



U.S. Environmental Protection Agency (EPA)

September 2008 Action Initiation List (as of 10/09/2008)

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
2025-AA24	Toxics Release Inventory (TRI) Articles Exemption Clarification Proposed Rule	NPRM	Steven DeBord 202-566-0731 DeBord.Steven@epa.gov	Toxics Release Inventory (TRI) reporting is required by Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA). The purpose of this proposed rule is to clarify the scope of the exemption from TRI reporting requirements for items that qualify as articles. [See 40 C.F.R. Section 372.38(b).] EPA believes that language contained in the regulation and the subsequent guidance should be clarified for the regulated community concerning what items qualify as articles and are therefore exempt from TRI threshold determinations and TRI release and other waste management calculations and reporting. In this rulemaking EPA proposes to clarify that an item may not be considered an article after it has been manufactured if the manufactured item, and all like items considered together, continue to release more than 0.5 pound of a toxic chemical over the course of the calendar year.	12 months or less

RIN	Action Title	Stage	Contact	Abstract	Projected Publication Date
2060-AP33	National Volatile Organic Compound Emission Standards for Aerosol Coatings; Amendments	Direct Final	Kaye Whitfield 919-541-2509 Whitfield.Kaye@epa.gov	Under this rule, regulated entities are allowed to petition the Agency to add compounds to the Tables of Reactivity Factors (Tables 2A, 2B, and 2C). This is a new action in response to the petitions the Agency received since promulgation. Three petitions were received from regulated entities. This action will add compounds to Table 2 and make minor corrections.	12 months or less
2060-AP35	Rulemaking to Reaffirm and Repromulgate Revisions to the Acid Rain Program Rules	Direct Final	Meg Victor 202-343-9193 Victor.Meg@epa.gov	This action will repromulgate certain long-standing Acid Rain Program (ARP) provisions. The action will not change any existing provisions of the ARP rules but will ensure that existing provisions, which have been in effect and in use since 2006, will remain in effect. The Federal Register notices promulgating the Clean Air Interstate Rule (CAIR) and CAIR Federal Implementation Plan (FIP), published May 12, 2005 and April 28, 2006, respectively, included three types of revisions to the ARP rules. These revisions would have been adopted even in the absence of CAIR and the CAIR FIP. The first type of ARP revisions changed the allowance-holding and -transfer requirements in the SO2 trading program from unit-level to facility-level. The second type of ARP revisions explicitly allowed the use of agents by designated representatives, while holding designated representatives ultimately responsible for any agent's actions. The third type of ARP revisions was a miscellaneous group of minor, technical changes streamlining the ARP rules. After the ARP revisions were final and effective, EPA modified its electronic allowance tracking system and electronic emissions reporting system to reflect these revisions by, for example, removing individual-unit allowance accounts and creating instead allowance accounts for each facility or "source". All three types of revisions were implemented in 2006, and many of the revisions, particularly the first two types of revisions, have been widely used by regulated companies since mid-2006. On July 11, 2008 the U.S. Court of Appeals for the D.C. Circuit vacated the CAIR and CAIR FIP rules but has not yet issued its mandate in the case. Absent clarification by the Court that the ARP revisions are outside the scope of the vacatur, the issuance of the mandate may effectively require EPA to remove these revisions from the ARP rules. Removal of these ARP revisions, particularly those concerning the allowance-holding and-transfer and designated representatives' use of agents, would potentially interfere with EPA's ability to run the existing allowance and emissions tracking systems and thus would potentially disrupt operation of the ARP and the SO2 allowance market. To ensure that such disruption is avoided, EPA will, in this action, repromulgate these ARP revisions unchanged.	12 months or less

RIN	Action Title	Stage	Contact	Abstract	Projected Publication Date
2060-AP36	National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines	NPRM	Melanie King 919-541-2469 King.Melanie@epa.gov	<p>This action will develop national emission standards for hazardous air pollutants (NESHAP) for existing stationary reciprocating internal combustion engines (RICE) smaller than 500 horsepower (hp) located at major sources, as well as existing stationary RICE located at area sources. Stationary RICE are listed as significant emitters of hazardous air pollutants (HAP) under section 112 of the CAA. The EPA has previously promulgated a NESHAP for new stationary RICE located at major sources and area sources. This regulation will complete our statutory obligation to set MACT standards for stationary engines at major and area sources.</p> <p>This rule will also address emissions of existing diesel engines. EPA is under a settlement agreement to propose emission standards for hazardous air pollutants for non-emergency stationary diesel engines of 300 HP or greater manufactured prior to 1996. The standards for these engines will be included in this rulemaking.</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 15th).

What Does Each Column in the AIL Mean?

RIN

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

Title

Self-explanatory.

Stage

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

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

Contact

Self-explanatory.

Abstract

A brief summary of the action and its purpose.

Projected Publication Date

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