



U.S. Environmental Protection Agency (EPA)

## August 2008 Action Initiation List (as of 9/09/2008)

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

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

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

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

RIN	Action Title	Stage	Contact	Abstract	Projected Publication Date
2020-AA48	Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions	Direct Final	Robert Hargrove 202-564-7157 <a href="mailto:Hargrove.Robert@epa.gov">Hargrove.Robert@epa.gov</a>	The Environmental Protection Agency is taking direct final action on its revisions to "Procedures for Implementing the National Environmental Policy Act and Assessing the Effects Abroad of EPA Actions." These revisions make two minor, technical corrections to the regulations. The first change is to correct the number of extraordinary circumstances from 14 to 10, as referenced at 40 CFR Part 6.204 (f)(2)(vi). The second change clarifies the language in a categorical exclusion (found at 40 CFR Part 6.204 (a)(2)(ii)) to include vacant land. Neither of these changes affects the substantive conditions of the regulations.	12 months or less

RIN	Action Title	Stage	Contact	Abstract	Projected Publication Date
2060-AP31	Protocols for Monitoring and Measuring Mercury Emissions	Direct Final	William Grimley 919-541-1065 <a href="mailto:Grimley.William@epa.gov">Grimley.William@epa.gov</a>	This action would codify two optional mercury emissions test methods and two optional performance specifications for mercury emissions monitoring. These standardized test methods and monitoring specifications may be used at the discretion of emission sources, states, testing organizations and others to characterize vapor phase mercury emissions from boilers and other sources of mercury; the test methods may also be used to perform relative accuracy test audits of mercury emissions monitoring systems. The mercury test methods, an instrumental test method and a sorbent trap-based test method, may be preferred over existing standardized mercury test methods because of decreased costs, simpler implementation, and/or more timely results; they will be codified in Appendix A of 40 CFR Part 60. The mercury monitoring specifications will provide for standardization of mercury monitoring measurements and would be codified in Appendix B of 40 CFR Part 60. This action does not change any emission standards or add any recordkeeping or reporting requirements.	12 months or less
2020-AA01	Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency	Final	Peggy Love 202-564-1784 <a href="mailto:Love.Peggy@epa.gov">Love.Peggy@epa.gov</a>	The Environmental Protection Agency will, with the concurrence of the Office of Government Ethics (OGE), revise the Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency (regulation) at 5 C.F.R. Part 6401. The regulation supplements the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) issued by OGE. The revisions to the regulation are necessary to update, clarify, and address ethical issues unique to EPA employees. The regulation prohibits certain EPA employees from holding certain financial interests, including compensated outside employment with certain persons; and it requires EPA employees to obtain prior approval to engage in certain categories of outside employment.	12 months or less

RIN	Action Title	Stage	Contact	Abstract	Projected Publication Date
2040-AF01	Repeal of Regulation Identifying "Dumping Sites Designated on an Interim Basis" under the Marine Protection, Research, and Sanctuaries Act	Direct Final	Katherine Weiler 202-566-1280 <a href="mailto:Weiler.Katherine@epa.gov">Weiler.Katherine@epa.gov</a>	This final rule would remove 40 CFR 228.14 "Dumping sites designated on an interim basis" from the Ocean Dumping regulations. Under section 506 of the Water Resources Development Act (WRDA) of 1992, the authority to use these dumping sites expired in January 1997. Though no interim sites have been designated since the WRDA amendments, the interim site designation has been revised three times since then to delete individual sites that were designated on a final basis. The removal of section 228.14 is needed as a housekeeping measure to implement the 1992 Act. Additionally, the regulated community is confused by the fact that the interim sites are listed in the regulation yet unavailable for use.	12 months or less
2050-AG47	Direct Final Rule (with companion NPRM) to Add Reference to New Forestland Phase I Standard to Referenced Compliant Standards in All Appropriate Inquires Final Rule	Direct Final	Patricia Overmeyer 202-566-2774 <a href="mailto:Overmeyer.Patricia@epa.gov">Overmeyer.Patricia@epa.gov</a>	This action will recognize the recently revised "ASTM E2247-08 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property" as a compliant reference standard for the All Appropriate Inquiries Final Rule (AAI). The AAI final rule will be revised to add the new standard to the list of referenced standards in 40 CFR 312.11. By taking this action (Direct Final Rule with accompanying NPRM), EPA will be complying with the National Technology Transfer and Advancement Act of 1995 (NTTAA), which directs EPA to use voluntary consensus standards in its regulatory activities. ASTM International, a voluntary standards development organization, formally requested that EPA recognize the E2247-08 standard as compliant with the AAI final rule in a letter to Assistant Administrator Susan Bodine dated June 17, 2008.	12 months or less

RIN	Action Title	Stage	Contact	Abstract	Projected Publication Date
2025-AA23	Cross-Media Electronic Reporting Regulation (CROMERR) Technical Amendment -- Direct Final Action	Direct Final	Evi Huffer 202-566-1697 <a href="mailto:Huffer.Evi@epa.gov">Huffer.Evi@epa.gov</a>	<p>EPA published the final Cross-Media Electronic Reporting Rule (CROMERR) on October 13, 2005. The rule establishes a legal framework for electronic reporting by regulated entities to EPA and states, tribes, and local governments that are authorized to administer EPA programs. Specifically CROMERR (1) removes all regulatory obstacles to e-reporting under EPA and EPA-authorized programs; (2) sets requirements for electronic reporting to EPA; (3) requires EPA approval of modifications or revisions to authorized programs that allow or wish to allow e-reporting; (4) creates a special, optional process for obtaining EPA approval of program modifications or revisions to e-reporting and (5) sets mandatory standards for e-reporting systems operated by authorized programs. CROMERR applies to any document submissions required by or permitted under EPA or any authorized program governed by EPA's regulations in Title 40 of the Code of Federal Regulations (CFR), if it is submitted electronically.</p> <p>State, tribal and local government applicants that have an existing electronic document receiving system (as defined in §3.3 of the regulation), originally had until October 13, 2007, to submit their applications to apply for EPA approval of their system under CROMERR. On October 2, 2007, a direct final rulemaking to extend the October 13, 2007, Cross-Media Electronic Reporting Regulation (CROMERR) deadline for authorized programs (states, tribes, or local governments) with existing electronic document receiving systems became effective. Under §3.1000(a)(3) of CROMERR, authorized program applicants that have an existing electronic document receiving system now have until October 13, 2008, to submit their applications for EPA approval of their system under CROMERR.</p> <p>This action would extend the October 13, 2008 deadline for existing systems by fifteen (15) months, to January 13, 2010, to provide additional time for authorized programs to develop their applications and upgrade their systems, if required.</p>	12 months or less

## What EPA Actions Appear on the AILs?

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

## What Does Each Column in the AIL Mean?

### RIN

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

### Title

Self-explanatory.

### Stage

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

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

### Contact

Self-explanatory.

### Abstract

A brief summary of the action and its purpose.

### Projected Publication Date

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