

February 16, 2017

Bi-Annual Update #2

The U.S. Environmental Protection Agency (EPA) is initiating a rulemaking pursuant to Clean Water Act (CWA) section 311(j)(1)(C), which provides that EPA establish "procedures, methods, and equipment and other requirements for equipment to prevent discharges of ... hazardous substances from ... onshore ... facilities, and to contain such discharges." The purpose of this letter to provide the second bi-annual update on the progress in the development of the proposed rule, and any subsequent final rule.

Since August 16, 2016, EPA:

- Established a rulemaking workgroup under the agency's Action Development Process;
- Continued research and analysis of hazardous substances and existing regulatory provisions that may affect hazardous substance spill prevention;
- Began work on issue papers, briefing materials, background documents, language, and administrative requirements needed to develop the ICR and regulatory action;
- Held three opportunities for public input on the regulatory action: one in-person meeting in Charleston, WV on November 2, and two virtual web meetings on November 29 and December 1. All were advertised on our website.
- Made available on our website a summary of the comments received at the public meetings: <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/hazardous-substances-spill-prevention-bi-annual>

In the next six months EPA expects to:

- Continue to work on issue papers, briefing materials, background documents, language, and administrative requirements needed to develop the ICR and regulatory action; and
- Continue to follow the agency's Action Development Process.