM****Priority:** Other Significant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671(k) CAA sec 612**CFR Citation:** 40 CFR 82; 40 CFR 9**Legal Deadline:** None

**Abstract:** Section 612 of the Clean Air Act requires EPA to identify alternatives to Class I and II ozone depleting substances and to publish lists of acceptable and unacceptable substitutes. Producers of substitutes must notify EPA at least 90 days before alternatives are introduced into interstate commerce. Unlike acceptable alternatives (see Notices), substitutes which are deemed by EPA to be unacceptable or acceptable subject to use restrictions must go through notice and comment rulemaking. Substitute lists are updated intermittently depending on the volume of notifications.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/16/92	57 FR 1984
NPRM	05/12/93	58 FR 28094
Final Rule	03/18/94	59 FR 13044
Notice 1	08/26/94	59 FR 44240
NPRM 1	09/26/94	59 FR 49108
Notice 2	01/13/95	60 FR 3318
Final Rule 1	06/13/95	60 FR 31092
Notice 3	07/28/95	60 FR 38729
NPRM 2	10/02/95	60 FR 51383
Notice 4	02/08/96	61 FR 4736
Final Rule 2	05/22/96	61 FR 25585
NPRM 3	05/22/96	61 FR 25604
Notice 5	09/05/96	61 FR 47012
Final Rule 3	10/16/96	61 FR 54030
NPRM 4	05/21/97	62 FR 27874
Notice 6	03/10/97	62 FR 10700
Notice 7	06/03/97	62 FR 30275
NPRM 5	02/03/98	63 FR 5491
Notice 8	02/24/98	63 FR 9151
Notice 9	05/22/98	63 FR 28251
Interim Final Rule 7	01/26/99	64 FR 3861
Interim Final Rule 8	01/26/99	64 FR 3865
Final Rule 5	04/28/99	64 FR 22981
NPRM 6	02/18/99	64 FR 8038
Notice 10	06/08/99	64 FR 30410
Final Rule 6	04/00/00	
ANPRM 9	02/18/99	64 FR 8043
Notice 11	12/06/99	64 FR 68039
NPRM 9	05/00/00	
Final Rule 9	01/00/01	
NPRM 10	06/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3525 (Generic SAN)**Agency Contact:** Kelly Davis, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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RIN: 2060-AG12

**3262. REDEFINITION OF GLYCOL ETHERS LISTED AS HAPS UNDER THE CLEAN AIR ACT, AND HAZARDOUS SUBSTANCES UNDER CERCLA****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1321; 33 USC 1361; 42 USC 7401 et seq; 42 USC 9602; 42 USC 9603; 42 USC 9604**CFR Citation:** 40 CFR 63 (Revision); 40 CFR 302 (Revision)**Legal Deadline:** None

**Abstract:** The proposed action will redefine the glycol ethers category of hazardous air pollutants (HAPs) regulated under the Clean Air Act and hazardous substances under the Comprehensive Emergency Response, Compensation, and Liability Act. The new definition will omit specific compounds of high molecular weight used as surfactants by the soap and detergent industry. These compounds have low volatility, so only minor amounts are emitted during manufacture and use of soaps and detergents. The compounds also have low toxicity, so the small amounts that are released are extremely unlikely to cause any harm to health or the environment. The proposal will reduce the burden of environmental regulations on soap and detergent manufacturers, and will have no adverse environmental impact.

**Timetable:**

Action	Date	FR Cite
NPRM	01/12/99	64 FR 1780
Final Action	05/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** SAN No. 4159

Development, implementation, and enforcement of emission standards by Federal and State government for the soap and detergent industry will be somewhat simplified by the omission of compounds of high molecular weight and low volatility.

**Sectors Affected:** 325611 Soap and Other Detergent Manufacturing

## EPA—Clean Air Act (CAA)

## Final Rule Stage

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**RIN:** 2060-AI08

**3263. CONTROL OF EMISSIONS OF AIR POLLUTION FROM 2004 AND LATER MODEL YEAR HEAVY-DUTY HIGHWAY ENGINES AND VEHICLES; REVISION OF LIGHT-DUTY TRUCK DEFINITION**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7401 to 7601; 42 USC 7521

**CFR Citation:** 40 CFR 86; 40 CFR 88

**Legal Deadline:** None

**Abstract:** This action will focus on the emission standards and related requirements for control of air pollution from 2004 and later model year highway heavy-duty engines. It will include an assessment of the feasibility of the requirements for these engines promulgated in 1997 plus further consideration of a number of issues left open in the rule including potential diesel fuel changes, diesel particulate control, and other initiatives to control emissions in use.

**Timetable:**

Action	Date	FR Cite
NPRM	10/29/99	64 FR 58472
Final Action	05/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4043

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**RIN:** 2060-AI12

**3264. HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS—FEDERAL PLAN (FEDERAL PLAN FOR EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7601 CAA sec 301(a)(d); 42 USC 7411 CAA sec 111; 42 USC 7509 CAA sec 129

**CFR Citation:** 40 CFR 60.27

**Legal Deadline:** Final, Statutory, September 30, 1999, CAA Section 129(b)(3).

**Abstract:** The Clean Air Act Amendments of 1990 directed the Environmental Protection Agency (EPA) to set emission guidelines for existing incinerators combusting hospital waste, medical waste, and infectious waste under sections 111 and 129. On 9/15/97, the EPA promulgated emission guidelines for Hospital/Medical/Infectious Waste Incinerators (HMIWI) under the authority of section 111(d) and section 129 of the Clean Air Act (see 62 FR 48348). This action is a follow-on activity to the 1997 HMIWI rulemaking which applies to existing HMIWI. In accordance with section 129, States with affected sources must submit a State Plan by 9/15/98 describing how the State will implement the emission guidelines for existing HMIWI. In this proposed HMIWI Federal Plan rulemaking, EPA becomes the implementing authority in those instances where the State or local agency has failed to submit a plan or a plan has not yet been approved. Therefore, consistent with section 129(b)(3) of the Act, EPA is proposing a plan that applies to HMIWI in any State, tribe or locale that has not submitted an approvable plan within the time allotted. This action makes no changes to the requirements in the 1997 rule, and is intended to fulfill EPA's duty under section 129(b)(3) to promulgate a Federal Plan as a gap-filling measure until the State fulfills its statutory obligations. When the State

submits an approvable State Plan, the Federal Plan will no longer apply to units in that State.

**Timetable:**

Action	Date	FR Cite
NPRM	07/06/99	64 FR 36425
Final Action	04/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 4219

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**RIN:** 2060-AI25

**3265. NESHAP: CHEMICAL RECOVERY COMBUSTION SOURCES AT KRAFT, SODA, SULFITE AND STAND ALONE SEMICHEMICAL PULP MILLS**

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** 42 USC 7601 CAAA sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306-308; 33 USC 1317; 42 USC 7412 CAAA sec 112; 42 USC 7414 CAAA sec 114; 33 USC 1318; 33 USC 1311 CWA sec 301; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 430; 40 CFR 63

**Legal Deadline:** None

**Abstract:** The Clean Air Act (CAA) Amendments of 1990 direct the Environmental Protection Agency (EPA) to set National Emission Standards for Hazardous Air Pollutants (NESHAP) for new and existing sources under section 112 and to base these standards on maximum achievable control technology (MACT). The Clean Water Act (CWA) directs EPA to develop effluent guidelines for certain categories and classes of point sources. These guidelines are used for setting discharge limits for specific facilities that discharge to surface waters or municipal sewage treatment systems.

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On April 15, 1998, the EPA promulgated an integrated regulation for the pulp and paper industry that includes both effluent guidelines and air emission standards to control the release of pollutants to both the water and the air. At the same time, the EPA proposed MACT standards for the chemical recovery combustion sources. The regulations were developed jointly to provide greater protection to human health and the environment, to promote the concept of pollution prevention, and to enable the industry to more effectively plan compliance via a multimedia approach. Next steps will be to issue final standards for chemical recovery combustion sources.

**Timetable:**

Action	Date	FR Cite
NPRM	04/15/98	63 FR 18753
Final Rule	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4240

(Air), SAN No. 2712 (Water), SAN No. 4050 (Water Phase II),

**ADDITIONAL AGENCY CONTACT:** Jeff Telander (NESHAP Phase II - Combustion Sources)

**ADDITIONAL AGENCY CONTACT:** Elaine Manning (NESHAP Phase III - Nonchemical and other Pulp and Paper Mills)

See also RIN 2040-AB53

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**RIN:** 2060-AI34

**3266. STANDARDS AND GUIDELINES FOR SMALL MUNICIPAL WASTE COMBUSTION UNITS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7509 CAA sec 129

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** The Clean Air Act Amendments of 1990 direct the Environmental Protection Agency (EPA) to set standards of performance and emission guidelines for new and existing municipal waste combustors under Sections 111 and 129; to base these standards and guidelines on maximum achievable control technology; and to include emission limits for particulate matter, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, mercury, lead, cadmium, and dioxins and dibenzofurans. The standards for large municipal waste combustors were adopted in 1995. This rule would establish standards for small MWC units.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/99	64 FR 47233
Final Action	03/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 4243

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**RIN:** 2060-AI51

**3267. NATIONAL EMISSION STANDARDS FOR BENZENE EMISSIONS FROM COKE BY-PRODUCT RECOVERY PLANTS (PART 61, SUBPART L)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act Section 112

**CFR Citation:** 40 CFR 61

**Legal Deadline:** None

**Abstract:** Coke by-product plants are designed to separate and recover coal tar derivatives (by-products) that evolve from coal during the coking process of a coke oven battery. We plan to remove this source category from the list pursuant to our discretion under 112(c)(4) previously regulated categories.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4286

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**RIN:** 2060-AI65

**3268. TECHNICAL AMENDMENT TO THE FINDING OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR CERTAIN STATES FOR PURPOSES OF REDUCING REGIONAL TRANSPORT OF OZONE (THE NOX SIP CALL RULE)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410(a)(2)(D); 42 USC 7410(k)(5)

**CFR Citation:** 40 CFR 51 (Revision)

**Legal Deadline:** None

**Abstract:** This rule will amend the final NOx SIP call rule promulgated on October 27, 1998. That rule set NOx emission budgets for a number of eastern and midwestern states in order to reduce overall NOx emissions that contribute to smog in the eastern half of the country. This amendment is a technical adjustment to some of the emission budgets promulgated in that rule.

**Timetable:**

Action	Date	FR Cite
Final Tech. Amend.	04/00/00	

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

**Additional Information:** SAN No. 4282  
Federal, State and local governments are affected by the final NOx SIP call. However, this technical amendment will not affect those governments in and of itself.

**Legal Deadline:** Statutory Other — EPA is under active litigation for the SIP call. In addition, the SIPs submittal due date of 9/30/99 was stayed until further order by the court. The States still need the revised budgets for planning & public hearing purposes.

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**RIN:** 2060—AI71

### 3269. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF 2000 ESSENTIAL-USE ALLOWANCES

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7671-7671(q); 42 USC 7601; 42 USC 7414**CFR Citation:** 40 CFR 82**Legal Deadline:** Final, Statutory, January 1, 2000, Publish allocations for year 2000 in Federal Register.

**Abstract:** This proposed rule will set essential-use allowances for 2000 under the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol). Essential-use allowances permit a person to obtain controlled ozone-depleting substances, such as chlorofluorocarbons (CFCs), as an exemption to the January 1, 1996 regulatory phaseout of production and import. Essential-use allowances are allocated to a person for exempted production or importation of a specific quantity of a controlled substance solely for the designated essential purpose.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/99	64 FR 59141
Final Action	04/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4318

**Sectors Affected:** 927 Space Research and Technology; 325412 Pharmaceutical Preparation Manufacturing

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**RIN:** 2060—AI73

### 3270. AMENDMENTS TO THE AEROSPACE MANUFACTURING AND REWORK FACILITIES NESHAP FOR THE HAP AND VOC CONTENT LIMITS FOR PRIMER OPERATIONS AND STAY OF COMPLIANCE.

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63.745(c)(1)-(2)**Legal Deadline:** None

**Abstract:** This rule was promulgated on September 1, 1995 with an initial compliance date of September 1, 1998. EPA granted compliance extensions; however these extensions will expire September 1, 1999. This proposal would stay the compliance date of the substantive and associated compliance assurance requirements for the organic HAP content and VOC content levels for primer applications operations. This proposed stay would remain in effect until the date we amend the rule, at which point we would publish new compliance dates for these requirements. Based on recent information submitted to the us by one of the commercial aircraft manufacturers, expressing significant technical concerns about the ability to achieve the primer coating content standard for commercial exterior primers, we are proposing amendments to the Aerospace National Emissions Standards for Hazardous Air Pollutants (NESHAP) that will change the organic HAP and VOC level content standard

related to the use of commercial exterior primers.

**Timetable:**

Action	Date	FR Cite
NPRM Amendment	01/24/00	65 FR 3642
Final Rule Amendment	06/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4353

**Sectors Affected:** 336411 Aircraft Manufacturing

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**RIN:** 2060—AI77

### 3271. SOURCE SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; NAVAJO NATION

**Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 49 CFR 123**Legal Deadline:** None

**Abstract:** EPA proposes to federalize standards from the Arizona and New Mexico State Implementation Plans (SIPS) applicable to the Navajo generating station. Where necessary, EPA's proposed emission standards modify the standards extracted from the States' regulatory programs to ensure comprehensive emission control and Federal consistency.

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48725
Notice	01/26/00	65 FR 4244
Final Action	09/00/00	

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

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## Final Rule Stage

**Government Levels Affected:** None**Additional Information:** SAN No. 4315**Agency Contact:** Colleen McKaughan, Environmental Protection Agency, Air and Radiation

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**RIN:** 2060-AI79**3272. REVISION TO NOX SIP CALL EMISSION BUDGETS FOR CONNECTICUT, MASSACHUSETTS AND RHODE ISLAND****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410(k)(5); 42 USC 7410(a)(2)(D)**CFR Citation:** 40 CFR 51**Legal Deadline:** None

**Abstract:** On October 27, 1998, EPA published a final rule (the "OTAG SIP Call") making a finding of significant contribution and assigning statewide NOx emission budgets to 22 States and the District of Columbia for purposes of reducing regional transport of ozone and its precursor, NOx. Subsequent to the promulgation of the SIP call, EPA and the States of Connecticut, Massachusetts and Rhode Island signed a memorandum of understanding that obligated EPA to propose to redistribute the budgets assigned to the three States in a different way. This action carries out that obligation. This redistribution will not lead to an increase in the overall budget for the three States.

**Timetable:**

Action	Date	FR Cite
Direct Final Action	09/15/99	64 FR 49987
Direct Final Rule		
Withdraw Dir. Final	11/01/99	64 FR 58792
Final Action	04/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Federalism:** Undetermined**Additional Information:** SAN No. 4276**Agency Contact:** Kevin Culligan, Environmental Protection Agency, Air and Radiation, 6204J, Washington, DC 20460

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**RIN:** 2060-AI80**3273. AMENDMENT TO NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: HALOGENATED SOLVENT CLEANING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63.468(j)**Legal Deadline:** None

**Abstract:** This amendment to the halogenated solvent cleaning NESHAP would permanently exempt batch cold solvent cleaning machines that use halogenated solvent from the Part 71 Federal operating permit program and would defer Part 71 operating permit requirements until December 9, 1999 for all other non-major halogenated solvent cleaning machines. States are already authorized to exempt/defer such sources from their Part 70 operating permit requirements. Without this amendment, non-major halogenated cleaning machines would have to obtain a Part 71 Federal operating permit in areas that do not have Part 70 programs in place. For example, EPA believes that numerous sources located in Indian country would need to submit permit applications by March 2000 and obtain title V permits, absent this rulemaking. This amendment is an administrative action and would have no impact on the enforcement and implementation of the NESHAP itself. There are no compliance costs associated with this action. This action relieves sources of regulatory requirements under the title V program.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/99	64 FR 37734
Direct Final Rule	07/13/99	64 FR 37683
Dir Final Withdrawn	10/18/99	64 FR 56173
Final Rule	06/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4275**Agency Contact:** Candace Carraway, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711

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**RIN:** 2060-AI91**3274. REVISION TO METHOD 24 FOR ELECTRICAL INSULATING VARNISHES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401; 42 USC 7411; 42 USC 7414; 42 USC 7416; 42 USC 7601**CFR Citation:** 40 CFR 60 (Revision)**Legal Deadline:** None

**Abstract:** The purpose of this action is to revise Method 24 to allow the use of American Society for Testing and Materials' Method D6053-96 to measure the volatile organic content of electrical insulating varnishes. Method 24 as currently written is not applicable to these types of coatings. This action will ensure consistency in testing these coatings for determining compliance with current regulations. We do not anticipate any impact on small business or State/local/Tribal governments.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	06/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4299**Agency Contact:** Bill Lamason, Environmental Protection Agency, Air and Radiation, MD-19, Research Triangle Park, NC 27711

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**RIN:** 2060-AI94

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**3275. • AMENDMENTS TO STATE AND FEDERAL OPERATING PERMITS PROGRAMS, PART 70 AND PART 71, COMPLIANCE CERTIFICATION REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414a; 42 USC 7661-7661f**CFR Citation:** 40 CFR 70; 40 CFR 71 (Revisions)**Legal Deadline:** Final, Statutory, June 30, 2000.

**Abstract:** Action is in response to the October 29, 1999, United States Circuit Court of Appeals decision to remand to EPA part of the October 22, 1997, Compliance Assurance Monitoring rulemaking that included revisions to parts 70 and 71 compliance certification requirements. The Court ruled that the compliance certification must address whether the affected facility has been in continuous or intermittent compliance.

**Timetable:**

Action	Date	FR Cite
Final Action 40 CFR 70 and 71 (Revisions)	09/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4387

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RIN: 2060-AJ04

**3276. • DIRECT FINAL AMENDMENTS TO THE POLYETHER POLYOLS NESHP****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63.1420 to 1439 (Revision)**Legal Deadline:** None

**Abstract:** This direct final notice applies to the NESHP for Polyether Polyols Production issued as a final rule on June 1, 1999. This action will correct cross referencing errors; clarify storage vessel monitoring requirements, batch process vent performance testing conditions; make minor revisions; correct printing errors in equations; and reorganize reporting requirements to make them clearer. The notice will also add the control number assigned by OMB under the Paperwork Reduction Act for collection of information required by this regulation. There will be no cost or other impacts resulting from this action since it only corrects or clarifies the rule.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 4384**Sectors Affected:** 325199 All Other Basic Organic Chemical Manufacturing

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RIN: 2060-AJ10

**3277. • EXTENDING OPERATING PERMITS PROGRAM INTERIM APPROVAL EXPIRATION DATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR part 70 (Revision)**Legal Deadline:** None

**Abstract:** This action extends until June 1, 2002 all State and local operating permits program interim

approvals. Currently all interim approvals expire on June 1, 2000. Revisions to correct deficiencies in State operating permits program that resulted in their being granted interim approval are due 6 months prior to the interim approval expiration date. Program revisions are, therefore, due by December 1, 1999. Permitting authorities have expressed concern over the resource burden of preparing and submitting a program revision addressing interim approval deficiencies and then revising their program again to address the upcoming revisions to the part 70 operating permits regulations. They have requested the option of combining both program revisions into one submittal, thereby going through the regulatory revision or legislative process only once. The EPA recognizes that this would reduce the resources required to prepare program revisions and that the savings in resources could be spent in the early stages of permit issuance. The provision for allowing States to combine their program revisions was included in the August 31, 1995 notice which proposed revisions to part 70. Due to delays in promulgating the part 70 revisions, the Agency has previously extended interim approvals so they would not expire before the part 70 revisions promulgation date. Expiration of these interim approvals prior to the part 70 revisions would deny those permitting authorities the opportunity to combine program revisions. It now appears that the part 70 revisions will not be promulgated until December 2001. In that all interim approvals will expire before that date, the extension of interim approvals until June 1, 2002 is necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	02/14/00	65 FR 7333
Direct Final Rule	02/14/00	65 FR 7290
With./Direct Final	04/00/00	
Final Action	05/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** SAN No. 4388

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## EPA—Clean Air Act (CAA)

## Final Rule Stage

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**3278. • ELECTRIC ARC FURNACE NSPS AMENDMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 60 (Revision)

**Legal Deadline:** None

**Abstract:** The EPA is reviewing the continuous opacity monitoring requirements in the 40 CFR 60 Subparts AA and AAa based on a request made by the affected industry. The existing rules set an opacity limit from the electric arc furnace stack of 3 percent. Facilities with negative pressure baghouses are also required to install and operate a continuous opacity monitoring system (COMS) for the purpose of excess emissions reporting. The industry has commented that the potential error in COMS readings (which EPA estimates at 4 percent opacity) leads to frequent false excess emissions records (periods when the COM reads greater than 3 percent when actual opacity is less than 3 percent). The industry has requested that the EPA review the COMS requirements considering the potential error of the COMS, and how this information might be used by the EPA and citizens groups under the recent Credible Evidence Rule promulgated by the EPA. The EPA is reviewing the COMS requirements

and may revise or clarify the existing NSPS requirements. The revisions, if needed, are not expected to have any environmental or economic impacts.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4379

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**RIN:** 2060-AJ13

**3279. • PROTECTION OF STRATOSPHERIC OZONE ALLOCATION OF ESSENTIAL-USE ALLOWANCES FOR CALENDAR YEAR 2000: LABORATORY ESSENTIAL USE EXEMPTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671-7671(q)

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** This rule will set essential-use allowances for 2000 under the

Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol). Essential-use allowances permit a person to obtain controlled ozone-depleting substances, such as chloroflourocarbons (CFCs), as an exemption to the January 1, 1996 regulatory phaseout of production and import. Essential-use allowances are allocated to a person for exempted production or importation of a specific quantity of a controlled substance solely for the designated essential purpose.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/99	64 FR 59141
Interim Final Rule	01/06/00	65 FR 716
Final Rule	04/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4410

Split from RIN 2060-AI73.

**Sectors Affected:** 325412  
 Pharmaceutical Preparation  
 Manufacturing; 927 Space Research and Technology

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**RIN:** 2060-AJ15

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Long-Term Actions

## Clean Air Act (CAA)

**3280. IMPLEMENTATION OF OZONE AND PARTICULATE MATTER (PM) NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) AND REGIONAL HAZE REGULATIONS**

**Priority:** Other Significant. Major under 5 USC 801.

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

**Legal Authority:** Clean Air Act, title I

**CFR Citation:** 40 CFR 50; 40 CFR 51; 40 CFR 52; 40 CFR 81

**Legal Deadline:** None

**Abstract:** On July 18, 1997, EPA issued new, updated air quality standards for

ozone (62 FR 38856) and particulate matter (PM) (62 FR 38652). Pursuant to President Clinton's implementation strategy as outlined in a July 16, 1997 memorandum to EPA Administrator Carol Browner, EPA had been developing guidance and rules for sensibly and cost-effectively meeting the new standards. For ozone, the implementation plan will emphasize a regional, State-sponsored approach that addresses the long-distance transport of ozone. On October 27, 1998, EPA published a final rule (sometimes referred to as the NOx SIP Call) to require broad regional emissions reductions of NOx gases which contribute to the formation of ozone (63

FR 57356, October 27, 1998). On November 17, 1998, EPA made available for comment proposed implementation guidance on implementing the revised ozone and PM NAAQS and regional haze program. On May 14, 1999, however, the U.S. Court of Appeals for the D.C. Circuit issued an opinion concerning the revised ozone and particulate matter NAAQS (American Trucking Assoc., Inc. et al. v. USEPA, No. 97-1440 (May 14, 1999)) in which the Court stated, among other things, that the revised 8-hour ozone standard "cannot be enforced." The Court also vacated the revised PM10 NAAQS and remanded the PM2.5 NAAQS. On June 28, 1999,

## EPA—Clean Air Act (CAA)

## Long-Term Actions

EPA requested a rehearing of the case before the Court on three issues, including enforcement of the 8-hour standard. Until the appeals process is exhausted, EPA does not intend to issue final guidance for implementation of the standards affected by the Court's decision. In final rules promulgated on June 5, 1998 (63 FR 31013), July 22, 1998 (63 FR 39432), and June 9, 1999 (64 FR 30911), EPA identified areas that have air quality meeting the 1-hour ozone standard and revoked that standard for those areas.

**Timetable:**

Action	Date	FR Cite
ANPRM Notice Proposed Policy	12/13/96	61 FR 65764
NPRM Regional Haze Notice Review Schedule for PM2.5 Standard	07/31/97	62 FR 41138
NPRM NOx Regional Strategy SIP Call	11/07/97	62 FR 60318
Supplemental NPRM NOx SIP Call Supplemental NPRM	05/11/98	63 FR 25902
Final Rule NOx Regional Strategy SIP Call	10/27/98	63 FR 57356
Final Rule Areas meeting 1-hour ozone standard	06/05/98	63 FR 31013
Final Rule Additional areas meeting 1-hour ozone standard	07/22/98	63 FR 39432
Draft Guidance Implementation Planning	11/17/98	63 FR 65593
Final Rule Additional Areas Meeting 1-Hour Ozone NAAQS: 96-98 Data	06/09/99	64 FR 30911
Final Rule Regional Haze	07/01/99	64 FR 35713
Final Guidance On hold pending court action.	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3553

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**RIN:** 2060-AF34**3281. REVISED PERMIT REVISION PROCEDURES FOR THE FEDERAL OPERATING PERMITS PROGRAM****Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 7661(a)(d)(3)**CFR Citation:** 40 CFR 71.7**Legal Deadline:** None

**Abstract:** The proposed regulatory change would streamline permit revisions procedures for stationary air sources that are subject to the Federal operating permits program.

The Agency does not anticipate any significant impact on small businesses and State/local/tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/02	
Final Action	04/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3922

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**RIN:** 2060-AG92**3282. REVIEW OF MINOR NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY**

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

**Legal Authority:** 42 USC 7410**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** As required by the Clean Air Act's New Source Review (NSR) provisions, the EPA is proposing Federal regulations governing preconstruction permitting of minor and major stationary sources of air pollution in Indian country. Pursuant to the Tribal Air Rule, eligible Indian Tribes may receive EPA authorization to develop and implement such programs. The Federal NSR permitting programs would be effective throughout Indian country and would be implemented by EPA if eligible Indian Tribes do not elect, or do not receive authorization, to manage such programs. The proposed Federal minor NSR rule would require sources in Indian country, with certain exceptions, to obtain a permit prior to construction if they are: (1) new minor sources, (2) existing minor sources undergoing modification, or (3) existing major sources undergoing minor modification. The proposed rule also would allow new or existing stationary sources to accept enforceable limits on their production capacity or hours of operation in order to be considered minor sources and avoid being subject to other Clean Air Act requirements such as the title V operating permit program. The proposed Federal major NSR rule would require sources in nonattainment areas in Indian country to obtain a permit prior to construction if they are: (1) new major sources, or (2) existing major sources undergoing major modification. These rules would not impose any mandates on Tribal governments to implement NSR permitting programs. Tribal governments may be affected, however, insofar as they own or operate sources that must obtain a permit from the EPA under the final Federal permitting program regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/01	
Final Action	07/00/02	

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, Tribal**Additional Information:** SAN No. 3975**Agency Contact:** Michele Dubow, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711

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**RIN:** 2060-AH37**3283. RULEMAKING TO MODIFY THE LIST OF SOURCE CATEGORIES FROM WHICH FUGITIVE EMISSIONS ARE CONSIDERED IN MAJOR SOURCE DETERMINATIONS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 7602 CAA sec 302(j)**CFR Citation:** 40 CFR 51; 40 CFR 52; 40 CFR 70; 40 CFR 71**Legal Deadline:** None

**Abstract:** This rulemaking will modify the list of source categories for which fugitive emissions are to be considered in major source determinations under the New Source Review (Prevention of Significant Deterioration and Nonattainment New Source Review) and title V programs. As provided by section 302(j) of the Act, EPA adopted rules on August 7, 1980 that require, for specific source categories, the inclusion of fugitive emissions when determining if a stationary source is a major source. In its 1980 rulemaking, EPA identified one such specific source category as those stationary source categories being regulated, as of August 7, 1980, under sections 111 or 112 of the Clean Air Act. Moreover, EPA indicated that at the time of any future rulemaking proposing to regulate additional categories of sources under sections 111 or 112, the EPA would conduct a parallel rulemaking under

section 302(j) to determine whether fugitive emissions from sources within these source categories needed to be considered in determining whether the sources were major stationary sources. EPA did not conduct these parallel rulemakings as intended and is now conducting a rulemaking pursuant to section 302(j) to address the source categories which became subject to section 111 and 112 standards after August 7, 1980.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4045**Agency Contact:** Joanna Swanson, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711

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**RIN:** 2060-AH58**3284. NESHAP: TACONITE IRON ORE PROCESSING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAA 112; PL 91-190 sec 203**CFR Citation:** Not Yet Determined**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The taconite iron ore processing source category is comprised of nine facilities operating in the United States. Seven facilities are located in Minnesota and two are located in Michigan. The expected sources of HAP emissions for this source category include: fossil fuel combustion sources, and possibly the handling and transfer of mined ore containing naturally occurring inorganic compounds. Anticipated HAP emissions released from these sources primarily include: formaldehyde, manganese, nickel, arsenic, and chromium. The quantities of HAP released are expected to exceed major source levels.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4102

There are nine taconite processing facilities in the U.S.; seven are located in Minnesota and two are located in Michigan. The MACT standard for this industry group will be shared between EPA and the State of Minnesota. State regulations currently in place include both air emissions limitations and prohibition of effluent discharge to Great Lakes waters, and both air and water monitoring requirements. Other existing Federal regulations may be affected under RCRA and TSCA.

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**RIN:** 2060-AH73**3285. NESHAP: HYDROCHLORIC ACID PRODUCTION INDUSTRY****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 1857 et seq; 44 USC 350 et seq; 5 USC 605; EO 12291; EO 12866**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000, Clean Air Act.

**Abstract:** Title III of the Clean Air Act Amendments of 1990 requires the EPA to develop emission standards for each major source category of hazardous air pollutants (HAPs). The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator of the EPA. The EPA has determined that some hydrochloric acid plants may be major sources for one or more HAPs. As a consequence, a regulation (emission standards) will be developed for the hydrochloric acid production industry.

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4104

**Sectors Affected:** 325199 All Other Basic Organic Chemical Manufacturing; 325181 Alkalies and Chlorine Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325211 Plastics Material and Resin Manufacturing

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**RIN:** 2060-AH75**3286. NESHAP: AMMONIUM SULPHATE PRODUCTION (CAPROLACTAM BY-PRODUCT)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** This project is to develop national emissions standards for hazardous air pollutants (NESHAP) by establishing emissions limitations for hazardous air pollutants (HAP) which can be emitted by the three known sources in this category. The emissions limitations are to be based upon the application of the maximum achievable control technology (MACT). The purpose of the NESHAP is to reduce emissions of HAP to protect public health and the environment. The project is scheduled to begin in the fall of 1997. The initial stage of this project is to gather information on the industry processes, emissions of HAP and available emissions control technologies. That work will be

followed by the development, proposal and promulgation of NESHAP.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4116

**Sectors Affected:** 325311 Nitrogenous Fertilizer Manufacturing

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**RIN:** 2060-AH77**3287. NESHAP: ASPHALT/COAL TAR APPLICATION ON METAL PIPES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The Clean Air Act (CAA), as amended in 1990, requires the EPA to (1) publish an initial list of all categories of major and area sources of the hazardous air pollutants (HAPs) listed in section 112(b) of the CAA, (2) promulgate a schedule establishing a date for the promulgation of emission standards for each of the listed categories of HAPs emission sources, and (3) develop emission standards for each source of HAPs. These standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The Agency has determined that the application of asphalt or coal tar to metal pipes may reasonably be anticipated to emit several of the 189 HAPs listed in section 112(b) of the CAA. As a consequence, a regulatory development program is being pursued for the asphalt/coal tar application on metal pipes industry to promulgate emission standards.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4107

**Sectors Affected:** 332812 Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers

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**RIN:** 2060-AH78**3288. NESHAP: CLAY PROCESSING MINERALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** The Clean Air Act (CAA), as amended in 1990, requires the EPA to (1) publish an initial list of all categories of major and area sources of the hazardous air pollutants (HAPs) listed in section 112(b) of the CAA, (2) promulgate a schedule establishing a date for the promulgation of emission standards for each of the listed categories of HAPs emission sources, and (3) develop emission standards for each source of HAPs. These standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The Agency has determined that the clay products manufacturing industry may reasonably be anticipated to emit several of the 189 HAPs listed in section 112(b) of the CAA. As a consequence, a regulatory development program is being pursued for the clay products manufacturing industry to promulgate emission standards.

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4113

**Sectors Affected:** 327121 Brick and Structural Clay Tile Manufacturing; 327122 Ceramic Wall and Floor Tile Manufacturing; 327123 Other Structural Clay Product Manufacturing; 327124 Clay Refractory Manufacturing

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**RIN:** 2060—AH79**3289. NESHAP: HYDROGEN CHLORIDE PRODUCTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 1857**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** Title III of the Clean Air Act Amendments of 1990 requires the EPA to develop emission standards for each major source category of hazardous air pollutants (HAPs). The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator of the EPA. The EPA has determined that some plants may be major sources for one or more HAPs. As a consequence, a regulation (emission standards) is being developed for the hydrogen chloride industry, to be promulgated by November 15, 2000.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State**Additional Information:** SAN No. 4112

**Sectors Affected:** 325181 Alkalies and Chlorine Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 325211 Plastics Material and Resin Manufacturing

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**RIN:** 2060—AH80**3290. NESHAP: URANIUM HEXAFLUORIDE PRODUCTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This project will develop national emissions standards for hazardous air pollutants (NESHAP) by establishing emissions limitations for hazardous air pollutants (HAP) which can be emitted by the two known sources in this category. The emissions limitations are to be based upon the application of the maximum achievable control technology (MACT). The purpose of the NESHAP is to reduce emissions of HAP to protect public health and the environment. The project will begin in 2000. Initially, information on the industry processes and emissions of HAP will be analyzed to identify available emissions control technologies. That work will be followed by the development, proposal and promulgation of NESHAP.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4098

**Sectors Affected:** 331419 Primary Smelting and Refining of Nonferrous Metal (except Copper and Aluminum)

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**RIN:** 2060—AH83**3291. FEDERAL IMPLEMENTATION PLANS (FIPS) TO REDUCE THE REGIONAL TRANSPORT OF OZONE IN THE EASTERN UNITED STATES****Priority:** Economically Significant. Major under 5 USC 801.

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

**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 52; 40 CFR 97; 40 CFR 98**Legal Deadline:** None

**Abstract:** This action would promulgate Federal Implementation Plans (FIPs) which require nitrogen oxides (NOx) emissions decreases in 22 States and the District of Columbia. The intended effect is to reduce the transport of ozone (smog) pollution and one of its main precursors — NOx — across State boundaries in the eastern half of the United States. On October 27, 1998, EPA published a final rule (NOx SIP Call) which allowed States 12 months to develop, adopt, and submit revisions to their State Implementation Plans (SIPs) to address the transport problem. The Administrator is required to promulgate a FIP within 2 years of: (1) finding that a State has failed to make a required submittal or (2) finding that a submittal is not complete or (3) disapproving a SIP submittal. On May 25, 1999, the 12 month NOx SIP Call deadline was indefinitely stayed by the Court of Appeals for the District of Columbia Circuit. EPA is currently considering the implications of this court decision.

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	10/21/98	63 FR 56393
Final Action On hold pending court action	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, Local, Tribal

**Federalism:** Undetermined

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 4096

**Sectors Affected:** 221112 Fossil Fuel Electric Power Generation; 325311 Nitrogenous Fertilizer Manufacturing; 32731 Cement Manufacturing; 331111 Iron and Steel Mills

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**RIN:** 2060-AH87

**3292. GENERAL CONFORMITY REGULATIONS; REVISIONS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 7401-7671

**CFR Citation:** 40 CFR 51.850 to 51.860; 40 CFR 93.150 to 93.160

**Legal Deadline:** None

**Abstract:** Section 176(c) of the Clean Air Act prohibits Federal entities from taking actions which do not conform to the State implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). In November 1993, EPA promulgated two sets of regulations to implement section 176(c). First, on November 24, EPA promulgated the Transportation Conformity Regulations to establish the

criteria and procedures for determining that transportation plans, programs, and projects which are funded under title 23 U.S.C. or the Federal Transit Act conform with the SIP. Then, on November 30, EPA promulgated regulations, known as the General Conformity Regulations, to ensure that other Federal actions also conformed to the SIPs. Since 1993, EPA has amended the transportation conformity rule three times in response to stakeholders' requests. The EPA is working on a separate revision to address transportation conformity in transitional areas which will be final by December 1998. The EPA has not reviewed or revised the General Conformity Regulations since their 1993 promulgation. Several Federal agencies have identified concerns over the implementation of the General Conformity Regulations, including the requirements for areas designated nonattainment for the newly promulgated NAAQS. In conjunction with an ad hoc work group of representatives from several Federal agencies, EPA will review the implementation of the General Conformity Regulations. The EPA will then propose and promulgate any appropriate revision to those regulations.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4070

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**RIN:** 2060-AH93

**3293. REVISIONS TO AIR POLLUTION EMERGENCY EPISODE REQUIREMENTS (SUBPART H, 40 CFR PART 51)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410(a)(2)(G); 42 USC 7603

**CFR Citation:** 40 CFR 51 Appendix L; 40 CFR 51.150 to 51.153

**Legal Deadline:** None

**Abstract:** 40 CFR part 51.150-51.153 require States to have contingency plans to prevent air pollution levels from reaching the significant harm level (SHL) for CO, O<sub>3</sub>, SO<sub>2</sub>, NO<sub>x</sub>, and PM. Appendix L provides example guidance to the States on appropriate courses of action to take at each episode stage (i.e., alert, warning, and emergency) to ensure the SHL is not reached. These requirements were developed in the 1970's, based on the NAAQS from that era. Since that time, ambient air quality levels have decreased nationwide. Today, many areas/sources that no longer need episode plans must still develop them. This rule would update and simplify the criteria used to determine which areas would require episode plans. Areas with no more than one exceedance of the Alert level over the past 5 years would not need to develop emergency episode plans. Sources with the potential to cause exceedances of the SHL due to a process/control equipment malfunction would need to develop source contingency plans to prevent (and to respond to) such malfunctions. Appendix L would also be revised to reflect the revised program requirements. The result will be a sensible, credible program replacing an outdated program.

**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, State, Local, Tribal

**Additional Information:** SAN No. 4247

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## EPA—Clean Air Act (CAA)

## Long-Term Actions

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RIN: 2060-AI47

### 3294. REVISION OF EPA'S RADIOLOGICAL EMERGENCY RESPONSE PLAN

**Priority:** Substantive, Nonsignificant

**Legal Authority:** EO 12777; PL 96-295 Sec 304

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The U.S. Environmental Protection Agency (EPA) Radiological Emergency Response Plan (RERP) establishes a framework for timely, coordinated EPA action to protect public health and safety and the environment in response to a peacetime radiological incident. The original EPA RERP was approved in 1986. This new revision updates authorities, responsibilities, capabilities, and procedures for implementing effective radiological emergency response actions by EPA Offices. The RERP presents the EPA organizational structure and concept of operations for responding to radiological incidents as a participant in a Federal multi-agency response using the Federal Radiological Emergency Response Plan (FRERP) and the Federal Response Plan (FRP), and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This revision incorporates recent changes to the FRERP and NCP, and many other policy updates. In short, this revision ensures that EPA maintains a comprehensive strategy to provide organized, effective assistance to State and local governments in the event of a radiological emergency.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3638

Was previously listed in the Regulatory Agenda as RIN 2060-AF85.

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RIN: 2060-AI49

### 3295. NESHAP: PAINT STRIPPING OPERATIONS

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

**Legal Authority:** 42 USC 7412 CAA sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The Clean Air Act requires EPA to publish an initial list of all categories of major and area sources of hazardous air pollutants (HAPs) listed in section 112(b) of the Act and to establish and meet dates for promulgation of emission standards for each of the listed categories of HAP emission sources. The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The EPA has determined that paint stripping operations emit at least one of the HAPs listed in section 112(b) of the Act, specifically methylene chloride. As a result, the source category is included on the initial list of HAP-emitting categories scheduled for promulgation within 10 years of enactment of the Clean Air Act Amendments of 1990. The purpose of this action is to begin a regulatory development program such that any emission standards may be promulgated according to the mandated schedule. It is unknown now whether this action will impact small businesses.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 3746

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RIN: 2060-AG26

### 3296. PETROLEUM SOLVENT DRY CLEANERS MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) STANDARD

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The Clean Air Act requires EPA to publish an initial list of all categories of major and area sources of hazardous air pollutants (HAPs) listed in section 112(b) of the Clean Air Act Amendments and to establish and meet dates for promulgation of emission standards for each of the listed categories of HAP emission sources. The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The EPA has determined that the petroleum solvent dry cleaning industry emits several HAPs listed in section 112(b) of the Act; these HAPs are: chlorobenzene, cumene, ethyl benzene, polycyclic organic matter, toluene, and xylene. As a result, the source category is included on the initial list of HAP-emitting categories scheduled for promulgation within 10 years of enactment of the Clean Air Act Amendments of 1990. The purpose of this action is to begin a regulatory development program such that any emission standards may be promulgated according to the mandated schedule. It is anticipated that this action will impact small business, but the extent of that impact has not yet been determined.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3754

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## EPA—Clean Air Act (CAA)

## Long-Term Actions

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**RIN:** 2060—AG34

### 3297. NESHAP: REFRACTORIES MANUFACTURING

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412 CAA sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The Clean Air Act requires EPA to publish an initial list of all categories of major and area sources of hazardous air pollutants (HAPs) listed in section 112(b) of the Act and to establish and meet dates for promulgation of emission standards for each of the listed categories of HAP emission sources. The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The refractory manufacturing source category is included on the initial list of HAP-emitting categories scheduled for promulgation within ten years of enactment of the Clean Air Act Amendments of 1990. Testing conducted and information obtained to date indicate 22 major sources exist in this source category and will be affected by this rulemaking. The EPA has determined that the refractory manufacturing industry emits HAPs including chromium, ethylene glycol, phenol, methanol, hydrochloric acid, formaldehyde, polycyclic organic matter (POM) and hydrogen fluoride; eight of the 189 HAPs listed in section 112 of the Act. Impacts on small businesses and on State/local/tribal governments will be assessed.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

### Regulatory Flexibility Analysis Required:

Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3652

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**RIN:** 2060—AG68

### 3298. NESHAP: LIME MANUFACTURING

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 7401 et seq; 44 USC 350 et seq; 5 USC 605

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** Section 112 of the Clean Air Act Amendments of 1990 requires the EPA to develop emission standards for each major source category of hazardous air pollutants (HAPs). The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator of the EPA. The EPA has determined that some lime manufacturing plants may be major sources for one or more HAPs. As a consequence, a regulation (emission standards) is being developed for the lime manufacturing industry.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

### Regulatory Flexibility Analysis Required:

Undetermined

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3651

**Sectors Affected:** 32741 Lime Manufacturing

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**RIN:** 2060—AG72

### 3299. NESHAP: FRICTION PRODUCTS MANUFACTURING

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

**Legal Authority:** 42 USC 7412 CAA sec 112; PL 91-190 sec 203

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The friction products manufacturing source category includes any facility that manufactures or remanufactures friction products such as brakes, brake pads, disk pads, and clutch pads, including facilities that use non-asbestiform mineral fibers and asbestos replacement material. Hazardous air pollutants (HAPs) are emitted from solvents contained in the adhesives used to bond the friction material to the automobile part. During 1998, the Agency collected current information from owners/operators regarding business size, quantities of pollutants, processes, air pollution control devices, and workplace practices in the industry. Some of the HAPs reported include phenol, toluene, methyl chloroform, chlorobenzene, o-cresol, formaldehyde, n-hexane, hydrogen cyanide, methanol, methylene chloride, methylisobutyl carbon, 1,1,1-trichloroethane, trichloroethylene, chloroethylene, ethylbenzene, xylenes, and methylethylketone. Owners/operators reported that these particular HAPs are emitted during heated processes such as curing, bonding, and debonding processes. It is expected that substantial reductions in these emissions can be achieved at the floor levels of controls under section 112(b). Based on this information and

## EPA—Clean Air Act (CAA)

## Long-Term Actions

any needed new information to be developed by EPA and the industry, the Agency plans to propose and promulgate a maximum achievable control technology (MACT) standard for existing sources and new sources.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 3899

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**RIN:** 2060-AG87

**3300. NESHAP: METAL CAN (SURFACE COATING) INDUSTRY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This action will result in the reduction of hazardous air pollutants emitted by the metal can industry. The Agency will study what pollutants are emitted and evaluate the control techniques, including pollution prevention, that are used to reduce these emissions. The Agency will also determine what, if any, impact the rule would have on small businesses.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3906

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**RIN:** 2060-AG96

**3301. NESHAP: FABRIC PRINTING, COATING AND DYEING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This action will result in the reduction of hazardous air pollutants (HAP) emitted from fabric printing, coating, and dyeing. The Agency will identify and study the types and sources of HAP emissions from these processes, and evaluate pollution prevention and other control techniques which can reduce these emissions.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	04/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 3909

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**RIN:** 2060-AG98

**3302. NESHAP: MANUFACTURE OF CARBON BLACK**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAA sec 112

**CFR Citation:** 40 CFR 63 YY

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The purpose of this regulatory action is to develop a Maximum Achievable Control Technology Standard for the manufacture of carbon black. This standard will meet the Clean Air Act Amendments of 1990 requirement to regulate sources of hazardous air pollutants. Three hazardous air pollutants identified in the 1990 Clean Air Act Amendments are emitted by the carbon black process. These are carbon disulfide, carbonyl sulfide, and hydrogen cyanide.

Carbon black is a product used primarily in the manufacture of automobile tires. There are approximately 22 carbon black facilities located in the nation. Of these it is currently estimated there are 20 major sources that will be subject to this regulation. This rule is not expected to have impacts on small business.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 3962

**Sectors Affected:** 325182 Carbon Black Manufacturing

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**RIN:** 2060-AH19

## EPA—Clean Air Act (CAA)

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**3303. FIELD CITATION PROGRAM****Priority:** Other Significant**Legal Authority:** 42 USC 7413(d) CAA sec 113(d)**CFR Citation:** 40 CFR 59**Legal Deadline:** None

**Abstract:** The Clean Air Act Amendments give EPA the authority to issue on-the-spot field citations for minor violations of the Clean Air Act, with penalties of up to \$5,000 per day of violation. Section 113(d) of the Act requires the field citation program to be implemented through regulations which provide the informal hearing procedures. These hearing procedures are not required to be as rigorous as those imposed by the Administrative Procedures Act (APA), but nevertheless must provide due process. Agency guidance providing appropriate penalties for specific minor violations will be prepared for EPA employees and made available to the regulated community. Training on the issuance of field citations will also be developed.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/94	59 FR 22776
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Federalism:** Undetermined**Additional Information:** SAN No. 2937

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**RIN:** 2020-AA32**3304. NESHAP: WOOD BUILDING PRODUCTS (SURFACE COATING)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This action will result in the reduction of hazardous air pollutants (HAP) emitted by the wood building product surface coating industry. The

Agency will study the various HAP emitted by the industry and evaluate pollution prevention and control techniques which can reduce these emissions.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	04/00/02	

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

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 3904

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**RIN:** 2060-AH02**3305. CONSUMER AND COMMERCIAL PRODUCTS: FLEXIBLE PACKAGE PRINTING MATERIALS: DETERMINATION ON CONTROL TECHNIQUES GUIDELINES IN LIEU OF REGULATION****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** In accordance with Section 183(e) of the Clean Air Act, EPA identified flexible package printing materials as a category of consumer and commercial products prioritized for regulation to reduce VOC emissions in ozone nonattainment areas. Section 183(e)(3)(C) gives EPA the authority to issue CTG in lieu of regulation if the Administrator determines that CTG are substantially as effective as regulation in reducing VOC emissions in ozone nonattainment areas. This action will

put forward EPA's proposed determination under section 183(e)(3)(C).

**Timetable:**

Action	Date	FR Cite
Final Action Final Determination/CTG	04/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4245

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**RIN:** 2060-AI31**3306. NESHAP: ALUMINA PROCESSING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 1857 et seq; 44 USC 350 et seq; EO 12866; 5 USC 605**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** The CAA required the EPA to publish an initial list of all categories of major and area sources of hazardous air pollutants (HAPs) listed in section 112(b) of the CAA and to establish and meet dates for promulgation of emissions standards for each of the listed categories of HAP emissions sources. The standards are to be technology based and are to require the maximum degree of reduction determined to be achievable by the Administrator. The EPA has determined that the alumina processing industry may be reasonably expected to emit one of the pollutants listed in section 112(b) of the CAA. As a consequence, the source category is included on the initial list of HAP emitting categories scheduled for standards promulgation within 10 years of enactment of the CAA Amendments of 1990. The purpose of this action is

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to pursue a regulatory development program such that emissions standards may be proposed and promulgated for this industry.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4110

**Sectors Affected:** 325188 All Other Basic Inorganic Chemical Manufacturing

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**RIN:** 2060-AH70

**3307. NESHAP: ETHYLENE OXIDE COMMERCIAL STERILIZATION AND FUMIGATION OPERATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAA Section 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This action suspended the NESHAP for ethylene oxide commercial sterilization and fumigation operation requirements for chamber exhaust and aeration room vents. The suspension allows affected sources subject to ethylene oxide NESHAP to defer compliance with the NESHAP requirements for chamber exhaust until December 6, 2001 and aeration room vents until December 6, 2000. This suspension does not affect the requirement for sources subject to the ethylene oxide NESHAP to comply with provisions for sterilizer vents. This action does not change the standards or the intent of the NESHAP promulgated in 1994.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Suspension of rule	12/04/98	63 FR 66990
Interim Final Rule Extended suspension of rule	12/03/99	64 FR 67789
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4222

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**RIN:** 2060-AI37

**3308. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER**

**Priority:** Economically Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 7408; 42 USC 7409

**CFR Citation:** 40 CFR 50

**Legal Deadline:** Final, Statutory, July 1, 2002, Standards review to be completed.

**Abstract:** On July 18, 1997, the EPA published a final rule revising the national ambient air quality standards (NAAQS) for particulate matter (PM) (62 FR 38652). While retaining the PM10 standard levels, new standards were added for fine particles (PM2.5) to provide increased protection against both health and environmental effects of PM. On the same day, a Presidential Memorandum (62 FR 38421, July 16, 1997) was published that, among other things, directed EPA to complete the next review of the PM NAAQS by July 2002. The EPA's plans and schedule for the next periodic review of the PM NAAQS were published on October 23, 1997 (62 FR 55201). As with other

NAAQS reviews, a rigorous assessment of relevant scientific information will be presented in a Criteria Document (CD), and the preparation of this document is currently under way by the EPA's National Center for Environmental Assessment. The EPA's Office of Air Quality Planning and Standards will also prepare a Staff Paper (SP) for the Administrator which will evaluate the policy implications of the key studies and scientific information contained in the CD and additional technical analyses and identify critical elements that EPA staff believe should be considered in reviewing the standards. The SP and CD will be reviewed by the Clean Air Scientific Advisory Committee (CASAC) and the public; both will reflect the input received through these reviews. As the PM NAAQS review is completed, the Administrator's proposal to revise or reaffirm the PM NAAQS will be published with a request for public comment. Input received during the public comment period will be reflected in the Administrator's final decision which will be published in July 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/01	
Final Action	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4255

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**RIN:** 2060-AI44

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**3309. PROTECTION OF STRATOSPHERIC OZONE: AMENDMENT TO TRANSSHIPMENT PROVISION IN FINAL RULE ACCELERATING THE PHASEOUT OF OZONE-DEPLETING SUBSTANCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act Title VI

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** Amends current rule to require those transshipping goods with ozone-depleting substances through the U.S. to notify EPA of the specifics of the transshipment.

**Timetable:**

Action	Date	FR Cite
NPRM Reproposal	05/10/95	60 FR 25010
Supplemental NPRM	06/00/01	
Final Action	06/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3626

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**RIN:** 2060-AI46

**3310. IDENTIFICATION OF ADDITIONAL OZONE AREAS ATTAINING THE 1-HOUR STANDARD AND TO WHICH THE 1-HOUR STANDARD IS NO LONGER APPLICABLE (7 AREAS)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 81 (Revision)

**Legal Deadline:** None

**Abstract:** EPA proposes to identify several additional ozone areas where the 1-hour standard is no longer applicable. This proposed action is based upon analysis of quality-assured, ambient air quality monitoring data showing no violations of the 1-hour ozone standard. Determinations for this notice were based upon the most recent data available, i.e., 1996-1998. The EPA has previously taken final action regarding the applicability of the 1-hour standard for other areas on June 5, 1998 and July 22, 1998.

**Timetable:**

Action	Date	FR Cite
NPRM	06/09/99	64 FR 30937
Final Action Actual	To Be	Determined
Publication Date On Hold		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Federalism:** Undetermined

**Additional Information:** SAN No. 4274

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**RIN:** 2060-AI57

**3311. NESHAP: CERAMICS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** Ceramics are defined as a class of inorganic, nonmetallic solids that are subject to high temperature in manufacture and/or use. The most common ceramics are composed of oxides, carbides, and nitrides. Sillicides, borides, phosphides, tellurides, and selenides also comprise ceramics. Ceramic processing generally involves high temperatures, and the resulting materials are heat resistant. The general classifications of traditional ceramics are pottery, whiteware, earthenware, stoneware, chinaware, porcelain tile and sanitary ware. The hazardous air pollutants emitted from ceramics production include hydrogen fluoride and hydrochloric acid.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 4343

Split from RIN 2060-AH79

**Sectors Affected:** 327121 Brick and Structural Clay Tile Manufacturing; 327122 Ceramic Wall and Floor Tile Manufacturing; 327123 Other Structural Clay Product Manufacturing; 327124 Clay Refractory Manufacturing

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**RIN:** 2060-AI68

**3312. • INTERSTATE OZONE TRANSPORT: RULEMAKING ON SECTION 126 PETITIONS FROM THE DISTRICT OF COLUMBIA, DELAWARE, MARYLAND, AND NEW JERSEY**

**Priority:** Substantive, Nonsignificant

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

**Legal Authority:** 42 USC 7426

**CFR Citation:** 40 CFR 52; 40 CFR 97

**Legal Deadline:** Final, Statutory, December 14, 1999, See Additional Information.

**Abstract:** In April through July 1999, 3 Northeastern States (New Jersey, Maryland, and Delaware) and the District of Columbia submitted individual petitions to EPA in accordance with section 126 of the Clean Air Act (CAA). Each petition specifically requests that EPA make a finding that nitrogen oxides (NOx) emissions from certain stationary sources in other States significantly contribute to ozone nonattainment and maintenance problems with respect to the 1-hour and 8-hour ozone standards in the petitioning State. If EPA makes such a finding of significant contribution, EPA is authorized to

## EPA—Clean Air Act (CAA)

## Long-Term Actions

establish Federal emissions limits for the sources. The petitions rely on the analyses from EPA's NOx SIP call. The sources targeted by the petitions are large electricity generating units and large non-electricity generating units, as defined in EPA's NOx SIP call. The CAA requires EPA to take final action on the petitions within 60 days of receipt, but may extend the deadline for up to 6 additional months to allow for public process. The EPA took rulemaking action on similar petitions from 8 other Northeastern States that were submitted in 1997.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Federal, Local

**Additional Information:** SAN No. 4383

There is a different statutory deadline associated with each petition based on the date of receipt by EPA: New Jersey - 12/14/99, Maryland - 01/01/00, Delaware - 02/10/00, District of Columbia - 03/07/00

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**RIN:** 2060-AI99

### 3313. • RESCINDING THE FINDING THAT THE PRE-EXISTING PM10 STANDARDS ARE NO LONGER APPLICABLE IN NORTHERN ADA COUNTY/BOISE, IDAHO

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 50.6(d); 40 CFR 52.676; 40 CFR 81.313

**Legal Deadline:** None

**Abstract:** The EPA had previously taken action to revoke the PM-10 national ambient air quality standards (NAAQS) for the Boise/Ada County area in anticipation that a revised PM-10 NAAQS would soon be in place. However, the DC Circuit court subsequently vacated the revised PM-10 NAAQS, the effectiveness of which served as the underlying basis for EPA's decision to revoke the pre-existing PM-10 NAAQS. Therefore, in order to protect public health in the Boise/Ada County area, EPA is proposing to reinstate the pre-existing PM-10 NAAQS. Without this action there would be no Federal PM-10 NAAQS applicable to this area.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

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

**Additional Information:** SAN No. 4391

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**RIN:** 2060-AJ05

### 3314. • NESHAP: ALUMINUM DIE CASTING AND ALUMINUM FOUNDRIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA Section 112

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The completed Secondary Aluminum Production NESHAP included some aluminum die casting facilities and aluminum foundries under its applicability. EPA has based

its MACT standard for aluminum die casting and aluminum foundries, as well as its assessment of the economic impacts on small businesses in these industries, on information on representative facility practices provided to EPA by these industries to date. However, affected facilities in these industries have expressed concern that the information and assumptions upon which EPA has relied may be incomplete or may not adequately represent the processes and emissions at such facilities. Therefore, EPA will initiate a formal process to collect further information from the facilities in these industries on the activities in which they engage and the potential of these activities to contribute to HAP emissions. After evaluating this information, EPA will make a new determination concerning MACT requirements for both major facilities and area sources in these industries. EPA expects to adopt any alternative MACT standard applicable to these industries, and to take final action to remove the aluminum die casting and aluminum foundry industries from the current standard, within two years.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4413

**Sectors Affected:** 331521 Aluminum Die-Castings; 331524 Aluminum Foundries

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**RIN:** 2060-AJ09

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**Clean Air Act (CAA)**
**Completed Actions**
**3315. FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING ON SECTION 126 PETITIONS FOR PURPOSES OF REDUCING INTERSTATE OZONE TRANSPORT**

**Priority:** Economically Significant. Major under 5 USC 801.

**CFR Citation:** 40 CFR 52; 40 CFR 75; 40 CFR 97

**Completed:**

Reason	Date	FR Cite
Final Stay Amendments	01/13/00	65 FR 2039
Final Rule	01/18/00	65 FR 2674

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** Federal, Local

**Sectors Affected:** 221112 Fossil Fuel Electric Power Generation

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**RIN:** 2060-AH88

**3316. NESHAP: OFF-SITE WASTE AND RECOVERY OPERATIONS; FINAL RULE—SETTLEMENT AGREEMENT; AND NESHAP FOR OFF-SITE WASTE AND RECOVERY OPERATIONS; TECHNICAL AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Direct Final Rule	07/20/99	64 FR 38950

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

**Sectors Affected:** 32411 Petroleum Refineries; 325412 Pharmaceutical Preparation Manufacturing; 32731 Cement Manufacturing; 562112 Hazardous Waste Collection

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**RIN:** 2060-AH96

**3317. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW MARINE DIESEL ENGINES AT OR ABOVE 37 KILOWATTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 89

**Completed:**

Reason	Date	FR Cite
Final Action	12/29/99	64 FR 73299

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Sectors Affected:** 336399 All Other Motor Vehicle Parts Manufacturing; 335312 Motor and Generator Manufacturing

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**RIN:** 2060-AI17

**3318. TIER II LIGHT-DUTY VEHICLE AND LIGHT-DUTY TRUCK EMISSION STANDARDS AND GASOLINE SULFUR STANDARDS**

**Priority:** Economically Significant. Major under 5 USC 801.

**CFR Citation:** 40 CFR 80; 40 CFR 86 (Revision)

**Completed:**

Reason	Date	FR Cite
Final Action	02/10/00	65 FR 6698

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

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**RIN:** 2060-AI23

**3319. NESHAP: MANUFACTURING OF AMINO/PHENOLIC RESINS (PREVIOUSLY KNOWN AS POLYMERS & RESINS GROUP III)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Final Action	01/20/00	65 FR 3275

**Regulatory Flexibility Analysis Required:** No

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

**Sectors Affected:** 325211 Plastics Material and Resin Manufacturing

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**RIN:** 2060-AE36

**3320. NESHAP: CYANIDE CHEMICALS MANUFACTURING**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Merged With RIN 2060-AH68 (SAN 4105)	03/31/00	

**Regulatory Flexibility Analysis Required:** No

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

**Sectors Affected:** 325188 All Other Basic Inorganic Chemical Manufacturing

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**RIN:** 2060-AE45

**3321. NESHAP: PUBLICLY OWNED TREATMENT WORKS (POTW)-AMENDMENTS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Final Action	10/26/99	64 FR 57572

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local

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## EPA—Clean Air Act (CAA)

## Completed Actions

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RIN: 2060-AF26

**3322. NESHAP: ETHYLENE PROCESSES**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Merged With RIN 2060-AH68 (SAN 4105)	03/31/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State, Local

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RIN: 2060-AG53

**3323. NESHAP: SPANDEX PRODUCTION**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Merged With RIN 2060-AH68 (SAN 4105)	03/31/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Federalism: Undetermined

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RIN: 2060-AH14

**3324. LIST OF REGULATED SUBSTANCES AND THRESHOLDS FOR ACCIDENTAL RELEASE PREVENTION; PETITION TO DELIST VINYL ACETATE**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR Part 68

**Completed:**

Reason	Date	FR Cite
Withdrawn Petitioner withdrew petition without prejudice.	11/05/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Sectors Affected: 325188 All Other Basic Inorganic Chemical Manufacturing

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RIN: 2050-AE70

**3325. LIST OF REGULATED SUBSTANCES AND THRESHOLDS FOR ACCIDENTAL RELEASE PREVENTION; PROPOSED AMENDMENT; FLAMMABLE HYDROCARBON FUEL EXEMPTION**

Priority: Other Significant

CFR Citation: 40 CFR 68 (Revision)

**Completed:**

Reason	Date	FR Cite
Merged With RIN 2050-AE74	02/29/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State, Local, Tribal

Sectors Affected: 111 Crop Production; 722 Foodservices and Drinking Places; 112 Animal Production

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RIN: 2050-AE72

**3326. AMENDMENT TO REGULATIONS GOVERNING EQUIVALENT EMISSION LIMITATIONS BY PERMIT**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Final Rule	05/14/99	64 FR 26311

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State

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RIN: 2060-AI28

**3327. FEDERAL PLAN REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILLS THAT COMMENCED CONSTRUCTION PRIOR TO 5/30/91 AND HAVE NOT BEEN MODIFIED OR RECONSTRUCTED SINCE 5/30/91**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 62.14350 (New)

**Completed:**

Reason	Date	FR Cite
Final Action	11/08/99	64 FR 60689

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2060-AI50

**3328. PROCESS WASTEWATER PROVISIONS OF THE GENERIC MACT**

Priority: Other Significant

CFR Citation: 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Final Action	11/22/99	64 FR 63695

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

## EPA—Clean Air Act (CAA)

## Completed Actions

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**RIN:** 2060—AI53

**3329. REVISIONS TO PROMULGATION OF FEDERAL IMPLEMENTATION PLAN FOR ARIZONA - MARICOPA NONATTAINMENT AREA PM-10 TEST METHODS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 52.128; 40 CFR 52.123; 40 CFR 52.124; 40 CFR 52.127

**Completed:**

Reason	Date	FR Cite
Final Action	12/21/99	64 FR 71304

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 2060—AI54

**3330. AREA SOURCE TITLE V OPERATING PERMIT DEFERRALS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63.340; 40 CFR 63.360; 40 CFR 63.468; 40 CFR 63.541; 40 CFR 63.320

**Completed:**

Reason	Date	FR Cite
Final Action	12/14/99	64 FR 69637

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, State

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**RIN:** 2060—AI58

**3331. NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARD FOR ARCHITECTURAL COATINGS; PROPOSED AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 59 (Revision)

**Completed:**

Reason	Date	FR Cite
Withdrawn No further action is planned.	03/13/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 2060—AI63

**3332. REGULATION OF FUELS AND FUEL ADDITIVES: EXTENSION OF REFORMULATED GASOLINE PROGRAM TO THE KANSAS CITY, KS FORMER OZONE NONATTAINMENT AREA**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** Not Yet Determined

**Completed:**

Reason	Date	FR Cite
Withdrawn - No further action is planned	02/24/00	

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 2060—AI70

**3333. PROPOSED RULE TO AMEND SUBPART H, 40 CFR PART 61 FOR EMISSIONS OF RADIONUCLIDES OTHER THAN RADON FROM DOE FACILITIES**

**Timetable:**

Action	Date	FR Cite
Duplicate of RIN 2060-	02/15/00	
	AI90, SAN 4273	

**RIN:** 2060—AI81

**3334. REVISION TO METHOD 24 FOR ELECTRICAL INSULATING VARNISHES**

**Timetable:**

Action	Date	FR Cite
Duplicate of RIN 2060-	02/15/00	
	AI94, SAN 4299	

**RIN:** 2060—AI85

**3335. NATIONAL AMBIENT AIR QUALITY STANDARD FOR OZONE - CORRECTIONS NOTICE**

**Timetable:**

Action	Date	FR Cite
Duplicate of RIN 2060-	03/17/00	
	AI95	

**RIN:** 2060—AI86

**3336. DEVELOPMENT OF REFERENCE METHOD FOR THE DETERMINATION OF SOURCE EMISSIONS OF FILTERABLE FINE PARTICULATE MATTER AS PM2.5**

**Timetable:**

Action	Date	FR Cite
Duplicate of RIN 2060-	03/17/00	
	AI96	

**RIN:** 2060—AI87

**3337. INSPECTION MAINTENANCE PROGRAM REQUIREMENTS FOR FEDERAL FACILITIES; AMENDMENT TO THE FINAL RULE**

**Timetable:**

Action	Date	FR Cite
Duplicate of RIN 2060-	03/17/00	
	AI97	

**RIN:** 2060—AI88

**3338. REGULATION OF FUELS AND FUEL ADDITIVES: REFORMULATED GASOLINE ADJUSTMENT**

**Timetable:**

Action	Date	FR Cite
Duplicate of RIN 2060-	03/17/00	
	AI98	

**RIN:** 2060—AI89

**3339. • AMENDMENTS TO THE NESHAP: HALOGENATED SOLVENT CLEANING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

## EPA—Clean Air Act (CAA)

## Completed Actions

**Legal Deadline:** None

**Abstract:** Halogenated solvent cleaning emissions include: 1,1,1 trichloroethane, perchloroethylene, methylene chloride, trichloroethylene, carbon tetrachloride, and chloroform. This rule was promulgated on December 2, 1994 and codified at 40 CFR part 63, subpart T. This action will announce a temporary 3-month stay for good cause and a proposed compliance extension for continuous web cleaning machines. This action will also amend the final halogenated solvent cleaning NESHAP to include equivalency determinations for different control equipment for batch vapor cleaners to

those required by the rule. These equivalency determinations have been requested by a halogenated solvent cleaning machine manufacturer.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/03/99	64 FR 67793

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4339

Split from RIN 2060-AI04.

**Sectors Affected:** 332 Fabricated Metal Product Manufacturing

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**RIN:** 2060-AJ01

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Proposed Rule Stage

## Atomic Energy Act (AEA)

### 3340. ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR THE DISPOSAL OF LOW-ACTIVITY MIXED RADIOACTIVE WASTE

**Priority:** Other Significant

**Legal Authority:** 42 USC 2021 Atomic Energy Act of 1954; Reorganization Plan No. 3 of 1970; Nuclear Waste Policy Act of 1982

**CFR Citation:** 40 CFR 193

**Legal Deadline:** None

**Abstract:** This voluntary action will allow low-activity mixed radioactive wastes to be disposed in facilities that meet the design requirements for RCRA-C disposal cells. The wastes intended to be disposed of in these cells are mixed wastes, consisting of a chemically hazardous component and low levels of radioactivity. These wastes are anticipated to arise in the commercial sector from various sources. The rule is intended to increase disposal options for these wastes and offer a streamlined regulatory process which melds hazardous chemical protection and radioactivity protection requirements while protecting public health and safety. The rule does not mandate a disposal method, but rather permits an alternative to existing disposal methods. The U.S. Nuclear Regulatory Commission is anticipated to be the implementing Agency for the application of this rule.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4054

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**RIN:** 2060-AH63

### 3341. • REVISION OF THE 40 CFR PART 194 WASTE ISOLATION PILOT PLANT COMPLIANCE CRITERIA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 102-579; PL 104-201; Waste Isolation Pilot Plant Land Withdrawal Act of 1992; 106 Stat. 4777 as amended by the 1996 LWA Amendments

**CFR Citation:** 40 CFR 194.8(b)

**Legal Deadline:** None

**Abstract:** This rule would change some of the language in Section 194.8(b) of the Waste Isolation Pilot Plant (WIPP) Compliance Criteria without deleting any of the requirements for the Department of Energy's (DOE) compliance. Section 194.8(b) explains

the process by which EPA inspects and approves waste characterization processes at DOE transuranic waste sites that send waste to the WIPP. The 194.8(b) process involves a public comment period.

Most of the language in Section 194.8(b) will be left intact. The most significant change would eliminate a statement that EPA will follow the 194.8(b) notice-and-comment process each time a previously-approved site seeks to send a different "waste stream" to the WIPP. Other changes would correct certain terminology and clarify the important elements of our inspections. This rule would eliminate the ambiguity of the current language and replace it with: (1) a site can ship waste once EPA has approved it using a notice-and-comment process; (2) EPA will perform follow-up inspections under a separate authority that does not call for public comment; and (3) EPA can disallow shipment if an initial or follow-up inspection reveals significant compliance issues.

The main purpose of this revision is to eliminate EPA's obligation to approve DOE sites on a waste stream by waste stream basis. Our understanding of DOE's operations has improved considerably since 194.8(b) went final in May 1998. We now recognize that approving sites by waste stream, using a comment period, is unnecessarily time-consuming for EPA staff, confusing for DOE, and generates almost no public comment. In addition, repetitive inspections at sites are

**EPA—Atomic Energy Act (AEA)****Proposed Rule Stage**

expensive and provide little additional regulatory confidence. This rule will save money and will greatly improve the effectiveness of our interactions with DOE.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4403**Agency Contact:** Scott Monroe, Environmental Protection Agency, Air

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**RIN:** 2060-AJ07**ENVIRONMENTAL PROTECTION AGENCY (EPA)****Long-Term Actions****Atomic Energy Act (AEA)****3342. PROTECTIVE ACTION GUIDANCE FOR DRINKING WATER****Priority:** Other Significant**Legal Authority:** 42 USC 2021(h) AEA of 1954 sec 274(h); Reorganization Plan No. 3 of 1970; PL 96-295 sec 304; EO 12241**CFR Citation:** 41 CFR 351**Legal Deadline:** None

**Abstract:** This action will result in Federal protective action guidance (PAG) for State and local officials to use in the event of a nuclear accident to protect the general public from the adverse health effects associated with the ingestion of drinking water that is contaminated with radioactive material. As soon as the draft guidance is developed it will be submitted to the

PAG Subcommittee of the Federal Radiological Preparedness Coordinating Committee (FRPCC) for review and comment. Members of the PAG subcommittee include representatives from DOE, DOD, FEMA, NRC, HHS, USDA, DOT, and the Conference of Radiation Control Program Directors (CRCPD). When a consensus among the representatives is reached, the guidance is recommended to the full FRPCC for endorsement. After that endorsement is obtained a notice of the availability of a revised EPA 400-R-92-001, Manual of Protective Action Guides and Protective Actions for Nuclear Incidents will be published in the Federal Register. This action is temporarily delayed until the FDA's revised PAGs for Food can be evaluated.

**Timetable:**

Action	Date	FR Cite
Notice Submission to FRPCC for Endorsement	04/00/01	
Notice of Availability	05/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3602**Agency Contact:** Charles Blue, Environmental Protection Agency, Air and Radiation, 6602J, Washington, DC 20460

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**RIN:** 2060-AF39**ENVIRONMENTAL PROTECTION AGENCY (EPA)****Prerule Stage****Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)****3343. PESTICIDES; PROCEDURES FOR REGISTRATION REVIEW PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136(a)(g); 7 USC 136(w)**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The Agency is establishing procedures to implement section 3(g) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) which provides for periodic review of pesticide registrations. The goal of these regulations is to review a pesticide's registration every 15 years.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/00/00	
NPRM	04/00/01	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4170

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

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**RIN:** 2070-AD29

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

**3344. DATA REQUIREMENTS FOR PESTICIDE REGISTRATION (REVISION)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136(a) to 136(y)**CFR Citation:** 40 CFR 158**Legal Deadline:** None

**Abstract:** EPA will update the data requirements specifically necessary for the Agency to evaluate the registrability of pesticide products. The revisions will clarify all data requirements to reflect current practice. Procedural and explanatory sections of the current regulations will be amended to make them consistent with the revised data requirements and new use indexing. EPA intends to accomplish this revision through a series of proposals, covering different data disciplines and product types.

**Timetable:**

Action	Date	FR Cite
NPRM(1) Environmental Fate, Ecological Effects and Efficacy portions	09/00/00	
NPRM(2) Toxicology, Exposure and Residue Chemistry portions	09/00/00	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 2687**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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**RIN:** 2070-AC12**3345. DATA REQUIREMENTS FOR ANTIMICROBIAL REGISTRATIONS; PRODUCT CHEMISTRY REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136a, 136c, 136w**CFR Citation:** 40 CFR 158**Legal Deadline:** None

**Abstract:** EPA will update and revise its pesticide data requirements for antimicrobial products. The data requirements specify the data that are required for EPA to evaluate the registrability of a pesticide product. The revisions will clarify all antimicrobial data requirements to reflect current practice.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4173

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

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**RIN:** 2070-AD30**3346. ENDOCRINE DISRUPTOR SCREENING PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 TSCA; 21 USC 346(a) FFDC; 42 USC 300(a)(17) SDWA; 7 USC 136 FIFRA**CFR Citation:** Not Yet Determined

**Legal Deadline:** NPRM, Statutory, August 3, 1998, EDSP must be Developed.  
Final, Statutory, August 3, 1999, Agency must Implement.  
Other, Statutory, August 3, 2000, Agency must report to Congress on EDSP.

**Abstract:** This final policy statement will set forth EPA's Endocrine Disruptor Screening Program. EPA published a proposed policy statement setting forth the Screening Program on December 28, 1998. In the final policy statement, EPA will describe the screens and tests that it will require as part of the Program. It also will describe the universe of chemicals that will be included in the program, the priority setting mechanism that used to determine the order in which those chemicals will be tested, and certain issues related to implementing the Program. The major actions in 2000 and 2001 will be the standardization and validation of assays in the screening battery and the completion of the priority setting system.

**Timetable:**

Action	Date	FR Cite
Notice Outline of Screening Program	08/11/98	63 FR 42852
Notice Proposed Screening Program & Request for Comment	12/28/98	63 FR 71542
NPRM Proposed Procedural Rule	06/00/00	
Notice Final Screening Program	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4143

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**RIN:** 2070-AD26**3347. REGULATORY REVIEW OF PESTICIDE EMERGENCY EXEMPTION REGULATIONS****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Proposed Rule Stage

the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 7 USC 136(p)

**CFR Citation:** 40 CFR 166

**Legal Deadline:** None

**Abstract:** EPA will propose revisions to its regulations on emergency exemptions under section 18 of the Federal Insecticide, Fungicide and Rodenticide Act. Emergency exemptions allow temporary use of a pesticide not in accordance with registration requirements when emergency conditions exist. In the 1995 Presidential Reinvention Initiative, EPA identified a number of issues and options for change, which have been refined through informal discussions with States, user groups, and other stakeholders. EPA is considering

revisions in four areas: 1) Options for increased authority for States to administer certain aspects of the exemption process, or increased use by EPA of multi-year exemptions, or some combination of these; 2) the use of emergency exemptions to address pesticide resistance; 3) the possibility of granting of exemptions based upon reduced risk considerations; and 4) definitions of emergency situation and significant economic loss, which affect whether an exemption may be granted.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4216

**Sectors Affected:** 9241 Administration of Environmental Quality Programs

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**RIN:** 2070-AD36

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

**3348. WPS; PESTICIDE WORKER PROTECTION STANDARD; GLOVE AMENDMENT**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 7 USC 136(w)

**CFR Citation:** 40 CFR 170

**Legal Deadline:** None

**Abstract:** This final rule would create greater flexibility in requirements of the 1992 Worker Protection Standard related to the use of gloves by workers and applicators.

**Timetable:**

Action	Date	FR Cite
NPRM	09/09/97	62 FR 47544
Final Action	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3731

**Sectors Affected:** 111 Crop Production; 1114 Greenhouse, Nursery and Floriculture Production; 1131 Timber

Tract Operations; 115 Support Activities for Agriculture and Forestry

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**RIN:** 2070-AC93

**3349. EXEMPTIONS FOR PLANT PESTICIDES REGULATED UNDER FIFRA AND FFDCA**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

**CFR Citation:** 40 CFR 152.20; 40 CFR 174

**Legal Deadline:** None

**Abstract:** Substances that plants produce to protect themselves against pests are pesticides under FIFRA if humans intend to use them to destroy, prevent, repel or mitigate any pest. The Agency designates these substances, along with the genetic material necessary to produce them, plant-pesticides. This rulemaking will exempt several categories of plant-pesticides from FIFRA and FFDCA regulations; confirms that plants used as biological control agents are exempt from regulation under FIFRA; and establishes a new part in title 40 of the CFR, part 174, which consolidates regulations specific for plant-pesticides in one part of the CFR. The proposed consolidation is expected to benefit the public by providing greater focus, enhanced clarity and ease of use. These actions will reduce burden on both the regulated community and EPA.

**Timetable:**

Action	Date	FR Cite
NPRM	11/23/94	59 FR 60496
Supplemental NPRM	07/22/96	61 FR 37891
Supplemental NPRM	05/16/97	62 FR 27132

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Final Rule Stage

Action	Date	FR Cite
Supplemental NPRM Request for Comment on Alternate Name	04/23/99	64 FR 19958
Final Action	09/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 2684**Agency Contact:** Janet Andersen, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7501W, Washington, DC 20460

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**RIN:** 2070-AC02**3350. GROUND WATER AND PESTICIDE MANAGEMENT PLAN****Priority:** Other Significant**Legal Authority:** 7 USC 136(a) FIFRA sec 3; 7 USC 136(w)**CFR Citation:** 40 CFR 152.170**Legal Deadline:** None

**Abstract:** This regulation would establish Pesticide Management Plans (PMPs) as a new regulatory requirement for certain pesticides. Unless a State or tribal authority has an EPA-approved Plan specifying risk-reduction measures, use of the chemical would be prohibited. The rule would also specify procedures and deadlines for development, approval and modification of plans by States and tribal authorities.

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33259
Notice Notice of Availability regarding Metolachlor	02/23/00	65 FR 8925
Final Action	08/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Tribal**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** SAN No. 3222**Sectors Affected:** 9241 Administration of Environmental Quality Programs**Agency Contact:** Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460

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**RIN:** 2070-AC46**3351. PESTICIDE MANAGEMENT AND DISPOSAL****Priority:** Other Significant**Legal Authority:** 7 USC 136 et seq**CFR Citation:** 40 CFR 165**Legal Deadline:** None

**Abstract:** This action develops procedures for mandatory and voluntary recall actions under section 19(b) of FIFRA and would establish criteria for acceptable storage and disposal plans which registrants may submit to this Agency to become eligible for reimbursement of storage costs. This action establishes procedures for indemnification of owners of suspended and canceled pesticides for disposal.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/93	58 FR 26856
Final Action	05/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Federalism:** Undetermined**Additional Information:** SAN No. 3432**Agency Contact:** David Stangel, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2225A, Washington, DC 20460

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**RIN:** 2020-AA33**3352. PESTICIDE MANAGEMENT AND DISPOSAL: STANDARDS FOR PESTICIDE CONTAINERS AND CONTAINMENT****Priority:** Other Significant**Legal Authority:** 7 USC 136(q) FIFRA sec 19; 7 USC 136(a) FIFRA sec 3; 7 USC 136(w) FIFRA sec 25**CFR Citation:** 40 CFR 156; 40 CFR 165**Legal Deadline:** Final, Statutory, December 24, 1991.

**Abstract:** FIFRA sec. 19 gives EPA authority to regulate the management of pesticides and their containers, including storage, transportation and disposal. As proposed, this rule would establish standards for removal of pesticides from containers and for rinsing containers; facilitate the safe use, refill, reuse, and disposal of pesticide containers by establishing standards for container design, labeling and refilling; and establish requirements for containment of stationary bulk containers and for containment of pesticide dispensing areas.

**Timetable:**

Action	Date	FR Cite
NPRM (Container Design & Residue Removal & Bulk Containment)	02/11/94	59 FR 6712
Supplemental NPRM	10/21/99	64 FR 56918
Supplemental NPRM Extension of Comment Period	12/21/99	64 FR 71368
Supplemental NPRM Extension of Comment Period	02/24/00	65 FR 9234
Final Rule	03/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 2659**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing; 11511 Support Activities for Crop Production

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Final Rule Stage

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**RIN:** 2070-AB95

### 3353. REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE PRODUCTS; AND OTHER PESTICIDE REGULATORY CHANGES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 152; 40 CFR 156

**Legal Deadline:** Final, Statutory, September 14, 2000, The Final Rule is due 240 days after close of comment period.

**Abstract:** This regulation will specify antimicrobial registration reforms that will reduce to the extent possible the review time for antimicrobial pesticides. The regulation will clarify criteria for completeness of applications, and will specify or refer to a definition of the various classes of antimicrobial pesticide use patterns and the associated data and labeling requirements that would be consistent with the degree and type of risk presented by each class. EPA will evaluate the feasibility and cost-effectiveness of various registration

process reforms, including registrant certification, and expansion of the current notification procedures. The regulation will also include labeling standards for public health antimicrobial products. This regulation will also implement some general provisions of FIFRA pertaining to all pesticides, including labeling requirements.

#### Timetable:

Action	Date	FR Cite
NPRM	09/17/99	64 FR 50671
Final Rule	09/00/00	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3892

**Sectors Affected:** 32519 Other Basic Organic Chemical Manufacturing; 32531 Fertilizer Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32561 Soap and Cleaning Compound Manufacturing; 42269 Other Chemical and Allied Products Wholesalers; 42291 Farm Supplies Wholesalers

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**RIN:** 2070-AD14

### 3354. REGISTRATION OF GRANULAR FERTILIZER-PESTICIDE COMBINATION PRODUCTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 136

**CFR Citation:** 40 CFR 152.43

**Legal Deadline:** None

**Abstract:** This final rule will allow the registration of multiple products consisting of granular pesticide-fertilizer combinations under a single registration. The result of this regulatory change will be to streamline the registration process for such products, reduce paperwork burdens and costs for producers of pesticide-fertilizer combination products.

#### Timetable:

Action	Date	FR Cite
Final Action Direct final rule	05/00/00	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4347

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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**RIN:** 2070-AD40

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Long-Term Actions

## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

### 3355. POLICY OR PROCEDURES FOR NOTIFICATION TO THE AGENCY OF STORED PESTICIDES WITH CANCELLED OR SUSPENDED REGISTRATION

**Priority:** Other Significant

**Legal Authority:** 7 USC 136 FIFRA sec 6

**CFR Citation:** 40 CFR 168

**Legal Deadline:** None

**Abstract:** This policy will clarify the requirements of section 6(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The policy will provide procedures for certain persons who possess canceled or suspended pesticides to notify the EPA and State and local officials of (1) such

possessions; (2) the quantity possessed; and (3) the place the pesticide is stored.

#### Timetable:

Action	Date	FR Cite
NPRM	03/28/91	56 FR 13042
Final Action	To Be Determined	

#### Regulatory Flexibility Analysis

**Required:** No

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Long-Term Actions

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

**Additional Information:** SAN No. 2720

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**RIN:** 2020-AA29

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Completed Actions

## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## 3356. STATUS OF PESTICIDE-TREATED SEEDS UNDER FIFRA

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 152.25

**Completed:**

Reason	Date	FR Cite
Withdrawn The Agency plans no further action.	02/22/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Sectors Affected:** 111 Crop Production; 11511 Support Activities for Crop Production

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**RIN:** 2070-AD37

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Prerule Stage

## Toxic Substances Control Act (TSCA)

## 3357. CHEMICAL RIGHT-TO-KNOW INITIATIVE

**Priority:** Other Significant

**Legal Authority:** 15 USC 4 TSCA; 15 USC 8 TSCA; 42 USC 313 TRI; 7 USC 136 FIFRA

**CFR Citation:** 40 CFR 700 et seq

**Legal Deadline:** Other, Judicial, December 31, 1999, Final Actions must be completed by 12/31/99.

**Abstract:** The Chemical RTK Initiative was announced by the Vice President on EPA's Earth Day 1998 in response to the finding that many commercial chemicals have very little publicly available toxicity information on which to make sound judgments about potential risks. There are three key components to this initiative, each of which is being implemented by EPA. These are: collecting and making public screening level toxicity data for 2,800 commercial chemicals; additional health effects testing for chemicals to which children are substantially exposed; and the listing and lowering of thresholds for persistent, bioaccumulative, toxic chemicals reported to TRI. This Initiative will involve several separate activities, with any regulatory related actions included as separate entries in the Regulatory Agenda.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/00/00	

Action	Date	FR Cite
Initiative Completed HPV Data to be received by 06/2005.	06/00/05	

## EPA—Toxic Substances Control Act (TSCA)

Prerule Stage

recently completed a search and evaluation of extant literature on acute and chronic toxicity of oxygenates for aquatic organisms and provided the results to EPA. From the data gaps identified through that effort, testing to fill critical needs is expected to be conducted within a year of the API submission. Current actions should provide an appropriate basis for later determining whether additional effects testing or research is needed.

Most of the testing and research on the toxicity of oxygenates has been concerned on the effects of inhaled MTBE in laboratory and human volunteers. Virtually no information exists on the effects of ingested oxygenates on humans, with the notable exception of the extensive database on the health effects of ingested alcohol. The lack of an

adequate health effects database has made it difficult to develop a final drinking water Health Advisory or derive an oral Reference Dose (RfD) for MTBE and other oxygenates. Further subchronic and chronic data are necessary to develop a final Health Advisory. This action, would be a cooperative effort between EPA and Industry to conduct a testing program, to develop the needed data.

**Timetable:**

Action	Date	FR Cite
Notice Solicit Interested Parties	07/00/00	
Notice ECA	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4174**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** George Semeniuk, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460

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**RIN:** 2070-AD28

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

## Toxic Substances Control Act (TSCA)

**3359. TRI; REVIEW OF CHEMICALS ON THE ORIGINAL TRI LIST****Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 1101 et seq**CFR Citation:** 40 CFR 372**Legal Deadline:** None

**Abstract:** When TRI was established by Congress in 1986, the statutory language placed 309 chemicals and 20 categories of chemicals on the TRI list; that is referred to as the original TRI list. The chemicals on the original list were taken from two existing lists of toxic substances: the Maryland Chemical Inventory Report List of Toxic or Hazardous Substances, and the New Jersey Environmental Hazardous Substances list. This action constitutes the first systematic review of toxicology and environmental data for all the chemicals on the original TRI list to determine whether data for those chemicals conform with the statutory criteria for listing of chemicals on TRI. Chemicals for which data do not meet the statutory criteria will be delisted.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
Final Rule	12/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4015

**AFFECTED SECTORS:** 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:** 2070-AD18**3360. LEAD-BASED PAINT ACTIVITIES RULES; TRAINING, ACCREDITATION, AND CERTIFICATION RULE AND MODEL STATE PLAN RULE—BUILDING AND STRUCTURES SECTION 402(A)****Priority:** Other Significant**Unfunded Mandates:** This action may affect State, local or tribal governments.**Legal Authority:** 15 USC 2603 TSCA Title IV; PL 102-550 sec 402; PL 102-550 sec 404**CFR Citation:** 40 CFR 745**Legal Deadline:** Final, Statutory, April 28, 1994.

**Abstract:** The Residential Lead-Based Paint Hazard Reduction Act of 1992 mandates EPA promulgate regulations governing lead-based paint (LBP) activities to ensure that individuals engaged in such activities are properly trained, that LBP training programs are accredited, and that contractors engaged in such activities are certified. In addition, EPA must promulgate a

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

Model State program which may be adopted by any State which seeks to administer and enforce a State Program. EPA promulgated regulations for training and certification of training programs for LBP activities and child occupied facilities in 1996. Regulations for LBP activities in public and commercial buildings and bridges and other structures are still under development.

**Timetable:**

Action	Date	FR Cite
NPRM 1 (Residential)	09/02/94	59 FR 45872
Final Action 1 (Residential)	08/29/96	61 FR 45778
Int Final Rule Minor Amendment to Grant Provisions	08/04/98	63 FR 41430
NPRM 2 (Buildings & Structures)	02/00/01	
Final Action 2 (Buildings & Structures)	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Additional Information:** SAN No. 4376

See discussion of related rules in Reg. Plan entry (RIN 2070-AD06).

**Sectors Affected:** 23411 Highway and Street Construction; 611519 Other Technical and Trade Schools

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**RIN:** 2070-AC64

**3361. MULTI-CHEMICAL TEST RULE; HIGH PRODUCTION VOLUME CHEMICALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603; 15 USC 2611-12; 15 USC 2625-26

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** This action is related to Vice President Gore's challenge to industry on the eve of Earth Day, April 21, 1998, to come forward quickly with needed test data on high production volume (HPV) chemicals. This challenge encompasses approximately 2,800 chemicals which are manufactured (including imported) in the aggregate at more than 1 million pounds on an annual basis. The data needed on these chemicals are: acute toxicity, repeat dose toxicity, developmental and reproductive toxicity; mutagenicity; ecotoxicity and environmental fate. This rule will require testing and recordkeeping requirements for chemicals for which industry does not voluntarily agree to provide testing in a timely manner. The action is part of the Chemical Right-to-Know Initiative, which is described in the Regulatory Plan. Industry has volunteered to conduct needed testing on about 1,100 of these HPV chemicals. The first rule will propose testing for unsponsored HPV chemicals with substantial worker exposure. Future rules will encompass the remaining chemicals.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3990

See also the Regulatory Plan entry entitled Chemical Right-to-Know Initiative (RIN 2070-AD25; SAN 4176).

**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing

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**RIN:** 2070-AD16

**3362. TEST RULES; GENERIC ENTRY FOR PROPOSED DECISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12

**CFR Citation:** 40 CFR 700 to 799

**Legal Deadline:** None

**Abstract:** EPA is proposing to require testing via rule, or will obtain testing through negotiated enforceable consent agreements (ECAs) or publish a notice which provides the reasons for not doing so. These chemicals have been designated for priority testing consideration by the ITC, recommended for testing consideration (for which the 12-month statutory requirement does not apply), or they have been identified for testing consideration by other EPA program offices and through EPA review processes.

**Timetable:**

Action	Date	FR Cite
NPRM ITC II Chemicals (ITC List 28)	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State, Tribal

**Additional Information:** SAN No. 3494

NPRM must be published within one year of ITC designation.

**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing

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## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

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 RIN: 2070-AB07

### 3363. TEST RULES; NEGOTIATED CONSENT ORDER AND TEST RULE PROCEDURES

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12

**CFR Citation:** 40 CFR 790; 40 CFR 791; 40 CFR 799

**Legal Deadline:** None

**Abstract:** This action will amend the testing consent order and test rule development process to increase efficiency. The consent order process was adopted by the Agency in June 1986. Based on experience to date, the Agency needs to make changes in the process to reduce the resources required for consent order negotiation. This rule would propose appropriate procedural changes. Obsolete provisions will be eliminated for test rule development activities.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/85	50 FR 20652
Interim Final Rule	06/30/86	51 FR 23706
Interim Final Rule (Technical Modification)	09/01/89	54 FR 36311
NPRM	12/00/00	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 2245

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

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RIN: 2070-AB30

### 3364. TEST RULE; ATSDR SUBSTANCES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 42 USC 9604(i) CERCLA 104(i); 15 USC 2611 TSCA 12

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of certain chemicals to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP), and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i).

Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program.

Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment.

#### Timetable:

Action	Date	FR Cite
NPRM	09/00/00	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 2563

**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing

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RIN: 2070-AB79

### 3365. TEST RULE FOR CERTAIN METALS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12; 15 USC 2625 TSCA 26; 42 USC 9604(i) CERCLA 104(i)

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of certain metals to fill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP), and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i). Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near

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hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. The metals are also hazardous air pollutants (HAPs) under the Clean Air Act (CAA) section 112. Data from this action would also be used to implement several provisions of section 112 of the CAA, including determining risks remaining after the application of technology based on standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed from the CAA section (b)(1) list of HAPs (delisting).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3882**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**Agency Contact:** Robert Jones, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460

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**RIN:** 2070-AD10**3366. FOLLOW-UP RULES ON EXISTING CHEMICALS****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2604 TSCA 5; 15 USC 2607 TSCA 8**CFR Citation:** 40 CFR 704; 40 CFR 721; 40 CFR 707; 40b CFR 710**Legal Deadline:** None

**Abstract:** EPA has established a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support planned or ongoing risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 8 to require reporting of appropriate needed information by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

**Timetable:**

Action	Date	FR Cite
NPRM 2,4-Pentanedione SNUR	09/27/89	54 FR 39548
NPRM Chloranil	05/12/93	58 FR 27980
NPRM Benzidine-based Chemical Substances	08/30/95	60 FR 45119
Final Action Benzidine-based Chemical Substances	10/07/96	61 FR 52287
NPRM Flame Retardant Chemicals	12/00/00	
NPRM Amendment to Benzidine-based Chemical Substances SNUR	12/00/00	
NPRM Heavy Metal-Based Pigments in Aerosol Spray Paints SNUR	12/00/00	
NPRM o-Tolidine & o-Dianisidine-based Dyes (Benzidine Congener Dyes)	12/00/00	
NPRM 2,4-Pentanedione SNUR (Reproposal)	12/00/00	
NPRM 2-Ethoxyethanol & 2-Methoxyethanol & 2-Methoxyethanol Acetate	05/00/01	
NPRM Methylcyclopentane SNUR	05/00/01	
NPRM p-Aminophenol & Bromochloromethane 8(a) Chemical Specific Rule	05/00/01	
Final Action Amendment to Benzidine-based Chemical Substances SNUR	06/00/01	

Action	Date	FR Cite
Final Action Final Chloranil SNUR	06/00/01	
NPRM Certain Chemical Substances No Longer in Production SNUR	10/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions, Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 1923**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Mary Dominiak, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460

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**RIN:** 2070-AA58**3367. TSCA BIOTECHNOLOGY FOLLOW-UP RULES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 15 USC 2604 TSCA 5(a)**CFR Citation:** 40 CFR 720; 40 CFR 725 (Revision)**Legal Deadline:** None**Abstract:** As a follow-up to the final Biotechnology rule under the Toxic Substances Control Act (TSCA), EPA plans to address two actions. (1) Intergeneric Scope of Oversight: OPPT currently defines new microorganisms

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which are subject to reporting under TSCA section 5 as those resulting from the deliberate combination of genetic material originally isolated from microorganisms classified in different taxonomic genera. Such microorganisms are referred to as intergeneric microorganisms. EPA indicated in its 1994 proposed biotechnology regulations that it may reconsider its interpretation of new microorganism in a later rulemaking, based on the more current state of scientific knowledge about the manner in which genetic material is exchanged among microorganisms in the environment. (2) TSCA Oversight of Transgenic Plants: Certain transgenic plants which express products or which are used for purposes subject to EPA jurisdiction under TSCA may be used for commercial purposes in the United States without oversight by EPA. Such uses include: plants used as intermediates to produce industrial grade oils; and plants used for phytoremediation (cleanup of contaminated soils). Section 5 of TSCA requires that new chemical substances be reviewed by the Agency prior to their introduction into commerce. In its proposed rule, 59 FR 45526 (September 1, 1994), EPA stated that it was reserving jurisdiction over certain transgenic plants and animals: Plants and animals could also be chemical substances under TSCA. EPA is reserving authority under TSCA to screen transgenic plants and animals in the future as needed, 59 FR 45526, 45527 (September 1, 1994). This action will address whether EPA should exercise jurisdiction under TSCA over products produced by transgenic plants, and/or certain plants.

**Timetable:**

Action	Date	FR Cite
PolicyStatement 2 TSCA Plants Oversight Policy	12/00/00	
NPRM (1) Intergeneric Scope of Oversight	12/00/00	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3894**Sectors Affected:** 324 Petroleum and Coal Products Manufacturing; 325 Chemical Manufacturing

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**RIN:** 2070-AD13**3368. ASBESTOS WORKER PROTECTION RULE AMENDMENTS****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 2605 TSCA sec 6; 15 USC 2607 TSCA sec 15; 15 USC 2614 TSCA sec 15; 15 USC 2615 TSCA sec 16

**CFR Citation:** 40 CFR 763**Legal Deadline:** None

**Abstract:** EPA is proposing to amend the Asbestos Abatement Projects, Worker Protection Rule (WPR), by incorporating certain revisions that were made to the Occupational Safety and Health Administration (OSHA) asbestos workplace standards issued since EPA's WPR was promulgated in 1987 to the extent that the OSHA revisions are consistent with applicable EPA statutes. The proposal would generally extend the coverage provided under the OSHA Asbestos Standard for Construction to State and local government employees who are not covered by OSHA or EPA approved State plans. EPA also proposes to delegate authority to grant or deny State exclusions under the WPR to EPA Regional Administrators and to add compliance and enforcement requirements for State exclusions. In addition, EPA is proposing to amend the Asbestos-Containing Materials in Schools Rule by relocating certain worker protection provisions relating to schools, which are currently contained in that rule, to the WPR.

**Timetable:**

Action	Date	FR Cite
NPRM (1)	11/01/94	59 FR 54746
NPRM (2)	05/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 2249

Also please see entry for 2070-AC62

**Sectors Affected:** 92311

Administration of Education Programs; 92312 Administration of Public Health Programs; 92411 Air and Water Resource and Solid Waste Management; 92111 Executive Offices

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**RIN:** 2070-AC66**3369. LEAD-BASED PAINT ACTIVITIES; TRAINING AND CERTIFICATION FOR RENOVATION AND REMODELING SECTION 402(C)(3)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined

**Legal Authority:** 15 USC 2603 TSCA Title IV; PL 102-550 Sec 402(c)(3)

**CFR Citation:** 40 CFR 745**Legal Deadline:** Final, Statutory, October 31, 1996.

**Abstract:** Under section 402(c)(2) of TSCA Title IV, EPA conducted a study of the extent to which persons engaged in renovation and remodeling activities in target housing are exposed to lead in the conduct of such activities or disturb lead and create a lead-based paint hazard. EPA must use the results of this study and consult with

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interested parties to determine which categories of renovation and remodeling activities require training and certification. EPA must then revise the training and certification regulations originally developed for individuals performing lead-based paint abatement under section 402(c)(a) of TSCA Title IV to apply them to the renovation and remodeling categories. If EPA determines that any category does not require certification, EPA must publish an explanation of the basis for that determination.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	
Final Action	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3557

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

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**RIN:** 2070-AC83

**3370. LEAD; NOTIFICATION REQUIREMENTS FOR LEAD-BASED PAINT ABATEMENT ACTIVITIES AND TRAINING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2682 TSCA 402; 15 USC 2687 TSCA 407; PL 102-550

**CFR Citation:** 40 CFR 745

**Legal Deadline:** None

**Abstract:** EPA is issuing this rule under the authority of Section 407 of the Toxic Substances Control Act (TSCA) to establish notification procedures for lead abatement professionals (certified under 40 CFR 745.226) conducting lead-based paint activities, and training programs (accredited under 40 CFR 225) providing lead-based paint activities courses. Specifically, this rule seeks to establish procedures to notify the Agency prior to commencement of lead-based paint abatement activities as required by 40 CFR 745.227(e)(4). In addition, this rule seeks to establish provisions which would require training programs accredited under 40 CFR 745.225 to notify the Agency under the following conditions: 1) prior to providing lead-based paint activities, training, and 2) following completion of lead-based paint activities courses. These notification requirements are necessary to provide EPA compliance monitoring and enforcement personnel with information necessary to track compliance activity and to prioritize

inspections. This rule supports 40 CFR part 745, subpart L to ensure that lead abatement professionals who inspect, assess and remove lead-based paint, dust or soil are well qualified, trained, and certified to conduct these activities.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

**Additional Information:** SAN No. 4172

This action has been split off from the action entitled Fees for Accreditation and Certification of Lead-Based Paint Activities (SAN 3881; 2070-AD11).

**Sectors Affected:** 611519 Other Technical and Trade Schools

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**RIN:** 2070-AD31

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

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## Toxic Substances Control Act (TSCA)

**3371. TSCA INVENTORY UPDATE RULE AMENDMENTS**

**Priority:** Other Significant

**Legal Authority:** 15 USC 2607(a) TSCA 8(a)

**CFR Citation:** 40 CFR 710

**Legal Deadline:** None

**Abstract:** This action would amend the current Toxic Substances Control Act

(TSCA) Inventory Update Rule (IUR) to require chemical manufacturers to report to EPA data on exposure-related information and the industrial and consumer end uses of chemicals they produce or import. Currently, EPA requires chemical manufacturers to report the names of the chemicals they produce, as well as the locations of manufacturing facilities and the quantities produced. About 3,000

facilities reported data on about 9,000 unique chemicals during the last reporting cycle under the IUR. Data obtained would be used by EPA and others to: better understand the potential for chemical exposures; screen the chemicals now in commerce and identify those of highest concern; establish priorities and goals for their chemical assessment, risk management and prevention programs, and monitor

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the programs' progress; encourage pollution prevention by identifying potentially safer substitute chemicals for uses of potential concern; and enhance the effectiveness of chemical risk communication efforts. Additionally, EPA will consider other amendments to the IUR. These include removing the inorganic chemicals exemption; providing the information to better assess and manage risks of inorganic chemicals; improving the linkages of IUR data to other data sources to enhance the data's usefulness; and altering the confidential business information (CBI) claim procedures to reduce the frequency of CBI claims, allowing the public greater access to relevant information on toxic chemicals. EPA has held meetings with representatives of the chemical industry, environmental groups, environmental justice leaders, labor groups, State governments and other Federal agencies to ensure public involvement in the TSCA Inventory Update Rule Amendments Project.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/99	64 FR 46771
Notice Comment Extension	10/22/99	64 FR 56998
Final Rule	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3301**Sectors Affected:** 324 Petroleum and Coal Products Manufacturing; 325 Chemical Manufacturing

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RIN: 2070-AC61

**3372. LEAD; TSCA SECTION 403; IDENTIFICATION OF DANGEROUS LEVELS OF LEAD****Priority:** Economically Significant**Legal Authority:** 15 USC 2683**CFR Citation:** 40 CFR 745

**Legal Deadline:** NPRM, Judicial, May 26, 1998, Consent Decree. Final, Judicial, December 22, 2000.

**Abstract:** The Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X) amended TSCA by adding a new Title IV. TSCA section 403 requires EPA to promulgate regulations that identify lead-based paint hazards, lead-contaminated dust and lead-contaminated soil for the purposes of TSCA Title IV as well as for the entire Title X. EPA developed an interim guidance document in July 1994, to provide public and private decision-makers with guidance on identifying and prioritizing lead-based paint hazards for control. This interim guidance, which was subsequently published in 1995 (60 FR 47248, 9/11/95), will continue to serve as EPA's official policy until the final TSCA section 403 rule is promulgated.

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/98	63 FR 30301
Notice Comment Period Extended to 10/01/98	07/22/98	63 FR 39262
Notice Comment Period Extended to 11/30/98	10/01/98	63 FR 52662
NPRM Correction	12/18/98	63 FR 70087
Notice Reopens Comment Period to 03/01/99	01/14/99	64 FR 2460
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3243

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RIN: 2070-AC63

**3373. TEST RULES; GENERIC ENTRY FOR FINAL DECISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** EPA is requiring testing via rules, or will obtain testing through enforceable consent agreements (ECAs) or publish a notice which provides the reasons for not doing so for chemicals listed herein. These chemicals have been designated for priority testing consideration by the ITC or recommended for testing consideration (for which the 12-month statutory requirement does not apply). The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other Federal or other EPA offices through EPA review processes.

**Timetable:**

Action	Date	FR Cite
ANPRM Aryl Phosphates (ITC List 2)	12/29/83	48 FR 57452
NPRM Aryl Phosphates (ITC List 2)	01/17/92	57 FR 2138
Final Action-ECA Aryl Phosphates (ITC List 2)	09/00/00	
NPRM Brominated Flame Retardants	06/25/91	56 FR 29140
Final Action-ECA DiBasic Esters (CPSC)	08/05/99	64 FR 42692
Final Action ITC Chemicals (ITC List 28)	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Tribal**Additional Information:** SAN No. 3493**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing

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**RIN:** 2070-AB94

**3374. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)**

**Priority:** Other Significant

**Legal Authority:** 15 USC 2603 TSCA 4; 42 USC 7412 CAA 112; 42 USC 7403 CAA 103; 15 USC 2611 TSCA 12

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** EPA is proposing health effects testing under TSCA section 4 in support of programs and activities required under section 112 of the Clean Air Act (CAA), governing Hazardous Air Pollutants (HAPs). Section 112 of the CAA directs EPA to determine the risk to health and the environment remaining after application of technology-based emissions standards to major and area sources. Section 112 also sets forth a mechanism for revising and modifying the statutory list of 189 HAPs under section 112(b), and requirements for an accidental release control program. These data will also be important for the right-to-know program given the large release of these chemicals to the atmosphere. In order to implement these and other programs and requirements under section 112, EPA must identify the health and environment effects of potential concern from exposure to HAPs, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs. In addition, under section 103(d), EPA is required to conduct a research program on the short- and long-term effects of air pollutants on human health, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs.

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33178
Supplemental NPRM	12/24/97	62 FR 67466
Supplemental NPRM	04/21/98	63 FR 19694
Final Action	01/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3487

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

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**RIN:** 2070-AC76

**3375. • TEST RULE; OSHA CHEMICALS DERMAL TESTING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12

**CFR Citation:** 40 CFR 700 to 799

**Legal Deadline:** None

**Abstract:** EPA is proposing to require manufacturers (which is defined by statute to include importers) and processors of 47 chemical substances of interest to the Occupational Safety and Health Administration (OSHA) to conduct testing for in vitro dermal absorption rate testing. These chemicals, and others, were designated for in vitro dermal absorption rate testing in the 31st, 32nd, and 35th Reports of the TSCA section 4(e) Interagency Testing Committee (ITC) to the EPA. Each of the chemical substances included in this proposed rule is produced in an amount equal to or greater than one million pounds per year. In addition, each of the

chemicals in this proposed rule was identified in the National Occupational Exposure Survey (NOES) has having a total potential worker exposure of greater than 1,000 workers. OSHA has indicated that it needs quantitative measures of dermal absorption rate in order to evaluate the potential hazard of these chemicals to workers.

**Timetable:**

Action	Date	FR Cite
NPRM OSHA Chemical Dermal Testing (ITC List 31, 32 & 35)	06/09/99	64 FR 31074
Final Action OSHA Chemical Dermal Testing	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State, Tribal

**Additional Information:** SAN No. 4425

Please note that this entry was previously identified under RIN 2070-AB07. TSCA requires EPA to publish the NPRM within one year of ITC designation.

**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing

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**RIN:** 2070-AD42

**3376. FOLLOW-UP RULES ON NON-5(E) NEW CHEMICAL SUBSTANCES**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 TSCA sec 5

**CFR Citation:** 40 CFR 704; 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA regulates the commercial development of new chemicals that

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have completed premanufacture notice (PMN) review. In a PMN review, the Agency assesses whether or not a chemical's manufacture, import, process, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule (EFUR) which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 3-4 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR, may be regulated individually by notice and comment rulemaking and are listed below.

**Timetable:**

Action	Date	FR Cite
NPRM Alkyl & Sulfonic Acid & Ammonium Salt (84-1056)	06/11/86	51 FR 21199
NPRM 1-Decanimine-N-Decyl-N-Methyl-N-Oxide (86-566)	12/08/87	52 FR 46496
NPRM Aluminum Cross-linked Sodium Carboxymethyl-cellulose	06/11/93	58 FR 32628
Final Action Alkyl & Sulfonic Acid & Ammonium Salt (84-1056)	10/00/00	
Final Action 1-Decanimine-N-Decyl-N-Methyl-N-Oxide (86-566)	10/00/00	
Final Action Aluminum Cross-linked Sodium Carboxymethyl-cellulose	10/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 1976**Sectors Affected:** 324 Petroleum and Coal Products Manufacturing; 325 Chemical Manufacturing**Agency Contact:** Flora Chow, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460

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**RIN:** 2070-AA59

### 3377. CHEMICAL-SPECIFIC SIGNIFICANT NEW USE RULES (SNURS) TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

**Priority:** Routine and Frequent**Legal Authority:** 15 USC 2604 TSCA sec 5**CFR Citation:** 40 CFR 721**Legal Deadline:** None

**Abstract:** When the Agency determines that uncontrolled manufacture, import, processing, distribution, use or disposal of a premanufacture notification (PMN) substance may present an unreasonable risk, it may issue a section 5(e) consent order to limit these activities. However, such orders apply only to the PMN submitter. Once the new substance is entered on the Toxic Substances Control Act (TSCA) chemical inventory, others can manufacture, import or process the substance without controls. Therefore, EPA extends the controls to apply to others by designating manufacture, import or processing of the substances for uses without the specified controls as significant new uses. Under the Expedited Follow-Up Rule, which became effective on October 10, 1989 (54 FR 31314), EPA routinely publishes batch SNURs containing routine section 5(e) and non-5(e) SNURs. However, certain activities, such as modifications, withdrawals, revocations, and SNURs upon which comments are received in the direct final publication process, are subject to notice and comment rulemaking and are listed below.

**Timetable:**

Action	Date	FR Cite
NPRM Batch SNUR: 84-660/-704 & 84-105/-106/-107 & 85-433	05/27/93	58 FR 30744

Action	Date	FR Cite
Final Action Batch SNUR: 84-660/-704 & 84-105/-106/-107 & 85-433	08/00/00	
NPRM Aromatic Amino Ether (P90-1840)	06/06/94	59 FR 29255
Final Action Aromatic Amino Ether (P90-1840)	06/00/00	
NPRM Alkenyl Ether of Alkanetriol Polymer (93-458)	12/19/94	59 FR 65289
Final Action Alkenyl Ether of Alkanetriol Polymer (93-458)	06/00/00	
NPRM Certain Chemical Substances (91-1299/95-1667 91-1298 91-1297)	06/26/97	62 FR 34421
Final Action Certain Chemical Substances (91-1299/95-1667 91-1298 91-1297)	06/00/00	
NPRM Certain Chemical Substances	09/09/98	63 FR 48157
Final Action Certain Chemical Substances	06/00/00	
Direct Final Rule Certain Chemical Substances	01/05/00	65 FR 354

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3495**Sectors Affected:** 324 Petroleum and Coal Products Manufacturing; 325 Chemical Manufacturing**Agency Contact:** Flora Chow, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460

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**RIN:** 2070-AB27

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**3378. PCBs; POLYCHLORINATED BIPHENYLS; EXEMPTIONS FROM THE PROHIBITIONS AGAINST MANUFACTURING, PROCESSING, AND DISTRIBUTION IN COMMERCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2605 TSCA sec 6(e)(3)(B)**CFR Citation:** 40 CFR 761**Legal Deadline:** None

**Abstract:** Section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA) provides that the Administrator may grant, by rule, exemptions from the prohibitions against manufacturing, processing and distribution in commerce of PCBs upon finding that 1) no unreasonable risk to health or the environment will occur, and 2) good faith efforts have been made by the petitioner to develop a substitute for PCB which does not pose an unreasonable risk of injury to health or the environment. In addition, the Interim Procedural Rules were amended to require certain petitioners to reapply for EPA approval to continue PCB activities previously approved by EPA.

**Timetable:**

Action	Date	FR Cite
NPRM (1) Group I	12/06/94	59 FR 62875
Final Action Group I	02/00/01	
NPRM (2) Group II	09/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal**Additional Information:** SAN No. 2150

**Sectors Affected:** 211 Oil and Gas Extraction; 2211 Electric Power Generation, Transmission and Distribution; 31-33 Manufacturing; 5133 Telecommunications; 6113 Colleges, Universities and Professional Schools; 622 Hospitals; 921 Executive, Legislative, Public Finance and General Government

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**RIN:** 2070-AB20**3379. REFRACTORY CERAMIC FIBERS; SIGNIFICANT NEW USE RULES ON NATIONAL PROGRAM CHEMICALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2605 TSCA 6; 15 USC 2604 TSCA 5**CFR Citation:** 40 CFR 704; 40 CFR 721**Legal Deadline:** None

**Abstract:** EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 6 to require reporting by the manufacturers, importers and/or processors of these chemicals. Proposed rules may be published on at least the chemicals listed on the timetable below.

**Timetable:**

Action	Date	FR Cite
NPRM Refractory Ceramic Fiber	03/21/94	59 FR 13294
Final Action Refractory Ceramic Fiber	03/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3528

**Sectors Affected:** 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing

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**RIN:** 2070-AC37**3380. PCBs; POLYCHLORINATED BIPHENYLS (PCBS) RECLASSIFICATION OF PCB AND PCB ELECTRICAL EQUIPMENT RULE****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 2605 TSCA sec 6(e)**CFR Citation:** 40 CFR 761**Legal Deadline:** None

**Abstract:** This rule would relax the regulatory requirements for reclassifying PCB transformers and other electrical equipment to a lower regulatory status by modifying the current reclassification requirements of 50 degree centigrade temperature and 90-day testing. Results of a preliminary analysis indicate that many transformers never reach the required temperature during operation, but retrofitting still successfully reduces PCB concentration. Safety risks to employees and to the general public occur in mandating the continued adherence to the current regulations. EPA may also address the reclassification of voltage regulators.

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/93	58 FR 60970
Final Action	07/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 3021

**Sectors Affected:** 622 Hospitals; 921 Executive, Legislative, Public Finance and General Government; 6113 Colleges, Universities and Professional Schools; 211 Oil and Gas Extraction; 2211 Electric Power Generation, Transmission and Distribution; 31-33 Manufacturing; 5133 Telecommunications

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**RIN:** 2070-AC39

### 3381. ASBESTOS MODEL ACCREDITATION PLAN REVISIONS

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 2646 TSCA sec 206

**CFR Citation:** 40 CFR 763

**Legal Deadline:** Final, Statutory, November 28, 1992.

**Abstract:** The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) amended TSCA to require that EPA revise its asbestos model accreditation plan (MAP) to extend training and accreditation requirements to include persons performing certain asbestos-related work in public or commercial buildings, to increase the minimum number of training hours required for accreditation purposes and to effect other changes necessary to implement the amendments. The upcoming notice of proposed rulemaking (NPRM) will improve harmony of the existing interim final MAP with the Occupational Safety and Health Administration's regulations to the extent consistent with applicable EPA statutes, and provide clarifications.

#### Timetable:

Action	Date	FR Cite
Model Plan	05/13/92	57 FR 20438
Interim Final Rule	02/03/94	59 FR 5236
Final Action	05/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3148  
See related entry 2070-AC62.

**Sectors Affected:** 611519 Other Technical and Trade Schools

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**RIN:** 2070-AC51

### 3382. TSCA SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2607(a) TSCA sec 8(a)

**CFR Citation:** 40 CFR 712

**Legal Deadline:** None

**Abstract:** These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. These data will also support risk assessment and test rule decisions.

#### Timetable:

Action	Date	FR Cite
Final Action 37th ITC List	02/28/96	61 FR 7421
Final Action 38th ITC List	10/29/96	61 FR 55871
Final Action 38th ITC List - Stay	12/11/96	61 FR 65186
Final Action 38th ITC List - Stay/Technical Amendments	01/07/98	63 FR 684
Final Action 38th ITC List - Revocation	01/11/00	65 FR 1548
Final Action 39th ITC List	01/11/00	
Final Action 41st ITC List	04/00/00	
Final Action 42nd ITC List	04/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 2178

**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing

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**RIN:** 2070-AB08

### 3383. TSCA SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES

**Priority:** Routine and Frequent

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 2607(d) TSCA sec 8(d)

**CFR Citation:** 40 CFR 716

**Legal Deadline:** None

## EPA—Toxic Substances Control Act (TSCA)

## Final Rule Stage

**Abstract:** These rules require manufacturers, importers and processors to submit unpublished health and safety data on chemicals added to the requirements of the Toxic Substances Control Act section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee.

**Timetable:**

Action	Date	FR Cite
Final 38th ITC List	10/29/96	61 FR 55871
Final 38th ITC List - Stay	12/11/96	61 FR 65186
Final 38th ITC List - Stay/Technical Amendment	01/07/98	63 FR 684
Final Action 38th ITC List - Revocation	01/11/00	65 FR 1548
Final Action 39th, 41st and 42nd ITC List	07/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 1139

**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing

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**RIN:** 2070-AB11

**3384. ACRYLAMIDE; PROHIBITION ON MANUFACTURE, IMPORTATION, DISTRIBUTION AND USE OF ACRYLAMIDE FOR GROUTING**

**Priority:** Other Significant

**Legal Authority:** 15 USC 2607 TSCA sec 8; 15 USC 2605 TSCA sec 6

**CFR Citation:** 40 CFR 764

**Legal Deadline:** None

**Abstract:** On October 2, 1991, EPA proposed a regulation of acrylamide and NMA grouts based on the unreasonable risk associated with their usage. EPA's rule would prohibit the manufacture, distribution in commerce, and use of acrylamide grout. In February 1996, EPA reopened the record for 30 days to take additional comments, specifically to seek data on the durability of acrylamide and NMA grouts. The Agency has reviewed the comments and expects to promulgate the final rule in the Spring of 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	10/02/91	56 FR 49863
Notice Reopening Record for Comments on Durability of NMA	02/28/96	61 FR 7454
Final Action	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Additional Information:** SAN No. 2779

**Sectors Affected:** 23491 Water, Sewer, and Pipeline Construction; 32519 Other Basic Organic Chemical Manufacturing; 32519 Other Basic Organic Chemical Manufacturing; 32519 Other Basic Organic Chemical Manufacturing; 22132 Sewage Treatment Facilities; 23491 Water, Sewer, and Pipeline Construction

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**RIN:** 2070-AC17

**3385. TSCA SECTION 8(E) POLICY; NOTICE OF CLARIFICATION**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 2607(e) TSCA sec 8(e)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The TSCA section 8(e) Notice of Clarification and Solicitation of Public Comment would amend certain aspects of the 1978 TSCA section 8(e) Statement of Interpretation and Enforcement Policy (1978 Policy Statement). The 1978 Policy Statement describes the types of information that EPA considers reportable under section 8(e), the substantial risk reporting provision of TSCA, and describes the procedures for reporting such information to EPA. This clarification effort derives from a review of the existing section 8(e) guidance done in the context of questions raised by companies considering participating in the section 8(e) Compliance Audit Program (CAP). As a result of this review, EPA determined that parts of the 1978 Policy Statement concerning the reportability of information on widespread and previously unsuspected distribution in environmental media and emergency incidents of environmental contamination needed some refinement. The subject Federal Register action solicited comment on refined reporting guidance concerning widespread and previously unsuspected distribution in environmental media and provides additional circumstances where information is not reportable because it is considered known to the Administrator. Finally, the notice solicited comments on changes to the section 8(e) reporting deadline and reaffirmed the standards for claims of confidentiality for information contained in a notice of substantial risk under section 8(e).

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/93	58 FR 37735
Final Action	09/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

## EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3118**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Terry O'Bryan, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7403, Washington, DC 20460

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**RIN:** 2070-AC80**3386. NOTICE OF TSCA SECTION 4 REIMBURSEMENT PERIOD AND TSCA SECTION 12(B) EXPORT NOTIFICATION PERIOD SUNSET DATES FOR TSCA SECTION 4 SUBSTANCES****Priority:** Info./Admin./Other**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12**CFR Citation:** 40 CFR 799; 40 CFR 791; 40 CFR 707; 40 CFR 790**Legal Deadline:** None**Abstract:** EPA is developing a list of substances that are or have been subject to TSCA section 4 testing actions which required testing under rules or Enforceable Consent Orders. EPA will identify sunset, or termination dates that will identify: (1) the end of section 4 reporting requirements (40 CFR 790); (2) the end of the reimbursement period under which persons subject to test rules are subject to an obligation to reimburse test sponsors (40 CFR 791); and (3) the end of the period during which export notification requirements under TSCA section 12(b) are triggered.**Timetable:**

Action	Date	FR Cite
Final Action	09/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal**Additional Information:** SAN No. 3559**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** David R. Williams, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460

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**RIN:** 2070-AC84

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Long-Term Actions

## Toxic Substances Control Act (TSCA)

**3387. LEAD; MANAGEMENT AND DISPOSAL OF LEAD-BASED PAINT DEBRIS SECTION 402(A)****Priority:** Other Significant**Legal Authority:** 15 USC 2601 to 2671; 42 USC 6901 to 6992**CFR Citation:** 40 CFR 745**Legal Deadline:** None**Abstract:** Currently, waste derived from lead-based paint (LBP) abatements is managed under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Other Federal agencies (Department of Housing and Urban Development, Department of Health and Human Services) and several States and advocacy groups have expressed concern that the costs associated with the disposal of large volume architectural components (e.g., doors and windows) may interfere with

abatements activities. EPA's Office of Prevention, Pesticides and Toxic Substances and the Office of Solid Waste have initiated a joint rulemaking to address the disposal of these architectural components. This rulemaking would develop disposal standards for these components under the Toxic Substances Control Act (TSCA) title IV, (the definition of abatement under TSCA title IV, section 401(1)(B), includes disposal). The TSCA regulations would establish appropriate disposal standards for LBP architectural components and identify recycling and incineration activities that would be controlled or prohibited. To minimize duplication of waste management requirements, EPA is developing a companion RCRA rule to suspend temporarily hazardous waste management regulations applicable to lead-based paint debris which will be subject to the new TSCA standards.

**Timetable:**

Action	Date	FR Cite
NPRM TSCA Proposal	12/18/98	63 FR 70189
Comment Extension	02/12/99	64 FR 7158
Extension of Comment Period		
Comment Extension	02/12/99	64 FR 7159
Extension of Comment Period		
Final Action	08/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3508

This SAN and RIN includes RCRA companion rule: Temporary Suspension of Toxicity Characteristic Rule for Specified Lead-Based Paint Debris.

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

**Sectors Affected:** 562111 Solid Waste Collection; 233 Building, Developing and General Contracting; 23321 Single Family Housing Construction; 23332 Commercial and Institutional Building Construction; 23521 Painting and Wall Covering Contractors; 23542 Drywall, Plastering, Acoustical and Insulation Contractors; 23511 Plumbing, Heating and Air-Conditioning Contractors; 23594 Wrecking and Demolition Contractors; 23592 Glass and Glazing Contractors; 54138 Testing Laboratories

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**RIN:** 2070-AC72

### 3388. VOLUNTARY CHILDREN'S CHEMICAL SAFETY TESTING PROGRAM

**Priority:** Other Significant

**Legal Authority:** 15 USC 2625 TSCA 26; 15 USC 2611 TSCA 12; 15 USC 2603 TSCA 4

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** EPA will hold public meetings to involve stakeholders in the design and development of a voluntary program to test commercial chemicals to which children may have a high likelihood of exposure. The purpose of the voluntary testing program is to obtain toxicity data needed to assess the risk of childhood exposure to commercial chemicals. The information which is developed in the course of the stakeholder involvement process towards developing a voluntary testing program may also be considered in the development of a test rule. If an adequate voluntary children's chemical safety testing program fails to emerge from the stakeholder involvement process, EPA will proceed with development of a test rule under

section 4 of the Toxic Substances Control Act (TSCA). The purpose of any future children's health initiatives or test rules, is to improve our understanding of the risks posed to children's health by chemicals to which they may be exposed to in the home, school, and the environment.

#### Timetable:

Action	Date	FR Cite
Notice Initiation of Stakeholder Process- Notice of Public Meetings	08/26/99	64 FR 46673
Notice Solicitation of Participation for Testing Program NPRM	08/00/00	
	09/00/01	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 2865

**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing

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**RIN:** 2070-AC27

### 3389. LEAD; REGULATORY INVESTIGATION UNDER THE TOXIC SUBSTANCES CONTROL ACT (TSCA) TO REDUCE LEAD (PB) CONSUMPTION AND USE

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 15 USC 2605 TSCA 6

**CFR Citation:** 40 CFR 745

**Legal Deadline:** None

**Abstract:** This action initiates a regulatory investigation under the

Toxic Substances Control Act (TSCA) section 6 to determine if uses of lead (Pb) present an unreasonable risk to human health and the environment. The investigation will involve examination of the potential sources of human or other exposure to lead throughout the life cycle. Based on information gathered EPA may propose TSCA section 6(a) rules to control existing or new uses of Pb which pose an unreasonable risk to human health or the environment, and to explore the desirability and feasibility of discouraging overall consumption of Pb in general. Currently, EPA has ongoing regulatory investigation on one specific use of lead: fishing sinkers. EPA is exploring a combination of approaches to address human health and wildlife exposure to lead fishing sinkers including voluntary initiatives and education campaigns. EPA is developing materials to explain the dangers of lead through misuse and improper handling of lead sinkers. EPA is working with States to generally distribute such materials and to include information on lead hazards to human health and wildlife in State fishing guidelines booklets.

#### Timetable:

Action	Date	FR Cite
ANPRM	05/13/91	56 FR 22096
NPRM Proposed Ban of Fishing Sinkers	03/09/94	59 FR 11122
Final Action Fishing Sinkers	12/00/01	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3252

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**RIN:** 2070-AC21

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

**3390. PCBS; POLYCHLORINATED BIPHENYL; USE AUTHORIZATIONS**

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

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 15 USC 2605(e) TSCA sec 6(e)

**CFR Citation:** 40 CFR 761

**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking that was published on December 6, 1994, covered the manufacture (including import), processing, distribution in commerce, export use, disposal, and marking of PCBs. On June 29, 1998, EPA issued a final rule involving the disposal related provisions. Other provisions, e.g., certain use authorizations and import provisions, were to be addressed

in separate actions. This rulemaking addresses a use authorization for certain non-liquid PCB applications, which although currently in use have never been authorized under the PCB regulations at 40 CFR part 761.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/10/91	56 FR 26738
NPRM	12/06/94	59 FR 62788
Final Action 1 PCB Disposal Provisions	06/29/98	63 FR 35384
NPRM Notice of Data Availability, Reopening of Comment Period	12/10/99	64 FR 69358
Final Action 2 Use Authorizations	01/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

**Additional Information:** SAN No. 4179

**Sectors Affected:** 211 Oil and Gas Extraction; 31-33 Manufacturing; 5133 Telecommunications; 622 Hospitals; 6113 Colleges, Universities and Professional Schools; 921 Executive, Legislative, Public Finance and General Government

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**RIN:** 2070-AD27

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Completed Actions

## Toxic Substances Control Act (TSCA)

**3391. LEAD; OVERVIEW OF RULEMAKINGS UNDER TSCA SECTION 402, LEAD-BASED PAINT ACTIVITIES FOR THE REGULATORY PLAN**

**Priority:** Economically Significant

**CFR Citation:** 40 CFR 745

**Completed:**

Reason	Date	FR Cite
Withdrawn This was an overview RIN. Each action now listed separately.	03/01/00	

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 2070-AD06

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Proposed Rule Stage

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

**3392. TRI; POLLUTION PREVENTION ACT INFORMATION REQUIREMENTS**

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

**Unfunded Mandates:** Undetermined

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 11013 Pollution Prevention Act

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** Section 6607(b) of the Pollution Prevention Act of 1990 (PPA) (Pub. L. 101-508) requires the addition of several data elements to the Toxic Chemical Release Inventory (TRI) reporting requirements as promulgated under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (Pub. L. 99-499). Section 313 of EPCRA requires owners or operators of certain facilities

that manufacture, process, or otherwise use listed toxic chemicals to annually report their releases of these chemicals to each environmental medium. The PPA mandates that section 313 covered facilities also report on source reduction and recycling activities relating to the toxic chemicals beginning with the 1991 reporting year. Since 1991 covered facilities have been providing this information to EPA in section 8, Source Reduction and Recycling Activities, of EPA Form R. On September 25, 1991 (56 FR 48475),

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

## Proposed Rule Stage

EPA proposed regulations which would provide definitions and instructions for reporting the PPA data elements on the EPA Form R. In this action, EPA will amend certain aspects of the September 25, 1991, proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48475
Notice of Receipt Combustion for Energy Recovery (Request To Modify)	03/31/99	64 FR 15324
Supplemental NPRM	12/00/00	
Response Combustion for Energy Recovery (Request To Modify)	03/00/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

**Additional Information:** SAN No. 2847

Affected Sectors Include: 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:** 2070-AC24

**3393. TRI; REVISIONS TO THE OTHERWISE USE ACTIVITY EXEMPTIONS AND THE COAL EXTRACTION ACTIVITIES EXEMPTION**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 11001 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** The Toxics Release Inventory (TRI) requires reporting from facilities which manufacture or process at least 25,000 pounds of a listed chemical, or otherwise use 10,000 pounds of a listed chemical. In determining amounts of listed chemicals that are manufactured, processed or otherwise used, facilities may be entitled to consider specific exemptions from reporting. EPA is presently reviewing a group of these exemptions. The categories of exemptions presently being reconsidered by EPA are the structural component exemption, the routine janitorial and facility grounds maintenance exemption, the personal

use exemption, the motor vehicle maintenance exemption, and the intake water/air exemption. Also known as the otherwise use exemptions because they are limited to otherwise use activities, these exemptions are expressly provided for at 40 CFR 372.38(c). EPA is also considering changes to the coal mining extraction activities exemption provided for at 40 CFR 372.38(g).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
Final Action	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4265

By Statute and Regulation, this rule will affect SIC codes 20-39, 10 (except SIC codes 1011, 1081, 1094), 12 (except SIC code 1241), 4911, 4931, 4939, 4953, 5169, 5171, and 7389.

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**RIN:** 2070-AD39

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Final Rule Stage

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

**3394. TRI; RESPONSES TO PETITIONS RECEIVED TO ADD OR DELETE OR MODIFY CHEMICAL LISTINGS ON THE TOXIC RELEASE INVENTORY**

**Priority:** Routine and Frequent. Major status under 5 USC 801 is undetermined.

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** These actions grant or deny petitions received to add or delete or modify chemicals on the list of toxic chemicals under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA) that are subject to reporting under the Toxic Chemical Release Reporting Rule. The

actions cover individual chemicals or groups of chemicals for which petitions have been received.

**Timetable:**

Action	Date	FR Cite
Notice DBNPA (Request to Delete)	10/27/95	60 FR 54949
Proposed Rule Dioxin & Dioxin-like Compounds (Furans & PCBs) (Req. to Add)	05/07/97	62 FR 24887

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

Final Rule Stage

Action	Date	FR Cite
Notice of Denial Phosphoric Acid (Request to Delete)	01/23/98	63 FR 3566
Notice of Denial Methyl Ethyl Ketone (MEK) (Request to Delete)	03/30/98	63 FR 15195
Amendments to Proposed Rule Dioxin & Dioxin-like Compounds (Furans & PCBs) (Req. to Add)	01/05/99	64 FR 688
NPRM Chromite Ore (Request to Delete)	02/23/99	64 FR 8774
NPRM Chromite Ore from Transvaal Reg. of S.A.	02/23/99	64 FR 8775
Notice of Denial Methyl Isobutyl Ketone (MIBK) (Request to Delete)	02/23/99	64 FR 8769
Notice of Denial Acetonitrile (Request to Delete)	03/05/99	64 FR 10597
Final Response Dioxin & Dioxin-like Compounds (Furans & PCBs) (Req. to Add)	10/29/99	64 FR 58666
Response Alloys-- Chromium & Nickel & and Copper Alloys (Req. to Modify)	04/00/00	
Response Chromium, Antimony, Titanite Petition	06/00/00	
Final Action Chromite ore from Transvaal	06/00/00	
Final Response DBNPA (Request to Delete)	11/00/00	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 2425

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:** 2070-AC00**3395. TRI; LOWERING OF EPCRA SECTION 313 REPORTING THRESHOLDS FOR LEAD AND LEAD COMPOUNDS****Priority:** Economically Significant. Major under 5 USC 801.**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 facilities which manufacture or process at least 25,000 pounds of a listed chemical, or otherwise use 10,000 pounds of a listed chemical. These thresholds were initially established under the Emergency Planning and community Right-To-Know Act (EPCRA) section 313(f)(1). Section 313(f)(2) of EPCRA gives the Administrator the power to establish a threshold amount for a toxic chemical different from the amount established by paragraph (1), and that such altered thresholds may be based on classes of chemicals. EPA is considering lowering the thresholds for certain persistent

bioaccumulative toxic (PBT) chemicals and has issued a proposed rule that sets out the criteria EPA intends to use for determining if a chemical is persistent and bioaccumulative under EPCRA section 313. EPA is currently conducting analysis to determine if lead and lead compounds meet the proposed criteria for persistence and bioaccumulation and whether the EPCRA section 313 reporting thresholds should be lowered. EPA is also evaluating the environmental fate of lead.

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/99	64 FR 42222
Notice Extension of Comment Period to 11/01/99	09/21/99	64 FR 51093
Notice Extension of Comment Period to 12/16/99	10/29/99	64 FR 58370
Final Action	10/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4259

By Statute and Regulation, this rule will affect SIC codes 20-39, 10 (except SIC codes 1011, 1081, 1094), 12 (except SIC code 1241), 4911, 4931, 4939, 4953, 5169, 5171, and 7389.

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**RIN:** 2070-AD38

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Long-Term Actions

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

**3396. TRI; CHEMICAL EXPANSION; FINALIZATION OF DEFERRED CHEMICALS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 11013 EPCRA 313; 42 USC 11023; 42 USC 11048; 42 USC 11076

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** On November 30, 1994, EPA added 286 chemicals and chemical categories to the EPCRA section 313 list, including 39 chemicals as part of two delineated categories. Each chemical and chemical category was found to meet the statutory criteria described in EPCRA section 313(d)(2)(A)-(C). At this time, EPA deferred final action on 40 chemicals and one chemical category until a later date. These were deferred because the comments received on them raised difficult technical or policy issues which required additional time to address. EPA chose not to delay final action on the 286 chemicals and chemical categories because of the additional time needed to address the issues surrounding the smaller group of 40 chemicals and one chemical category; rather, EPA believed it to be in the spirit of community right-to-know to proceed with the final rulemaking of the additional chemicals and chemical categories.

**Timetable:**

Action	Date	FR Cite
NPRM	01/12/94	59 FR 1788
Final Finalizes Listing of 286 Chemicals and Chemical Categories	11/30/94	59 FR 61432
Supplemental NPRM Deferred Chemicals	12/00/01	
Final Action Deferred Chemicals	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3007

Includes SIC codes: 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).

**Sectors Affected:** 42269 Other Chemical and Allied Products Wholesalers

**Agency Contact:** Maria Doa, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 2844  
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**RIN:** 2070-AC47

**3397. TRI; DATA EXPANSION AMENDMENTS; TOXIC CHEMICAL RELEASE REPORTING; COMMUNITY RIGHT-TO-KNOW**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 11013 EPCRA; 42 USC 11023; 42 USC 11048; 42 USC 11076; 42 USC 13106

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** The original Toxics Release Inventory (TRI) required reporting from manufacturing facilities on the releases and other waste management activities including waste treatment and disposal methods. This requirement was imposed under the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313(g). Information on waste management practices, including recycling, energy recovery, and source reduction activities, were added to TRI pursuant to the 1990 passage of the Pollution Prevention Act. EPA is currently considering whether additional data elements related to a mass balance/materials accounting program should be considered for incorporation into the TRI database. The additional data elements included for consideration include: quantity

brought on site; quantity produced on site; quantity consumed on site; quantity contained in or as product; quantity stored on site as waste; and beginning and ending raw materials inventory. The issue of collecting mass balance/materials accounting information has been debated for over a decade. Congress, in enacting EPCRA, directed the National Academy of Sciences (NAS) to study this issue further. NAS recommended that the issue of adding materials accounting data merited further analysis. Because of competing priorities, this project is currently on hold. No activities are planned for 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/96	61 FR 51322
NPRM	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

**Additional Information:** SAN No. 3877

**SECTORS AFFECTED:** 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:** 2070-AD08

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

## Long-Term Actions

**3398. TRI; ADDITION OF OIL AND GAS EXPLORATION AND PRODUCTION TO THE TOXIC RELEASE INVENTORY**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 11013 EPCRA 313; 42 USC 11023; 42 USC 1108; 42 USC 11076

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** The original Toxics Release Inventory (TRI) required reporting from facilities in Standard Industrial Classification (SIC) codes 20-39. These SIC codes cover facilities whose primary economic activity was classified as manufacturing. This requirement was specified under the Emergency Planning and Community Right-To-Know Act (EPCRA) section 313(b)(1)(A). EPCRA section 313(b)(1)(B) and (b)(2) provide the Administrator with the authority to add or delete SIC codes and the discretion to add particular facilities based on a broad set of factors. The Environmental Protection Agency (EPA) has recently expanded this original list of covered industries. EPA began additional analyses to determine whether facilities which perform exploration and production of oil and gas should also be added to the list of facilities covered under EPCRA section 313. Facilities recently added include certain electric generating facilities, waste management facilities, metal and coal mining, hazardous waste treatment facilities, solvent recyclers, and wholesale distributors of chemicals and petroleum products.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4023

Program is implemented at the Federal level. States are designated as co-recipients of the information, but are not required to manage the information in any particular manner.

**Sectors Affected:** 211111 Crude Petroleum and Natural Gas Extraction

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**RIN:** 2070-AD19

**3399. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: AMENDMENTS AND STREAMLINING RULE**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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 the remaining issues from the proposed rule of June 8, 1998. (Reporting thresholds for gasoline and diesel fuel at retail gas stations were included in a separate final rule; 64 FR 7031, February 11, 1999.) This rule will include: reporting thresholds for rock salt, sand, gravel and other chemicals that pose minimal risk; plain language rewrite; and may consider reporting thresholds for facilities with some similarities to gas stations (motor pools, marinas, etc.) and guidance on approaches to State flexibility.

**Timetable:**

Action	Date	FR Cite
NPRM	06/08/98	63 FR 31268
Final Action	08/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 3215

**Agency Contact:** Sicy Jacob, Environmental Protection Agency,

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**RIN:** 2050-AE17

**3400. RESPONSE TO A PETITION REQUESTING DELETION OF PHOSMET FROM THE EXTREMELY HAZARDOUS SUBSTANCES (EHSS) LIST**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048

**CFR Citation:** 40 CFR 355

**Legal Deadline:** None

**Abstract:** EPA has received a petition to remove Phosmet from the extremely hazardous substance (EHS) list under the Emergency Planning and Community Right-to-Know Act (EPCRA). This rulemaking will address the petitioner's claims.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3994

**Agency Contact:** Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104, Washington, DC 20460  
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**RIN:** 2050-AE42

**3401. MODIFICATION OF THRESHOLD PLANNING QUANTITY FOR ISOPHORONE DIISOCYANATE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048

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

## Long-Term Actions

**CFR Citation:** 40 CFR 355**Legal Deadline:** None

**Abstract:** On October 12, 1994 (59 FR 51816), EPA proposed to modify the listing of several chemicals on the extremely hazardous substances (EHS) list under the Emergency Planning and Community Right-to-Know Act. One petitioner requested the removal of isophorone diisocyanate (IPDI). EPA rejected the petitioner's request. However, in the review of the petition, EPA noticed that there was an error in the setting of the threshold planning quantity (TPQ) for IPDI, and proposed to correct the error in the October 12, 1994 notice of proposed rulemaking. The other modifications to the EHS list were made final on May 7, 1996; however, the TPQ for IPDI was not included in that final rule. This rule will finalize the TPQ for IPDI.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3993**Sectors Affected:** 325 Chemical Manufacturing

**Agency Contact:** Kathy Franklin, Environmental Protection Agency, Solid Waste and Emergency Response, 5104, Washington, DC 20460  
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**RIN:** 2050-AE43**3402. • TRI: APA PETITION-EPCRA 313 DEFINITION OF "OVERBURDEN" AS IT RELATES TO THE MINING INDUSTRY.****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 11001 et seq**CFR Citation:** 40 CFR 372**Legal Deadline:** None

**Abstract:** The regulatory definition for EPCRA section 313 defines "overburden" to mean any unconsolidated material that overlies a deposit of useful material or ores. It does not include any portion of ore or waste rock. "Overburden" generally lacks any recoverable materials and contains only trace amounts of EPCRA section 313 chemicals. Under section 313, all activities related to "overburden" are exempt from threshold determinations and release and other waste management calculations because "overburden" contains TRI chemicals in negligible amounts and reporting is unlikely to provide the public with valuable information. On December 22, 1998, the National Mining Association (NMA) petitioned EPA, pursuant to the Administrative Procedures Act (APA) to change the current EPCRA 313 definition of "overburden" to include both consolidated material and unconsolidated material. By making such a change, consolidated material that overlies an ore deposit would be

eligible for the "overburden" exemption (i.e., "overburden" generally lacks any recoverable minerals and contains only trace amounts of EPCRA section 313 chemicals). NMA asserts that EPA's definition of "overburden" is inconsistent with that of industry. NMA considers "overburden" to be all material, both consolidated and unconsolidated, that overlies an ore deposit of useful material and must be removed to allow access to ore deposit.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
Final Rule	06/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4392

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**RIN:** 2070-AD41

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Completed Actions

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

**3403. TRI; REPORTING THRESHOLD AMENDMENT FOR CERTAIN PERSISTENT AND BIOACCUMULATIVE TOXIC CHEMICALS (PBTS)**

**Priority:** Economically Significant. Major under 5 USC 801.

**CFR Citation:** 40 CFR 372**Completed:**

Reason	Date	FR Cite
Final Action	10/29/99	64 FR 58370

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

**Sectors Affected:** 42269 Other Chemical and Allied Products Wholesalers

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**RIN:** 2070-AD09

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

## Chemical Safety Information, Site Security and Fuels Regulatory Relief Act

**3404. • ACCIDENTAL RELEASE PREVENTION REQUIREMENTS; RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT SECTION 112(R)(7); DISTRIBUTION OF OFF-SITE CONSEQUENCES ANALYSIS INFORMATION****Priority:** Other Significant**Legal Authority:** PL 106-40**CFR Citation:** 40 CFR 68**Legal Deadline:** Final, Statutory, August 5, 2000, See Description in Additional Information.

**Abstract:** Section 112(r)(7) of the Clean Air Act Amendments of 1990, and the regulations promulgated under that section, require certain stationary sources to report an Off-site Consequence Analysis (including a worst-case release scenario) in a Risk Management Plan that is available to the public. On August 5, 1999 the President signed the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act. Section 3(a) of the Act requires the President to assess

the increased risk of terrorist and other criminal activities associated with posting off-site consequence analysis information on the Internet and the incentives created by public disclosure of this information for reduction in the risk of accidental releases. Based on this assessment, the President is required to promulgate regulations governing the distribution of off-site consequence analysis information that, in the opinion of the President, minimizes the likelihood of accidental releases and the risk of terrorist and other criminal activities associated with posting this information. The President delegated the authority to the Attorney General and the Administrator of EPA to promulgate regulations, based on the assessments, governing the distribution of off-site consequence analysis information.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4345

Final rule one year after date of enactment of the legislation (08/05/99) or lose FOIA exemption for Off-site consequence analysis.

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**RIN:** 2050-AE80

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

## Chemical Safety Information, Site Security and Fuels Regulatory Relief Act

**3405. AMENDMENTS TO THE LIST OF REGULATED SUBSTANCES AND THRESHOLDS FOR ACCIDENTAL RELEASE PREVENTION; FLAMMABLE SUBSTANCES USED AS FUEL OR HELD FOR SALE AS FUEL AT RETAIL FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-40**CFR Citation:** 40 CFR 68**Legal Deadline:** None

**Abstract:** On August 5, 1999 the President signed the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Public Law 106-40). This Act, among other things, prohibits EPA from regulating

flammable substances under Clean Air Act (CAA) Section 112(r) when those substances are used as fuel or held for retail sale as fuel. This rulemaking will conform the existing rules implementing CAA Section 112(r) to the portions of Public Law 106-40 related to flammable fuels.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4302

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**RIN:** 2050-AE74

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Prerule Stage

## Resource Conservation and Recovery Act (RCRA)

**3406. REGULATORY DETERMINATION ON REMAINING WASTES FROM THE COMBUSTION OF FOSSIL FUELS****Priority:** Other Significant**Legal Authority:** 42 USC 6921(b)(3)(C) RCRA sec 3001(b)(3)(C)**CFR Citation:** Not Yet Determined**Legal Deadline:** Other, Judicial, April 10, 2000, Regulatory Determination for Phase II Remaining Waste.

Other, Statutory, October 1, 1999, Regulatory Determination for Phase II Remaining Waste.

**Abstract:** On December 1, 1992, the Agency determined that additional study of four large-volume wastes —

## EPA—Resource Conservation and Recovery Act (RCRA)

Prerule Stage

fly ash, bottom ash, boiler slag and flue gas emission control wastes — from the combustion of coal by electric utility power plants was not necessary. A Final Regulatory Determination on these wastes was signed on August 2, 1993 and published in the Federal Register on August 9, 1993. The Agency also determined that for the remaining fossil-fuel combustion wastes, additional data collection is necessary to make a Regulatory Determination on these wastes. A Final Regulatory Determination is due per court order by April 10, 2000. These remaining wastes include: (1) fly ash, bottom ash, boiler slag, and flue gas emission control wastes from the combustion of coal by electric utility power plants when such wastes are mixed with, co-disposed, co-treated, or otherwise co-managed with other wastes generated in conjunction with the combustion of coal or other fossil fuels, and (2) any other wastes subject to section 8002(n) of RCRA other than those subject to the August 1993 regulatory determination referenced above.

**Timetable:**

Action	Date	FR Cite
Notice of Availability	02/12/93	58 FR 8273
Regulatory Determination (Phase I Four Fossil Fuel Wastes)	08/09/93	58 FR 42466
Notice of Availability	04/28/99	64 FR 22820
Notice Response to Extension Request	06/10/99	64 FR 31170
Notice Request for Comments-Extension	09/20/99	64 FR 50788
Reg Determination (Phase II Remaining Wastes)	04/00/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Additional Information: SAN No. 3201

**Agency Contact:** Dennis Ruddy, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460  
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RIN: 2050-AD91

**3407. REINVENTING THE LAND DISPOSAL RESTRICTIONS PROGRAM**

Priority: Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

CFR Citation: 40 CFR 268

Legal Deadline: None

**Abstract:** The Land Disposal Restrictions (LDR) program was established to minimize threats posed by the land disposal of untreated hazardous wastes. The program has been in place for a number of years and now regulates all but the most recently listed hazardous wastes. The Agency is now examining the LDR program, exploring past accomplishments, current issues, and future possibilities. The goals of the examination are to make the LDR program cheaper, smarter, cleaner, and more flexible. The Agency will develop an Advance Notice of Proposed Rulemaking (ANPRM) to present initial thinking and the results of some activities taken as part of the ongoing LDR Reinvention Project so that the public will have an opportunity to comment. A proposed and final rule will follow.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/00/00	
NPRM	04/00/01	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN No. 4093

**Sectors Affected:** 2122 Metal Ore Mining; 32411 Petroleum Refineries; 325 Chemical Manufacturing; 331 Primary Metal Manufacturing

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RIN: 2050-AE53

**3408. CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS (SECTION 610 REVIEW)**

Priority: Info./Admin./Other

Legal Authority: 5 USC 610

CFR Citation: 40 CFR 258

Legal Deadline: None

**Abstract:** The Agency promulgated the Solid Waste Disposal Facility Criteria; Final Rule on October 9, 1991 (56 FR 50978). These Criteria established new national minimum standards for municipal solid waste landfills (MSWLFs). The rule provides considerable flexibility for all MSWLFs and contains a special exemption from the criteria's design and groundwater monitoring requirements for owners and operators of certain small MSWLF units. Small MSWLFs are defined as units that dispose of less than twenty (20) tons of municipal solid waste daily.

The small landfill exemption in Part 258 was originally invalidated by the United States Court of Appeals for the District of Columbia Circuit. However, in enacting the Land Disposal Program Flexibility Act of 1996 (LDPFA), Congress gave the statutory mandate for the exemption. The LDPFA reinstated the exemption from groundwater monitoring for qualifying small MSWLFs and EPA codified this requirement on September 25, 1996 (61 FR 50410). The LDPFA also directed the Agency to provide additional flexibility to small MSWLFs in the form of the minimum frequency of daily cover, the minimum frequency of monitoring for methane in landfill gas, and the infiltration barriers in the final cover. These requirements were codified on July 29, 1997 (62 FR 40708).

EPA delayed the effective date for compliance with the Financial Assurance requirements of the MSWLF rules until April 10, 1998 by a series of regulatory actions. The delayed effective date allowed EPA to codify the provisions from the LDPFA and to finalize new options for Financial Assurance tailored for local governments (61 FR 60328, November 27, 1996) and for Corporate Owners and Operators (63 FR 17706, April 10, 1998).

This new entry in the regulatory agenda announces that EPA will review the Part 258 regulations pursuant to section

## EPA—Resource Conservation and Recovery Act (RCRA)

Prerule Stage

610 of the Regulatory Flexibility Act (5 USC 610). EPA solicits comments on the following factors: (1) the continued need for the rule, (2) the nature of complaints or comments received concerning the rule from the public since promulgation; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

It is the Agency's view that there is a continued need for the rule; however, the Agency welcomes suggestions for reducing any unnecessary burden on small entities resulting from these rules. As detailed above, the Agency has made continuing efforts to minimize the burden on the owners and operators of small MSWLFs.

**Timetable:**

Action	Date	FR Cite
Begin Review	11/22/99	64 FR 65124
End Comment Time	04/00/00	
End Review	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4350

**ADDRESSES:** Commenters must send an original and two copies of their comments referencing docket number F-1999-MLFN-FFFFF to : RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Ariel Rios Building (EPA,HQ), 1200 Pennsylvania Avenue NW., Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address listed below. Comments may also be submitted electronically to: rcra-docket@epa.gov. Comments in electronic format should also be identified by the docket number F-1999-MLFN-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

Public comments will be available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is

open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling 703-603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page. For information on accessing paper and/or electronic copies of the document, see the Supplementary Information section.

**For Further Information Contact:** For general information, contact the RCRA Hotline at 800 424-9346 or TDD 800 553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703 412-9810 or TDD 703 412-3323.

For information on specific aspects of this notice, contact Dwight Hlustick. (See Agency Contact below.)

**Supplementary Information:** The fact sheet is available in electronic format on the Internet at

<http://www.epa.gov/epaoswer/non-hw/muncpl/landfill.htm>.

**Agency Contact:** Dwight Hlustick, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460  
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**RIN:** 2050-AE75

**ENVIRONMENTAL PROTECTION AGENCY (EPA)  
Resource Conservation and Recovery Act (RCRA)**

Proposed Rule Stage

**3409. PAINT MANUFACTURING  
WASTES LISTING: HAZARDOUS  
WASTE MANAGEMENT SYSTEM:  
IDENTIFICATION AND LISTING OF  
HAZARDOUS WASTE**

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

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 33 USC 1321; 33 USC 1361; 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6926; 42 USC 6938; 42 USC 9602; 42 USC 9603; 42 USC 9604

**CFR Citation:** 40 CFR 261; 40 CFR 271; 40 CFR 302

**Legal Deadline:** NPRM, Judicial, January 26, 2001.  
NPRM, Statutory, February 8, 1986.  
Final, Judicial, March 30, 2002.

**Abstract:** This action addresses the potential risks posed by wastes from the production of paints, and determines whether these wastes should be listed as hazardous under RCRA to control any potentially unacceptable risks. Any new wastes listed as hazardous will also be added to the CERCLA list of hazardous substances. This action will be implemented by EPA and States authorized under RCRA. Impacts on local governments are not expected, and small business impacts are undetermined. Specific wastes to be addressed are water/caustic cleaning wastes, solvent cleaning wastes,

emission control dusts/sludges, wastewater treatment sludges, and off-spec product.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/01	
Final Action	03/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Federal, State, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 3805

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## EPA—Resource Conservation and Recovery Act (RCRA)

## Proposed Rule Stage

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 RIN: 2050-AE32

### 3410. MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT; CODIFICATION OF WASTE MANAGEMENT PROVISIONS

**Priority:** Other Significant

**Legal Authority:** 42 USC 14303

**CFR Citation:** 40 CFR 271; 40 CFR 273

**Legal Deadline:** None

**Abstract:** The purpose of this rule is to codify into the Code of Federal Regulations certain provisions of the Mercury-Containing and Rechargeable Battery Management Act that impact the May 11, 1995 Universal Waste Rule (40 CFR Part 273). The Act was signed by the President on May 13, 1996 and became immediately effective nationwide on the date of signature. Specifically, one provision of the law requires the collection, storage, and transportation of the following types of batteries be managed according to standards established in the Universal Waste Rule: used rechargeable batteries, lead-acid batteries not covered by 40 CFR part 266 or the equivalent requirements of an approved state program, rechargeable alkaline batteries, certain mercury-containing batteries banned from domestic sale, and used consumer products containing rechargeable batteries that are not easily removable. The law prohibits State imposed requirements that are not identical to those found in the Federal Universal Waste Rule, but allows States to adopt and enforce identical standards and to implement and enforce collection, storage, and transport requirements identical to those included in the universal waste rule if the standards are approved by the EPA Administrator.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/00/00	
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3888

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**RIN:** 2050-AE39

### 3411. REMOVAL OF REQUIREMENT TO USE SW-846 METHODS (TEST METHODS FOR EVALUATING SOLID WASTE: PHYSICAL/CHEMICAL METHODS)

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934 to 6939; 42 USC 6974; 42 USC 9601; 42 USC 9614(c)

**CFR Citation:** 40 CFR 258; 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270; 40 CFR 279

**Legal Deadline:** None

**Abstract:** EPA has been actively working to break down the barriers that the environmental monitoring community faces when trying to use new monitoring techniques. As a first step, EPA has accelerated its review process for new methods by eliminating several unnecessary internal review steps, and by streamlining the internal approval process for each new method. However, there are currently 32 citations in title 40 of the Code of Federal Regulations (CFR) where the use of SW-846 methods is required. As a second step for speeding up the approval process, EPA plans to remove the requirements to use SW-846 methods for other than method defined parameters (i.e., where the method defines the regulations, such as the Toxicity Characteristic Leaching Procedure) from 40 CFR. This will likely lead to an even more streamlined approval process since SW-846 will then be able to be handled strictly as guidance and not need the regulatory process for approval. This additional streamlining will permit new, more cost-effective methods to attain public and regulatory authority acceptance in much less time, allowing required monitoring to be done more cheaply, faster and, in some cases, more accurately.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3989

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**RIN:** 2050-AE41

### 3412. STANDARDIZED PERMIT FOR RCRA HAZARDOUS WASTE MANAGEMENT FACILITIES

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6905; 42 USC 6912; 42 USC 6924; 42 USC 6925; 42 USC 6927; 42 USC 6939; 42 USC 6974

**CFR Citation:** 40 CFR 124; 40 CFR 267; 40 CFR 270

**Legal Deadline:** None

**Abstract:** This rulemaking will allow a type of general permit, called a standardized permit, for facilities that generate waste and routinely manage the waste on-site in tanks, containers, and containment buildings. Under the standardized permit, facility owners and operators would certify compliance with generic design and operating conditions set on a national basis. The permitting agency would review the certifications submitted by the facility owners or operators. The permitting agency would also be able to impose additional site-specific terms and conditions for corrective action or other purposes, as called for by RCRA. Ensuring compliance with the standardized permit's terms and conditions would occur during inspection of the facility after the permit has been issued.

## EPA—Resource Conservation and Recovery Act (RCRA)

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 4028

**Sectors Affected:** 32411 Petroleum Refineries; 3251 Basic Chemical Manufacturing; 3252 Resin, Synthetic Rubber, and Artificial and Synthetic Fibers and Filaments Manufacturing; 325211 Plastics Material and Resin Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring

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**RIN:** 2050-AE44

**3413. LISTING OF HAZARDOUS WASTE; INORGANIC CHEMICAL WASTES; LAND DISPOSAL RESTRICTIONS FOR NEWLY LISTED WASTES; CERCLA HAZARDOUS SUBSTANCES REPORTABLE QUANTITIES**

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

**Legal Authority:** 42 USC 6901 to 6992(k)

**CFR Citation:** 40 CFR 261; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 271; 40 CFR 302

**Legal Deadline:** NPRM, Judicial, August 30, 2000.  
Final, Judicial, October 31, 2001.

**Abstract:** EPA, under an Environmental Defense Fund consent decree, will amend, if necessary, the regulations for hazardous waste management under the Resource Conservation and Recovery Act (RCRA) to reduce hazards to human health and the environment from inorganic chemical industry wastes. The wastes covered under this listing document include: sodium dichromate production wastes, wastes

from the dry process for manufacturing phosphoric acid, phosphorus trichloride production wastes, phosphorus pentasulfide production wastes, wastes from the production of sodium phosphate from wet process phosphoric acid, sodium chlorate production wastes, antimony oxide production wastes, cadmium pigments production wastes, barium carbonate production wastes, potassium dichromate production wastes, phenyl mercuric acetate production wastes, boric acid production wastes, inorganic hydrogen cyanide production wastes, and titanium dioxide production wastes (except for chloride process waste solids). This action is proposed under the authority of sections 3001(e)(2) of RCRA which directs EPA to make a hazardous waste listing determination for inorganic chemical wastes. After a study of the waste streams of the above chemical industry processes, including characterization of the wastes generated and a risk assessment evaluating plausible mismanagement scenarios, EPA will propose which of the above wastes, if any, should be listed as a hazardous waste under 40 CFR part 261. Land Disposal Restrictions will be added for newly listed wastes. Newly listed wastes will be given CERCLA Hazardous Substance Designation; Reportable Quantities will be developed.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

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

**Additional Information:** SAN No. 4083

**Sectors Affected:** 32518 Other Basic Inorganic Chemical Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 325312 Phosphatic Fertilizer Manufacturing; 31611 Leather and Hide Tanning and Finishing; 313 Textile Mills; 325611 Soap and Other Detergent Manufacturing

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**RIN:** 2050-AE49

**3414. OFFICE OF SOLID WASTE BURDEN REDUCTION PROJECT**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**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 00

**Legal Deadline:** None

**Abstract:** EPA plans to reduce the burden imposed by the RCRA reporting and recordkeeping requirements to help meet the Federal government-wide goal established by the Paperwork Reduction Act (PRA). The information collection burden for the regulations EPA implements under RCRA in 1995 (the PRA baseline) was 12,600,000 hours. To meet EPA's PRA 2001 goal (a 40% reduction), EPA needs to eliminate five million hours to reach a figure 7.5 million hours.

In June 1999, EPA published a Notice of Data Availability (NODA) in the Federal Register (64 FR 32859) to seek comment on a number of burden reduction ideas. After reviewing the comments received on the NODA, EPA is drafting a proposed rulemaking to implement many of these ideas. The proposals are designed to eliminate duplicative and non-essential paperwork.

The main ideas being considered for the proposed rulemaking are: (1) allowing electronic reporting for all RCRA-required notices and reports; (2) allowing all RCRA-required records to be kept electronically; (3) eliminating or modifying one-third of the 334 RCRA-required notices and reports that are sent by the regulated community to states and EPA; (4) eliminating the RCRA emergency response training requirements that overlap with the Occupational Safety and Health

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Administration requirements, eliminating the need for facilities to record personnel descriptions, and reducing to three years the retention time for personnel records; (5) changing the owner/operator inspection frequency of hazardous waste tanks to weekly, thus making the inspection frequency consistent with containers and containment buildings; (6) providing states and EPA with the opportunity to lengthen owner/operator self-inspection frequencies on a case-by-case basis (through the permitting process); (7) eliminating the Land Disposal Restrictions generator waste determinations, recycler notifications and certifications, hazardous debris notifications and characteristic waste determinations, and streamlining the characteristic waste notification procedures; and (8) modifying the groundwater monitoring requirements for hazardous waste facilities.

**Timetable:**

Action	Date	FR Cite
Notice	06/18/99	64 FR 32859
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4084

Applicable SIC codes: Chemicals and Allied Products (28), Primary Metal Industries (33), Fabricated Metals (34), Industrial Machinery and Equipment (35), Electrical Equipment (36), Transportation Equipment (37), Other Manufacturing, Transportation and Utilities (40-49), Wholesale Trade (50-51), Services (70-89) and Other SIC Groups

**Sectors Affected:** 323 Printing and Related Support Activities; 324 Petroleum and Coal Products Manufacturing; 325 Chemical Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 332 Fabricated Metal Product Manufacturing; 334 Computer and Electronic Product Manufacturing; 562 Waste Management and Remediation Services

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**RIN:** 2050-AE50

**3415. RCRA APPENDIX VIII STREAMLINING**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** This action will propose to modify the list of chemicals found in Appendix VIII of 40 CFR part 261 by: (1) rearranging the Appendix into groups of chemicals according to their frequency of expected occurrence in wastes; (2) clarifying ambiguous entries currently on the Appendix such as those marked not otherwise specified; and (3) deleting those chemicals for which the risk from potential exposure is considered to be minimal.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4090

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**RIN:** 2050-AE55

**3416. LISTING DETERMINATION OF WASTES GENERATED DURING THE MANUFACTURE OF AZO, ANTHRAQUINONE, AND TRIARYLMETHANE DYES AND PIGMENTS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6921 RCRA sec 3001; 42 USC 9602 Superfund (CERCLA) sec 102

**CFR Citation:** 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 271; 40 CFR 302

**Legal Deadline:** Final, Judicial, January 28, 2000, Dyes I and II final rules due 13 months after NODAs are signed. NPRM, Judicial, June 30, 1999, Dyes II (deferred wastes) NPRM: met deadline. Other, Judicial, Dyes I and II. NODAs due by 06/12/2000 or 67 days after injunction is lifted from McGruder case.

**Abstract:** This action addresses the potential human health and environmental risks posed by wastes from the manufacture of dyes and pigments, and determines whether these wastes should be listed as hazardous wastes under RCRA to control any potentially unacceptable risks. If listed under RCRA, these wastes would also be added to the CERCLA list of hazardous substances. This action will be implemented by EPA and States authorized under RCRA. Impacts on local governments are not expected, and there may be some small business impacts. EPA proposed listing decisions for most wastes in 1994 (Dyes-I), and deferred decisions on several others. Two deferred waste streams (filter aids and triarylmethane sludges) are subject to separate deadlines for proposed and final action (Dyes II rulemaking). The Dyes II NPRM was published on July 23, 1999. The rules proposed in 1994 and 1999 were incomplete because they did not contain information claimed to be confidential by industry. Therefore, a Notice of Data Availability (NODA) for each proposal will be necessary, when EPA is able to release an adequate record. The deadlines are based on recent settlement discussions with plaintiffs in EDF v. Browner, Civil Action No. 89-0598 D.D.C.

**Timetable:**

Action	Date	FR Cite
NPRM Dyes I	12/22/94	59 FR 66072
NPRM Dyes II (deferred wastes)	07/23/99	64 FR 40192

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Action	Date	FR Cite
Notice Dyes I Notice of Data Availability. See judicial deadlines.	06/00/00	
Notice Dyes II Notice of Data Availability. See judicial deadlines.	06/00/00	
Final Action Dyes I. See judicial deadline.	To Be Determined	
Final Action Dyes II (deferred wastes). See judicial deadline.	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State, Tribal

**Additional Information:** SAN No. 3066

**Sectors Affected:** 325132 Organic Dye and Pigment Manufacturing

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**RIN:** 2050-AD80

**3417. REVISIONS TO THE COMPREHENSIVE GUIDELINE FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6912(a) RCRA sec 6002(e)

**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 which 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 55 items under three Comprehensive Procurement Guidelines (CPG1, CPG2 and CPG3). EPA has also issued a Recovered Materials Advisory Notice (RMAN) with each CPG which provides recommendations on buying the designated items. The E.O. requires EPA to update the CPG every two years. The new actions would (1) propose to designate new items in CPG4 and (2) issue final item designations in CPG4.

**Timetable:**

Action	Date	FR Cite
Notice -- Paper Products Recovered Materials Advisory Notice	06/08/98	63 FR 31214
Notice -- Recovered Materials Advisory Notice I Update	06/08/98	63 FR 31217
NPRM (CPG3 and RMAN 3)	08/26/98	63 FR 45558
Notice of Availability of Final Document	01/19/00	65 FR 3082
Final Action (CPG3 and RMAN 3)	01/19/00	65 FR 3069
NPRM (CPG4 and RMAN 4)	06/00/00	
Final Action (CPG4 and RMAN 4)	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Additional Information:** SAN No. 3545

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

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**RIN:** 2050-AE23

**3418. NESHAPS: STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS-PHASE II COVERING BOILERS AND CERTAIN INDUSTRIAL FURNACES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6924 RCRA sec 3004; 42 USC 6925 RCRA sec 3005; 42 USC 7412 CAA sec 112; 42 USC 7414 CAA sec 114

**CFR Citation:** 40 CFR 60; 40 CFR 63; 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270

**Legal Deadline:** NPRM, Judicial, January 31, 2001, Settlement agreement for boilers and other industrial furnaces.

**Abstract:** Under the Clean Air Act (CAA), EPA is required to establish National Emission Standards for Hazardous Air Pollutants (NESHAPs) for most hazardous waste combustors (HWCs) (i.e., boilers and some types of smelting furnaces). In addition, under the Resource Conservation and Recovery Act (RCRA), EPA is required to establish standards for all HWCs as necessary to ensure protection of human health and the environment. EPA is concerned that its current RCRA standards for HWCs may not be adequately protective given that the standards do not take into account indirect pathways of exposure and that there have been advances both in risk assessment and control technologies since promulgation of the current standards. The Agency is in the process of developing a proposal to address boilers and possibly other industrial furnaces, which combust hazardous wastes.

**Timetable:**

Action	Date	FR Cite
NPRM Cement Kilns & Lightweight Aggregate Kilns & Incinerators	04/19/96	61 FR 17358
Final Action MACT Fasttrack	06/19/98	63 FR 33782
Final Action Cement Kilns & LWAKs & Incinerators (Final-Phase I)	09/30/99	64 FR 52828
NPRM Boilers & Other Industrial Furnaces (Phase II)	01/00/01	

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**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State**Additional Information:** SAN No. 3333

For information on the Phase I portion of this effort, see SAN 4418.

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**RIN:** 2050-AE01**3419. HAZARDOUS WASTE IDENTIFICATION RULE (HWIR): IDENTIFICATION AND LISTING OF HAZARDOUS WASTES****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 42 USC 6912(a) RCRA sec 2002(a); 42 USC 6921 RCRA sec 3001; 42 USC 6922 RCRA sec 3002; 42 USC 6922 RCRA sec 3004; 42 USC 6926 RCRA sec 3006**CFR Citation:** 40 CFR 261**Legal Deadline:** Final, Judicial, April 30, 2001.  
Other, Judicial, October 31, 1999, Reproposal.**Abstract:** EPA is proposing to amend its regulations governing solid wastes that are designated as hazardous, because they have been mixed with or derived-from listed hazardous wastes. Specifically, under this action, the Agency is proposing to retain the mixture and derived-from rules promulgated under the Resource Conservation and Recovery Act (RCRA). These rules are currently in effect on an emergency basis and this rulemaking action formally proposes their retention.

The Agency is also proposing two revisions to the mixture and derived-from rules. The first is an exemption for wastes and their residuals listed solely for the ignitability, corrosively, and/or reactivity characteristics. The second, which EPA is proposing in a separate notice, is a conditional exemption from the mixture and

derived from rules for mixed wastes (that is, wastes that are both hazardous and radioactive).

Because this action is deregulatory, it is not expected to have adverse impacts on small business. This action will be implemented by EPA and authorized States.

**Timetable:**

Action	Date	FR Cite
NPRM	05/20/92	57 FR 21450
NPRM Withdrawn	10/30/92	57 FR 49280
NPRM Reproposal	12/21/95	60 FR 66344
NPRM Reproposal	11/19/99	64 FR 63381
Notice of Data Availability	06/00/00	
Final Action	05/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 3328**Sectors Affected:** 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing; 331 Primary Metal Manufacturing; 332 Fabricated Metal Product Manufacturing; 333 Machinery Manufacturing; 334 Computer and Electronic Product Manufacturing; 335 Electrical Equipment, Appliance and Component Manufacturing; 336 Transportation Equipment Manufacturing**Agency Contact:** Adam Klinger, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460  
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**RIN:** 2050-AE07**3420. HAZARDOUS WASTE MANIFEST REGULATION****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 42 USC 6922 RCRA sec 3002; 42 USC 6923 RCRA sec 3003; 42 USC 6926 RCRA sec 3006**CFR Citation:** 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 271; 40 CFR 260**Legal Deadline:** None**Abstract:** The Uniform Hazardous Waste Manifest (Form 8700-22) is a multi-copy form used to identify the quantity, composition, origin, routing, and destination of hazardous waste during its transportation. The manifest system's reliance on paper results in significant paperwork and cost burden to waste handlers and States who choose to collect manifest information. The Agency intends to pursue an optional approach to redesign the manifest system so that it utilizes automated technologies to increase access to manifest related information, and to facilitate the manifest process, including the form's preparation, transmission, and recordkeeping, thereby lessening the total burden on waste handlers and States that choose to collect manifests. In addition, the Agency intends to standardize further the manifest form itself, by eliminating several optional data fields, and by specifying one format that may be used in all states.**Timetable:**

Action	Date	FR Cite
NPRM	08/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Federal**Federalism:** Undetermined**Additional Information:** SAN No. 3147**Sectors Affected:** 2111 Oil and Gas Extraction; 2122 Metal Ore Mining; 2211 Electric Power Generation, Transmission and Distribution; 3221 Pulp, Paper, and Paperboard Mills; 323 Printing and Related Support Activities; 325 Chemical Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 332 Fabricated Metal Product Manufacturing; 482 Rail Transportation; 483 Water Transportation; 484 Truck Transportation; 5621 Waste Collection; 5622 Waste Treatment and Disposal**Agency Contact:** Rich Lashier, Environmental Protection Agency,

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**RIN:** 2050-AE21

### 3421. MODIFICATIONS TO RCRA RULES ASSOCIATED WITH SOLVENT-CONTAMINATED SHOP TOWELS AND WIPES

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6921

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** This action would modify RCRA rules that impact the management of solvent-contaminated shop towels and wipes. Solvent-contaminated shop towels and wipes are used throughout industry for equipment cleaning and other related facility operations. The spent shop towels and wipes can be hazardous wastes when the solvent used is either a characteristic or listed solvent. An examination of industry use and management practices reveals that many facilities may use only small amounts of solvent on their disposable wipes, and use small numbers of wipes daily — suggesting that these materials may sometimes pose little or no risk to human health and the environment if disposed in municipal landfills. Similarly, situations exist where both disposable wipes and reusable shop towels are not being managed according to prescribed Federal and States' rules and policies. Problems with this issue have persisted since the late 1980s.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 4091

**Sectors Affected:** 323 Printing and Related Support Activities; 325 Chemical Manufacturing; 332

Fabricated Metal Product Manufacturing; 333 Machinery Manufacturing; 334 Computer and Electronic Product Manufacturing; 336 Transportation Equipment Manufacturing; 337 Furniture and Related Product Manufacturing; 441 Motor Vehicle and Parts Dealers; 811 Repair and Maintenance; 812 Personal and Laundry Services

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**RIN:** 2050-AE51

### 3422. GLASS-TO-GLASS RECYCLING OF CATHODE RAY TUBES (CRTS): CHANGES TO HAZARDOUS WASTE REGULATIONS

**Priority:** Other Significant

**Legal Authority:** 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This action will revise the existing Federal hazardous waste regulations to remove unnecessary regulatory barriers to glass-to-glass recycling of Cathode Ray Tubes (CRTs). A CRT is the main component of a television or computer monitor. A CRT is made largely of specialized glasses, some of which contain lead to protect the user from X-rays inside the CRT. Due to the lead, when they are disposed of or reclaimed, some CRTs are hazardous wastes under the Federal Resource Conservation and Recovery Act (RCRA) regulations. Glass-to-glass recycling involves the return of used CRT glass to manufacturing of new CRTs.

This action is planned in response to a June 9, 1998 recommendation on CRT recycling from the Common Sense Initiative (CSI) Council to the Environmental Protection Agency (EPA). CSI is a consensus-based process for developing cleaner, cheaper, smarter environmental improvements that includes representatives of: industry; environmental groups; community groups; environmental justice groups; labor; and, Federal, State, local, and tribal governments. The recommendation involves minimizing

RCRA requirements for glass-to-glass recycling while retaining appropriate controls to ensure protection of human health and the environment. The goal of the recommendation is to facilitate an increase in glass-to-glass recycling, thereby minimizing disposal of lead, increasing resource recovery, and enhancing protection of human health and the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/00	

**Regulatory Flexibility Analysis Required:** No

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

**Additional Information:** SAN No. 4092

**Sectors Affected:** 334411 Electron Tube Manufacturing

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**RIN:** 2050-AE52

### 3423. LAND DISPOSAL RESTRICTIONS; POTENTIAL REVISIONS FOR MERCURY LISTED AND CHARACTERISTIC WASTES

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 268

**Legal Deadline:** None

**Abstract:** Some forms of mercury wastes are now required to be treated by either incineration or retorting. Both of these forms of treatment have the potential to emit mercury via air emissions. Also, some information suggests that certain waste types which are required to be retorted are not amenable to that form of treatment. Information on mercury treatment alternatives, especially stabilization, has been requested. There also is a shrinking demand for mercury, which

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brings up concerns about requiring recovery of mercury wastes.

EPA addressed these issues in an Advance Notice of Proposed Rulemaking (ANPRM) which solicited data and comments on treatment data that the Agency has gathered on the treatment of mercury wastes. The data and information gathered by this ANPRM process provide the bases of the proposed revised treatment standards for some forms of mercury hazardous wastes.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/28/99	64 FR 28949
NPRM	01/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4094

**Sectors Affected:** 325181 Alkalies and Chlorine Manufacturing; 3353 Electrical Equipment Manufacturing; 3254 Pharmaceutical and Medicine Manufacturing; 32551 Paint and Coating Manufacturing

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**RIN:** 2050-AE54

### 3424. LAND DISPOSAL RESTRICTIONS; TREATMENT STANDARDS FOR SPENT POTLINERS FROM PRIMARY ALUMINUM REDUCTION (K088) AND REGULATORY CLASSIFICATION OF K088 VITRIFICATION UNITS

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 40 CFR 268; 40 CFR 271

**Legal Deadline:** None

**Abstract:** K088 wastes contain, among other hazardous constituents of concern, significant amounts of cyanide and fluoride. Unless the fluoride is immobilized or recovered and the cyanide is destroyed there is significant potential to contaminate surface water

and groundwater. Treatment standards based on the best demonstrated available technology (vitrification) are necessary to substantially diminish the toxicity of the waste and the likelihood of the constituents migrating.

On September 21, 1998, the Agency promulgated interim treatment standards for spent potliners from primary aluminum reduction (EPA hazardous waste K088). In this rule, the Agency committed to establishing final treatment standards within the next two years. The Agency needs to gather data, review treatment technologies and develop treatment standards for cyanide and fluoride based on this new analysis. In addition, the Agency must evaluate alternative treatment technologies for the thermal destruction of K088. In particular, the Agency will assess the effectiveness of vitrification on K088 waste. Vitrification treatment enables K088 to be treated while generating a product from the vitrified K088. EPA, however, needs to determine what control technologies are appropriate for the vitrification units.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	04/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4233

**Sectors Affected:** 3334 Ventilation, Heating, Air-Conditioning and Commercial Refrigeration Equipment Manufacturing

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**RIN:** 2050-AE65

### 3425. REVISIONS TO SOLID WASTE LANDFILL CRITERIA—LEACHATE RECIRCULATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6907; 42 USC 6912; 42 USC 6944; 42 USC 6949

**CFR Citation:** 40 CFR 258

**Legal Deadline:** None

**Abstract:** EPA is requesting data and information on the performance of alternative liner designs compared to the performance of composite liners when leachate is being re-circulated. Further, in recent years, bioreactor landfills have gained recognition as a possible innovation in solid waste management. The bioreactor landfill is generally defined as a landfill operated to transform and stabilize the readily and moderately decomposable organic constituents of the waste stream by purposeful control to enhance microbiological processes. Bioreactor landfills often employ liquid addition including leachate recirculation, alternative cover designs, and state-of-the-art landfill gas collection systems. In this notice EPA is also requesting data and information on the design and performance of bioreactor landfills.

**Timetable:**

Action	Date	FR Cite
Notice	04/00/00	
NPRM	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 4230

**Sectors Affected:** 562 Waste Management and Remediation Services

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**RIN:** 2050-AE67

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**3426. PROPOSED REGULATORY AMENDMENTS ON RECYCLING OF HAZARDOUS WASTES IN FERTILIZERS****Priority:** Other Significant**Legal Authority:** 42 USC 1006 et seq**CFR Citation:** 40 CFR 261; 40 CFR 266; 40 CFR 268; 40 CFR 271**Legal Deadline:** None

**Abstract:** This rulemaking is intended to revise the current RCRA regulations that apply to recycling of hazardous wastes in the manufacture of zinc fertilizers. Specifically, it is intended to establish a more consistent application of these recycling requirements to zinc fertilizer products, to establish a set of standards for contaminants in RCRA-regulated zinc fertilizers that are more appropriated to fertilizers and are protective of human health and the environment, and to specify more appropriate, protective requirements for management of zinc-bearing hazardous secondary materials prior to recycling. These regulatory revisions are expected to directly affect companies that manufacture zinc fertilizers from hazardous secondary materials, and is likely to benefit such manufacturers that are small businesses by removing certain regulatory disincentives to legitimate recycling activities.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
Final Action	05/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal, State**Federalism:** Undetermined**Additional Information:** SAN No. 4208

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32531 Fertilizer Manufacturing; 331111 Iron and Steel Mills; 331419 Primary Smelting and Refining of Nonferrous Metal (except Copper and Aluminum); 331492 Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum); 562112 Hazardous Waste Collection

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**RIN:** 2050-AE69**3427. • PROPOSED AMENDMENTS TO THE CORRECTIVE ACTION MANAGEMENT UNIT RULE****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 6901 et.seq.**CFR Citation:** 40 CFR 260; 40 CFR 264; 40 CFR 271

**Legal Deadline:** NPRM, Judicial, August 7, 2000.  
Final, Judicial, October 8, 2001.

**Abstract:** EPA will propose amendments to the existing RCRA Corrective Action Management Unit (CAMU) Regulation (at 40 CFR 264.552). CAMUs are used for managing remediation wastes, and for implementing corrective action or cleanup at a facility. CAMUs can promote cleanups by allowing a broader range of cleanup activities than are allowed under the other hazardous waste management regulations. The proposed amendments will add more detail to the treatment and technical standards for management of cleanup wastes in CAMUs.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/00	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN No. 4419

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**RIN:** 2050-AE77**3428. • NESHAPS: STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS-PHASE I CLARIFICATION AND PROPOSED CHANGES****Priority:** Other Significant**Legal Authority:** 42 USC 6924 RCRA sec 3004; 42 USC 6925 RCRA sec 3005; 42 USC 7412 CAA sec 112; 42 USC 7414 CAA sec 114**CFR Citation:** 40 CFR 60; 40 CFR 63; 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270**Legal Deadline:** None

**Abstract:** Under the Clean Air Act (CAA), EPA is required to establish National Emission Standards for Hazardous Air Pollutants (NESHAPs) for most hazardous waste combustors (HWCs) (i.e., incinerators, cement kilns, boilers, and some types of smelting furnaces). In addition, under the Resource Conservation and Recovery Act (RCRA), EPA is required to establish standards for all HWCs as necessary to ensure protection of human health and the environment. Consequently, the Agency established in the Phase I rule new emissions standards for cement kilns, lightweight aggregate kilns, and incinerators under CAA authority on September 30, 1999 (64 FR 52828). Following promulgation, issues were raised by the regulated community through informal comments and through litigation. In response, this proposed rule will propose changes and clarify the final Phase I rule.

**Timetable:**

Action	Date	FR Cite
NPRM Cement Kilns & Lightweight Aggregate Kilns & Incinerators	04/19/96	61 FR 17358
Final Action MACT Fasttrack	06/19/98	63 FR 33782
Final Action Cement Kilns & LWAKs & Incinerators (Final-Phase I)	09/30/99	64 FR 52828
NPRM Phase I Clarifications and Proposed Changes	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4418

Split from RIN 2050-AE01. The Agency will develop a Technical Implementation Guidance on Phase I; estimated completion date 1/2001.

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**RIN:** 2050-AE79

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Final Rule Stage

## Resource Conservation and Recovery Act (RCRA)

**3429. MANAGEMENT OF CEMENT  
KILN DUST (CKD)**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6912(a) RCRA sec 2002(a); 42 USC 6921(a) RCRA sec 3001(a)

**CFR Citation:** 40 CFR 259; 40 CFR 261; 40 CFR 264; 40 CFR 266

**Legal Deadline:** None

**Abstract:** CKD is a high volume material by-product of the cement manufacturing process. While it contains potentially hazardous constituents such as lead, cadmium and chromium, it has been exempted since November 1980 from hazardous waste regulation under RCRA Subtitle C by the Bevill Amendment, which modified Section 3001 of RCRA to exempt certain special wastes until further studies could be completed and any applicable regulations were promulgated. In December 1993, EPA submitted a Report to Congress with its findings on the nature and management practices associated with CKD. This was followed in January 1995 by an EPA regulatory determination published in the Federal Register (60 FR 7366, 2/7/95), which concluded that additional control of CKD is warranted. In the regulatory determination EPA committed to develop additional tailored regulations under RCRA Subtitle C and, if necessary, the Clean Air Act. As part of its regulatory development effort, the Office of Solid Waste within EPA's Office of Solid Waste and Emergency Response has initiated further studies and has held informal discussions with stakeholders interested in regulations under RCRA Subtitle C for the management of CKD. The regulations will be tailored to protect human health and the

environment while limiting burden on the regulated community.

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/99	64 FR 45631
Final Action	02/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3856

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**RIN:** 2050-AE34

**3430. RECYCLED USED OIL  
CONTAINING PCBs**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934; 42 USC 6974; 42 USC 9601; 42 USC 9614(c)

**CFR Citation:** 40 CFR 261; 40 CFR 279

**Legal Deadline:** None

**Abstract:** The direct final rule, published May 6, 1998, eliminates errors and clarifies ambiguities in the used oil management standards. Specifically, the rule clarifies (1) when used oil contaminated with polychlorinated biphenyls (PCBs) is regulated under the used oil management standards and when it is not, (2) that the requirements applicable to releases of used oil apply in States that are not authorized for the RCRA base program, (3) that mixtures of conditionally exempt small quantity generator (CESQG) wastes and used oil are subject to the used oil management standards irrespective of how that

mixture is to be recycled, and (4) that the initial marketer of used oil that meets the used oil fuel specification need only keep a record of a shipment of used oil to the facility to which the initial marketer delivers the used oil. This rule also amends three incorrect references to the pre-1992 used oil specifications in the provisions which address hazardous waste fuel produced from, or oil reclaimed from, oil bearing hazardous wastes from petroleum refining operations.

EPA received relevant adverse comments on three of the amendments included in the May 6, 1998 direct final rule: the amendments to 40 CFR 261.5(j) (mixtures of conditionally exempt small quantity generator waste and used oil), 40 CFR 279.10(i) (applicability of the used oil management standards to used oil contaminated with polychlorinated biphenyls (PCBs)), and 40 CFR 279.74(b) (recordkeeping requirements for marketers of used oil that meets the used oil fuel specification). On July 14, 1998, the Agency removed these three amendments and reinstated the regulatory text that existed prior to the May 6, 1998 direct final rule. EPA will promulgate a final rule addressing the comments received and finalizing the three amendments, as appropriate.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	05/06/98	63 FR 24963
NPRM	05/06/98	63 FR 25006
Removal (removal of 3 amendments)	07/14/98	63 FR 37780
Final Action	05/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4088

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## EPA—Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

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 RIN: 2050-AE47

**3431. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)****Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6912(a) RCRA sec 2002(a); 42 USC 6924 RCRA sec 3004; 42 USC 6925 RCRA sec 3005; 42 USC 6926 RCRA sec 3006

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

**Legal Deadline:** None

**Abstract:** The revised financial responsibility test is intended to improve the current test in predicting which firms will enter bankruptcy and not be able to cover their financial obligations for liability and closure costs of hazardous waste treatment, storage and disposal facilities. A bankrupt firm may be unable to afford the proper closure of a facility which would require the government to incur response costs at the facility. The rule would also qualify owners and operators of RCRA Treatment, Storage, and Disposal Facilities which must currently use more expensive ways, such as surety bonds or letters of credit, of demonstrating financial assurance, to use the less expensive corporate financial responsibility test for more of their obligations. The combined savings from screening out riskier firms and making the test more available to viable firms would be approximately \$19 million annually in public and private costs. These regulatory amendments would have no effect on local or tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM	07/01/91	56 FR 30201
NPRM	10/12/94	59 FR 51523
Notice of Data Availability	06/00/00	
Final Action	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 2647

**Sectors Affected:** 323110 Commercial Lithographic Printing; 323114 Quick Printing; 325131 Inorganic Dye and Pigment Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 331311 Alumina Refining; 325211 Plastics Material and Resin Manufacturing; 32551 Paint and Coating Manufacturing; 32511 Petrochemical Manufacturing; 32512 Industrial Gas Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325193 Ethyl Alcohol Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 311942 Spice and Extract Manufacturing; 32411 Petroleum Refineries; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring; 33271 Machine Shops; 332991 Ball and Roller Bearing Manufacturing; 333319 Other Commercial and Service Industry Machinery Manufacturing; 333999 All Other General Purpose Machinery Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 334 Computer and Electronic Product Manufacturing; 336 Transportation Equipment Manufacturing; 48422 Specialized Freight (except Used Goods) Trucking, Local; 56211 Waste Collection; 22111 Electric Power Generation; 22112 Electric Power Transmission, Control and Distribution; 22132 Sewage Treatment Facilities; 56292 Materials Recovery Facilities

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**RIN:** 2050-AC71

**3432. LISTING DETERMINATION FOR WASTEWATERS AND WASTEWATER TREATMENT SLUDGES FROM CHLORINATED ALIPHATICS PRODUCTIONS; LAND DISPOSAL RESTRICTIONS FOR NEWLY IDENTIFIED WASTE****Priority:** Other Significant

**Legal Authority:** 42 USC 6921 RCRA sec 3001; 42 USC 9602 Superfund (CERCLA) sec 102

**CFR Citation:** 40 CFR 302; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 271

**Legal Deadline:** NPRM, Judicial, July 31, 1999.  
 Final, Judicial, September 30, 2000.

**Abstract:** This action addresses the potential risks posed by wastes from the production of chlorinated aliphatics, and determines whether these wastes should be listed as hazardous wastes under RCRA to control any potentially unacceptable risks. Land Disposal Restrictions will be added for any wastes newly listed as hazardous; and any wastes newly listed as hazardous also will be added to the CERCLA list of hazardous substances. This action will be implemented by EPA and States authorized under RCRA. Impacts on local governments are not expected.

**Timetable:**

Action	Date	FR Cite
NPRM	08/25/99	64 FR 46475
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3151

**Sectors Affected:** 32511 Petrochemical Manufacturing

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**RIN:** 2050-AD85

## EPA—Resource Conservation and Recovery Act (RCRA)

## Final Rule Stage

**3433. ALTERNATIVE LAND DISPOSAL RESTRICTIONS TREATMENT STANDARDS FOR CONTAMINATED SOILS, DEFERRAL OF PCB'S AS AN UNDERLYING HAZARDOUS CONSTITUENT IN SOIL****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6924 (G)(4)(M)**CFR Citation:** 40 CFR 268**Legal Deadline:** None**Abstract:** EPA proposed to temporarily defer applicability of a portion of the rule applying Land Disposal Restrictions under the Resource Conservation and Recovery Act (RCRA)

to underlying hazardous constituents in soils contaminated with certain hazardous constituent. Specifically, EPA proposed to temporarily defer the requirement that polychlorinated biphenyls (PCBs) be considered an underlying hazardous constituent when present in soils which either exhibit the Toxicity Characteristic for metals, or contain a hazardous waste that is listed due to metal content.

**Timetable:**

Action	Date	FR Cite
NPRM	02/16/00	65 FR 7809
Final Action	06/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 4360**Agency Contact:** Ernie Brown, Environmental Protection Agency, Solid Waste and Emergency Response, 5303W, Washington, DC 20460  
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**RIN:** 2050-AE76**ENVIRONMENTAL PROTECTION AGENCY (EPA)  
Resource Conservation and Recovery Act (RCRA)**

## Long-Term Actions

**3434. HAZARDOUS WASTE MANAGEMENT SYSTEM: SLAG RESIDUES DERIVED FROM HIGH TEMPERATURE METALS RECOVERY (HTMR) TREATMENT OF KO61, KO62 AND F006 WASTES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6905 RCRA sec 2002; 42 USC 6921; 42 USC 6922; 42 USC 6924; 42 USC 6934; 42 USC 6938; 42 USC 6912(a) RCRA sec 2002(a); 42 USC 6922 RCRA sec 3002; 42 USC 6924 RCRA sec 3004**CFR Citation:** 40 CFR 261; 40 CFR 266**Legal Deadline:** None**Abstract:** EPA assessed the potential risks to human health and the environment from the use of slag residues (slags) resulting from high temperature metals recovery (HTMR) treatment of specified hazardous wastes (i.e., electric arc furnace dust, steel finishing pickle liquor, and electroplating sludges). This assessment was used as a basis for the proposed rule to reclassify these slags as nonhazardous when they meet certain exclusion levels and are managed and used in a certain manner. EPA needs to reevaluate the proposed rule due to significant issues raised by public commenters. There is currently no deadline for final action on the proposed rule.**Timetable:**

Action	Date	FR Cite
NPRM	12/29/94	59 FR 67256
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 3428**Sectors Affected:** 56292 Materials Recovery Facilities**Agency Contact:** Narendra Chaudhari, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460  
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**RIN:** 2050-AE15**3435. HAZARDOUS WASTE IDENTIFICATION; RECYCLED USED OIL MANAGEMENT STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934; 42 USC 6974; 42 USC 9601; 42 USC 9614(c)**CFR Citation:** 40 CFR 279**Legal Deadline:** None**Abstract:** EPA is reviewing whether the provision of the used oil management standards which governs mixtures of recycled used oil and characteristic hazardous waste, 40 CFR 279.10(b)(2) (the used oil mixture rule), is consistent with the United States Court of Appeals for the District of Columbia Circuit's decision in Chemical Waste Management, Inc. v. EPA. The decision, which concerned a challenge to

portions of EPA's land disposal restrictions, held that EPA could not authorize certain wastes exhibiting the hazardous characteristics of ignitability, reactivity, or corrosivity to be diluted to eliminate the characteristic and then be land-disposed unless the hazardous constituents in the waste were adequately treated to minimize threats to human health and the environment.

The used oil mixture rule provides that a mixture of hazardous waste and used oil destined for recycling, if the mixture is hazardous solely because it exhibits a hazardous waste characteristic, is regulated under the used oil management standards. Under the used oil mixture rule, such a decharacterized mixture, therefore, is not subject to the hazardous waste regulations, including those relating to land disposal restrictions. Further analysis is necessary to determine whether mixtures of used oil destined for recycling and characteristic hazardous wastes differ significantly from other mixtures containing characteristic wastes in terms of potential threat to human health and the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State**Additional Information:** SAN No. 3668**Agency Contact:** Mike Svizzero, Environmental Protection Agency,

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

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RIN: 2050—AE28

### 3436. STORAGE, TREATMENT, TRANSPORTATION, AND DISPOSAL OF MIXED WASTE

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924; 42 USC 6926

**CFR Citation:** 40 CFR 261.4; 40 CFR 262.34

**Legal Deadline:** Final, Judicial, April 30, 2001.  
NPRM, Judicial, October 31, 1999.

**Abstract:** The focus of the final rule will be to provide flexibility under RCRA Subtitle C to generators of eligible mixed waste. We will be finalizing a proposal for a conditional exemption from the definition of hazardous waste applicable to: low-level mixed waste (LLMW) for storage; and LLMW or Naturally Occurring and/or Accelerator-produced Radioactive Material (NARM) for transportation and disposal. The rule is expected to reduce dual regulation for generators in the management and disposal of their wastes. This flexibility will enable generators of LLMW who are licensed by the Nuclear Regulatory Commission (NRC) to claim an exemption for storing and treating these wastes in tanks or containers (using solidification, neutralization, or other stabilization processes) without a RCRA permit. This rule will also provide flexibility for the manifesting, transportation and disposal of eligible mixed waste. Waste meeting the conditions will be exempted from certain RCRA Subtitle C hazardous waste requirements and managed as radioactive waste in accordance with NRC regulations.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/01/99	64 FR 10063

Action	Date	FR Cite
NPRM	11/19/99	64 FR 63463
Final Action	04/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Tribal

**Additional Information:** SAN No. 4017

SIC Codes: Nuclear Electric Power Generation (4911); Federal Facilities (9431) and (9511); Mixed Waste Treatment, Storage and Disposal Facilities (4953); Commercial Low Level Radioactive Waste Disposal Facilities (4953); Universities (8221); Medical Facilities (8071); Pharmaceutical Companies (2834); Research Laboratories (8731, 8734)

**Sectors Affected:** 3254 Pharmaceutical and Medicine Manufacturing; 562 Waste Management and Remediation Services; 562219 Other Nonhazardous Waste Treatment and Disposal; 61131 Colleges, Universities and Professional Schools; 6215 Medical and Diagnostic Laboratories; 622 Hospitals; 92 Public Administration; 8112 Electronic and Precision Equipment Repair and Maintenance

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RIN: 2050—AE45

### 3437. FINAL DETERMINATION OF THE APPLICABILITY OF THE TOXICITY CHARACTERISTIC RULE TO PETROLEUM CONTAMINATED MEDIA AND DEBRIS FROM UNDERGROUND STORAGE TANKS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6921 RCRA sec 3001

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** In the final hazardous waste Toxicity Characteristic (TC) rule published in June 1990, EPA decided to temporarily defer application of the TC rule to petroleum-contaminated media and debris, such as soils and groundwater, that result from underground storage tank (UST) corrective actions. This rule is part of the Agency's commitment to make a final determination regarding the UST temporary deferral. The temporary deferral was, in part, based on the Agency's concern that without such a deferral, UST cleanup procedures would be adversely affected, resulting in delays in remedial action and increases in remediation costs. Since this action is deregulatory, there are no adverse effects on small businesses, or on State, local, or tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM	02/12/93	58 FR 8504
Final Action	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 3189

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RIN: 2050—AD69

### 3438. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS (SWMUS) AT HAZARDOUS WASTE MANAGEMENT FACILITIES

**Priority:** Economically Significant. Major under 5 USC 801.

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6924 RCRA sec 3004(u); 42 USC 6924 RCRA sec 3004(v)

**CFR Citation:** 40 CFR 264; 40 CFR 270

**Legal Deadline:** None

**Abstract:** Past and present waste management practices at Resource

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

Conservation and Recovery Act (RCRA) treatment, storage or disposal facilities have resulted in releases of hazardous constituents from some waste management units. These releases may cause contamination of soils, groundwater, surface water, and air. This regulation provides a framework for investigating and remediating releases at RCRA facilities as necessary to protect human health and the environment.

The Agency has issued the corrective action regulations in several phases. A proposal for corrective action at RCRA facilities was issued in July 1990. In February 1993, regulations concerning Corrective Action Management Units (CAMU) and Temporary Units were issued. An advance notice of proposed rulemaking (ANPRM) was published on May 1, 1996. A partial withdrawal was published on October 7, 1999.

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/90	55 FR 30798
Final Rule (Phase I)	02/16/93	58 FR 8658
ANPRM	05/01/96	61 FR 19432
Notice Published	10/07/99	64 FR 54604
Partial Withdrawal of Proposed Rulemaking.		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 2390

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**RIN:** 2050-AB80

**3439. TEMPORARY SUSPENSION OF TOXICITY CHARACTERISTIC RULE FOR SPECIFIC LEAD-BASED PAINT DEBRIS**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** Currently, waste derived from lead-based paint (LBP) abatements that

exhibits the characteristics of toxicity is managed under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Other Federal agencies (Department of Housing and Urban Development, Department of Health and Human Services) and several States and advocacy groups have expressed concern that the costs associated with the disposal of large volume of such debris (e.g., doors, windows and demolition debris) may interfere with abatement activities. EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) and the Office of Solid Waste have proposed a joint rulemaking to address the disposal of this debris. (See also RIN 2070-AC72.) The final rule being prepared by OPPTS would develop disposal and management standards for this debris under the Toxic Substances Control Act (TSCA) title IV, (the definition of abatement under TSCA title IV, section 401(1)(B), includes disposal). The TSCA regulations would establish appropriate disposal and management standards for LBP debris and identify recycling and incineration activities that would be controlled or prohibited. To minimize duplication of waste management requirements, EPA is developing a companion RCRA rule to suspend temporarily hazardous waste management regulations applicable to LBP debris, which will be subject to the new TSCA standards.

**Timetable:**

Action	Date	FR Cite
NPRM RCRA Temporary Suspension	12/18/98	63 FR 70233
Final Action RCRA Temporary Suspension	08/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

**Additional Information:** SAN No. 4263

**Sectors Affected:** 23321 Single Family Housing Construction; 23332 Commercial and Institutional Building Construction; 23542 Drywall, Plastering, Acoustical and Insulation Contractors; 23561 Roofing, Siding and Sheet Metal Contractors; 23594 Wrecking and Demolition Contractors;

23592 Glass and Glazing Contractors; 56291 Remediation Services; 23599 All Other Special Trade Contractors; 23511 Plumbing, Heating and Air-Conditioning Contractors; 23531 Electrical Contractors; 23552 Floor Laying and Other Floor Contractors; 23311 Land Subdivision and Land Development; 562111 Solid Waste Collection; 562112 Hazardous Waste Collection; 562119 Other Waste Collection; 48411 General Freight Trucking, Local; 48421 Used Household and Office Goods Moving; 48422 Specialized Freight (except Used Goods) Trucking, Local; 56221 Waste Treatment and Disposal; 54138 Testing Laboratories; 23551 Carpentry Contractors; 48412 General Freight Trucking, Long-Distance; 48423 Specialized Freight (except Used Goods) Trucking, Long-Distance

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**RIN:** 2050-AE68

**3440. NOTICE OF DATA AVAILABILITY REGULATION OF GASIFICATION DEVICES PROCESSING HAZARDOUS WASTE AT PETROLEUM REFINERIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6905; 42 USC 6921(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:** EPA is making available for public comment data and information submitted in response to a notice of data availability published in the Federal Register on July 15, 1998 (63 FR 38139). The July 1998 notice sought comment on information submitted in response to a previous notice published on November 20, 1995, and a separate but related final rulemaking on June 19, 1998. The November 1995 notice proposed to broaden existing RCRA exclusions for the recycling of oil bearing residuals in petroleum refineries (60 FR 57747). The June 1998 final rulemaking provided an

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

exemption from the definition of solid waste for synthesis fuels produced from hazardous waste (63 FR 33791). The notice being developed (Notice of Data Availability Regulation of Gasification Devices Processing Hazardous Waste at Petroleum Refineries) will seek comment on the additional data that have been received on gasification.

**Timetable:**

Action	Date	FR Cite
NPRM	11/20/95	60 FR 57747
Interim Notice of Data Availability	04/08/97	62 FR 16747

Action	Date	FR Cite
Notice of Data Availability and Request for Comment	07/15/98	63 FR 38139
Final Action	08/06/98	63 FR 42110
Final Rule Technical Amendments	10/09/98	63 FR 54356
Notice of Data Availability	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4411

Split from RIN 2050-AD88.

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**RIN:** 2050-AE78

**ENVIRONMENTAL PROTECTION AGENCY (EPA)  
Resource Conservation and Recovery Act (RCRA)**

## Completed Actions

**3441. REVIEW OF TOXICITY CHARACTERISTIC LEVEL FOR SILVER UNDER THE RESOURCE CONSERVATION RECOVERY ACT (RCRA)**

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

**CFR Citation:** 40 CFR 261; 40 CFR 268

**Completed:**

Reason	Date	FR Cite
Final Study Complete	06/30/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2050-AE37

**3442. 180-DAY ACCUMULATION TIME UNDER RCRA FOR GENERATORS OF F006 WASTE WATER TREATMENT SLUDGES FROM THE METAL FINISHING INDUSTRY**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 262

**Completed:**

Reason	Date	FR Cite
Final Action	03/08/00	65 FR 12378

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal, State

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**RIN:** 2050-AE60

**3443. REVISIONS TO GUIDELINES FOR THE STORAGE AND COLLECTION OF RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL SOLID WASTE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 243

**Completed:**

Reason	Date	FR Cite
NPRM	12/17/99	64 FR 70666
Direct Final Rule	12/17/99	64 FR 70602

**Regulatory Flexibility Analysis**

**Required:** No

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

**Sectors Affected:** 562 Waste Management and Remediation Services

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**RIN:** 2050-AE66

**ENVIRONMENTAL PROTECTION AGENCY (EPA)  
Oil Pollution Act (OPA)**

## Final Rule Stage

**3444. OIL POLLUTION PREVENTION REGULATION: REVISIONS**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing

Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 33 USC 1321 CWA sec 311(j)(1)(C)

**CFR Citation:** 40 CFR 112

**Legal Deadline:** None

**Abstract:** Following a major inland oil spill with substantial environmental impacts (i.e., Ashland Oil in Floreffe,

## EPA—Oil Pollution Act (OPA)

## Final Rule Stage

PA, in January 1988), an interagency task force recommended steps to improve EPA's oil spill prevention program (40 CFR part 112). This program requires oil storage facilities to prevent and contain discharges that could reach waters of the United States. On October 22, 1991, the Agency proposed revisions to implement some of the task force recommendations and on February 17, 1993, the Agency proposed further clarifications and technical changes to the spill prevention regulations. On December 2, 1997, EPA supplemented the 1991 and 1993 proposed revisions with a proposal to reduce burdens associated with the oil spill prevention program by reducing the recordkeeping provisions or exempting some facilities from some recordkeeping requirements. This rule will take final action on the 1991, 1993, and 1997 proposals.

**Timetable:**

Action	Date	FR Cite
NPRM	10/22/91	56 FR 54612
NPRM	02/17/93	58 FR 8824
Supplemental NPRM	12/02/97	62 FR 63812
Final Action	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 2634

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**RIN:** 2050-AC62

**3445. FACILITY RESPONSE PLAN REGULATION FOR CERTAIN NON-TRANSPORTATION-RELATED FACILITIES THAT HANDLE, STORE, OR TRANSPORT VEGETABLE OILS AND ANIMAL FATS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1321; 33 USC 1361; 33 USC 2720; EO 12777 (October 18 1991); PL 105-276

**CFR Citation:** 40 CFR 112 (Revision)

**Legal Deadline:** None

**Abstract:** This regulation would modify the existing regulations as they apply to facilities that handle, store, or transport vegetable oils and animal fats. The Facility Response Plan (FRP) rule applies only to high-risk facilities that transfer large volumes of oil over water or store 1 million gallons or more of oil and meet additional criteria. Because worst-case discharges from these facilities could cause substantial harm to the environment, facility owners and operators are required to prepare and implement response plans. The rule applies to a small number of vegetable oil/animal fat facilities (an estimated 50 to 100, based on information provided by industry). The current rule already provides greater flexibility to vegetable oil/animal fat facilities in the development of these plans than what is required for

petroleum facilities. The EPA FY1999 Appropriation (P.L. 105-276) directs the Agency to issue regulations amending 40 CFR Part 112 (Oil Pollution Prevention) to comply with the requirements of the Edible Oil Regulatory Reform Act (EORRA). EORRA requires agencies to differentiate between vegetable oils and animal fats and other classes of oils, based on properties and effects, in issuing regulations.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/08/99	64 FR 17227
NPRM	04/08/99	
Final Action	04/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4217

**Sectors Affected:** 311222 Soybean Processing; 311223 Other Oilseed Processing; 311225 Fats and Oils Refining and Blending; 311613 Rendering and Meat By-product Processing; 311711 Seafood Canning; 311712 Fresh and Frozen Seafood Processing

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**RIN:** 2050-AE64

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Proposed Rule Stage

## Comprehensive Environmental Response, Compensation and Liability Act

**3446. REPORTABLE QUANTITY ADJUSTMENTS FOR CARBAMATES**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 11004; 42 USC 9602(a)

**CFR Citation:** 40 CFR 302; 40 CFR 355

**Legal Deadline:** None

**Abstract:** EPA has listed carbamate waste streams as hazardous wastes under the Resource Conservation and Recovery Act (RCRA). RCRA listed wastes, by statute, automatically become hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and are assigned a one pound statutory reportable quantity (RQ) unless EPA adjusts them. These substances also become subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) with a one pound threshold. EPA, in this action,

will propose RQ adjustments for the carbamates. Most RQ adjustments are expected to be greater than one pound. Raising the RQs for these substances would decrease the burden on 1) the regulated community for complying with the reporting requirements under CERCLA and EPCRA; 2) Federal, State, and local authorities for program implementation; and 3) Federal, State, or local authorities, if they release hazardous substances at the RQ level or greater.

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3423

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RIN: 2050—AE12

**3447. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES: PROPOSED AND FINAL RULES**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 9605  
Superfund (CERCLA) sec 105

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

Action	Date	FR Cite
NPRM 28	04/23/99	64 FR 19968
NPRM (Alameda)	05/10/99	64 FR 24990
Final Action 24	05/10/99	64 FR 24949
NPRM 29	07/22/99	64 FR 39886
Final Action 25	07/22/99	64 FR 39878
NPRM 30	10/22/99	64 FR 56992
Final Action	10/22/99	64 FR 56966
NPRM 31	02/04/00	65 FR 5468
Final Action 26	02/04/00	65 FR 5435
NPRM	05/00/00	
Final Action	05/00/00	
NPRM	07/00/00	
Final Action	07/00/00	
NPRM	10/00/00	
Final Action	10/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN No. 3439

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RIN: 2050—AD75

**3448. REVISE 40 CFR PART 35 SUBPART O: COOPERATIVE AGREEMENTS AND SUPERFUND STATE CONTRACTS FOR SUPERFUND RESPONSE ACTIONS**

Priority: Other Significant

Legal Authority: 42 USC 9601 to 9675

CFR Citation: 40 CFR 35 Subpart O

Legal Deadline: None

**Abstract:** 40 CFR Part 35 Subpart O is the Superfund Administrative Regulation that governs awarding of Superfund cooperative agreements (CAs) to States, Indian Tribes, and Territories of the United States. Subpart O covers State-lead, site-specific cooperative agreements for non-time-critical removal, preremedial, remedial, and enforcement actions, and site-specific management assistance for

federal-lead projects. Also covered by Subpart O are non-site-specific Core Program and Voluntary Cleanup Program State infrastructure development, as well as Brownfields pilots, and Brownfields assessments. The requirements for Superfund State Contracts, financial administration, property, procurement, reporting, recordkeeping, and closeout are provided in Subpart O.

Subpart O was promulgated 6/5/1990, and became effective on 7/5/1990. Many changes in the Superfund program have occurred over the past almost ten years and these need to be reflected in Subpart O. The six categories of CAs presently used in Subpart O need greater flexibility to accommodate the new types of CAs that have developed. For example, the number of Block Funding Reform pilots, begun in 1997, to consolidate several of the cooperative agreements offered in Subpart O, has grown to about 16 for Fiscal Year 1998, and have generated at least 60 approved deviation requests from Subpart O and 40 CFR Part 31. These pilot projects offer considerable administrative relief to States, Tribes, and EPA by reducing reporting requirements, broadening scope changes without amendment, increasing the ability to move monies within and among CAs, and relaxing application requirements regarding site-specific identification of cooperative agreement funds to certain activities, while maintaining site-specific drawdown requirements needed for cost recovery and Superfund accounting. Further policy developments have recently recommended exploring the feasibility of offering grants to States to implement parts of the Superfund program, but the grant cannot be implemented unless Subpart O is revised. Subpart O also needs to be conformed with Part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements) promulgated shortly after the promulgation of Subpart O. Differences between these two companion regulations were not institutionalized at that time.

EPA expects to examine the feasibility of grant authority, institutionalize the combining of CA types, create more flexible reporting requirements, permit greater scope changes without amendment, provide more flexible money movement within and among

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

CAs, and other advances in State/Tribal/EPA interaction.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Governmental Jurisdictions

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

**Federalism:** Undetermined

**Procurement:** This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

**Additional Information:** SAN No. 4177

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**RIN:** 2050-AE62

**ENVIRONMENTAL PROTECTION AGENCY (EPA)****Final Rule Stage****Comprehensive Environmental Response, Compensation and Liability Act****3449. GRANTS FOR TECHNICAL ASSISTANCE RULE REFORM—40 CFR PART 35 SUBPART M**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 9617(e) Superfund (CERCLA) sec 117

**CFR Citation:** 40 CFR 35

**Legal Deadline:** None

**Abstract:** The revisions to the Technical Assistance Grants (TAG) Rule are intended to simplify the application and administrative processes. The new TAG Rule would eliminate the requirement that budget periods may not exceed 3 years. Budget periods would be negotiated with TAG applicants so that they have flexibility to synchronize the period of time during which the recipient anticipates having a technical advisor involved with the schedule of work at a site. In addition, the new rule would

eliminate the 20 percent ceiling for administrative costs of a grant so that recipients do not need to differentiate between programmatic and administrative cost. The Agency proposed to eliminate the distinction between sole and multiple applicants under the rule, since both must meet identical criteria. The requirement that the applicant demonstrate that there is an actual or potential health threat posed to group members by the site would also be deleted since EPA believes that there is a potential health threat at all Superfund sites. EPA also believes that all Superfund sites pose potential economic and recreational threats to adjacent communities, and that there is no need for the applicant to provide evidence of those threats. Furthermore, EPA may already have sufficient information from various sources concerning the potential health, economic, and recreational threats posed by Superfund sites. The proposed rule also included a new provision that if finalized would allow communities to receive cash advances of up to \$5,000.

**Timetable:**

Action	Date	FR Cite
NPRM	08/24/99	64 FR 46233
Final Action	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3806

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**RIN:** 2050-AE33

**ENVIRONMENTAL PROTECTION AGENCY (EPA)****Long-Term Actions****Comprehensive Environmental Response, Compensation and Liability Act****3450. REPORTING EXEMPTIONS FOR FEDERALLY PERMITTED RELEASES OF HAZARDOUS SUBSTANCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1321; 33 USC 1361; 42 USC 9602; 42 USC 11004

**CFR Citation:** 40 CFR 117; 40 CFR 302; 40 CFR 355

**Legal Deadline:** None

**Abstract:** This action would clarify the definition of federally permitted release under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Federally permitted releases of hazardous substances are exempt from CERCLA reporting and liability,

and from reporting under section 304 of the Emergency Planning and Community Right-to-Know Act.

See "Additional Information" below for information on Interim Guidance.

**Timetable:**

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27268

## EPA—Comprehensive Environmental Response, Compensation and Liability Act Long-Term Actions

Action	Date	FR Cite
Supplemental Notice	07/11/89	54 FR 29306
Notice Interim Guide: CERCLA 101(10)(H) FPR Def/Certain Air Emiss.	12/21/99	64 FR 71614
Notice of Public Meeting & Extension of Comment Period	02/02/00	65 FR 4966
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 2394

The interim guidance discusses EPA's interpretation of the Federally Permitted Release (FPR) exemption as it applies to certain air emissions, responds to industry questions, and solicits public comments on the issues discussed in the interim guidance. Public meeting held on 2/24/2000 and comment period extended until 3/10/2000. (See 65 FR 4966).

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**RIN:** 2050-AB82

### 3451. STREAMLINING THE PREAUTHORIZATION MIXED FUNDING FOR APPLICATION AND IMPLEMENTATION OF CLAIMS AGAINST SUPERFUND

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 9601**CFR Citation:** 40 CFR 307**Legal Deadline:** None

**Abstract:** Current regulations at 40 CFR part 307 provide for the preauthorization of claims against the Superfund in instances where the

Agency makes a determination that mixed funding is appropriate. This process has been labeled by many stakeholders as overly burdensome. The Agency has reviewed the current process in order to identify areas in which burdens may be lessened and requirements may be streamlined. As a result, the Agency is considering a proposal to amend the current regulation to: streamline the application process by eliminating duplicative information requirements; minimize the requirements related to management, oversight, and reporting of the cleanup, by removing the requirement to be guided by the Federal Acquisition Requirements, and replacing the requirement of maximum free and open competition with a bright-line standard; allow claimants to provide independent certification of claims and supporting documentation; streamline the actual payment process by taking advantage of the electronic funds transfer process; ensure that cost recovery concerns are addressed by requiring claimants, within a settlement document, to reimburse the Fund for costs not recovered (only in the event cost recovery is initiated), due to claimants' failure to provide adequate documentary support or upon a determination that response costs expended (and claimed) were not reasonable or not incurred consistent with the National Contingency Plan and ensure proper accounting by requiring offsets for funds owed to the Agency by claimants.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3885

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**RIN:** 2050-AE38

### 3452. CRITERIA FOR THE DESIGNATION OF HAZARDOUS SUBSTANCES UNDER CERCLA SECTION 102(A)

**Priority:** Other Significant**Legal Authority:** 42 USC 9602**CFR Citation:** 40 CFR 302.4**Legal Deadline:** None

**Abstract:** This action will address the development of evaluation criteria for the designation of substances as hazardous under CERCLA. It is necessary to develop evaluation criteria because the Agency has the authority under CERCLA 102(a) to designate substances as hazardous; however, the Agency does not have criteria to do so. To date the only substances designated as CERCLA hazardous substances are as a result of their appearance on other Acts' lists defined under CERCLA 101(14). Using CERCLA designation criteria the Agency may establish CERCLA hazardous substances independently from other Acts, in the interest of public health and the environment.

The purpose of this action is to have well thought-out criteria for designating hazardous substances that may be applied to individual substances for evaluation and decision as to whether or not the substance should be appropriately designated a CERCLA 102(a) hazardous substance. The Agency already has the authority to designate substances as hazardous; in this action, criteria will be developed to implement that authority.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4201

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**RIN:** 2050-AE63

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Prerule Stage

## Clean Water Act (CWA)

**3453. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS CATEGORY (SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 610**CFR Citation:** 40 CFR 414**Legal Deadline:** None

**Abstract:** In November 1987, EPA established effluent limitations guidelines and standards for the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) industrial category (52 FR 42522, November 5, 1987), under the authority of sections 301, 304, 306, 307, 308, 402, and 501 of the Clean Water Act. In 1993, EPA issued amendments to the final rule (58 FR 36872, July 9, 1993) to respond to the U.S. Fifth Circuit Court of Appeals' remand decisions on the OCPSF regulation. The 1993 amendments resulted in little change to the number or extent of small business impacts. The 1987 final rule incorporated special provisions (i.e., less stringent regulations) to minimize the economic impact for a subset of small plants, and the 1993 amendments maintained those provisions. EPA conducted a regulatory flexibility analysis for the final rule and

concluded (for the 1987 rulemaking and again for the 1993 amendments) that the effluent limitations are economically achievable for the industry as a whole, although some small businesses would experience a significant economic impact. The analysis estimated impacts in terms of plant and product line closures and profit and sales impacts. As reported in the 1993 amendments, EPA projected the following small business impacts: for direct dischargers, EPA projected significant impacts for 77 percent of the small plants; for indirect dischargers, EPA projected significant impacts for 63 percent of the small plants.

EPA is reviewing the 1987 OCPSF regulation pursuant to section 610 of the Regulatory Flexibility Act (5 USC 610). The purpose of this review is to determine whether the OCPSF effluent guidelines should be continued without change, or should be amended or rescinded, to minimize economic impacts on small entities while still complying with the provisions of the Clean Water Act. EPA has already solicited comment on the continued need for the rule; the complexity of the rule; the extent to which it overlaps, duplicates, or conflicts with other Federal, State, or local government

rules; and the degree to which technology, economic conditions, or other relevant factors have changed since the rule was promulgated.

EPA continues to view the effluent limitations for the OCPSF category as a necessary component of the comprehensive program to restore and maintain the quality of our Nation's waters. EPA intends to continue to require compliance with the regulation. Until and unless the Agency modifies the rule, the discharges described in 40 CFR 414.11 remain subject to the final rule.

**Timetable:**

Action	Date	FR Cite
Begin Review	11/22/99	64 FR 65140
End Review	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4364

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**RIN:** 2040-AD45

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

## Clean Water Act (CWA)

**3454. EFFLUENT GUIDELINES AND STANDARDS FOR THE METAL PRODUCTS AND MACHINERY CATEGORY, PHASES 1 AND 2****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1317 CWA sec 307; 33 USC 1317 CWA sec 308; 33 USC 1317 CWA sec 402; 33 USC 1361 CWA sec 501**CFR Citation:** 40 CFR 438**Legal Deadline:** Final, Judicial, December 31, 2002.  
NPRM, Judicial, October 31, 2000.**Abstract:** EPA is developing effluent limitations guidelines for facilities that generate wastewater while processing

metal parts; metal products; and machinery, including manufacture, assembly, rebuilding, repair, and maintenance. A proposed rule in 1995 covered seven industrial groups: aircraft, aerospace, hardware, ordnance, stationary industrial equipment, mobile industrial equipment, and electronic equipment. EPA has consolidated this rulemaking with a second phase, and coverage will include additional industrial groups such as: bus and truck, household equipment, instruments, motor vehicles, office machines, precious metals and jewelry, railroads, job shops, printed circuit boards, and ships and boats. The deadlines and timetable apply to the consolidated Phase 1 and 2 rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM (Phase 1)	05/30/95	60 FR 28210

Action	Date	FR Cite
NPRM (Consolidated Phase 1 and 2)	10/00/00	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 2806

**Sectors Affected:** 332 Fabricated Metal Product Manufacturing; 333 Machinery Manufacturing; 334 Computer and Electronic Product Manufacturing; 335 Electrical Equipment, Appliance and Component Manufacturing; 336 Transportation Equipment Manufacturing; 337 Furniture and Related Product Manufacturing; 339 Miscellaneous Manufacturing

## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

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**RIN:** 2040-AB79

### 3455. EFFLUENT GUIDELINES AND STANDARDS FOR IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1317 CWA sec 307; 33 USC 1318 CWA sec 308; 33 USC 1342 CWA sec 402; 33 USC 1362 CWA sec 502

**CFR Citation:** 40 CFR 420

**Legal Deadline:** Final, Judicial, April 30, 2002.  
NPRM, Judicial, October 31, 2000.

**Abstract:** EPA will propose amendments to the effluent limitations guidelines and standards regulations for the Iron and Steel Manufacturing Point Source Category to reflect significant industry changes related to consolidation and modernization within the U.S. steelmaking industry as well as advances in manufacturing technologies, in-process pollution prevention, water conservation practices, and end-of-pipe wastewater treatment.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	
Final Action	04/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Additional Information:** SAN No. 3833

**Sectors Affected:** 331111 Iron and Steel Mills; 3312 Steel Product

Manufacturing from Purchased Steel; 3328 Coating, Engraving, Heat Treating and Allied Activities; 324199 All Other Petroleum and Coal Products Manufacturing

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**RIN:** 2040-AC90

### 3456. EFFLUENT GUIDELINES AND STANDARDS FOR THE FEEDLOTS POINT SOURCE CATEGORY, SWINE AND POULTRY SUBCATEGORIES, AND NPDES REGULATION FOR CONCENTRATED ANIMAL FEEDING OPERATIONS

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1318 CWA sec 308; 33 USC 1361 CWA sec 501; 33 USC 1342 CWA sec 402; 33 USC 1317 CWA sec 307

**CFR Citation:** 40 CFR 412; 40 CFR 122.23

**Legal Deadline:** NPRM, Judicial, December 15, 2000, Effluent Guideline. Final, Judicial, December 15, 2002, Effluent Guideline.

**Abstract:** Feedlot operations are covered by existing effluent guidelines at 40 CFR 412 and concentrated animal feeding operations (CAFOs) are covered by regulations at 40 CFR 122.23. This action will revise the existing regulations for two of the effluent guidelines subcategories to address swine and poultry operations and the NPDES regulation for concentrated animal feeding operations. The existing regulations, which require the largest confined animal feeding operations to achieve zero discharge of wastes to surface waters except for certain storm related discharges, have not been sufficient to resolve water quality impairment from feedlot operations. Swine and poultry operations have been identified as substantial contributors of nutrients in surface waters that have severe anoxia (low levels of dissolved oxygen) and problem algae blooms.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4153

EPA plans to publish this rule in conjunction with SAN 4167.

**Sectors Affected:** 11221 Hog and Pig Farming; 11292 Horse and Other Equine Production; 11239 Other Poultry Production; 112112 Cattle Feedlots; 11232 Broilers and Other Meat Type Chicken Production; 11231 Chicken Egg Production; 11212 Dairy Cattle and Milk Production; 11241 Sheep Farming; 11233 Turkey Production

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**RIN:** 2040-AD19

### 3457. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE FEEDLOTS POINT SOURCE CATEGORY, DAIRY AND BEEF CATTLE SUBCATEGORIES

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1317 CWA sec 307; 33 USC 1318 CWA sec 308; 33 USC 1342 CWA sec 402; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 412

**Legal Deadline:** NPRM, Judicial, December 15, 2000.  
Final, Judicial, December 15, 2002.

**Abstract:** Feedlot operations are covered by existing effluent guidelines

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at 40 CFR 412. This new regulatory action will revise the existing regulations for two of the subcategories—dairy and beef cattle operations. The existing regulations, which require the largest confined animal feeding operations to achieve zero discharge of wastes to surface waters except for certain storm related discharges, have not been sufficient to resolve water quality impairment from feedlot operations. Beef and dairy cattle operations represent a large segment of the feedlot industry and have been identified as substantial contributors of nutrients in surface waters that have severe anoxia (low levels of dissolved oxygen) and affect drinking water sources in some regions of the country.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4167

EPA plans to publish this rule in conjunction with SAN 4153.

**Sectors Affected:** 112112 Cattle Feedlots; 11212 Dairy Cattle and Milk Production

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**RIN:** 2040-AD21

### 3458. REVISIONS TO EFFLUENT GUIDELINES AND STANDARDS FOR THE COAL MINING POINT SOURCE CATEGORY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1317 CWA sec 307; 33 USC 1318 CWA sec

308; 33 USC 1342 CWA sec 402; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 434

**Legal Deadline:** NPRM, Judicial, March 31, 2000.

Final, Judicial, December 31, 2001.

**Abstract:** Coal mining discharges are covered by existing effluent guidelines at 40 CFR part 434. This new regulatory action will revise the existing regulations to address two new subcategories: Coal Remining and Western Alkaline Coal Mining. The existing regulations do not cover remining operations, which, when appropriately planned and regulated, will improve effluent quality from abandoned mine lands while reclaiming them and prevent disturbance of unexploited lands. Advances in treatment technologies and Best Management Practices pertinent to coal mines in the arid West show promise of being more protective of water quality.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4168

**Sectors Affected:** 21211 Coal Mining

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**RIN:** 2040-AD24

### 3459. EFFLUENT GUIDELINES FOR THE CONSTRUCTION AND DEVELOPMENT INDUSTRY

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1311 CWA 301; 33 USC 1314 CWA 304; 33 USC 1316 CWA 306; 33 USC 1361 CWA 501

**CFR Citation:** Not Yet Determined

**Legal Deadline:** NPRM, Judicial, December 31, 2000.

Final, Judicial, December 31, 2002.

**Abstract:** The effluent guidelines will apply to construction activities associated with new development, as well as to those associated with re-development activities. The regulations will address storm water runoff from construction sites during the active phase of construction, as well as post-construction runoff. Construction activity is a major source of sediment and other pollutants discharged to the nation's waters. Industries potentially affected by this rulemaking include land developers, home builders, builders of commercial and industrial property, and other private and public sector construction site owners and operators. EPA will develop design criteria for erosion and sediment controls and storm water best management practices (BMPs). These requirements will be implemented in NPDES storm water permits issued to construction site owners and operators.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4280

Legal Deadlines: EPA is pursuing extensions to the Consent Decree deadlines.

**Sectors Affected:** 23 Construction

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**RIN:** 2040-AD42

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**3460. • 2000 EFFLUENT GUIDELINES PROGRAM PLAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1314(m) CWA**CFR Citation:** Not Yet Determined**Legal Deadline:** Final, Statutory, August 28, 2000.

**Abstract:** The Effluent Guidelines Plan is published biennially as required by the Clean Water Act and a consent decree (NRDC et al v. Browner, 89-2980 (D.D.C.)). The Plan discusses the status of ongoing rulemakings, development of additional rules, and preliminary studies. The Plan sets forth EPA's rationale for the selection of particular industries as candidates for new or revised effluent guidelines.

**Timetable:**

Action	Date	FR Cite
Proposed Plan	05/00/00	
Final Plan	08/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4368

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**RIN:** 2040-AD47**3461. WATER QUALITY STANDARDS REGULATION — REVISION****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 33 USC 1313 CWA sec 303(c)**CFR Citation:** 40 CFR 131**Legal Deadline:** None

**Abstract:** Water quality standards set by States and Indian tribes establish the water quality goals for surface waters of the U.S. and the means by which attainment of these goals will be measured and assured. They are the

foundation for protecting water quality and related public health and welfare and the ecological health of the nation's waters. The Federal water quality standards regulation at 40 CFR Part 131 governs the development, review and revision of water quality standards under section 303(c) of the Clean Water Act by States and Indian Tribes, and the review and approval of water quality standards by EPA. Based upon the Federal, State, Tribal and local experience gained in the program over the last 20 years, EPA's proposed revisions to 40 CFR 131 are intended to strengthen the water quality standards regulation thus enhancing water quality management on a watershed basis, and focusing Federal, State and Tribal resources on the areas of greatest concern. Program areas identified for revision include mixing zone policies and procedures.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/07/98	63 FR 36741
NPRM	09/00/00	
Final Action	10/00/01	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 3662

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**RIN:** 2040-AC56**3462. WATER QUALITY STANDARDS FOR ALABAMA—PHASE II****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1313 CWA 303**CFR Citation:** 40 CFR 131**Legal Deadline:** None

**Abstract:** Under the CWA, States have primary authority in developing water quality standards for waters within their jurisdiction. EPA maintains oversight authority in that States must submit their water quality standards to EPA for review and approval or disapproval. If a State's water quality

standards are not consistent with the requirements of the CWA and its supporting regulations, and are subsequently disapproved by EPA, the State must revise the disapproved water quality standards. If the State does not revise the disapproved water quality standards, the CWA authorizes the EPA Administrator to promulgate Federal water quality standards to supersede those disapproved provisions in the water quality standards. EPA is developing a proposed federal rulemaking to determine the appropriate use designations for five waterbodies in Alabama subject to outstanding EPA disapprovals.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
Final Action	06/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4264

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**RIN:** 2040-AD35**3463. WATER QUALITY STANDARDS FOR INDIAN COUNTRY WATERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1251 et seq**CFR Citation:** 40 CFR 131**Legal Deadline:** None

**Abstract:** EPA is considering whether to promulgate a national rule containing core federal water quality standards (WQS) to support tailored, site-specific decisions for all Indian country waters that do not have EPA-approved Tribal standards. EPA is contemplating this rule as a first step towards ensuring that the core Clean Water Act (CWA) framework for protecting water quality is in place for all such waters. The core federal water quality standards would establish: use

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designations consistent with CWA section 101(a) goals and other provisions of the CWA; narrative water quality criteria for protecting the designated uses; and an antidegradation policy designed to protect water quality. Such standards would provide a basis for EPA (in consultation with a Tribe) to affect pollution discharges occurring upstream from Tribal waters; provide a legally enforceable basis for including water quality based limitations or conditions in permits or certifications for discharges within Indian country; and provide the basis for EPA to establish Total Maximum Daily Loads (TMDLs) for Indian country waters. A federal promulgation would not prevent Tribes from developing their own standards.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4344

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**RIN:** 2040-AD46

### 3464. TEST PROCEDURES FOR THE ANALYSIS OF CRYPTOSPORIDIUM AND GIARDIA UNDER THE SAFE DRINKING WATER AND CLEAN WATER ACTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361 CWA 501(a); 42 USC 300(f) SDWA 1412; 42 USC 300(g)(1) SDWA 1413; 42 USC 300(g)(2) SDWA 1414; 42 USC 300(g)(3) SDWA 1415; 42 USC 300(g)(4) SDWA 1416; 42 USC 300(g)(5) SDWA 1445; 42 USC 300(j)(4) SDWA 1450; 42 USC 300(j)(9)

**CFR Citation:** 40 CFR 136; 40 CFR 141

**Legal Deadline:** None

**Abstract:** This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR Part 136 and the analytical methods under 40 CFR Part 141 to approve EPA Method 1622 for the detection of Cryptosporidium and Giardia in ambient waters and finished drinking water by filtration of a 10-L sample in laboratory, separation of target organisms from other debris using immunomagnetic separation, and detection of the organisms using immunofluorescence assay and differential interference contrast microscopy and confirmation examination of the organisms using vital dye stains.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

**Additional Information:** SAN No. 4047

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**RIN:** 2040-AD08

### 3465. TEST PROCEDURES FOR THE ANALYSIS OF E. COLI AND ENTEROCOCCI UNDER THE CLEAN WATER ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(a)

**CFR Citation:** 40 CFR 136.3

**Legal Deadline:** None

**Abstract:** This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR Part 136 to approve microbiological methods for monitoring ambient water. Ambient water contamination is determined by the presence of bacterial indicators. In 1986, EPA issued a revision to its bacteriological ambient water quality criteria recommendations to include new indicator bacteria, E.coli and enterococci. To support the ambient water quality criteria for bacteria, EPA is planning to promulgate several analytical methods for monitoring E.coli and enterococci in ambient water. This proposed regulation would approve test procedures to be available for use by testing laboratories.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	09/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

**Additional Information:** SAN No. 4214

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**RIN:** 2040-AD34

### 3466. • REVISIONS TO METHOD DETECTION AND QUANTIFICATION FOR USE UNDER THE CLEAN WATER ACT AND SAFE DRINKING WATER ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 et seq; 33 USC 1314(h); 33 USC 1361(a); PL 92-500 76 Stat. 816; PL 95-217 91 Stat. 1567; PL 100-4 100 Stat. 7

**CFR Citation:** 40 CFR 136(b)

## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** This regulatory action would propose to amend the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" under 40 CFR Part 136 to approve revisions to the detection and quantification procedures currently used by EPA for those analytes regulated in the wastewater program as authorized under the Clean Water Act (CWA) and in the drinking water program under the Safe Drinking Water Act (SDWA). The current method detection limit (MDL) procedure is set forth at 40 CFR part 136, Appendix B. EPA's Office of Water has not promulgated a procedure for quantification but it uses the minimum level of quantitation (ML) in its wastewater program and the practical quantitation level (PQL) in its drinking water program. The ML is defined in analytical methods and is generally set at 3.18 times the MDL. The PQL is generally set at five to ten times the MDL. The Office of Water has been working to revise and refine these concepts in response to the need to regulate pollutants at low levels (often levels that are lower than measurement capabilities will allow) and to address other potential approaches to detection and quantification, including concepts being introduced by outside organizations such as voluntary consensus standards bodies (VCSBs). The rulemaking would also address criticisms to the current MDL and quantification approaches which have been raised by outside organizations. Additionally, EPA will consider whether other approaches from VCSBs are acceptable for EPA's regulatory needs.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/01	
Final Action	03/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4378

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**RIN:** 2040-AD53

**3467. 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 fire main); and some have the potential to introduce nonindigenous invasive aquatic species (such as ballast water). Phase II will establish performance standards for control devices for these 25 discharges. 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	03/00/01	
Final Action	01/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4357

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**RIN:** 2040-AD39

**3468. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES UNDER SECTION 316(B) OF THE CLEAN WATER ACT**

**Priority:** Economically Significant. Major under 5 USC 801.

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

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1316 CWA sec 306; 33 USC 1326 CWA sec 316; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 125 (New); 40 CFR 401 (Revised)

**Legal Deadline:** NPRM, Judicial, July 20, 2001, For existing facilities. Final, Judicial, August 13, 2001, For existing facilities. NPRM, Judicial, July 20, 2000, For new facility. Final, Judicial, August 13, 2001, For new facility.

**Abstract:** EPA is currently developing regulations for proposal under section 316(b) of the Clean Water Act (CWA). This regulation will apply to the intake of water and not the discharge. Section 316(b) provides that any standard established pursuant to sections 301 or 306 of the Clean Water Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available (BTA) for minimizing adverse environmental impact. A primary purpose of section 316(b) is to minimize the impingement and entrainment of fish and other

## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

aquatic organisms by cooling water intake structures. Impingement refers to the trapping of fish and other aquatic life in cooling water intake screens. Entrainment occurs when aquatic organisms, eggs and larvae are sucked into the cooling system, through the heat exchanger, and then pumped back out.

**Timetable:**

Action	Date	FR Cite
NPRM New Facilities	07/00/00	
NPRM Existing Facilities	07/00/01	
Final Action New Facilities	08/00/01	
Final Action Existing Facilities	08/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3444

The Court is reevaluating the deadline for the final rules.

**Sectors Affected:** 322121 Paper (except Newsprint) Mills; 32213 Paperboard Mills; 32411 Petroleum Refineries; 325311 Nitrogenous Fertilizer Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 331111 Iron and Steel Mills; 331221 Cold-Rolled Steel Shape Manufacturing; 331222 Steel Wire Drawing; 33121 Iron and Steel Pipes and Tubes Manufacturing from Purchased Steel; 331315 Aluminum Sheet, Plate and Foil Manufacturing; 331521 Aluminum Die-Castings; 331524 Aluminum Foundries; 331525 Copper Foundries

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**RIN:** 2040-AC34

**3469. NPDES STREAMLINING RULE — ROUND III**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

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

**Legal Deadline:** None

**Abstract:** On February 21, 1995, President Clinton issued a directive requesting that Federal agencies review their regulatory programs to eliminate any obsolete, ineffective, or unduly burdensome regulations. In response to that directive, EPA plans to issue several rulemaking packages 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 adding additional permit modifications that can be considered minor modifications at 122.63, and changes to requirements concerning EPA's review of State permits. Other revisions may be considered as work on this rule progresses. This rulemaking is expected to affect entities which 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	02/00/01	
Final Action	02/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3786

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**RIN:** 2040-AC84

**3470. REVISIONS TO NPDES REQUIREMENTS FOR MUNICIPAL SANITARY SEWER COLLECTION SYSTEMS**

**Priority:** Economically Significant. Major under 5 USC 801.

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

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

**CFR Citation:** 40 CFR 122.41; 40 CFR 122.42

**Legal Deadline:** None

**Abstract:** Under a Presidential directive dated May 29, 1999, EPA is to develop within one year, a national regulation to prevent sanitary sewer overflows from contaminating our Nation's beaches and jeopardizing the health of our Nation's families. In response, EPA is developing a notice of proposed rulemaking that would propose a broad-based reevaluation framework for sanitary sewer collection systems under the NPDES program. The Agency is proposing standard permit conditions for inclusion in permits for publicly owned treatment works (POTWs) and municipal sanitary sewer collection systems. The standard requirements address reporting requirements for SSOs, recordkeeping and capacity assurance, management, operation and maintenance requirements for municipal sanitary sewer collection systems; public notice requirements for SSOs; and a prohibition on SSOs.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Action	05/00/01	

## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** SAN No. 3999

Note: This rule was formerly known as "Revisions to NPDES Requirements for Compliance Reporting and Collection System Discharges."

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**RIN:** 2040-AD02**3471. ESTABLISHMENT OF ELECTRONIC REPORTING FOR NPDES PERMITTEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1311 CWA 301; 33 USC 1314 CWA 304(i); 33 USC 1318 CWA 308; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501**CFR Citation:** 40 CFR 122.22; 40 CFR 122.41(k); 40 CFR 122.41(j); 40 CFR 122.41(i); 40 CFR 122.63; 40 CFR 403.12g**Legal Deadline:** None

**Abstract:** EPA is proposing changes to its NPDES regulations to allow reports and other information to be submitted electronically. When EPA promulgated the current NPDES regulations, the Agency did not anticipate the need or technologies for electronic reporting. Consequently, the current regulations do not specifically address use of electronic reporting technologies. The proposed rule would establish criteria for electronic reporting and a specific process and conditions for electronic reporting of discharge monitoring reports (DMR) to EPA that are intended to achieve reliable and secure electronic reporting in the NPDES

program. The proposal addresses electronic signature, certification, and record keeping requirements that permittees would follow when submitting forms to EPA electronically. The rule will not require electronic reporting.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	02/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4051

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**RIN:** 2040-AD11**3472. RECOGNITION AWARDS UNDER THE CLEAN WATER ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** CWA 501(e)**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency (EPA) is formalizing the eligibility requirements, nominations process, application provisions and selection criteria for the annual Clean Water Act (CWA) Awards known as the National Wastewater Management Excellence Awards Program. Section 501(e) of the CWA authorizes the Administrator, on behalf of the U.S. Government to recognize outstanding technological achievements or innovative processes, methods or devices in waste treatment and pollution abatement programs. The rule would establish regulations under which the recognition may be applied for and granted. Though the Agency has been making presentations for several years, this action would minimize the number of inquiries concerning the awards program's winners and their qualifications. The program currently includes awards for Operations and Maintenance, Beneficial Use of Biosolids, Storm Water Management, Pretreatment, and

Combined Sewer Overflow Controls. Awards for other programs may be added later. EPA is formalizing the CWA awards program using a direct final rulemaking because the Agency does not expect adverse comments. Unless the Agency receives comments requiring a response during the public comment period associated with an identical companion proposed rule published elsewhere in the Federal Register on the same date, the formalized eligibility requirements, nominations process, application provisions and selection criteria will become effective without further notice.

**Timetable:**

Action	Date	FR Cite
NPRM companion of Direct Final Rule	05/00/00	
Direct Final Rule	05/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4332

Note: This rule was formerly known as National Wastewater Management Excellence Awards Program.

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**RIN:** 2040-AD44**3473. CLEAN WATER ACT DEFINITION OF THE WATERS OF THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1361 CWA sec 501; 33 USC 1362 CWA sec 502**CFR Citation:** 33 CFR 328.3(a); 40 CFR 232.2**Legal Deadline:** None

**Abstract:** This action involves joint rulemaking by EPA and the Department of the Army to amend the regulatory definition of waters of the United States. The proposal would clarify the basis for asserting Clean Water Act (CWA) jurisdiction over isolated intra-state waters and wetlands. The existing regulations contain language asserting jurisdiction over isolated intra-state waters, but that regulatory provision has been the subject of litigation.

## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

Revision of the regulatory language is necessary to address the court's decision, improve regulatory clarity, and provide more specificity regarding CWA jurisdiction over intra-state isolated waters and wetlands. The rulemaking would apply to entities (e.g., industrial, commercial, governmental) that discharge pollutants, including dredged or fill material, to isolated intra-state surface waters or wetlands. Significant impacts on small entities or state/local/tribal governments are not anticipated, as the proposed regulatory revisions would be consistent with current Agency practice and policy in carrying out CWA mandates.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	08/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 2804

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**RIN:** 2040-AB74

### 3474. FURTHER REVISIONS TO CLEAN WATER ACT DEFINITION OF DISCHARGE OF DREDGED MATERIAL

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1344

**CFR Citation:** 33 CFR 323.2(d); 40 CFR 232.2

**Legal Deadline:** None

**Abstract:** This action involves joint rulemaking by EPA and the Department

of the Army to clarify the regulatory definition of discharge of dredged material under the Clean Water Act Section 404. This action is being taken in follow-up to a final rule that was promulgated in May 1999 to comply with a court decision. The May 1999 rule clarified that incidental fallback is not regulated under the definition of discharge of dredged material. Further clarification of the definition of discharge of dredged material is now being undertaken in order to help ensure that the waters of the U.S., including wetlands, continue to receive the protection they need and to help reduce ambiguity for the regulated community and ensure consistent application of the regulatory definition.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	08/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4261

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**RIN:** 2040-AD41

### 3475. • REVISION TO CLEAN WATER ACT REGULATORY DEFINITION OF "FILL MATERIAL"

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1344

**CFR Citation:** 33 CFR 323.2(e); 40 CFR 232.2

**Legal Deadline:** None

**Abstract:** Section 404 of the Clean Water Act requires a permit from the U.S. Army Corps of Engineers (Corps) for discharges of dredged or fill material to navigable waters of the United States. The Environmental Protection Agency (EPA) and Corps' regulations implementing section 404 currently contain differing definitions of the term "fill material." In particular, the Corps regulations define fill material as being used "for the primary purpose of" replacing an aquatic area with dry land or changing the bottom elevation of a waterbody. In contrast, EPA's definition of fill material looks to whether the effect is to replace waters of the United States with dry land or change the bottom elevation of waterbodies, and does not contain a "primary purpose" test as found in the Corps regulations. In order to clarify what constitutes "fill material" for purposes of section 404 and provide improved regulatory certainty, the Corps and EPA are considering notice and comment rulemaking to achieve greater consistency between the two agencies' definitions of "fill material."

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	08/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4375

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**RIN:** 2040-AD51

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**Clean Water Act (CWA)**

Final Rule Stage

**3476. EFFLUENT GUIDELINES AND STANDARDS FOR THE CENTRALIZED WASTE TREATMENT INDUSTRY**
**Priority:** Other Significant

**Legal Authority:** 33 USC 1311 CWA 301; 33 USC 1314 CWA 304; 33 USC 1316 CWA 306; 33 USC 1317 CWA 307; 33 USC 1318 CWA 308; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501

**CFR Citation:** 40 CFR 437**Legal Deadline:** Final, Judicial, August 31, 2000.

**Abstract:** Centralized Waste Treatment facilities receive hazardous and non-hazardous waste from off-site for treatment or recovery operations (excluding solvent recovery). EPA is developing technology-based effluent limitations and pretreatment standards to control the discharge of pollutants from these facilities. This rule was formerly titled Waste Treatment, Phase I.

**Timetable:**

Action	Date	FR Cite
NPRM	01/27/95	60 FR 5464
Notice of Data Availability	09/16/96	61 FR 48805
NPRM Reproposal	01/13/99	64 FR 2279
Final Action	08/00/00	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 2805

**Sectors Affected:** 562219 Other Nonhazardous Waste Treatment and Disposal

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**RIN:** 2040-AB78
**3477. EFFLUENT GUIDELINES AND STANDARDS FOR THE TRANSPORTATION EQUIPMENT CLEANING CATEGORY**
**Priority:** Other Significant

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1317 CWA sec 307; 33 USC 1314 CWA sec 304; 33 USC 1361 CWA sec 501; 33 USC 1316 CWA sec 306

**CFR Citation:** 40 CFR 442**Legal Deadline:** NPRM, Judicial, May 15, 1998.  
Final, Judicial, June 15, 2000.

**Abstract:** EPA is developing effluent limitation guidelines and pretreatment standards for transportation equipment cleaning facilities, which clean the interiors of tank trucks, rail tank cars, intermodal tank containers, ocean/sea tankers and tank barges.

**Timetable:**

Action	Date	FR Cite
NPRM	06/25/98	63 FR 34685
Notice of Data Availability	07/20/99	64 FR 38863
Final Action	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 3204

**Sectors Affected:** 562998 All Other Miscellaneous Waste Management Services

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**RIN:** 2040-AB98
**3478. REFORMATTING OF EFFLUENT GUIDELINES AND STANDARDS IN 40 CFR PARTS 401 THROUGH 471**
**Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1317

CWA sec 307; 33 USC 1318 CWA sec 308; 33 USC 1361 CWA sec 502; 33 USC 1342 CWA sec 402

**CFR Citation:** 40 CFR 405 to 471 (Revision)**Legal Deadline:** None

**Abstract:** This regulatory action will recodify the existing Effluent Limitations and Standards in 40 CFR parts 401 through 471, without making any changes in the requirements therein. The purpose of this action is to enable the Federal, State, and local regulators and the regulated community to more easily read, understand and implement the regulations.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3767

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**RIN:** 2040-AC79
**3479. REVISIONS TO EFFLUENT GUIDELINES AND STANDARDS FOR SYNTHETIC-BASED DRILLING FLUIDS IN THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1317 CWA sec 307; 33 USC 1318 CWA sec 308; 33 USC 1342 CWA sec 402; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 435**Legal Deadline:** NPRM, Judicial, December 31, 1998.  
Final, Judicial, December 31, 2000.

**Abstract:** This regulatory action will establish effluent limitations for the use of synthetic-based drilling fluids (SBF). Although oil and gas extraction is covered by existing effluent guidelines, the SBFs are a new technology not addressed in the guidelines, and applying the existing regulations which were developed for water-based and

## EPA—Clean Water Act (CWA)

## Final Rule Stage

oil-based drilling fluids is not appropriate. The use of SBFs presents an opportunity for environmental gain. On a drilling performance basis, SBFs replace oil-based drilling fluids, but unlike oil-based drilling fluids, SBFs are free of aromatic hydrocarbon priority pollutants, exhibit greatly reduced toxicity, biodegrade relatively rapidly, and do not bioaccumulate. Compared to water-based drilling fluids, SBFs have reduced aquatic toxicity and lower discharge volumes resulting in lower toxic metals discharge. To realize the potential environmental gain, new guidelines specific to the SBFs are necessary to minimize the wastestream volume and control potential contaminants, toxicity, biodegradation, and bioaccumulation.

**Timetable:**

Action	Date	FR Cite
NPRM	02/03/99	64 FR 5487
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4086

**Sectors Affected:** 21111 Oil and Gas Extraction

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**RIN:** 2040-AD14

**3480. EFFLUENT GUIDELINES AND STANDARDS FOR THE BLEACHED PAPERGRADE KRAFT SUBCATEGORY OF THE PULP, PAPER, AND PAPERBOARD CATEGORY; CERTIFICATION IN LIEU OF MONITORING FOR CHLOROFORM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1317 CWA sec 307; 33 USC 1342 CWA sec

402; 33 USC 1318 CWA sec 308; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 430

**Legal Deadline:** None

**Abstract:** This action is a follow-on to the already-promulgated Pulp and Paper Cluster Rules covering the Bleached Papergrade Kraft Subcategory (Subpart B). EPA is considering allowing Subpart B mills to certify process changes (specifically, elimination of elemental chlorine and hypochlorite) and operating conditions in lieu of minimum monitoring to demonstrate compliance with the effluent limitations for chloroform.

**Timetable:**

Action	Date	FR Cite
NPRM	04/15/98	63 FR 18796
Final Action	07/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4192

**Sectors Affected:** 3221 Pulp, Paper, and Paperboard Mills

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**RIN:** 2040-AD23

**3481. ESTABLISHMENT OF NUMERIC CRITERIA FOR PRIORITY TOXIC POLLUTANTS FOR THE STATE OF CALIFORNIA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1313 CWA 303

**CFR Citation:** 40 CFR 131

**Legal Deadline:** Final, Statutory, November 3, 1997, EPA is required to promulgate 90 days after proposal.

**Abstract:** Several municipal entities and one industry in California sued the California State Water Resources Control Board (SWRCB) in State court over whether the SWRCB's water quality control plans for inland surface waters and enclosed bays and estuaries were adopted in compliance with authorizing State law. The court issued its final decision in March 1994; the

Court agreed with the plaintiffs and found that the plans could not remain in effect. The SWRCB was ordered to rescind its plans which contain the State's numeric criteria for priority toxic pollutants. In the absence of State criteria, the Clean Water Act requires the Administrator to promulgate water quality criteria for priority toxic pollutants where EPA has issued section 304(a) criteria guidance when the discharge of such pollutants could reasonably be expected to interfere with the State's designated uses.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/97	62 FR 42160
Final Action	04/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3504

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**RIN:** 2040-AC44

**3482. WATER QUALITY STANDARDS FOR ALABAMA—PHASE I**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1313 CWA 303

**CFR Citation:** 40 CFR 131

**Legal Deadline:** Final, Statutory, June 3, 1998, EPA is required to promulgate the rule 90 days after proposal.

**Abstract:** Under the CWA, States have primary authority in developing water quality standards for waters within their jurisdiction. EPA maintains oversight authority in that States must submit their water quality standards to EPA for review and approval or disapproval. If a State's water quality standards are not consistent with the requirements of the CWA and its supporting regulations, and are

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subsequently disapproved by EPA, the State must revise the disapproved water quality standards. If the State does not revise the disapproved water quality standards, the CWA authorizes the EPA Administrator to promulgate Federal water quality standards to supersede those disapproved provisions in the water quality standards.

On March 5, 1998, EPA proposed water quality standards applicable to nine stream segments to replace those provisions in Alabama's water quality standards that were disapproved in 1986 and in 1991. Specifically, EPA proposed use designations consistent with those specified in section 101(a) of the CWA to replace the State's assigned Agricultural and Industrial Water Supply use. The effect of the proposed standards is to replace the State-adopted water quality criteria, which protect only for fish survival, with water quality criteria based on protection of propagation of fish, aquatic life, and wildlife.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/98	63 FR 10799
Final Action	07/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4195

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**RIN:** 2040-AD25

**3483. AMEND THE FINAL WATER QUALITY GUIDANCE FOR THE GREAT LAKES SYSTEM TO PROHIBIT MIXING ZONES FOR BIOACCUMULATIVE CHEMICALS OF CONCERN**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1268 CWA 118

**CFR Citation:** 40 CFR 132

**Legal Deadline:** None

**Abstract:** EPA is promulgating an amendment to the final Water Quality Guidance for the Great Lakes System (Guidance) to prohibit mixing zones for bioaccumulative chemicals of concern (BCCs) in the Great Lakes System, subject to a limited exception for existing discharges. For existing discharges, the regulation, if promulgated as proposed, would prohibit mixing zones for BCCs after 10 years from the publication date of the final rule. New discharges of BCCs would be subject to the mixing zone prohibition immediately upon commencing discharge. EPA had promulgated this mixing zone provision on March 23, 1995, as part of the Water Quality Guidance for the Great Lakes System required by section 118(c)(2) of the Clean Water Act. The provision was vacated by the U.S. Court of Appeals for the District of Columbia Circuit in the case of American Iron & Steel Institute v. EPA, 115 F.3d 979 (D.C. Cir. 1997), and was remanded to the Agency for further consideration. This action reflects EPA's reconsideration of the factual record in response to that remand.

**Timetable:**

Action	Date	FR Cite
NPRM	10/04/99	64 FR 53632
Final Action	09/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Additional Information:** SAN No. 4235

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**RIN:** 2040-AD32

**3484. EPA REVIEW AND APPROVAL OF STATE AND TRIBAL WATER QUALITY STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 et seq

**CFR Citation:** 40 CFR 131.21(c)

**Legal Deadline:** Final, Judicial, March 30, 2000, Settlement Agreement.

**Abstract:** EPA's water quality standards (WQS) regulation currently provides

that State and Tribal WQS are in effect once adopted by the State or authorized Tribe and remain in effect, even if EPA disapproves them, until the State or Tribe revises them or EPA promulgates a federal rule to supersede the State or Tribal WQS. EPA's regulation is based on its longstanding interpretation of the CWA. In July, 1997, the U.S. District Court for the Western District of Washington held that the clear meaning of section 303(c)(3) of the CWA was that State water quality standards do not go into effect under the CWA until approved by EPA (Alaska Clean Water Alliance v. Clark; No. C96-1762R). Because EPA's existing regulation remains in effect, and the court has issued no injunction against applying it, EPA's interim policy is to continue to follow our regulation (except in Alaska) until the regulation is changed. EPA's proposed rule would: 1) Delete 131.21(c) and replace it with new language which explains that standards do not become the applicable WQS for CWA purposes until approved by EPA, and that previously approved standards remain the CWA standards until EPA approves State or Tribal revisions or promulgates replacement WQS; and, 2) Provide that the new rule would only apply to WQS adopted after the effective date of the final rule. EPA's proposed rule will only address administrative aspects of the WQS approval process. This proposed rule will not speak to any of the substantive program issues currently being addressed in the WQS Advance Notice of Proposed Rulemaking (63 FR 36741). Likewise, this proposed rule will not overlap with any of the TMDL program issues being addressed in the TMDL rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/99	64 FR 37072
Final Action	04/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4234

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RIN: 2040-AD33

### 3485. PERFORMANCE BASED MEASUREMENT SYSTEM (PBMS) PROCEDURES AND GUIDANCE FOR CLEAN WATER ACT TEST PROCEDURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action will establish the use of 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 include guidance concerning the format, content, quality assurance/quality control, and data validation requirements for use of test methods. This regulatory action would also describe increased program guidance in the form of a clearinghouse, 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	03/28/97	62 FR 14975
Final Action	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

**Additional Information:** SAN No. 3713

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RIN: 2040-AC93

### 3486. GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF MISCELLANEOUS METALS, ANIONS, AND VOLATILE ORGANICS UNDER THE CLEAN WATER ACT, PHASE ONE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve new procedures for the analysis of miscellaneous metals, anions, and volatile organics under the Clean Water Act (CWA). These methods are used for implementing water quality based permits under the National Pollutant Discharge Elimination System (NPDES) of the CWA. This regulation would approve test procedures to be used in measuring this group of compounds under the NPDES Program unless the Regional Administrator approves an alternative procedure. EPA plans to segment the rulemaking into two phases to accommodate different amounts of data for the long list of compounds.

**Timetable:**

Action	Date	FR Cite
NPRM	10/18/95	60 FR 53988
Final Action	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

**Additional Information:** SAN No. 3155

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RIN: 2040-AC95

### 3487. • CLEAN WATER ACT AND SAFE DRINKING WATER ACT METHODS UPDATE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 et seq; 33 USC 1314(h); 33 USC 1361(a); PL

92-500 76 Stat. 816; PL 95-217 91 Stat. 1567; PL 100-4 100 Stat. 7; 42 USC 300 g-1; 42 USC 300f(1)(A); 42 USC 300f(1)(D); 42 USC 300j-4; 42 USC 300j-9(a)

**CFR Citation:** 40 CFR part 136; 40 CFR part 141; 40 CFR part 143

**Legal Deadline:** None

**Abstract:** This regulatory action would amend the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" under 40 CFR Part 136, National Primary Drinking Water Regulations under 40 CFR Part 141, and National Secondary Drinking Water Regulations under 40 CFR Part 143 to approve updated versions of analytical test procedures (methods) from voluntary consensus standards bodies and other organizations. These methods are used to comply with monitoring requirements in the wastewater and drinking water programs, as authorized under the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). This regulation would approve updated versions of methods for determination of chemical, radiological, and microbiological pollutants in wastewater and drinking water. The updates are to methods from voluntary consensus standards bodies (the American Society for Testing and Materials and Standard Methods) and from the U.S. Geological Survey and the Department of Energy. Previously approved versions of the methods being updated remain approved. Because the changes should be noncontroversial, the amendments are being done through a direct final rule. A companion proposed rule will be published in case there are substantive adverse comments.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4409

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 RIN: 2040-AD59

### 3488. STREAMLINING THE GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 33 USC 1314 CWA sec 304; 33 USC 1317 CWA sec 307; 33 USC 1342 CWA sec 402; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 403

**Legal Deadline:** None

**Abstract:** The National Pretreatment Program was established in 1972. The Office of Water is exploring ways to reduce federally mandated activities under the program that don't result in benefits to the environment and to improve program efficiencies. For example, this rule will consider appropriate exclusions or variable requirements for numerous smaller facilities that contribute insignificant amounts of pollutants.

**Timetable:**

Action	Date	FR Cite
NPRM	07/22/99	64 FR 39564
Final Action	01/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Additional Information:** SAN No. 3663

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### 3489. NPDES STREAMLINING RULE — ROUND II

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

**CFR Citation:** 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125; 40 CFR 22; 40 CFR 117; 40 CFR 125; 40 CFR 144; 40 CFR 270; 40 CFR 271

**Legal Deadline:** None

**Abstract:** On February 21, 1995, President Clinton issued a directive requesting that Federal agencies review their regulatory programs to eliminate any obsolete, ineffective, or unduly burdensome regulations. In response to that directive, the Office of Wastewater Management plans to issue a comprehensive rulemaking package revising certain NPDES requirements in parts 122, 123 and 124 to eliminate redundant regulations, provide clarification, and remove or streamline unnecessary procedures which do not provide any environmental benefits. Some of these revisions include: 1) consolidating regulatory definitions; 2) removal of part 124, subpart F, non-adversary panel hearings; 3) possible removal of storm water group application requirements; 4) streamlining permit termination procedures; and 5) removing part 124 evidentiary hearing procedures.

This rulemaking is expected to affect entities who operate the NPDES program or who are regulated by it. This includes small businesses and State and local governments. Most of these effects are expected to be deregulatory or streamlining in nature.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/96	61 FR 65268
Final Action	04/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

**Additional Information:** SAN No. 3762

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RIN: 2040-AC70

### 3490. TOTAL MAXIMUM DAILY LOAD (TMDL) PROGRAM REGULATIONS REVISIONS

**Priority:** Other Significant

**Legal Authority:** 33 USC 1313

**CFR Citation:** 40 CFR 130.7

**Legal Deadline:** None

**Abstract:** EPA is proposing changes to the Total Maximum Daily Load (TMDL) regulations for implementing State, Territorial, authorized Tribal (collectively referred to as "States"), and EPA responsibilities under Section 303(d) of the Clean Water Act. The purpose of Section 303(d) is to identify remaining sources of pollution, after technology-based controls have been required, and to allocate pollutant reductions at a level that will ensure attainment and maintenance of water quality standards. These allocations are contained in a TMDL, which is the maximum amount of a pollutant that a waterbody can absorb and still meet water quality standards. The proposed revisions provide States with clear, consistent, and balanced direction for listing waters and developing TMDLs, resulting in restoration of waterbodies not meeting water quality standards.

**Timetable:**

Action	Date	FR Cite
NPRM	08/23/99	64 FR 46011
Final Action	06/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4145

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**RIN:** 2040-AD22

### 3491. TOTAL MAXIMUM DAILY LOAD (TMDL) - NPDES AND WQS REGULATIONS REVISIONS

**Priority:** Other Significant

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1313 CWA sec 303; 33 USC 1314 CWA sec 304; 33 USC 1318 CWA sec 308; 33 USC 1342 CWA sec 402; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 131

**Legal Deadline:** None

**Abstract:** On August 12, 1999, Environmental Protection Agency (EPA) Administrator Carol Browner signed proposed revisions to the Total Maximum Daily Load (TMDL) regulations (40 CFR Part 130) for implementing state, territorial, authorized tribal, and EPA responsibilities under Section 303(d) of the Clean Water Act. Administrator Browner also signed proposed revisions to the National Pollutant Discharge Elimination System (NPDES) and Water Quality Standards regulations to facilitate implementation of TMDLs and to improve water quality in impaired waters before TMDLs are established.

The Federal Advisory Committee (FACA) on the Total Maximum Daily Load Program recommended a number of ways to improve the effectiveness and efficiency of EPA, State, Territorial and Tribal programs under section 303(d) of the CWA. These recommendations address many of the TMDL program's complex technical

and policy issues, and include recommendations on several new policy and program directions some of which are included in the proposed revisions to the NPDES and water quality standards regulations. These proposed revisions are aimed at achieving reasonable further progress toward attainment of water quality standards in impaired waterbodies pending TMDL establishment and providing reasonable assurance that TMDLs, once completed, will be adequately implemented. EPA may also, in the future, promulgate federal water quality standards for states, pursuant to section 303(c)(2)(B), to ensure consistent, nationwide application of the new requirements in the period between listing and TMDL establishment. Federal implementation through NPDES permits, in the absence of State, Territorial, or Tribal implementation, will ensure that the clean-up plans will work.

#### Timetable:

Action	Date	FR Cite
NPRM	08/23/99	64 FR 46012
Final Action	06/00/00	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4294

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**RIN:** 2040-AD36

### 3492. COMPARISON OF DREDGED MATERIAL TO REFERENCE SEDIMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1344 CWA sec 404

**CFR Citation:** 40 CFR 230

**Legal Deadline:** None

**Abstract:** This action would revise the testing provisions of the Clean Water Act section 404(b)(1) Guidelines to provide for comparisons between dredged material proposed for discharge and reference sediment. Reference sediment would be defined as sediment that reflects conditions at the disposal site had no dredged material disposal ever occurred there. Because the disposal site itself is currently used as the point of comparison, this action would make a technical improvement in assessing cumulative impacts and help make dredged material testing under section 404 more consistent with that conducted for ocean disposal, which currently employs a reference sediment approach. This action is not expected to have a significant impact on state, local, or tribal governments or small business, as the action will be limited to Corps projects and permit applications for which dredged material testing is necessary, and because the effect of the action will be limited to changing the location of an otherwise collected sample.

#### Timetable:

Action	Date	FR Cite
NPRM	01/04/95	60 FR 419
Final Action	06/00/00	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3288

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**RIN:** 2040-AC14

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**Clean Water Act (CWA)**
**Long-Term Actions**
**3493. EFFLUENT GUIDELINES AND STANDARDS FOR THE PULP, PAPER, AND PAPERBOARD CATEGORY, PHASE II**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1311 CWA 301; 33 USC 1314 CWA 304; 33 USC 1316 CWA 306; 33 USC 1317 CWA 307; 33 USC 1318 CWA 308; 33 USC 1318 CWA 402; 33 USC 1361 CWA 501

**CFR Citation:** 40 CFR 430

**Legal Deadline:** None

**Abstract:** EPA will consider revising the technology-based effluent limitations guidelines and standards for 8 of the 12 subcategories for this industrial category: Unbleached Kraft; Semi-Chemical; Mechanical Pulp; Non-Wood Chemical Pulp; Secondary Fiber Deink; Secondary Fiber Non-Deink; Fine and Lightweight Papers from Purchased Pulp; and Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp. EPA proposed guidelines and standards for these subcategories as part of the Pulp and Paper Rules (also known as the Cluster Rules) in December 1993. The Agency intends to develop these revised effluent limitations in close coordination with the Office of Air Quality Planning and Standards.

**Timetable:**

Action	Date	FR Cite
NPRM	12/17/93	58 FR 66078
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4050

**Sectors Affected:** 3221 Pulp, Paper, and Paperboard Mills

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**RIN:** 2040-AD10

**3494. • EFFLUENT LIMITATIONS AND GUIDELINES FOR THE DISSOLVING KRAFT AND DISSOLVING SULFITE SUBCATEGORIES OF THE PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY (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). This action, which OW refers to as Phase III of the Cluster Rules, will respond to comments and reflect new data. There are five domestic mills in these two subcategories. The final rule is anticipated to set limits for absorbable organic halides (AOX), chemical oxygen demand (COD), chloroform, dioxin, furan, and 12 specific chlorinated phenolics.

**Timetable:**

Action	Date	FR Cite
NPRM	12/17/93	58 FR 66078
NODA	10/00/00	
Final Action	07/00/01	

**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

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**RIN:** 2040-AD49

**3495. • EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE AQUACULTURE INDUSTRY**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** CWA Section 301; CWA Section 304; CWA Section 306; CWA Section 307; CWA Section 308; CWA Section 318; CWA Section 402; CWA Section 501

**CFR Citation:** Not Yet Determined

**Legal Deadline:** NPRM, Judicial, June 30, 2002.

Final, Judicial, June 30, 2004.

**Abstract:** EPA is focusing new efforts to help reduce nutrient loadings from commercial agricultural and industrial operations nationwide. Currently, there are no federal technology-based standards for aquaculture. This action is a new effort to develop pollutant controls in the form of nationally applicable discharge standards (known as effluent limitations guidelines and standards) for commercial and public aquaculture operations.

In assessments of surface water quality, states most frequently cite siltation, nutrients, and pathogens as the major cause of water quality impairment. With the growth of the aquaculture industry, and the inconsistent state regulatory oversight, EPA will examine available technologies for the control of pollutants, primarily nutrients from aquaculture operations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	
Final Action	06/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4406

**Sectors Affected:** 112511 Finfish Farming and Fish Hatcheries; 112512 Shellfish Farming

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## EPA—Clean Water Act (CWA)

## Long-Term Actions

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RIN: 2040-AD55

**3496. • REVISIONS TO EFFLUENT GUIDELINES AND STANDARDS FOR THE MEAT PRODUCTS POINT SOURCE CATEGORY****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1318; 33 USC 1361**CFR Citation:** 40 CFR 432 (Revision)**Legal Deadline:** NPRM, Judicial, December 31, 2001.

Final, Judicial, December 31, 2003.

**Abstract:** The Agency is revising effluent limitations guidelines and standards for the Meat Products Point Source Category. The current regulations, at 40 CFR 432, are more than 20 years old and are limited to a few conventional pollutants. Recent concerns about nutrient discharges from these facilities might be resolved by additional effluent limitations. In particular, the current regulations do not address ammonia nitrogen for red meat slaughterhouses/packinghouses (Subparts A-D). Nutrients are a significant remaining water quality problem for impaired streams.

Revisions to the current regulations will also include effluent limitations for poultry processing, which is not currently covered by any effluent guideline.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	
Final Action	12/00/03	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN No. 4407

**Sectors Affected:** 311611 Animal (except Poultry) Slaughtering; 311612 Meat Processed from Carcasses; 311613 Rendering and Meat By-product Processing; 311615 Poultry Processing

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RIN: 2040-AD56

**3497. • EFFLUENT GUIDELINES AND STANDARDS FOR THE INDUSTRIAL CONTAINER AND DRUM CLEANING POINT SOURCE CATEGORY.****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 1311 et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** Industrial facilities that clean out 55 gallon drums and other industrial sized containers are not currently subject to nationally applicable wastewater treatment standards. Many types of toxic and hazardous materials, including pesticides, solvents, and petrochemical products are transported in bulk via drums and containers. Most of these containers have a residue, or heel, present in the containers before they are cleaned. The accumulation of residue from large numbers of drums and containers may result in the discharge of pollutants to the nations waterways.

This regulation will cover those facilities that clean out drums and industrial sized containers as a business, and will generally not cover industrial facilities that clean out their own drums and containers used on site.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/02	
Final Rule	01/00/04	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN No. 4408

**Sectors Affected:** 562998 All Other Miscellaneous Waste Management Services

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RIN: 2040-AD57

**3498. WATER QUALITY STANDARDS; ESTABLISHMENT OF NUMERIC CRITERIA FOR PRIORITY TOXIC POLLUTANTS; STATES' COMPLIANCE****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 33 USC 1313 CWA sec 303**CFR Citation:** 40 CFR 131**Legal Deadline:** None

**Abstract:** EPA is revising its rule promulgated on December 22, 1992, (National Toxics Rule or NTR) that established water quality criteria for 14 States that had failed to fully comply with section 303(2)(B) of the Clean Water Act. The NTR promulgated total recoverable metals criteria for 11 of these 14 States. In May 1995, EPA amended the materials criteria to reflect EPA's new policy to use dissolved metals criteria because they more accurately reflect the bioavailable fraction of waterborne metals for aquatic life. The interim final rule was deregulatory in nature, but is not expected to impact the health of aquatic life in the water column. EPA expects the rule to result in less stringent permit limits and therefore a potential cost savings in wastewater treatment for dischargers of metals in the covered States. This action makes the interim final rule final and is also deregulatory in nature.

**Timetable:**

Action	Date	FR Cite
Interim Final	05/04/95	60 FR 22229
Final Action	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 3661

## EPA—Clean Water Act (CWA)

## Long-Term Actions

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**RIN:** 2040-AC55

### 3499. SELENIUM CRITERION MAXIMUM CONCENTRATION FOR WATER QUALITY GUIDANCE FOR THE GREAT LAKES SYSTEM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1268 CWA sec 118

**CFR Citation:** 40 CFR 132

**Legal Deadline:** None

**Abstract:** This rulemaking would establish a new acute aquatic life criterion for selenium in the final Water Quality Guidance for the Great Lakes System (the Guidance) that was published on March 23, 1995 (60 FR 15366). The proposed new criterion takes into account data showing that selenium's two most prevalent oxidation states, selenite and selenate, present differing potentials for aquatic toxicity, as well as new data indicating that all forms of selenium are additive. The new approach produces a different selenium acute criterion (also called the Criterion Maximum Concentration, or CMC) depending upon the relative proportions of selenite, selenate, and other forms of selenium that are present. This effort is on hold until a larger effort to amend the national water quality criteria guidance for selenium is complete. Once that effort is completed EPA will reevaluate the need for this action to amend the final Water Quality Guidance for the Great Lakes System and take appropriate action.

**Timetable:**

Action	Date	FR Cite
NPRM	11/14/96	61 FR 58444
NPRM	12/16/96	61 FR 66007
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 3921

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**RIN:** 2040-AC97

### 3500. GUIDELINES ESTABLISHING WHOLE EFFLUENT TOXICITY WEST COAST TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1313 CWA 303; 33 USC 1314(h) CWA 304(h); 33 USC 1314(a)(8) CWA 304(a)(8); 33 USC 1361 CWA 501

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This rule would amend 40 CFR part 136, by adding test procedures to measure chronic whole effluent toxicity using species indigenous to West Coast marine waters for the analysis of pollutants under the Clean Water Act. State, local and tribal governments and small businesses on the West Coast are already using variations of these methods in NPDES permits.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/02	
Final Action	01/00/03	

**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. 3618

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**RIN:** 2040-AC54

### 3501. GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF TRACE METALS UNDER THE CLEAN WATER ACT

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve new EPA methods for the determination of trace metals at EPA's water quality criteria levels. These methods are 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 allow a particular water body to meet the State's designated water quality standard. Because the methods currently approved under 40 CFR part 136 were designed to support primarily technology-based permitting needs, and because these technology-based levels are as much as 280 times higher than water quality-based criteria for metals, approval of new EPA test procedures is necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/01	
Final Action	08/00/02	

**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. 3702

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**RIN:** 2040-AC75

## EPA—Clean Water Act (CWA)

## Long-Term Actions

**3502. INCREASED METHOD FLEXIBILITY FOR TEST PROCEDURES APPROVED FOR CLEAN WATER ACT COMPLIANCE MONITORING****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1314(h) CWA 304 (h); 33 USC 1361(a) CWA 501 (a)**CFR Citation:** 40 CFR 136**Legal Deadline:** None

**Abstract:** This regulatory action would highlight the flexibility already contained in the 600 and 1600 series of EPA Methods that are currently approved for Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. These methods typically contain a statement that, in recognition of advances that are occurring in analytical technology, and to allow the analyst to overcome sample matrix interferences, the analyst is permitted certain options to improve separations or lower the costs of measurements. These options include alternate extraction, concentration, cleanup procedures, and changes in columns and detectors. The methods further require the analyst to demonstrate that the method modifications will not adversely affect the quality of data by generating quality control results that meet the specifications contained in the method. Despite this stated flexibility, the Agency has found that many NPDES and pretreatment permitting authorities are not aware of this flexibility when issuing or enforcing NPDES and pretreatment permits. Therefore, this regulatory action will highlight the existing method flexibility and clarify EPA's position regarding its application. This action will also extend this flexibility to other methods currently approved under 40 CFR part 136. The purpose of extending this flexibility to other methods is to (1) increase consistency between methods, (2) provide for increased recognition of advances in analytical technology, and (3) reduce costs associated with analytical measurements.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	05/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3714**Agency Contact:** William A. Telliard, Environmental Protection Agency, Water, 4303, Washington, DC 20460  
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Email: telliard.william@epa.gov**RIN:** 2040-AC92**3503. TEST PROCEDURES FOR THE ANALYSIS OF CO-PLANAR AND MONO-ORTHO-SUBSTITUTED POLYCHLORINATED BIPHENYLS (PCBS) UNDER THE CLEAN WATER ACT****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 33 USC 1251 et seq CWA 304(h); 33 USC 1314(h) CWA 501(a); 33 USC 1361(a)**CFR Citation:** 40 CFR 503; 40 CFR 136**Legal Deadline:** None

**Abstract:** This regulatory action would propose to 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 allow a particular water body to meet the State's designated water quality standard. At present there is no EPA analytical method for determination of these PCBs, therefore, approval of a new EPA test procedure is necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	
Final Action	06/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Organizations, Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local, Tribal, Federal**Federalism:** Undetermined**Additional Information:** SAN No. 4049**Agency Contact:** William A. Telliard, Environmental Protection Agency, Water, 4303, Washington, DC 20460  
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**RIN:** 2040-AD09**3504. GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF MISCELLANEOUS METALS, ANIONS, AND VOLATILE ORGANICS UNDER THE CLEAN WATER ACT, PHASE TWO****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(a)**CFR Citation:** 40 CFR 136**Legal Deadline:** None

**Abstract:** This regulatory action would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR Part 136 to approve new procedures for the analysis of miscellaneous metals, anions, and volatile organics under the Clean Water Act (CWA). These methods are used for implementing water quality based permits under the National Pollutant Discharge Elimination System (NPDES) of the CWA. This regulation would approve test procedures to be used in measuring this group of compounds under the NPDES unless the Regional Administrator approves an alternative procedure. This rulemaking would constitute the second of two segments of rulemaking initially proposed as one action.

**Timetable:**

Action	Date	FR Cite
NPRM	10/18/95	60 FR 53988
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No

## EPA—Clean Water Act (CWA)

## Long-Term Actions

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

**Additional Information:** SAN No. 4089

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**RIN:** 2040-AD12

### 3505. ● TEST PROCEDURES FOR THE ANALYSIS OF MERCURY UNDER THE CLEAN WATER ACT (METHOD 245.7)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 et seq; 33 USC 1314(h); 33 USC 1361(a); PL 92-500 76 Stat. 816; PL 95-217 91 Stat. 1567; PL 100-4 100 Stat. 7

**CFR Citation:** 40 CFR 136.3(IB)

**Legal Deadline:** None

**Abstract:** This regulatory action would propose to amend the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" under 40 CFR Part 136 to approve a new analytical test procedure (method) for the determination of mercury in the wastewater program as authorized under the Clean Water Act (CWA). This new test procedure is capable of measuring mercury at low parts-per-trillion (ppt; ng/L) concentrations and would be an alternative to the recently promulgated Method 1631, which also determines mercury at low ppt concentrations.

Method 245.7 uses similar technology to Method 1631 (cold vapor atomic fluorescence spectrometry), but it does not require the use of a gold trap. Laboratories claim that Method 245.7 is a less burdensome and more cost-effective method than Method 1631.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/01	
Final Action	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4377

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**RIN:** 2040-AD52

### 3506. REVISION OF NPDES INDUSTRIAL PERMIT APPLICATION REQUIREMENTS AND FORM 2C—WASTEWATER DISCHARGE INFORMATION

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

**Unfunded Mandates:** Undetermined

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 33 USC 1342 CWA sec 402

**CFR Citation:** 40 CFR 122.21(e)

**Legal Deadline:** None

**Abstract:** All existing manufacturing, commercial, mining, and silvicultural operations requiring a National Pollutant Discharge Elimination System (NPDES) permit must submit an application in order to obtain a permit. The existing industrial application form has not been revised since 1984 and needs to be updated to reflect statutory and related regulatory changes in the NPDES and water quality standards program. The purpose of this action would be to revise and consolidate existing application forms and requirements for industries, and to streamline the permit application process for these facilities. The Agency seeks to establish a unified process that minimizes the need for additional information from applicants while providing permit writers the necessary information, including toxics data, to ensure that permits adequately address concerns of permittees and environmental protection. The Agency will seek to allow the use of existing data to the extent possible and to avoid unnecessary reporting. The Agency is

also considering how to utilize electronic data submission. Although these forms will increase the burden on permittees not already required to provide these data, many other permittees are already required to submit the data. The Agency is reviewing ways to minimize the need for information from small dischargers, including tribal facilities. EPA will also seek to minimize and reduce the burden on States through improvements to the application forms.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3234

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**RIN:** 2040-AC26

### 3507. STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE (ROUND II)

**Priority:** Other Significant

**Legal Authority:** 33 USC 1345 CWA sec 405; 33 USC 1361(a) CWA sec 501(a)

**CFR Citation:** 40 CFR 503 (Revisions)

**Legal Deadline:** NPRM, Judicial, December 15, 1999.

Final, Judicial, December 15, 2001.

**Abstract:** Section 405 of the Clean Water Act (CWA) requires EPA to develop and publish regulations providing guidelines for the use and disposal of sewage sludge. The rules, among other things, are to identify uses for sewage sludge, including disposal, and concentrations of pollutants which interfere with such use or disposal. The statute requires EPA to develop the regulations in two phases and periodically revise existing regulations. In November 1992, EPA promulgated regulations (58 FR 9247) for the first round of pollutants identified in sewage sludge. EPA is required by

## EPA—Clean Water Act (CWA)

## Long-Term Actions

consent decree to propose and promulgate sewage sludge regulations for a second round of pollutants before the end of 2001. EPA currently is considering only dioxins, dibenzofurans and coplanar-PCBs for regulation in the second round regulations. These regulations will establish requirements for sewage sludge when the sewage sludge is applied to the land, placed on surface disposal sites, or fired in a sewage sludge incinerator. The regulation may impact Federal, State, and local governments. The impact on small entities, including small businesses, is undetermined at this time.

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/99	64 FR 72045
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Additional Information:** SAN No. 3488

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**RIN:** 2040-AC25

**3508. AMENDMENTS TO ROUND I FINAL SEWAGE SLUDGE USE OR DISPOSAL RULE —PHASE TWO**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 33 USC 1345 CWA sec 405; 33 USC 1361 CWA sec 501(a)

**CFR Citation:** 40 CFR 503 (Revision)

**Legal Deadline:** None

**Abstract:** EPA is amending the Round I Final Sewage Sludge Use or Disposal Regulation in two phases. Phase Two will address issues presented by judicial remand of specific requirements in the final Round 1 rule (part 503) and requests for

reconsideration and will modify certain technical requirements. The proposed changes will impact Federal, State, local and tribal governments, as well as small businesses and small governmental jurisdictions. EPA expects that these changes will increase flexibility and thus reduce the regulatory burden.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

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

**Additional Information:** SAN No. 4207

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**RIN:** 2040-AC53

ENVIRONMENTAL PROTECTION AGENCY (EPA)  
Clean Water Act (CWA)

## Completed Actions

**3509. EFFLUENT GUIDELINES AND STANDARDS FOR LANDFILLS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 445

**Completed:**

Reason	Date	FR Cite
Final Action	01/19/00	65 FR 3008

**Regulatory Flexibility Analysis Required:** No

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

**Sectors Affected:** 562211 Hazardous Waste Treatment and Disposal; 562212 Solid Waste Landfill

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**RIN:** 2040-AC23

**3510. EFFLUENT GUIDELINES AND STANDARDS FOR COMMERCIAL HAZARDOUS WASTE COMBUSTORS (FORMERLY TITLED INDUSTRIAL WASTE COMBUSTORS)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 444

**Completed:**

Reason	Date	FR Cite
Final Action	01/27/00	65 FR 4360

**Regulatory Flexibility Analysis Required:** No

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

**Sectors Affected:** 562211 Hazardous Waste Treatment and Disposal

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**RIN:** 2040-AD03

**3511. WATER QUALITY STANDARDS; ESTABLISHMENT OF NUMERIC CRITERIA FOR PRIORITY TOXIC POLLUTANTS; STATES' COMPLIANCE — REVISION OF POLYCHLORINATED BIPHENYLS (PCBS) CRITERIA**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 131

**Completed:**

Reason	Date	FR Cite
Final Action	11/09/99	64 FR 61181

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, State

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**RIN:** 2040-AD27

## EPA—Clean Water Act (CWA)

## Completed Actions

**3512. GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF CYANIDE UNDER THE CLEAN WATER ACT****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 136**Completed:**

Reason	Date	FR Cite
Final Action	12/30/99	64 FR 73414

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

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**RIN:** 2040-AC76**3513. NPDES COMPREHENSIVE STORM WATER PHASE II REGULATIONS****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 40 CFR 122; 40 CFR 123**Completed:**

Reason	Date	FR Cite
Final Action	12/08/99	64 FR 68722

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

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**RIN:** 2040-AC82

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Proposed Rule Stage

## Safe Drinking Water Act (SDWA)

**3514. USE OF SCREENING PROCEDURES FOR COMPLIANCE MONITORING OF DRINKING WATER CONTAMINANTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 300(f) SDWA 1401; 42 USC 300(g)(1) SDWA 1412; 42 USC 300(j)(4) SDWA 1445**CFR Citation:** 40 CFR 141; 40 CFR 143**Legal Deadline:** None

**Abstract:** The 1996 Safe Drinking Water Act (SDWA) Amendments require EPA to review new analytical methods that may be used for regulated contaminants screening or analysis, including screening methods. After this review, EPA may approve such methods that are deemed more accurate or cost-effective than established reference methods for use in compliance monitoring or the monitoring of unregulated contaminants. In this regulatory effort, EPA proposes to integrate the use of screening methods in the overall scheme of drinking water compliance monitoring. Efforts will be made to keep the proposal consistent with the Office of Water plan for Performance Based Methods (PBMS). EPA will identify regulated contaminants, types of monitoring and specific areas within each monitoring framework which are amenable to the use of screening methods. A logical application of screening procedures would be in a tiered monitoring mode where Tier 1 (screening phase) would identify the principal problem areas while Tier 2 would use sampling and analysis to more carefully identify and quantify

specific contaminants. EPA would identify specific screening methods which are available for use based on their performance characteristics, tolerance to sample interferences, validation for drinking water analysis and correlation of results with traditional instrumental methods. The use of screening methods is expected to make drinking water compliance monitoring cheaper and faster, and provide flexibility to the Public Water Systems in the choice of analytical methods. Laboratory acceptance limits and other method performance requirements that were specified under previous rules will not be changed in this rule making. This proposal would only add new analytical methods and/or analytical approaches and would not withdraw or modify previously approved methods.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
Final Action	11/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4212  
**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD31**3515. • UNREGULATED CONTAMINANT MONITORING RULE - LIST 2****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 300f; 42 USC 300g-1 to 300g-6; 42 USC 300j-4; 42 USC 300j-9; 42 USC 300j-11**CFR Citation:** 40 CFR 141.40**Legal Deadline:** None

**Abstract:** The Office of Water will revise the National Primary Drinking Water Regulations for Unregulated Contaminant Monitoring to require monitoring for List 2 contaminants for which analytical methods and sampling locations must be specified. Promulgation of these methods and sampling locations will allow the unregulated contaminants on List 2 of the Unregulated Contaminant Monitoring Regulation (1999) List to be monitored beginning January 2001, along with monitoring for List 1 contaminants. Monitoring will be conducted at approximately 300 randomly selected public water systems, quarterly for one year beginning in 2001. Contaminants on List 2 include: 1,2-diphenylhydrazine; 2-methyl-phenol; 2,4-dichlorophenol; 2,4-dinitrophenol; 2,4,6-

## EPA—Safe Drinking Water Act (SDWA)

## Proposed Rule Stage

trichlorophenol; Alachlor ESA; Diazinon; Disulfoton; Diuron; Fonofos; Linuron; Polonium-210; Prometon; Terbufos; RDX; and Aeromonas (a microbiological contaminant). Methods are currently being developed for these contaminants. If a method is not ready at the time this rule is promulgated, the contaminant may be monitored at a later date when its method is available.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

**Additional Information:** SAN No. 4373

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD58

**3516. NATIONAL PRIMARY DRINKING WATER REGULATIONS: GROUND WATER RULE**

**Priority:** Economically Significant. Major under 5 USC 801.

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

**Legal Authority:** 42 USC 300(f) SDWA sec 1412

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** Final, Statutory, May 31, 2002.

**Abstract:** The Safe Drinking Water Act as amended in 1996 directs EPA to promulgate regulations requiring disinfection as necessary for ground water systems. The intention is to

develop a protective public health approach which assures a baseline of protection for all consumers of ground water and sets in place an increasingly targeted strategy to identify high risk or high priority systems that require greater scrutiny or further action. Development and implementation of the rule will involve local, tribal, State and Federal governments. The structure of the rule is a series of barriers to microbial contamination. The multiple-barrier approach relies upon four major components: 1) periodic onsite inspections of ground water systems requiring the evaluation of eight key areas and the identification of significant deficiencies; 2) source water monitoring for systems drawing from sensitive aquifers without treatment or with other indications of risk; 3) a requirement for correction of significant deficiencies; and 4) a requirement for treatment where contamination or significant deficiencies are not or cannot be corrected, and alternative sources of drinking water are not available. EPA believes that the combination of these elements strikes an appropriate regulatory balance which tailors the intensity or burden of protective measures and follow-up action to the risk being addressed.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	11/00/00	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

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

**Additional Information:** SAN No. 2340  
Statutory deadline for final: After August 6, 1999 but before May 31, 2002.

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AA97

**3517. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ARSENIC AND CLARIFICATIONS TO NEW SOURCE CONTAMINANT MONITORING**

**Priority:** Economically Significant. Major under 5 USC 801.

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

**Legal Authority:** 42 USC 300(f) SDWA sec 1412

**CFR Citation:** 40 CFR 141(Revision); 40 CFR 142 (Revision)

**Legal Deadline:** NPRM, Statutory, January 1, 2000.  
Final, Statutory, January 1, 2001.

**Abstract:** The Safe Drinking Water Act (SDWA) Amendments of 1996 require EPA to develop a plan and research health risks of low levels of arsenic. In addition, EPA must propose a revised drinking water regulation for arsenic by January 1, 2000, and issue a final rule by January 1, 2001. Currently the drinking water standard for arsenic is 0.05 mg/L or 50 ug/L. A March 1999 National Academy of Sciences report urged EPA to lower the drinking water standard, because inorganic arsenic causes bladder, lung and other internal cancers in humans. The report recommended additional studies to characterize health effects at low doses for cancers, cardiovascular disease, diabetes, reproductive effects, and children.

EPA generally sets the enforceable maximum contaminant level (MCL) as close to the health-based maximum contaminant level goal (MCLG) as feasible, considering treatment efficacy and costs, but may set an alternative level depending on the balance of costs and benefits in certain cases. EPA must list affordable technologies or treatment techniques that achieve compliance with the MCL for three categories of small systems considering the quality of the source water. Furthermore, alternatives to central treatment, such as point-of-use and point-of-entry devices, can be considered for small systems that maintain control over operation and maintenance. With the proposal, EPA must ask for comment on the costs of compliance and health risk reduction benefits projected for the

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proposed MCL and any alternatives considered.

In addition, in this proposal EPA is clarifying compliance monitoring after exceedances and specifying that States will specify the time period and sampling frequency for new public water systems and new water sources. These clarifications apply to inorganic, volatile organic, and synthetic organic contaminants.

**Timetable:**

Action	Date	FR Cite
Plan Arsenic Research Topics for Funding	12/24/96	61 FR 67800
NPRM	04/00/00	
Final Action	01/00/01	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

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

**Additional Information:** SAN No. 2807

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AB75

**3518. LONG TERM 1 ENHANCED SURFACE WATER TREATMENT AND FILTER BACKWASH RULE**

**Priority:** Economically Significant. Major under 5 USC 801.

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

**Legal Authority:** SDWA 1412(b)(14); SDWA 1412(b)(2)(C)

**CFR Citation:** 40 CFR 9 (Revision); 40 CFR 141; 40 CFR 142 (Revision)

**Legal Deadline:** Final, Statutory, August 30, 2000, Filter Backwash Rule Provisions.

Final, Statutory, November 30, 2000, Long-Term 1 Rule Provisions.

**Abstract:** The purposes of the Long Term 1 Filter Backwash rule (LT1FBR)

are to: 1) improve control of microbial pathogens in drinking water, including Cryptosporidium, for PWSs serving fewer than 10,000 people; 2) prevent increases in microbial risk while PWSs serving fewer than 10,000 people control for disinfection byproducts, and; 3) require certain public water systems (PWSs) to institute changes to the return of recycle flows within the treatment process to reduce the effects of recycle on compromising microbial control. The rule responds to the statutory requirement to establish a Long Term Final Enhanced Surface Water Treatment Rule (LTESWTR) affecting PWSs that serve under 10,000 people. It also addresses the statutory requirement to promulgate a regulation which governs the recycle of filter backwash within the treatment process of public utilities.

The proposed LT1FBR will contain 5 key provisions for systems serving fewer than 10,000 people: 1) a 2-log Cryptosporidium removal requirement; 2) strengthened combined filter effluent turbidity performance standards and new individual filter turbidity provisions; 3) disinfection benchmark provisions to assure continued microbial protection; 4) inclusion of Cryptosporidium in the definition of ground water under the direct influence of surface water (GWUDI) and in the watershed control requirements for unfiltered public water systems; and 5) requirements for covers on new finished water reservoirs. The proposed LT1FBR will contain three key provisions for all systems: 1) a provision requiring recycle flows be introduced at the head of the plant; 2) a requirement for plants meeting criteria to perform a one-time self assessment of their recycle practice and consult with their primacy Agency to address and correct high risk recycle operations; and 3) a requirement for direct filtration plants to provide information to the State on their current recycle practice.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
Final Action	11/00/00	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

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

**Additional Information:** SAN No. 4147

The Filter Backwash Recycling Regulations, previously listed separately in the Regulatory Agenda (RIN 2040-AD17) has been merged into this rule.

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD18

**3519. LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE**

**Priority:** Economically Significant. Major under 5 USC 801.

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

**Legal Authority:** 42 USC 300g-1; 42 USC 300g-2; 42 USC 300g-3; 42 USC 300g-4; 42 USC 300g-5; 42 USC 300g-6; 42 USC 300j-4; 42 USC 300j-9; 42 USC 300j-11; SDWA 1412(b); 42 USC 300f; 40 USC 300g-1(b)

**CFR Citation:** 40 CFR 141 to 142; 40 CFR 9

**Legal Deadline:** None

**Abstract:** The Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) will control risk from microbial pathogens in drinking water. It is being developed simultaneously with the Stage 2 Disinfectants and Disinfection Byproducts Rule (DBPR) which will address risk caused by the use of disinfectants in drinking water. This rule could affect all public water systems that use surface water as a source. Promulgating the LT2ESWTR and the Stage 2 DBPR as a paired rulemaking is necessary to ensure that adequate protection from microbial risk is maintained while EPA manages risk

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from disinfection byproducts. EPA is required to promulgate the Stage 2 DBPR by May, 2002, under the 1996 Safe Drinking Water Act amendments. In developing the LT2ESWTR, EPA will analyze a significant body of new survey data on microbial pathogens in source and finished waters, as well as data on parameters which could serve as indicators of microbial risk. This survey data, which was collected under the Information Collection Rule (ICR), Supplemental Surveys to the ICR, and additional research projects, will provide a substantially more comprehensive and complete picture of the occurrence of waterborne pathogens than was available previously. EPA will also use significant new data on the efficiency of treatment processes for the removal and inactivation of microorganisms, as well as new information on the toxicity of certain pathogens, to determine effective regulatory requirements for controlling microbial risk. On March 30, 1999 EPA established a committee of stakeholders under the Federal Advisory Committee Act (FACA) to assist in the development of these rules. The FACA committee is scheduled to make recommendations on rule options to EPA in June, 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** SAN No. 4341**Sectors Affected:** 22131 Water Supply and Irrigation Systems**Agency Contact:** Thomas Grubbs, Environmental Protection Agency, Water, 4607, Washington, DC 20460  
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Phone: 202 260-1439Fax: 202 401-6135  
Email: schmelling.dan@epa.gov**RIN:** 2040-AD37**3520. STAGE 2  
DISINFECTANTS/DISINFECTION  
BYPRODUCTS RULE****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect State, local or tribal governments and the private sector.**Legal Authority:** 42 USC 300g-4; 42 USC 300g-5; 42 USC 300g-6; 42 USC 300j-4; 42 USC 300j-9; 42 USC 300j-11; 40 USC 300g-1(b); SDWA 1412(b); 42 USC 300f; 42 USC 300g-2; 42 USC 300g-3**CFR Citation:** 40 CFR 9; 40 CFR 141 to 142**Legal Deadline:** Final, Statutory, May 2002, SDWA 1412(b)(2)(A) imposes date for final rule promulgation.**Abstract:** The 1996 Safe Drinking Water Act Amendments require EPA to promulgate a Stage 2 Disinfectants/Disinfection Byproducts Rule (Stage 2 DBPR) by May, 2002. EPA plans to propose this rule in February, 2001. The Regulation, along with a Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) that will be promulgated simultaneously, is intended to expand existing public health protections and address concerns about risk trade-offs between pathogens and disinfection byproducts. This rule could affect all public water systems that add a disinfectant to the drinking water during any part of the treatment process although the impacts may be limited to community water systems (CWSs) and non-transient non-community water systems (NTNCWSs). Promulgating the LT2ESWTR and the Stage 2 DBPR as a paired rulemaking is necessary to ensure that adequate protection from microbial risk is maintained while EPA manages risk from disinfection byproducts. In developing the Stage 2 DBPR, EPA will analyze a significant body of new survey data on source water quality parameters, treatment data and disinfection byproduct occurrence. This survey data, which was collected under the Information Collection Rule (ICR), Supplemental Surveys to the ICR, and additional research projects, will provide a substantially more comprehensive and complete picture of

the occurrence of DBPs and microbiological pathogens than was available previously. EPA will also use new information on the health effects of exposure to DBPs to determine effective regulatory requirements for controlling risk. On March 30, 1999 EPA established a committee of stakeholders under the Federal Advisory Committee Act (FACA) to assist in the development of these rules. The FACA committee is scheduled to make recommendations on rule options to EPA in June, 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Governmental Jurisdictions, Organizations, Businesses**Government Levels Affected:** Local, Tribal, State, Federal**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** SAN No. 4342**Sectors Affected:** 22131 Water Supply and Irrigation Systems**Agency Contact:** Thomas Grubbs, Environmental Protection Agency, Water, 4607, Washington, DC 20460  
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Phone: 202 260-0431  
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DRINKING WATER REGULATION FOR  
METHYL TERTIARY BUTYL ETHER  
(MTBE)****Priority:** Substantive, Nonsignificant**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

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in the 1990s to meet the requirements 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. This provides a challenge to water suppliers, because contaminated drinking water can be unacceptable to the public. In

this action, EPA is proposing a secondary standard for MTBE, which will provide control levels for taste and odor acceptability and maintain drinking water quality.

EPA is developing a secondary standard based on taste and odor because we currently do not have enough information to meet SDWA's requirements for promulgating a primary health-based standard.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
Final Action	12/00/00	

**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**Agency Contact:** Rachel Sakata, Environmental Protection Agency, Water, 4607, Washington, DC 20460  
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**RIN:** 2040-AD54

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

## Safe Drinking Water Act (SDWA)

**3522. 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 300(f) SDWA sec 1412**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, August 6, 2000.

**Abstract:** EPA proposed new regulations for radon in drinking water which will provide states flexibility in how to manage the health risks from radon, in both drinking water and in indoor air. States would be able to focus their efforts on the highest radon risks to the public - in indoor air - while reducing the highest risks from radon in drinking water. Breathing indoor radon in homes is the primary public health risk from radon, contributing to about 20,000 lung cancer deaths each year in the United States, according to a landmark report this year by the National Academy of Sciences. That makes radon in indoor air the second leading cause of lung cancer in the United States. Based on a second NAS report, EPA estimates that radon in drinking water causes about 168 cancer deaths per year, of which about 89 percent are lung cancer from breathing radon released from water. The remaining 11 percent of the

risk is for stomach cancer from drinking radon-containing water.

The proposal is based on the unique framework outlined in the 1996 Safe Drinking Water Act (SDWA). The proposed new regulation will provide two options to states and water systems for reducing public health risks from radon. Under the first option, states can choose to develop enhanced state programs to address the health risks from indoor radon while water systems reduce radon levels in drinking water to the higher, alternative maximum contaminant level MCL of 4,000 pCi/L (picoCuries per liter, a standard unit of radiation) or lower, ensuring protection from the highest risks from radon in drinking water. EPA is encouraging the states to adopt this approach as the most cost-effective way to achieve the greatest radon risk reduction. If a state does not elect this option, the second option would require water systems in that state to either reduce radon in drinking water levels to the MCL of 300 pCi/L, or to develop a local indoor radon program and reduce levels in drinking water to 4000 pCi/L. Those systems initially at the MCL or lower will not need to treat their water for radon.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM-old	07/18/91	56 FR 33050
Notice	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59245
Final Action	08/00/00	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** SAN No. 2281**Sectors Affected:** 22131 Water Supply and Irrigation Systems**Agency Contact:** Sylvia Malm, Environmental Protection Agency, Water, 4607, Washington, DC 20460  
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**RIN:** 2040-AA94**3523. REFORMATTING OF DRINKING WATER REGULATIONS****Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 300(f) SDWA sec 1412**CFR Citation:** 40 CFR 141; 40 CFR 142**Legal Deadline:** None

**Abstract:** This rule reformats the current drinking water regulations to make them easier to understand and follow. This rule is not intended to

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change any of the regulatory requirements. The rule assists State, local and tribal governments in that it makes the rules easier to implement and thus facilitates their jobs.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3563

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AC41

### 3524. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADIUM, URANIUM, ALPHA, BETA AND PHOTON EMITTERS

**Priority:** Economically Significant. Major under 5 USC 801.

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

**Legal Authority:** 42 USC 300(f) SDWA sec 1412

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** Final, Judicial, November 18, 2000, for Uranium. Other, Judicial, November 18, 2000, See additional information.

**Abstract:** Standards for radium, alpha, and beta and photon emitters were promulgated in 1976. They were included in the list of 83 contaminants for regulation (because they had MCLs but not MCLGs), along with uranium in the 1986 Safe Drinking Water Act (SDWA) Amendments. Regulations for uranium, radium 226, radium 228, and gross alpha and beta particles were proposed on July 18, 1991. The 1991 proposal was to raise the standard for radium 226/228 from combined level of 5 pCi/l to a separate standard of 20 pCi/l, and proposed uranium at 20 ug/l. Pursuant to court agreement, EPA will take final action on proposed uranium regulations by November, 2000, and final action on radium, alpha, beta, and

photon emitters or state reasons for not taking final action by November, 2000.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM	07/18/91	56 FR 33050
NODA	04/00/00	
Final Action	11/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

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

**Additional Information:** SAN No. 3992

**Judicial Other Deadline Description:** Final or rationale for not taking final action on Radium, Alpha, Beta and Photon emitters.

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AC98

### 3525. REVISION TO THE INTERIM ENHANCED SURFACE WATER TREATMENT RULE (IESWTR) AND THE STAGE 1 DISINFECTANTS AND DISINFECTION BYPRODUCTS RULE (DBPR).

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 300(f)-300(j) SWDA 1412

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** None

**Abstract:** This action will make minor revisions to the IESWTR and the DBPR which were published December 16, 1998. The primary purpose of this Direct Final Rule is to revise the compliance date of both rules. A key outcome of this change will be to shift the monitoring periods to coincide with standard quarters, which will facilitate the implementation of both rules. This action will also extend the use of new analytical methods for Total Trihalomethanes (TTHM), that are

included in these rules, for compliance with existing drinking water regulations. The revisions also include a few minor changes to the regulatory language which will clarify interpretation of the regulatory requirements.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

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

**Additional Information:** SAN No. 4281

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD43

### 3526. PUBLIC WATER SYSTEM PUBLIC NOTIFICATION REGULATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300(f) et seq; SDWA 1414(c)(1); SDWA 1414(c)(2)

**CFR Citation:** 40 CFR 141.32; 40 CFR 142.14; 40 CFR 142.15; 40 CFR 142.16; 40 CFR 143.5; 40 CFR 141.201; 40 CFR 141.202; 40 CFR 141.203; 40 CFR 141.204; 40 CFR 141.205; 40 CFR 141.206; 40 CFR 141.207; 40 CFR 141.208; 40 CFR 141.209; 40 CFR 141.210; ...

**Legal Deadline:** None

**Abstract:** This action revises an existing regulation to incorporate the new public notification provisions of the Safe Drinking Water Act. A Public Water System is required to provide notification to its customers whenever: (1) a violation of certain drinking water regulations occurs (including MCL, treatment technique, and monitoring/reporting requirements); (2) a variance or exemption to those regulations is in place or the conditions of the variance or exemption are violated; or (3) required results from unregulated contaminant monitoring are received. The Administrator is

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required to prescribe by regulation the manner, frequency, form, and content for giving notice. States are required to adopt this rule to retain primacy. The 1996 amendments (1) require notice within 24 hours for violations posing a serious public health risk from short term exposure and give EPA discretion to set the timing of the notification for all other violations; (2) give EPA discretion to set the method of delivery of the notices as long as the public notice reaches all persons served; (3) establish a specific requirement for EPA consultation with the States in issuing revised regulations; (4) allow the primary States to prescribe alternative notification requirements by rule with respect to the form and content of the notice. One other new requirement — for public water systems to prepare an annual consumer confidence report — is being implemented under a separate regulatory action. The benefits of the revised public notification regulations will be to streamline the existing requirements, provide quicker and more effective notification of violations that have a serious adverse effect, and better inform customers of the risk to their health from the drinking water.

**Timetable:**

Action	Date	FR Cite
NPRM	05/13/99	64 FR 25963
Final Action	04/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4009**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD06**3527. UPDATE OF STATE UNDERGROUND INJECTION CONTROL PROGRAMS****Priority:** Info./Admin./Other

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

**CFR Citation:** 40 CFR 147 (Revision)**Legal Deadline:** None

**Abstract:** EPA provides a place in its 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 the codification of this descriptive information is to clarify which state requirements in a primacy State EPA can enforce directly. Current citations to state regulations in 40 CFR Part 147 are out of date for many states. Therefore, this update is necessary. Regions will be submitting state revision packages as they are completed. Part 147 will then be updated in several states. This is the first stage. This effort should have no impact on the regulated community.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	05/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** SAN No. 4236

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**RIN:** 2040-AD40**3528. DRINKING WATER STATE REVOLVING FUND REGULATIONS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300j-12 SDWA 1452 (g)(3)

**CFR Citation:** 40 CFR 35**Legal Deadline:** None

**Abstract:** The Safe Drinking Water Act (SDWA) Amendments of 1996 established a Drinking Water State Revolving Fund (DWSRF) program to assist public water systems in financing the costs of infrastructure needed to

achieve or maintain compliance with SDWA requirements and to further the public health objectives of the Act. The SDWA amendments authorizes the Administrator of the U.S. Environmental Protection Agency (EPA) to award capitalization grants to States, which in turn provide low cost loans and other types of assistance to eligible systems. A State determines the portion of the funds from the capitalization grant to conduct set-aside activities and the remaining grant monies are deposited into the project Fund to finance infrastructure projects. Each State has considerable flexibility, with minimum Federal requirements imposed, to determine the design of its DWSRF program and to direct funding toward its most pressing compliance and public health needs. This regulation is intended to codify the DWSRF Final Guidelines published in February, 1997 which explain: what States must do to receive a DWSRF capitalization grant; what States may do with Federal capitalization grant funds; what States may do with funds the law intends for activities other than project construction (set-asides); and the roles of both the States and EPA in managing and administering the program. The DWSRF program helps to ensure that the Nation's drinking water supplies remain safe and affordable, that drinking water systems that receive funding are properly operated and maintained, and that permanent institutions exist in each State to provide financial support for drinking water needs.

**Timetable:**

Action	Date	FR Cite
Interim Final	04/00/00	
Final Action	07/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** SAN No. 4152**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD20

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Long-Term Actions

## Safe Drinking Water Act (SDWA)

**3529. NATIONAL PRIMARY DRINKING WATER REGULATIONS: SULFATE****Priority:** Other Significant**Legal Authority:** 42 USC 300(f) SDWA sec 1412**CFR Citation:** 40 CFR 141; 40 CFR 142**Legal Deadline:** Other, Statutory, August 6, 2001, Decision whether to regulate.

**Abstract:** Sulfate is on the list of 83 contaminants required to be regulated under the Safe Drinking Water Act (SDWA) of 1986. The contaminant was deferred from the Phase V regulation in order to allow the EPA time to focus on implementation issues arising from the proposal concerning the risk of sulfate in drinking water to specific subpopulations. Sulfate can cause diarrhea in infants and in adults not acclimated to high sulfate-containing water, such as travelers. Persons who are acclimated to high sulfate-containing water suffer no adverse effects from its consumption. Sulfate occurs naturally in soil and is also found in surface water as a result of acid rain. Sulfate is also used as a reagent in steel and copper industries and in the manufacture of copper sulfate, a fungicide/algicide. An estimated 2,000 systems—serving a population of 200,000 residents, 1 million travelers, and 30,000 infants—are likely to be affected by this regulation. Most of the affected systems serve populations of less than 3,000 and are transient systems not in service year-round. EPA proposed but never finalized several options for compliance which would be an alternative to central treatment and less costly. The 1996 amendments to the SDWA call for a definitive study to resolve remaining health risk questions. Thereafter, EPA is to make a determination whether or not to regulate sulfate. EPA and the Centers for Disease Control have conducted the health risk study for sulfate. The results of the study will serve as the basis for the Agency's determination on whether to regulate sulfate.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/94	59 FR 65578
Notice Sulfate Study	02/11/99	64 FR 7028
Final Action Decision to regulate or not	08/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3176**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AC07**3530. NATIONAL PRIMARY DRINKING WATER STANDARDS FOR ALDICARB****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 300(f) SDWA sec 1412**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 7 ug/l each. In response to an administrative petition from the manufacture Rhone-Poulenc, the Agency issued an administrative stay of the effective date. EPA will reexamine risk assessment and occurrence data on aldicarb. EPA will then make a determination of what further action may be appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/01	
Final Rule	08/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 3238**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AC13**3531. • REGULATED DRINKING WATER CONTAMINANT OCCURRENCE REPORTING****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 300f; 42 USC 300g-1 to 42 USC 300g-6; 42 USC 300j-4; 42 USC 300j-9; 42 USC 300j-11**CFR Citation:** 40 CFR 142.15**Legal Deadline:** None

**Abstract:** The Office of Water will revise the National Primary Drinking Water Regulations to require public water systems and States to report regulated drinking water contaminant occurrence level data to EPA. At present, States only report violation data for the purpose of compliance tracking, as concentrations that exceed the Maximum Contaminant Level. The data will be compared to health effects levels and used to compare occurrence frequency with monitoring requirements. The results of these analysis may be used to modify existing regulations during the statutory required 6 year regulatory review cycle.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/01	
Final Action	11/00/02	

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

## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

**Additional Information:** SAN No. 4369  
**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD48

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Completed Actions

## Safe Drinking Water Act (SDWA)

### 3532. NATIONAL PRIMARY AND SECONDARY DRINKING WATER REGULATIONS: ANALYTICAL METHODS FOR CHEMICAL AND MICROBIOLOGICAL CONTAMINANTS AND REVISIONS TO LABORATORY CERTIFICATION

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 40 CFR 141; 40 CFR 143  
**Completed:**

Reason	Date	FR Cite
Final Action	12/01/99	64 FR 67499

**Regulatory Flexibility Analysis Required:** No

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

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD04

### 3533. • UNREGULATED CONTAMINANT MONITORING RULE - PERCHLORATE AND ACETOCHLOR METHODS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 300f; 42 USC 300g-1 to 300g-6; 42 USC 300j-4; 42 USC 300j-9; 42 USC 300j-11  
**CFR Citation:** 40 CFR 141.40  
**Legal Deadline:** None

**Abstract:** The Office of Water will revise the National Primary Drinking Water Regulations for Unregulated Contaminant Monitoring to specify the analytical methods for perchlorate and acetochlor. Monitoring for perchlorate and acetochlor was not required when the Unregulated Contaminant Monitoring Rule was promulgated

because analytical methods were not available for them. Promulgation of methods for perchlorate and acetochlor will allow public water systems to monitor for these unregulated contaminants on List 1 of the Unregulated Contaminant Monitoring Regulation (1999) List beginning January 2001, along with all the other List 1 contaminants.

**Timetable:**

Action	Date	FR Cite
NPRM	03/02/00	65 FR 11386
Direct Final Rule	03/02/00	65 FR 11372

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Organizations, Governmental Jurisdictions, Businesses

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

**Additional Information:** SAN No. 4374

This rule also includes a notice of a perchlorate Performance Testing (PT) program. Any laboratory interested in participating in perchlorate monitoring under the Unregulated Contaminant Monitoring Rule must follow the laboratory approval requirements including participation in the Performance Testing (PT) program.

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD50

### 3534. REVISIONS TO THE UNDERGROUND INJECTION CONTROL REGULATIONS FOR CLASS V INJECTION WELLS

**Priority:** Other Significant

**CFR Citation:** 40 CFR 144; 40 CFR 145; 40 CFR 146; 40 CFR 9

**Completed:**

Reason	Date	FR Cite
Final Action	12/07/99	64 FR 68545

**Regulatory Flexibility Analysis Required:** Yes

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

**Sectors Affected:** 4411 Automobile Dealers; 4412 Other Motor Vehicle Dealers; 447 Gasoline Stations; 484 Truck Transportation; 485 Transit and Ground Passenger Transportation; 532 Rental and Leasing Services; 8111 Automotive Repair and Maintenance; 7212 RV (Recreational Vehicle) Parks and Recreational Camps

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**RIN:** 2040-AB83

### 3535. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LEAD AND COPPER

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Completed:**

Reason	Date	FR Cite
Final Action	01/12/00	65 FR 1949

**Regulatory Flexibility Analysis Required:** No

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

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**EPA—Safe Drinking Water Act (SDWA)****Completed Actions**

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**RIN:** 2040-AC27

**3536. STREAMLINING DRINKING WATER MONITORING REQUIREMENTS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 141.2; 40 CFR 141.23; 40 CFR 142.14; 40 CFR 142.16; 40 CFR 142.18

**Completed:**

Reason	Date	FR Cite
Withdrawn	04/03/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Federalism:** Undetermined

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AC73

**ENVIRONMENTAL PROTECTION AGENCY (EPA)****Completed Actions****Marine Protection Research and Sanctuary Act (MPRSA)**

**3537. REVISIONS TO OCEAN DUMPING REGULATIONS FOR DREDGED MATERIAL**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 225; 40 CFR 227; 40 CFR 228

**Completed:**

Reason	Date	FR Cite
Withdrawn - The Agency plans no further action.	03/15/00	

**Regulatory Flexibility Analysis**

**Required:** No

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

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**RIN:** 2040-AB62

**ENVIRONMENTAL PROTECTION AGENCY (EPA)****Final Rule Stage****Shore Protection Act (SPA)**

**3538. SHORE PROTECTION ACT, SECTION 4103(B) REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 2601 Shore Protection Act of 1988; PL 100-6-88 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 U.S. 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. In regards 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	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local

**Federalism:** Undetermined

**Additional Information:** SAN No. 2820

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**RIN:** 2040-AB85

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