



# Federal Register

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**Monday,  
May 5, 2008**

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**Part XII**

**Environmental  
Protection Agency**

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**Semiannual Regulatory Agenda**

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Ch. I**

[FRL 8540-3]

**Spring 2008 Regulatory Agenda**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Semiannual regulatory flexibility agenda and semiannual regulatory agenda.

**SUMMARY:** The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the E-Agenda) at [www.reginfo.gov](http://www.reginfo.gov) (and also at [www.regulations.gov](http://www.regulations.gov)) to update the public about:

- Regulations and major policies currently under development,
- Reviews of existing regulations and major policies, and
- Rules and major policymakings completed or canceled since the last agenda.

*Definitions:*

“E-Agenda,” “online regulatory agenda,” and “semiannual regulatory agenda” all refer to the same comprehensive collection of information that used to be published in the **Federal Register**, but which now are only available through an online database.

“Regulatory Flexibility Agenda” refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities.

This will continue to be published in the **Federal Register** because of a requirement of the Regulatory Flexibility Act.

“Unified Regulatory Agenda” refers to the collection of all agencies’ agendas with an introduction prepared by the Regulatory Information Service Center.

“Regulatory Agenda preamble” refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both the Regulatory Flexibility Agenda and the E-Agenda.

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

**TO BE PLACED ON THE AGENDA MAILING LIST:** If you would like to receive an e-mail with a link to new semiannual regulatory agendas as soon as they are published, please send an e-mail message with your name and address to: [nscep@bps-lmit.com](mailto:nscep@bps-lmit.com) and put “E-Regulatory Agenda: Electronic Copy” in the subject line.

If you would like to receive a hard copy of the semiannual agenda about 2 to 3 months after publication, until October 1, call 800-490-9198 or send an e-mail with your name and complete address to: [nscep@bps-lmit.com](mailto:nscep@bps-lmit.com) and put “Regulatory Agenda Hard Copy” in the subject line. After September 30, call 202-564-6564, or e-mail your request to [schwartz.philip@epa.gov](mailto:schwartz.philip@epa.gov). There is no charge for a single copy of the agenda.

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**A. Map of Regulatory Agenda Information**

Part of Agenda	Online locations	Federal Register Location
Semiannual Regulatory Agenda (The E-Agenda; the online Agenda); 330 entries, which include the expanded Regulatory Flexibility Agenda ( 8 entries; 25 data fields/entry)	<a href="http://www.reginfo.gov/">www.reginfo.gov/</a> , <a href="http://www.regulations.gov/">www.regulations.gov/</a> , and <a href="http://www.epa.gov/lawsregs/search/regagenda.html">http://www.epa.gov/lawsregs/search/regagenda.html</a>	Not in FR
Semiannual Regulatory Flexibility Agenda ( 8 entries; 9 data fields/entry)	<a href="http://www.reginfo.gov/">www.reginfo.gov/</a> , <a href="http://www.regulations.gov/">www.regulations.gov/</a> , and <a href="http://www.epa.gov/lawsregs/search/regagenda.html">http://www.epa.gov/lawsregs/search/regagenda.html</a>	Part XII of today’s issue

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

Our primary objective is to protect human health and the environment. One way we achieve this objective is through the development of regulations. In the United States, Congress passes laws and authorizes certain Government agencies, including EPA, to create and

enforce regulations. EPA regulations cover a range of environmental and public health protection issues from setting standards for clean water, to establishing requirements for proper handling of toxic wastes, to controlling air pollution from industry and other sources.

To ensure that our regulatory decisions are scientifically sound, cost effective, fair, and effective in achieving

environmental goals, we conduct high quality scientific, economic, and policy analyses. These analyses are planned and initiated at early stages in the regulatory development process, so that Agency decisionmakers are well informed of the qualitative and quantitative benefits and costs as they select among alternative approaches. It is also important that we continue to apply new and improved methods to

## EPA

protect the environment, such as: Building flexibility into regulations from the very beginning, creating strong partnerships with the regulated community, vigorously engaging in public outreach and involvement, and using effective nonregulatory approaches. We seek collaborative solutions to shared challenges.

Research, testing, and adoption of new environmental protection methods are also a central tenet in environmental problem solving. The integration of all of these elements via a well-managed regulatory development process and a strong commitment to innovative solutions will ensure that we all benefit from significant environmental improvements that are fair, efficient, and protective. Our overall success is measured by our effectiveness in protecting human health and the environment. For a more expansive discussion of our regulatory philosophy and priorities, please see the Statement of Priorities in the FY 2008 regulatory plan (<http://www.epa.gov/lawsregs/search/regagenda.html>).

Besides the fundamental environmental laws authorizing EPA actions such as the Clean Air Act and Clean Water Act, there are legal requirements that apply to the issuance of regulations that are generally contained in the Administrative Procedure Act, the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act, and the Congressional Review Act. We also must meet a number of requirements contained in Executive Orders: 12866 (Regulatory Planning and Review; 58 FR 51735; October 4, 1993), 12898 (Environmental Justice; 59 FR 7629; February 16, 1994), 13045 (Children's Health Protection; 62 FR 19885; April 23, 1997), 13132 (Federalism; 64 FR 43255; August 10, 1999), 13175 (Consultation and Coordination with Indian Tribal Governments; 65 FR 67249; November 9, 2000), 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use; 66 FR 28355; May 22, 2001).

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

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. We urge you to participate as early in the process as possible. You may also participate by commenting on proposed rules that we publish in the **Federal Register** (FR).

Information on submitting comments to the rulemaking docket is provided in each of our Notices of Proposed Rulemaking (NPRMs), and we always accept comments through the [regulations.gov](http://regulations.gov) e-docket. To be most effective, comments should contain information and data that support your position, and you also should explain why we should incorporate your suggestion in the rule or nonregulatory action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

We believe our actions will be more cost-effective and protective if our development process includes stakeholders working with us to identify the most practical and effective solutions to problems, and we stress this point most strongly in all of our training programs for rule and policy developers. Democracy gives real power to individual citizens, but with that power comes responsibility. We urge you to become involved in EPA's rule and policymaking process. For more information about public involvement in EPA activities, please visit [www.epa.gov/publicinvolvement](http://www.epa.gov/publicinvolvement).

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

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

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the Clean Air Act: Revisions to State Implementation Plans; Equivalent Methods for Ambient Air Quality Monitoring; Deletions from the New Source Performance Standards source categories list; Delegations of Authority to States; Area Designations for Air Quality Planning Purposes;

- Under the Federal Insecticide, Fungicide, and Rodenticide Act: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under the Resource Conservation and Recovery Act: Authorization of State solid waste management plans; hazardous waste delisting petitions;
- Under the Clean Water Act: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States;
- Under the Safe Drinking Water Act: Actions on State underground injection control programs.

The Regulatory Flexibility Agenda normally includes:

- Actions that are likely to have a significant economic impact on a substantial number of small entities, and
- Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act. We have three rules scheduled for 610 review in 2008.

### E. How Is the E-Agenda Organized?

You can now choose how both the [www.reginfo.gov](http://www.reginfo.gov) and [www.regulations.gov](http://www.regulations.gov) versions of the E-Agenda are organized. Current choices include: EPA subagency; stage of rulemaking, explained below; alphabetically by title; and by the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Stages of rulemaking include:

1. Prerulemaking—Prerulemaking actions are generally intended to determine whether EPA should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act,

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requests for public comment on the need for regulatory action, or important preregulatory policy proposals.

2. Proposed Rule—This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).
3. Final Rule—This section includes rules that will be issued as a final rule within a year.
4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action is after April 2009.
5. Completed Actions—This section contains actions that have been promulgated and published in the **Federal Register** since publication of the fall 2007 agenda. It also includes actions that we are no longer considering. If an action appears in the completed section, it will not appear in future agendas unless we decide to initiate action again, in which case it will appear as a new entry. EPA also announces the results of our Regulatory Flexibility Act section 610 reviews in this section of the agenda.

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

Regulatory Flexibility Agenda entries include:

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

E-Agenda entries include:

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

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

*Economically Significant:* Under E.O. 12866, a rulemaking action that may have an annual effect on the economy

of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

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

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

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

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

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

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

*Legal Authority:* The sections of the United States Code (USC), Public Law (PL), Executive Order (EO), or common name of the law that authorizes the regulatory action.

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

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

*Abstract:* A brief description of the problem the action will address.

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

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

*Small Entities Affected:* Indicates whether we expect the rule to have any effect on small businesses, small governments, or small nonprofit organizations.

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

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

*Unfunded Mandates:* Section 202 of the Unfunded Mandates Reform Act generally requires an assessment of anticipated costs and benefits if a rule includes a mandate that may result in expenditures of more than \$100 million in any one year by State, local, and tribal governments, in the aggregate, or

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by the private sector. If we expect to exceed this \$100 million threshold, we note it in this section.

**Energy Impacts:** Indicates whether the action is a significant energy action under E.O. 13211.

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

**SAN Number:** An identification number that EPA uses to track rulemakings and other actions under development.

**URLs:** For some of our actions we include the Internet addresses for: Reading copies of rulemaking documents; submitting comments on proposals; and getting more information about the rulemaking and the program of which it is a part. (Note: To submit comments on proposals, you can go to our electronic docket, which is at: [www.regulations.gov](http://www.regulations.gov). Once there, follow the online instructions to access the docket and submit comments. A Docket identification (ID) number will assist in the search for materials. We include this number in the additional information section of many of the agenda entries that have already been proposed.)

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

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

#### 1. Public Dockets

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

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

#### 2. Subject Matter EPA Web sites

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

#### 3. Regulatory Agenda Web sites

If you have access to the Internet, you can use the E-Agenda databases and their accompanying search engines at [www.reginfo.gov/public/do/AgendaMain](http://www.reginfo.gov/public/do/AgendaMain) and [www.regulations.gov](http://www.regulations.gov). You may also download a PDF copy of EPA's regulatory agenda book at: <http://www.epa.gov/lawsregs/search/regagenda.html>.

#### 4. Agenda Indexes

The first five indexes (610 Reviews, Regulatory Flexibility Analysis Required, Small Entity Impact but Regulatory Flexibility Analysis not Required, Affect on Government Levels, and Federalism Implications) that used to be published along with the Agenda will no longer appear in the **Federal Register**. You can find these indexes at <http://www.regulations.gov/fdmspublic/component/main?main=UnifiedAgenda> in the second box in the right hand column. You can also create them by using the E-Agenda search function at <http://www.reginfo.gov/public/do/>

eAgendaSearch. EPA's Web site at <http://www.epa.gov/lawsregs/search/regagenda.html> also contains indexes for specific categories of regulatory actions, such as actions that require a Regulatory Flexibility Analysis or actions that may affect State, local, or tribal governments.

There is a Subject Matter Index, based on the Federal Register Thesaurus of Indexing Terms, in the online E-Agenda at <http://www.reginfo.gov/public/do/eAgendaMain>.

#### 5. Listservers

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

- a. Air
- b. Water
- c. Wastes and emergency response
- d. Pesticides
- e. Toxic substances
- f. Right-to-know and toxic release inventory
- g. Environmental impacts
- h. Endangered species
- i. Meetings
- j. The Science Advisory Board
- k. Daily full-text notices with page numbers, and
- l. General information.

For more information and to subscribe via our FR Web site, visit: [www.epa.gov/fedrgstr/subscribe.htm](http://www.epa.gov/fedrgstr/subscribe.htm). If you have e-mail without full Internet access, please send an e-mail to [envsubset@epa.gov](mailto:envsubset@epa.gov) to request instructions for subscribing to the EPA **Federal Register** listservers.

### H. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. EPA has three rules scheduled for 610 review in 2008.

Rule Being Reviewed	RIN	Docket ID
VOC Regulation for Architectural Coatings (Section 610 Review)	2060-AP09	EPA-HQ-OAR-2008-0205
Control of Emissions of Air Pollution From Nonroad Diesel Engines (Section 610 Review)	2060-AO82	EPA-HQ-OAR-2008-0206
National Primary Drinking Water Regulations: Stage I Disinfectant/Disinfection By-Products Rule (Section 610 Review)	2040-AE97	EPA-HQ-OW-2008-0226

EPA

EPA has established an official public docket for each of these 610 Reviews under a docket identification (ID) number as indicated above. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available; e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air or Water Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744. Unless otherwise indicated, please direct your comments to the identified Docket ID number for the specific 610 Review item. For these 610 Reviews, please DO NOT submit CBI or information that is otherwise protected by statute. You may submit comments using one of the following methods:

1. *Electronically.* Go directly to [www.regulations.gov](http://www.regulations.gov) and find “Advanced Docket Search.” Enter the appropriate Docket ID number. The system is an “anonymous access” system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. If you do submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. EPA’s policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made

available in EPA’s electronic public docket.

2. *By Mail.* Send your comments, identified by the appropriate Docket ID number, to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Docket # \_\_\_\_\_, 1200 Pennsylvania Avenue NW., Washington, DC 20460.
3. *By Hand Delivery or Courier.* Deliver your comments, identified by the appropriate Docket ID number, to: EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744. Such deliveries are only accepted during the Docket’s normal hours of operation as identified above. For more information on EPA’s docket center, please visit <http://www.epa.gov/epahome/dockets.htm>.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked “late.” EPA is not required to consider these late comments. For this action, please DO NOT submit CBI or information that is otherwise protected by statute.

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

For each of our rulemakings, we consider whether there will be any adverse impact on any small entity. We attempt to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under RFA/SBREF A (the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement

Fairness Act), the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency’s policy and practice with respect to implementing RFA/SBREF A, please visit the RFA/SBREF A Web site at <http://www.epa.gov/sbrefa/>.

For a list of the rules under development for which a Regulatory Flexibility Analysis will be required and for a list of rules under development that may affect small entities, but not significantly affect a substantial number of them, go to: <http://www.regulations.gov/fdmspublic/component/main?main=UnifiedAgenda> and select the appropriate index in the second box in the right hand column.

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

Finally, we would like to thank those of you who choose to join with us in solving the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA’s open rulemaking process are a proven tool for solving the environmental problems we face and the regulatory agenda is an important part of that process. In an effort to further enhance our rulemaking process, EPA is now providing online information as soon as the agency begins the development of a new rule. You may access monthly Action Initiation Lists (AILs) at: <http://www.epa.gov/lawsregs/search/ail.html>. They describe those actions that were approved for commencement during a given month.

**Dated:** March 13, 2008.  
**Louise P. Wise,**  
*Deputy Associate Administrator,*  
*Office of Policy, Economics, and Innovation.*

**CLEAN AIR ACT (CAA)—Prerule Stage**

Sequence Number	Title	Regulation Identifier Number
243	SAN No. 5254 Control of Emissions of Air Pollution From Nonroad Diesel Engines ( <b>Section 610 Review</b> ) .....	2060-AO82
244	SAN No. 5255 VOC Regulation for Architectural Coatings ( <b>Section 610 Review</b> ) .....	2060-AP09

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

Sequence Number	Title	Regulation Identifier Number
245	SAN No. 5250 Renewable Fuels Standard Program .....	2060-AO81

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

Sequence Number	Title	Regulation Identifier Number
246	SAN No. 4882 Control of Emissions From Nonroad Spark-Ignition Engines and Equipment .....	2060-AM34

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

Sequence Number	Title	Regulation Identifier Number
247	SAN No. 3557 Lead-Based Paint; Amendments for Renovation, Repair, and Painting .....	2070-AC83

## SAFE DRINKING WATER ACT (SDWA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
248	SAN No. 5258 National Primary Drinking Water Regulations: Stage I Disinfectant and Disinfection By-Products Rule ( <b>Section 610 Review</b> ) .....	2040-AE97

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

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

## Environmental Protection Agency (EPA)

## Prerule Stage

## Clean Air Act (CAA)

**243. • CONTROL OF EMISSIONS OF AIR POLLUTION FROM NONROAD DIESEL ENGINES (SECTION 610 REVIEW)**

**Legal Authority:** Not Yet Determined

**Abstract:** On October 23, 1998 (63 FR 56967), EPA promulgated a regulation to reduce emissions of nitrogen oxides (NO<sub>x</sub>), non-methane hydrocarbon (NMHC), and particulate matter (PM) from diesel and gasoline fueled engines used in highway trucks and buses and in nonroad equipment and vehicles. Nitrogen oxides are a significant contributor to urban ozone pollution

(smog), acid rain, and particulate pollution. Particulates, including those emitted directly and secondary particulates formed in the atmosphere, have been associated with increased death and illness rates as well as impaired visibility. Non-Methane hydrocarbons also contribute to ozone pollution. Highway and nonroad engines and vehicles are very significant contributors to these air-quality problems. Pursuant to Section 610 of the Regulatory Flexibility Act, EPA is now initiating a review of this rule to determine if it should be continued without change, or should be

rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA will consider, and solicits comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. Comments must be received by

## EPA—Clean Air Act (CAA)

Prerule Stage

August 4, 2008. In submitting comments, please reference Docket ID number EPA-HQ-OAR-2008-0206, and follow the instructions provided in Section H of the preamble to this issue of the Regulatory Agenda. The results of EPA's review will be summarized in a report and placed in the rulemaking docket referenced above. This docket can be accessed at [www.regulations.gov](http://www.regulations.gov).

**Timetable:**

Action	Date	FR Cite
Final Rule	10/23/98	63 FR 56967
Begin Review	05/00/08	
End Comment Period	08/00/08	
End Review	12/00/08	

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

**Agency Contact:** Tom Eagles, Environmental Protection Agency, Air and Radiation, 6103A, Washington, DC 20460

Phone: 202 564-1952

Email: [eagles.tom@epa.gov](mailto:eagles.tom@epa.gov)

RIN: 2060-AO82

#### 244. • VOC REGULATION FOR ARCHITECTURAL COATINGS (SECTION 610 REVIEW)

**Legal Authority:** Not Yet Determined

**Abstract:** On September 11, 1998 (63 FR 48848), EPA promulgated a regulation to control volatile organic compound (VOC) emissions from architectural coatings. These coatings are applied to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs. Traditional VOC limitations, market-based approaches, and phased-in approaches were all included. This rule was based on the best possible understanding of the industry, and it afforded the flexibility to achieve the necessary emission reductions in the most sensible, cost-effective ways. Pursuant to Section 610 of the Regulatory Flexibility Act, EPA is now initiating a review of this rule to determine if it should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA will consider, and solicits comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which

technology, economic conditions, or other factors have changed in the area affected by the rule. Comments must be received by August 4, 2008. In submitting comments, please reference Docket ID number EPA-HQ-OAR-2008-0205, and follow the instructions provided in Section H of the preamble to this issue of the Regulatory Agenda. The results of EPA's review will be summarized in a report and placed in the rulemaking docket referenced above. This docket can be accessed at [www.regulations.gov](http://www.regulations.gov).

**Timetable:**

Action	Date	FR Cite
Final Rule	09/11/98	63 FR 48848
Begin Review	05/00/08	
End Comment Period	08/00/08	
End Review	12/00/08	

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

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RIN: 2060-AP09

## Environmental Protection Agency (EPA)

Proposed Rule Stage

## Clean Air Act (CAA)

#### 245. • RENEWABLE FUELS STANDARD PROGRAM

**Legal Authority:** CAA 211(o)

**Abstract:** This action will implement certain provisions in Title II of the 2007 Energy Independence and Security Act that amend Section 211 (o) of the Clean Air Act. The new law sets a modified standard for renewable fuels increasing the national requirement to 9.0 billion gallons in 2008 and rising to 36 billion gallons by 2022. Of the latter total, 21 billion gallons is required to be obtained from cellulosic ethanol and other advanced biofuels. Starting in 2016, all of the increase in the RFS

target must be met with advanced biofuels, defined as cellulosic ethanol and other biofuels derived from feedstock other than corn starch—with explicit standards for cellulosic biofuels and biomass-based diesel. Renewable fuels produced from new biorefineries will be required to reduce by at least 20 percent the life cycle greenhouse gas (GHG) emissions relative to life cycle emissions from gasoline and diesel.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	

**Regulatory Flexibility Analysis****Required:** Yes

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RIN: 2060-AO81

**Environmental Protection Agency (EPA)**  
**Clean Air Act (CAA)**

Final Rule Stage

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

**Legal Authority:** 42 USC 7521 to 7601(a)

**Abstract:** In this rulemaking, EPA is promulgating exhaust emission standards for new nonroad spark-ignition engines that will substantially reduce emissions from these engines. The standards would apply starting in 2009 for new marine spark-ignition engines, including first-time EPA standards for sterndrive and inboard engines. The standards would apply starting in 2011 and 2012 for different sizes of new land-based, spark-ignition engines at or below 19 kilowatts (kW), which is equivalent to about 25 horsepower. These small engines are used primarily in lawn and garden applications. We are also promulgating evaporative emission standards for vessels and equipment using any of these engines. Nationwide, these

emission sources contribute to ozone, carbon monoxide (CO), and particulate matter (PM) nonattainment.

We estimate that by 2030, this rule would result in significantly reduced pollutant emissions from regulated engine and equipment sources, including estimated annual nationwide reductions of 631,000 tons of volatile organic hydrocarbon emissions, 98,200 tons of NO<sub>x</sub> emissions, and 6,300 tons of direct particulate matter (PM<sub>2.5</sub>) emissions. These reductions correspond to significant reductions in the formation of ground-level ozone. We would also expect to see annual reductions of 2,690,000 tons of carbon monoxide emissions, with the greatest reductions in areas where there have been problems with individual exposures. The requirements in this rule will substantially benefit public health and welfare and the environment. We estimate that by 2030, the rule's emission reductions would

annually prevent 450 PM-related premature deaths, approximately 500 hospitalizations, and 52,000 work days lost. The total estimated annual benefits of the rule in 2030 would be \$3.4 billion. Estimated costs in 2030 would be many times less at \$240 million.

**Timetable:**

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

**Regulatory Flexibility Analysis  
Required: Yes**

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**RIN:** 2060-AM34

**Environmental Protection Agency (EPA)**  
**Toxic Substances Control Act (TSCA)**

Completed Actions

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

**Legal Authority:** 15 USC 2682 TSCA sec 402 ; 15 USC 2684 TSCA sec 404

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

regarding the regulation, lead-safe work practices, and training opportunities. Consumer outreach will be designed to expand consumer awareness, and create demand for the use of lead-safe work practices. EPA plans to finalize and begin implementation of the Renovation, Repair and Painting Program regulations in 2008. EPA proposed these regulations on January 10, 2006 and amended that proposal on June 5, 2007 to include child occupied facilities within the scope of the rule. The regulation should minimize the introduction of lead hazards resulting from the disturbance of lead-based paint during renovation, repair, and painting activities. The regulations would require contractors conducting renovation, repair and painting activities in most target housing and

child occupied facilities to be trained, certified, and to follow work practice standards designed to minimize the creation of lead hazards.

**Completed:**

Reason	Date	FR Cite
Final Action	04/22/08	73 FR 21691

**Regulatory Flexibility Analysis  
Required: Yes**

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**RIN:** 2070-AC83

**Environmental Protection Agency (EPA)  
Safe Drinking Water Act (SDWA)**

Prerule Stage

**248. • NATIONAL PRIMARY DRINKING WATER REGULATIONS: STAGE 1 DISINFECTANT AND DISINFECTION BY-PRODUCTS RULE (SECTION 610 REVIEW)**
**Legal Authority:** Not Yet Determined

**Abstract:** Congress required EPA to promulgate a Stage 1 and a Stage 2 Disinfectants and Disinfection By-products Rule (DBPR) as part of the 1996 Safe Drinking Water Act Amendments (section 1412 (b)(2)(C)).“ The Stage 1 DBPR was finalized in 1998 (63 FR 69390, December 16, 1998). Under the Stage 1 DBPR, EPA set maximum disinfectant level goals or maximum contaminant level goals for several disinfectants and disinfection by-products. EPA also set monitoring, reporting and public notification requirements for these compounds. EPA performed a regulatory flexibility analysis pursuant to the Regulatory Flexibility Act (5 U.S.C. 604) and was not able to certify that the final Stage 1 DBPR will not have a significant economic impact on a substantial number of small entities.

The Stage 2 DBPR (71 FR 388, January 4, 2006) augments Stage 1 DBPR. EPA re-evaluated the Stage 1 DBPR and worked with stakeholders to develop the Stage 2 DBPR through consultation

with a DBPR Federal Advisory Committee (including small water system owners); State, local and tribal governments; the National Drinking Water Advisory Committee; the Science Advisory Board; a Small Business Regulatory Enforcement Fairness Act consultation; a pre-proposal draft for comment, as well as formal notice and public comment on the proposed Stage 2 DBPR.

This new entry in the regulatory agenda announces that while EPA has taken steps to evaluate and mitigate impacts on small entities of the Stage 1 DBPR as part of the promulgation of the final Stage 2 DBPR, pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610), EPA will review the Stage 1 DBPR. As part of this review, EPA will consider and solicits comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. Based on the evaluation of the Stage 1 DBPR during the promulgation

of the Stage 2 DBPR, EPA believes there is a continued need for the Stage 1 DBPR. Comments must be received by August 4, 2008. In submitting comments, please reference Docket ID EPA-HQ-OW-2008-0226 and follow the instructions provided in Section H of the preamble to this issue of the Regulatory Agenda. This docket can be accessed at [www.regulations.gov](http://www.regulations.gov).

**Timetable:**

Action	Date	FR Cite
Final Rule	12/16/98	63 FR 69389
Begin Review	05/00/08	
End Comment Period	08/00/08	
End Review	12/00/08	

**Regulatory Flexibility Analysis Required:** No

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**RIN:** 2040-AE97

**Environmental Protection Agency (EPA)  
Safe Drinking Water Act (SDWA)**

Long-Term Actions

**249. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADON**
**Legal Authority:** 42 USC 300f et seq

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

**Timetable:**

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM Original	07/18/91	56 FR 33050
Notice 99	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
Final Action	04/00/11	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 2040-AA94

**250. NATIONAL PRIMARY DRINKING WATER REGULATIONS: REVISIONS TO THE TOTAL COLIFORM MONITORING AND ANALYTICAL REQUIREMENTS AND CONSIDERATION OF DISTRIBUTION SYSTEM ISSUES**
**Legal Authority:** 42 USC 300f et seq

**Abstract:** EPA is revising the Total Coliform Rule (TCR), which was published in 1989. On July 18, 2003, EPA published a Federal Register (68 FR 42907) Notice of Intent to revise the TCR. EPA intends revisions to the TCR to maintain or provide for greater human health protection than under the existing TCR while improving system efficiency. A Federal Advisory Committee recommended that EPA, as

## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

part of the TCR 6-year review process, “initiate a process for addressing cross-connection control and backflow prevention requirements and consider additional distribution system requirements related to significant health risks.” The original TCR, promulgated in 1989, protects human health by requiring microbial monitoring in drinking water distribution systems. The TCR does not include distribution system corrective or protective requirements to reduce contamination from coliforms and other contaminants. Since then, EPA has gained a better understanding of distribution system impacts on human health and, therefore, intends to

strengthen the TCR and to consider how to address distribution system contamination issues. The process to do so involves a performance evaluation, development of issue papers on both distribution systems and total coliform, stakeholders meetings, and proposed and final rules. EPA has also convened a Federal Advisory Committee to address the TCR revisions and to consider distribution system issues.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/10	
Final Action	10/00/12	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 2040-AD94

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