ENVIRONMENTAL PROTECTION AGENCY (EPA)

Statement of Priorities

OVERVIEW

Established in 1970, the Environmental Protection Agency is the primary federal agency responsible for protecting public health and the environment by improving air, land and water quality. EPA Administrator Lisa Jackson has embarked on an ambitious effort to restore momentum to EPA's core programs while also tackling emerging challenges such as climate change. Underlying this effort is the premise that environmental protection and economic growth are mutually achievable – that we can increase economic activity and create new jobs while we reduce harmful emissions and the dependence on polluting sources of energy. The Agency is dedicated to upholding the following values in its efforts to maintain the strongest level of environmental protection:

Scientific Integrity. The public health and environmental laws that Congress has enacted depend on rigorous adherence to the best available science. Scientific findings should be independent, using well-established scientific methods, including peer review, to assure rigor, accuracy, and impartiality.

Following the Rule of Law. EPA recognizes that respect for Congressional mandates and judicial decisions is the hallmark of a principled regulatory agency. Where EPA exercises discretion, it must be conducted in good faith and in keeping with the directives of Congress and the courts.

Transparency. EPA will apply the principles of transparency and openness to the rulemaking process. Public trust in the Agency demands that EPA reach out to all stakeholders fairly and impartially, that EPA consider the views and data presented carefully and objectively, and that EPA fully disclose the information that forms the bases for our decisions.

Environmental Justice. For generations, pollution has been a disproportionate problem in low-income and minority communities, particularly for the children in those communities. EPA is initiating major improvements with outreach and interaction with those who have been historically underrepresented in agency decision making, including the disenfranchised in cities and rural areas, communities of color, native Americans, and people disproportionately impacted by pollution. EPA will identify, where possible, the public health or environmental impacts of policies, programs and activities on these communities and take action, as appropriate, to address such impacts.

The American Recovery and Reinvestment Act

Environmental protection and economic growth are complementary goals. With its partners, EPA is overseeing investment from the American Recovery and Reinvestment Act (ARRA) of 2009 in ''green jobs'' and a healthier environment. To reach this goal, $7.22 billion has been designated for projects and programs administered by EPA. To support a green economy and a green environment, EPA lends support to innovation, investment and technology in the following environmental areas:

- **Water Infrastructure Improvements for Communities:** $4 billion for state clean water funding and $2 billion for state drinking water funding. This new infusion of money will help states and local government finance many of the overdue improvements to public waters and wastewater systems that are essential to protecting public health and assuring good water quality. 20 percent of this funding will be targeted towards green infrastructure, water and energy efficiency, and environmentally innovative projects.
- **Brownfield Restorations:** $100 million for grants to clean up and return former industrial and commercial sites to their communities for productive use. $5 million dollars is set aside for job training in the assessment and remediation of these sites.
- **Diesel Emissions Reductions:** $300 million for grants and loans to help regional, state and local governments, tribes, and non-profit organizations with projects that reduce harmful diesel emissions from vehicles like school buses, garbage trucks, construction equipment, marine vessels, and locomotives. Reducing emissions helps to reduce the risk of asthma, respiratory illnesses and premature deaths.
- **Accelerating Superfund Site Cleanups:** $600 million for the cleanup of hazardous wastes from sites. EPA will use this funding to increase the pace of these cleanups already underway, and return the sites to our communities for productive use.
- **Accelerating Leaking Underground Storage Tank Cleanups:** $200 million for the cleanup of petroleum leaks that occurred from underground storage tanks. There are approximately 100,000 sites eligible for cleanup where leaks threaten soil or water quality or result in fire or explosion hazards.
- **Responsible Oversight:** $20 million for the EPA Office of Inspector General for audits, evaluations, investigations and oversight of the Recovery Act funding to ensure that every penny is spent on projects that benefit Americans.

EPA has a number of successes in fulfilling its obligations under the American Recovery and Reinvestment Act.

- In the first EPA-related award under the American Recovery and Reinvestment Act, EPA devoted nearly $100 million in environmental funding to be invested in Colorado. This includes more than $65 million for improving drinking water and wastewater infrastructure, $2.5 million for leaking underground storage tanks and $2 million for revitalizing Brownfield sites.
- In the single largest grant in its history, EPA awarded more than $430 million to the State of New York for wastewater infrastructure projects that will create thousands of jobs, jumpstart local economies and protect human health and the environment across the state. The state will use the Recovery Act grant to provide money to municipal and county governments and wastewater utilities for projects to protect lakes, ponds and streams in communities across New York.
- The Iron Mountain Mine Superfund site near Redding, California, will receive between $10-25 million that will make it possible to dredge, treat, and dispose of heavy-metal contaminated sediments in the Spring Creek Arm of the Kewich Reservoir in 18 months, rather than three years.

EPA's portion of the ARRA will encourage further growth in a greener workforce by creating sustainable jobs that help produce cleaner drinking water, purer air, environmentally friendly urban and rural re-development, and reduced greenhouse gases. For new information on the state-by-state distributions for EPA's ARRA funds, see http://www.epa.gov/recovery.

HIGHLIGHTS OF EPA'S REGULATORY PLAN

In developing its agenda, five priorities form the core of EPA's regulatory focus:

Climate Change

In the U.S., energy-related activities account for three-quarters of human-generated greenhouse gas emissions, mostly in the form of carbon dioxide emissions from burning fossil fuels. More than half the energy-related emissions come from large stationary sources such as power plants, while about a third comes from transportation. Industrial processes (such as the production of cement, steel, and aluminum), agriculture, forestry, other land use, and waste management are also important sources of greenhouse gas emissions in the United States. This year, EPA is taking the first Federal regulatory steps to address the problem of global climate change.

New Mandatory Greenhouse Gas Reporting. In the fall of 2009, EPA will publish a final rule requiring mandatory reporting of greenhouse gas emissions from targeted sectors of the economy. This rule, funds for which were designated by the FY2008 Consolidated Appropriations Act, establishes monitoring, reporting, and recordkeeping requirements on facilities that produce, import, or emit greenhouse gases above a specific threshold in order to provide comprehensive and accurate data to support a range of future climate policy options.

Recognition that Greenhouse Gases Pose a Danger to Public Health and Welfare. On April 24, 2009, the Administrator proposed Endangerment and Cause or Contribute Findings under section 202(a) of the Clean Air Act. This action, in response to a 2007 Supreme Court decision, proposed to find that the current and projected concentrations of the mix of six key greenhouse gases - carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF6) - in the atmosphere endanger the public health and welfare of current and future generations through climate change. As part of this action, the Administrator further proposed to find that the combined emissions of four of these six greenhouse gases from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these key greenhouse gases and hence to the threat of climate change.

Vehicle Emissions. In the fall of 2009, EPA will propose to set national emissions standards under section 202 (a) of the Clean Air Act to control greenhouse gas (GHG) emissions from passenger cars and light-duty trucks, and medium-duty passenger vehicles, as part of a joint rulemaking with National Highway Traffic and Safety Administration (NHTSA). This joint rulemaking effort was announced by President Obama on May 19, 2009. The GHG standards would significantly reduce the GHG emissions from these light-duty vehicles.

Renewable Fuels Standard. In May of 2009, EPA proposed a rule that will address climate change and energy security by increasing the nation's use of renewable fuels. This rulemaking implements provisions in Title II of the 2007 Energy Independence and Security Act (EISA) that amend Section 211(o) of the Clean Air Act. The amendments revise the National Renewable Fuels Standard Program in the United States, increasing the national requirement to a total of 36 billion gallons of total renewable fuel in 2022. The amendments also establish new eligibility requirements for meeting the renewable fuel standards, including the establishment of minimum lifecycle greenhouse gas reduction thresholds for the various categories of renewable fuels.

For more information about these regulatory actions, as well as information about other programs and activities related to climate change, please visit http://www.epa.gov/climatechange/ or http://www.epa.gov/otaq/climate/regulations.htm.

Improving Air Quality

The U.S. continues to face serious air pollution challenges, with large areas of the country that still cannot meet federal air quality standards and many communities still facing health threats from exposure to toxics. While EPA has made tremendous progress toward achieving clean, healthy air that is safe to breathe, air pollution continues to be a great problem. The average adult breathes more than 3000 gallons of air every day, and children breathe more air per pound of body weight. Air pollutants can remain in the environment for long periods of time and can be carried by the wind hundreds of miles from their origin.

Ambient Air Quality. This year's Regulatory Plan describes efforts to review the National Ambient Air Quality Standards (NAAQS) for oxides of nitrogen, oxides of sulfur, ozone, and particulates. The Clean Air Act requires EPA to review the NAAQS every 5 years for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) and, if appropriate, revise these standards. Each review consists of an exhaustive assessment of the current scientific evidence detailing the health and welfare effects of exposure to the pollutants, and a policy assessment of the policy implications of that evidence. Each review will conclude with the EPA Administrator either retaining or revising the standards, taking into consideration the views of independent scientists and the public.

Reducing Harmful Emissions from Power Plants. Under the federal structure set up by the Clean Air Act, it is the States who are primarily responsible for bringing about the pollutant emission reductions necessary to reach attainment with the NAAQS. However, EPA does help achieve these reductions through national programs requiring emission reductions from both mobile and stationary sources. This Regulatory Plan describes one particularly significant such program — the Clean Air Transport Rule — which employs a market-based ''cap and trade'' program to bring about broad reductions in sulfur dioxide and nitrogen oxides from power plants in the eastern half of the United States. This program is designed to reduce the amount of pollution that is transported by the wind over long distances. This transported pollution can be a large part of the total pollution in many eastern cities, and controlling it nationally is a crucial complement to the States' efforts to achieve clean air.

Cleaner Air from Improved Technology. EPA continues to address toxic air pollution under authority of the Clean Air Act Amendments of 1990. The centerpiece of this effort is the ''Maximum Achievable Control Technology'' (MACT) program, which requires that all major sources of a given type use emission controls that better reflect the current state of the art. One of these efforts is by setting standards for industrial, commercial, and institutional boilers and process heaters.

For more information about these regulatory actions, as well as information about other programs and activities related to air quality, please visit http://www.epa.gov/ttn/naaqs/.

Management of Chemical Risks

EPA's Administrator has highlighted the need to strengthen EPA's chemical management program as one of her priorities coming in to the Agency. As part of this process, the Agency is evaluating its existing chemicals program to determine how best to ramp up efforts to assess, prioritize and take risk management action on chemicals of concern. EPA intends to announce the specifics of this effort and will seek public input.

Protection from Lead During and After Renovation. EPA is continuing its efforts to implement the final Lead; Renovation, Repair, and Painting Program Rule that was issued in 2008. As part of these efforts, EPA will be developing revisions to the rule to address several issues raised in litigation, including the universe of housing where lead-safe work practices are required, the provision of additional information on renovation activities to owners and occupants, and possibly additional requirements to ensure that renovation work areas have been adequately cleaned after renovation work has been finished and before the areas are re-occupied.

For more information about these regulatory actions, as well as information about other programs and activities related to the management of chemical risks, please visit http://www.epa.gov/oppts/.

Cleaning up Hazardous Waste

EPA envisions communities where blighted properties are transformed into safe and productive parcels, and threats to human health are properly mitigated, leading to jobs and a reinvestment in land, communities, and citizens. EPA's Office of Solid Waste and Emergency Response (OSWER) contributes to the Agency's overall mission of protecting public health and the environment by focusing on, preparing for, preventing and responding to chemical and oil spills, accidents, and emergencies; enhancing homeland security; increasing the beneficial use and recycling of secondary materials, the safe management of wastes and cleaning up contaminated property and making it available for reuse. Several regulatory priorities for the upcoming fiscal year will promote stewardship and resource conservation and focus regulatory efforts on risk reduction and statutory compliance.

Spill Prevention Control, and Countermeasures. EPA is considering amending the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements issued on December 5, 2008 (73 FR 74236), based on comments received on a February 2009 notice. The rule, when finalized, will streamline and reduce the burden imposed on the regulated community for complying with these SPCC requirements, while maintaining protection of human health and the environment.

Financial Responsibility. Under Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), EPA is to promulgate requirements that require certain classes of facilities to establish and maintain evidence of financial responsibility consistent with the degree and duration of risks from the production, treatment, and transportation, storage or disposal of CERCLA hazardous substances. Additionally, EPA is to publish a notice of the classes of facilities for which financial responsibility requirements will be first developed. To fulfill the notice requirement, EPA identified the certain classes of facilities within the hardrock mining industry as the classes of facilities for which the Agency will first develop financial responsibility requirements under CERCLA 108(b). In addition, the Agency plans to publish a notice by December 2009 in which it will identify other possible classes of facilities for which the Agency will consider developing financial responsibility requirements.

Protection from Inadequate Management of Coal Waste. Coal Combustion Residuals (CCRs) comprise one of the largest industrial waste streams. To protect the public from human health risks and to prevent environmental damage resulting from present disposal practices, EPA expects to propose a rule by December 2009 for the management of CCRs in landfills and surface impoundments. In developing the proposed rule, the Agency will consider comments it received on its August 2007 notice of data availability, plus any additional information that the Agency has collected or has been provided regarding the management of these residuals.

For more information about these regulatory actions, as well as information about other programs and activities related to hazardous waste, please visit http://www.epa.gov/oswer/.

Protecting America's Water

EPA will intensify its work to restore water quality protections in our nation's streams, rivers, lakes, bays, oceans and aquifers. EPA will make robust use of its authority to restore threatened treasures such as the Great Lakes and the Chesapeake Bay, address neglected urban rivers, strengthen drinking water safety programs, and reduce pollution from industrial and non-industrial discharges. Three regulatory priorities for the coming fiscal year will help achieve some of these goals.

Improving Water Quality. EPA plans to address challenging water quality problems in two rulemakings during Fiscal Year 2010. First, the Agency will publish final standards to address erosion and sediment discharges associated with construction and development activities. Later in the fiscal year, EPA plans to solicit comment on proposed standards for cooling water intakes for electric power plants and for other manufacturers who use large amounts of cooling water. The goal of the proposed rule will be to protect aquatic organisms from being killed or injured through impingement or entrainment.

For more information about these regulatory actions, as well as information about other programs and activities related to water, please visit http://www.epa.gov/ow/.

Aggregate Costs and Benefits

EPA has calculated a combined aggregate estimate of the costs and benefits of regulations included in the Regulatory Plan. For the fiscal year 2009, EPA has been able to gather sufficient data on seven of the twenty-two anticipated regulations to include them in an aggregate estimate. For the remaining actions, costs and benefits have not yet been calculated for various reasons. The regulations included in the aggregate estimate of costs and benefits are:

- Primary NAAQS for Nitrogen Dioxide (2060-AO19);
- Control of Emissions from New Marine Compression-Ignition Engines (2060-AO38);
- EPA/NHTSA Joint Rulemaking for Light-Duty GHG Emission and CAFE Standards (2060-AP58);
- Combined Rulemaking for Industrial, Commercial, and Institutional Boilers and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources (2060-AM44);
- Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule, 40 CFR 112 (2050-AG16);
- Standards for Cooling Water Intake Structures (2040-AE95); and

- Effluent Limitations Guidelines and Standards for the Construction and Development (C&D) Point Source Category (2040-AE91).

EPA obtained aggregate estimates of total costs and benefits assuming both a three percent discount rate and a seven percent discount rate. However, one of the regulations listed above (C&D) was not included in the seven percent aggregation due to lack of data. Given a three percent discount rate, benefits range from $114 billion to $360 billion while the costs range from $17 billion to $30 billion. With a seven percent discount rate, and omitting one rule, benefits range from $75 billion to $305 billion. Costs with a seven percent discount rate range from $12 billion to $22 billion. In both cases, cost savings were treated as benefits, and all values are converted to 2008 dollars using a GDP deflator.

These results should be considered with caution. As with any aggregate estimate of total costs and benefits, these estimates must be highly qualified. First, there are significant gaps in data. In general, the benefits estimates reported above do not include values for benefits that have been quantified but not monetized and missing values for qualitative benefits, such as some human health benefits and ecosystem health improvements. Second, methodologies and types of costs/benefits considered are inconsistent, as are the units of analysis. Some of the costs/benefits are described as annualized values, while other values are specific to one year. Third, problems with aggregation can arise from differing baselines. Finally, the ranges presented do not reflect the full range of uncertainty in the benefit and cost estimates for these rules.

Rules Expected to Affect Small Entities

By better coordinating small business activities, EPA aims to improve its technical assistance and outreach efforts, minimize burdens to small businesses in its regulations, and simplify small businesses' participation in its voluntary programs. A number of rules included in this Plan might be of particular interest to small businesses including:

- Combined Rulemaking for Industrial, Commercial, and Institutional Boilers and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources (2060-AM44);
- Renewable Fuel Standard Program (2060-AO810).

CONCLUSION

EPA's Regulatory Plan is an important element of the Agency's strategy for achieving environmental results within the framework described above. Taken as a whole, the Agency's Regulatory Plan will ensure that the Nation continues to achieve improvements in environmental quality while at the same time promoting economic growth.

EPA

PRERULE STAGE

133. • LEAD; RENOVATION, REPAIR, AND PAINTING PROGRAM FOR PUBLIC AND COMMERCIAL BUILDINGS

Priority:

Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates:

Undetermined

Legal Authority:

15 USC 2682(c)(3)

CFR Citation:

40 CFR 745

Legal Deadline:

Other, Judicial, April 22, 2010, Advance Notice of Proposed Rulemaking.

NPRM, Judicial, December 15, 2011.

Final, Judicial, July 15, 2013.

Abstract:

Section 402(c)(3) of the Toxic Substances Control Act (TSCA) requires EPA to regulate renovation or remodeling activities in target housing (most pre-1978 housing), pre-1978 public buildings, and commercial buildings that create lead-based paint hazards. On April 22, 2008, EPA issued a final rule to address lead-based paint hazards created by these activities in target housing and child-occupied facilities built before 1978. In this rule, child-occupied facilities are a subset of public and commercial buildings or facilities where children under age 6 spend a great deal of time. The 2008 rule established requirements for training renovators, other renovation workers, and dust sampling technicians; for certifying renovators, dust sampling technicians, and renovation firms; for accrediting providers of renovation and dust sampling technician training; for renovation work practices; and for recordkeeping. This new rulemaking will address renovation or remodeling activities in the remaining buildings described in TSCA section 402(c)(3): Public buildings built before 1978 and commercial buildings that are not child-occupied facilities.

Statement of Need:

Statutory requirement.

Summary of Legal Basis:

Section 402(c)(3) of the Toxic Substances Control Act (TSCA) requires EPA to regulate renovation or remodeling activities that create lead-based paint hazards in target housing, which is defined by statute to cover most pre-1978 housing, public buildings built before 1978, and commercial buildings.

Alternatives:

Yet to be determined.

Anticipated Cost and Benefits:

Yet to be determined.

Risks:

Yet to be determined.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/10	
NPRM	12/00/11	
Final Action	07/00/13	

Regulatory Flexibility Analysis Required:

Undetermined

Government Levels Affected:

Undetermined

Federalism:

Undetermined

Additional Information:

SAN No. 5381; N/A

URL For More Information:

http://www.epa.gov/lead/pubs/renovation.htm

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RIN: 2070–AJ56

EPA

134. CERCLA 108(B) FINANCIAL RESPONSIBILITY

Priority:

Other Significant

Legal Authority:

42 USC 9608 (b)

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements. The Agency has already identified classes of facilities within the hardrock mining industry as those for which financial responsibility requirements will be first developed. The Agency is currently examining the following classes of facilities for possible development of financial responsibility requirements under CERCLA Section 108(b): hazardous waste generators, hazardous waste recyclers, metal finishers, wood treatment facilities and chemical manufacturers. This list may be revised as the Agency's evaluation proceeds. EPA is scheduled to complete and publish in the Federal Register a notice identifying potential categories of facilities by December 2009.

Statement of Need:

The Agency is currently examining various classes of facilities that may produce, transport, treat, store or dispose of hazardous substances for development of financial responsibility requirements under CERCLA Section 108(b).

Summary of Legal Basis:

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended.

Alternatives:

To be determined.

Anticipated Cost and Benefits:

To be determined.

Risks:

To be determined.

Timetable:

Action	Date	FR Cite
Priority Notice	07/28/09	74 FR 37213
FR Notice	01/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

Additional Information:

SAN No. 5350; EPA publication information: Priority Notice - http://www.epa.gov/fedrgstr/EPA-WASTE/2009/July/Day-28/f16819.pdf; EPA Docket information: EPA-HQ-SFUND-2009-0265

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RIN: 2050–AG56

EPA

PROPOSED RULE STAGE

135. COMBINED RULEMAKING FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS AT MAJOR SOURCES OF HAP AND INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AT AREA SOURCES

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

This action may affect the private sector under PL 104-4.

Legal Authority:

Clean Air Act, sec 112

CFR Citation:

40 CFR 63

Legal Deadline:

NPRM, Judicial, April 15, 2010, A 60 day extension for proposal was granted on June 30, 2009.

Final, Judicial, December 16, 2010.

Abstract:

Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for EPA's stationary source air toxics program. Section 112 mandates that EPA develop standards for hazardous air pollutants (HAP) for both major and area sources listed under section 112(c). Section 112(k) requires development of standards for area sources which account for 90% of the emissions in urban areas of the 30 urban (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT). The Integrated Air Toxics Strategy lists industrial boilers and commercial/institutional boilers as area source categories for regulation pursuant to section 112(c). Industrial boilers and institutional/commercial boilers are on the list of section 112(c)(6) source categories. In this rulemaking, EPA will develop standards for these source categories.

Statement of Need:

As a result of the vacatur of the Industrial Boiler MACT, the Agency will develop another rulemaking under

CAA section 112 which will reduce hazardous air pollutant (HAP) emissions from this source category. Recent court decisions on other CAA section 112 rules will be considered in developing this regulation.

Summary of Legal Basis:

Clean Air Act, section 112.

Alternatives:

Not yet determined.

Anticipated Cost and Benefits:

Not yet determined.

Risks:

Not yet determined.

Timetable:

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

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected:

Local, State

Additional Information:

SAN No. 4884. This rulemaking combines the area source rulemaking for boilers and the rulemaking for re-establishing the vacated NESHAP for boilers and process heaters. EPA Docket information: EPA-HQ-OAR-2006-0790

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RIN: 2060–AM44

EPA

136. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

42 USC 7408; 42 USC 7409

CFR Citation:

40 CFR 50

Legal Deadline:

None

Abstract:

Under the Clean Air Act, EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On October 17, 2006, EPA published a final rule to revise the primary and secondary NAAQS for particulate matter to provide increased protection of public health and welfare. With regard to the primary standard for fine particles (generally referring to particles less than or equal to 2.5 micrometers in diameter, PM2.5), EPA revised the level of the 24-hour PM2.5 standard to 35 micrograms per cubic meter (ug/m3) and retained the level of the annual PM2.5 standard at 15 ug/m3. With regard to primary standards for particles generally less than or equal to 1 micrometers in diameter (PM10), EPA retained the 24-hour PM10 standard and revoked the annual PM10 standard. With regard to secondary PM standards, EPA made them identical in all respects to the primary PM standards, as revised. EPA initiated the current review in 2007 with a workshop to discuss key policy-relevant issues around which EPA would structure the review. This review includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment Document by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's decision as to whether to retain or revise the standards.

Statement of Need:

As established in the Clean Air Act, the national ambient air quality standards for particulate matter are to be reviewed every five years.

Summary of Legal Basis:

Section 109 of the Clean Air Act (42 USC 7409) directs the Administrator to propose and promulgate ''primary'' and ''secondary'' national ambient air quality standards for pollutants identified under section 108 (the ''criteria'' pollutants). The ''primary'' standards are established for the protection of public health, while ''secondary'' standards are to protect against public welfare or ecosystem effects.

Alternatives:

The main alternatives for the Administrator's decision on the review of the national ambient air quality standards for particulate matter are whether to retain or revise the existing standards and, if revisions are necessary, the forms and levels of the revised standards. Options for these alternatives will be developed as the rulemaking proceeds.

Anticipated Cost and Benefits:

The Clean Air Act makes clear that the economic and technical feasibility of attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of State plans to implement the standards. Accordingly, the Agency prepares cost and benefit information in order to provide States information that may be useful in considering different implementation strategies for meeting proposed or final standards. Cost and benefit information is not developed to support a NAAQS rulemaking until sufficient policy and scientific information is available to narrow potential options for the form and level associated with any potential revisions to the standard. Therefore, work on developing the plan for conducting the cost and benefit analysis will generally start 1 1/2 to 2 years following the start of a NAAQS review.

Risks:

During the course of this review, risk assessments will be conducted to evaluate health risks associated with retention or revision of the particulate matter standards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, Local, State, Tribal

Additional Information:

SAN No. 5169; ; EPA Docket information: EPA-HQ-OAR-2007-0492

URL For More Information:

www.epa.gov/air/particlepollution/

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RIN: 2060–AO47

EPA

137. REVIEW OF THE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD FOR SULFUR DIOXIDE

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

42 USC 7408; 42 USC 7409

CFR Citation:

40 CFR 50

Legal Deadline:

NPRM, Judicial, November 16, 2009.

Final, Judicial, June 2, 2010.

Abstract:

Under the Clean Air Act, EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On May 22, 1996, EPA published a final decision that revisions of the primary and secondary NAAQS for Sulfur Dioxide (SO2) were not appropriate at that time, aside from several minor technical changes. That action provided the Administrator's final determination, after careful evaluation of comments received on the November 1994 proposal, that significant revisions to the primary and secondary NAAQS for SO2 would not be made at that time. In 2006, EPA's Office of Research and Development initiated the current periodic review of SO2 air quality criteria, the scientific basis for the NAAQS, with a call for information in the Federal Register. Subsequently, the decision was made to separate the reviews of the primary and secondary SO2 standards, and to combine the SO2 secondary-standard review with the secondary-standard review of Nitrogen Dioxide (NO2) due to their linkage in terms of effects and atmospheric chemistry. That joint review of the SO2 and NO2 secondary standards is part of a separate regulatory action described elsewhere in this Regulatory Plan under the identifying number (RIN) 2060-AO72. The regulatory action described here is for the Agency's review of the primary SO2 NAAQS. This review includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment. These documents were reviewed by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards.

Statement of Need:

As established in the Clean Air Act, the national ambient air quality standards for SO2 are to be reviewed every five years.

Summary of Legal Basis:

Section 109 of the Clean Air Act (42 USC 7409) directs the Administrator to propose and promulgate ''primary'' and ''secondary'' national ambient air quality standards for pollutants identified under section 108 (the ''criteria'' pollutants). The ''primary'' standards are established for the protection of public health, while ''secondary'' standards are to protect against public welfare or ecosystem effects.

Alternatives:

The main alternatives for the Administrator's decision on the review of the national ambient air quality standards for SO2 are whether to retain or revise the existing standards.

Anticipated Cost and Benefits:

The Clean Air Act makes clear that the economic and technical feasibility of attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of State plans to implement the standards. Accordingly, the Agency prepares cost and benefit information in order to provide States information that may be useful in considering different implementation strategies for meeting proposed or final standards. Cost and benefit information is not developed to support a NAAQS rulemaking until sufficient policy and scientific information is available to narrow potential options for the form and level associated with any potential revisions to the standard. Therefore, work on the developing the plan for conducting the cost and benefit analysis will generally start 1 1/2 to 2 years following the start of a NAAQS review.

Risks:

During the course of this review, risk assessments were conducted to evaluate health risks associated with retention or revision of the SO2 standards.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	06/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, Local, State, Tribal

Additional Information:

SAN No. 5163; ; EPA Docket information: EPA-HQ-OAR-2007-0352

URL For More Information:

http://www.epa.gov/ttn/naaqs/standards/so2/s__so2__index.html

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RIN: 2060–AO48

EPA

138. REVIEW OF THE SECONDARY NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OXIDES OF NITROGEN AND OXIDES OF SULFUR

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

42 USC 7408; 42 USC 7409

CFR Citation:

40 CFR 50

Legal Deadline:

NPRM, Judicial, July 12, 2011.

Final, Judicial, March 20, 2012, No court schedule has been ordered for this review as of yet. This date represents the date submitted by EPA to the court.

Abstract:

Under the Clean Air Act, EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On October 11, 1995, EPA published a final rule not to revise either the primary or secondary NAAQS for nitrogen dioxide (NO2). On May 22, 1996, EPA published a final decision that revisions of the primary and secondary NAAQS for sulfur dioxide (SO2) were not appropriate at that time, aside from several minor technical changes. On December 9, 2005, EPA's Office of Research and Development (ORD) initiated the current periodic review of NO2 air quality criteria with a call for information in the Federal Register (FR). On May 3, 2006, ORD initiated the current periodic review of SO2 air quality criteria with a call for information in the FR. Subsequently, the decision was made to review the oxides of nitrogen and the oxides of sulfur together, rather than individually, with respect to a secondary welfare standard for NO2 and SO2. This decision derives from the fact that NO2, SO2, and their associated transformation products are linked from an atmospheric chemistry perspective, as well as from an environmental effects perspective, most notably in the case of secondary aerosol formation and acidification in ecosystems. This review includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment Document by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards. It should be noted that this review will be limited to only the secondary standards; the primary standards for SO2 and NO2 are being reviewed separately, as described elsewhere in this Regulatory Plan under the identifying numbers RIN-2060-AO48 and RIN-2060-AO19, respectively.

Statement of Need:

As established in the Clean Air Act, the national ambient air quality standards for oxides of nitrogen and oxides of sulfur are to be reviewed every five years.

Summary of Legal Basis:

Section 109 of the Clean Air Act (42 USC 7409) directs the Administrator to propose and promulgate ''primary'' and ''secondary'' national ambient air quality standards for pollutants identified under section 108 (the ''criteria'' pollutants). The ''primary'' standards are established for the protection of public health, while ''secondary'' standards are to protect against public welfare or ecosystem effects.

Alternatives:

The main alternatives for the Administrator's decision on the review of the national ambient air quality standards for oxides of nitrogen and oxides of sulfur are whether to retain or revise the existing standards.

Anticipated Cost and Benefits:

The Clean Air Act makes clear that the economic and technical feasibility of attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of State plans to implement the standards. Accordingly, the Agency prepares cost and benefit information in order to provide States information that may be useful in considering different implementation strategies for meeting proposed or final standards. Cost and benefit information is not developed to support a NAAQS rulemaking until sufficient policy and scientific information is available to narrow potential options for the form and level associated with any potential revisions to the standard. Therefore, work on the developing the plan for conducting the cost and benefit analysis will generally start 1 1/2 to 2 years following the start of a NAAQS review.

Risks:

During the course of this review, risk assessments may be conducted to evaluate public welfare risks associated with retention or revision of the NOx/SOx secondary standards.

Timetable:

Action	Date	FR Cite
NPRM	02/00/10	
Final Action	11/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, Local, State, Tribal

Additional Information:

SAN No. 5170; EPA Docket information: EPA-HQ-OAR-2007-1145

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RIN: 2060–AO72

EPA

139. CLEAN AIR TRANSPORT RULE

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

Clean Air Act Title I

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

On May 12, 2005, the Environmental Protection Agency (EPA) promulgated the Clean Air Interstate Rule, commonly known as CAIR (70 FR 25162). The CAIR used a cap and trade approach to reduce sulfur dioxide (SO2) and nitrogen oxides (NOx) emissions. On July 11, 2008, the D.C. Circuit issued an opinion finding the CAIR unlawful and vacating the rule. On December 23, the D.C. Circuit issued a decision on the petitions for rehearing of the July 11 decision. The court granted EPA's petition for rehearing to the extent that it remanded the cases without vacatur of the CAIR. This ruling means that the CAIR remains in place, but that EPA is obligated to promulgate another rule under Clean Air Act Section 110(a)(2)(D) consistent with the court's July 11 opinion. This action is proposing to fulfill our obligation to develop a rule consistent with the July 11, 2008 and December 23, 2008 D.C. Court decisions.

Statement of Need:

The Clean Air Transport Rule is necessary to help states address interstate transport of pollutants from upwind states to downwind nonattainment areas. Specifically, the rule is needed to respond to the remand of the Clean Air Interstate Rule by the U.S. Court of Appeals for the D.C. Circuit.

Summary of Legal Basis:

The Clean Air Transport Rule is needed to help states address the requirements of section 110(a)(2)(D)(i) of the Clean Air Act. This section requires States to prohibit emissions that contribute significantly to downwind nonattainment with the national ambient air quality standards, or which interfere with maintaining the standards in those downwind states.

Alternatives:

To be determined.

Anticipated Cost and Benefits:

To be determined.

Risks:

To be determined.

Timetable:

Action	Date	FR Cite
NPRM	07/00/10	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Undetermined

Federalism:

Undetermined

Additional Information:

SAN No. 5336; EPA Docket information: EPA-HQ-OAR-2009-0491

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RIN: 2060–AP50

EPA

140. ● REVISION TO PB AMBIENT AIR MONITORING REQUIREMENTS

Priority:

Other Significant

Legal Authority:

42 USC 7403; 42 USC 7410; 42 USC 7601(a); 42 USC 7611; 42 USC 7619

CFR Citation:

40 CFR 58

Legal Deadline:

None

Abstract:

On November 12, 2008, the Environmental Protection Agency (EPA revised the National Ambient Air Quality Standards (NAAQS) for lead and associated monitoring requirements. The finalized monitoring requirements require state and local monitoring agencies to conduct Pb monitoring near Pb sources emitting 1.0 tons per year (tpy) or more and in large urban areas referred to as Core Based Statistical Areas (CBSA) with a population of 500,000 people or more. In January 2009, EPA received a petition to reconsider the 1.0 tpy emission threshold from the Missouri Coalition for the Environment Foundation, Natural Resources Defense Council, the Coalition to End Childhood Poisoning, and Physicians for Social Responsibility requesting EPA reconsider the 1.0 tpy emission threshold. EPA granted the petition to reconsider on July 22, 2009. This action represents the results of the EPA's reconsideration of the Pb monitoring requirements.

Statement of Need:

This action is in response to a petition to reconsider that the Agency received and granted on the Pb monitoring requirements contained in the revision to the Pb NAAQS (73 FR 66964).

Summary of Legal Basis:

Clean Air Act Title I

Alternatives:

To be determined.

Anticipated Cost and Benefits:

To be determined.

Risks:

To be determined.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Local, State

Additional Information:

SAN No. 5370; EPA Docket information: EPA-HQ-OAR-2006-0735

URL For More Information:

http://epa.gov/air/lead

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RIN: 2060–AP77

EPA

141. ● PREVENTION OF SIGNIFICANT DETERIORATION/TITLE V GREENHOUSE GAS TAILORING RULE

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

Clean Air Act Title I

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

In this rule, EPA will apply a tailored approach to the applicability major source thresholds for greenhouse gases under the Prevention of Significant Deterioration (PSD) and title V programs of the Clean Air Act (CAA or Act) by temporarily raising those thresholds and setting a PSD significance level for greenhouse gases. EPA is anticipating that greenhouse gas (GHG) emissions may soon be subject to regulation pursuant to the CAA.

One consequence of our subjecting GHG emissions to regulatory controls is that the requirements of existing air permit programs, namely the prevention of significant deterioration (PSD) preconstruction permitting program for major stationary sources and the title V operating permits program, would be triggered for GHG emission sources. At the current applicability levels under the CAA, tens of thousands of projects every year would need permits under the PSD program, and millions of sources would become subject to the title V program. These numbers of permits are orders of magnitude greater than the current number of permits under these permitting programs and would vastly exceed the administrative capacity of the permitting authorities. By tailoring the applicability thresholds, we will allow actions to be taken by EPA and states to build capacity and streamline permitting.

Statement of Need:

This action will implement a tailored approach to PSD and Title V applicability for GHG sources when GHG emissions become subject to regulation pursuant to the CAA. This will avoid the scenario where each year tens of thousands of new sources and modifications would potentially become subject to PSD review and millions of sources would require title V operating permits, instead replacing it with a phased approach that allows permitting authorities to manage or obtain the necessary resources to handle the increased workload.

Summary of Legal Basis:

Doctrine of Administrative Necessity.

Alternatives:

Alternatives are being developed and will be presented in the preamble to the proposed rule.

Anticipated Cost and Benefits:

EPA has not completed the necessary analytical work that supports developing the regulatory relief costs savings associated with this rule. Once the analysis plan/work is completed, the Agency will compile and present the information.

Risks:

Not yet determined.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	04/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Undetermined

Additional Information:

SAN No. 5192; EPA Docket information: EOPA-HQ-OAR-2009-0517

URL For More Information:

www.epa.gov/nsr

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RIN: 2060–AP86

EPA

142. ● RECONSIDERATION OF THE 2008 OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

Undetermined

Legal Authority:

42 USC 7409

CFR Citation:

Not Yet Determined

Legal Deadline:

NPRM, Judicial, December 21, 2009, Promised proposal to court by 12/21/2009.

Abstract:

On March 12, 2008, EPA announced the final decision on the ozone national ambient air quality standards (NAAQS). Soon after that decision was signed on 3/27/08 (73 FR 16436), the Clean Air Scientific Advisory Committee (CASAC) held an unsolicited public meeting and criticized EPA for setting primary and secondary standards that were not consistent with advice provided by the CASAC during review of the NAAQS. On 7/25/08, several environmental and industry petitioners, as well as a number of States, sued EPA on the NAAQS decision, and the Court set a briefing schedule for the consolidated cases on 12/23/08. On 3/10/09, EPA requested that the Court vacate the briefing schedule and hold the consolidated cases in abeyance for 180 days. This request for extension was made to allow time for appropriate

EPA officials appointed by the new Administration to determine whether the standards established in March 2008 should be maintained, modified or otherwise reconsidered. Announcement of reconsideration of the March 2008 NAAQS decision occurred on 9/16/09. The current rulemaking schedule calls for a NAAQS proposal (including a proposal to stay implementation designations for the March 2008 NAAQS) to be signed by 12/15/09, with the final rule to be signed by 8/31/10. Reconsideration of the NAAQS will be limited to information and supporting documentation available to EPA and in the docket at the time of the March 2008 decision.

Statement of Need:

As established in the Clean Air Act, the national ambient air quality standards for ozone are to be reviewed every five years. As outlined in the abstract of this Regulatory Plan entry, this reconsideration is in response to actions by the courts regarding the last review in 2008.

Summary of Legal Basis:

Section 109 of the Clean Air Act (42 USC 7409) directs the Administrator to propose and promulgate ''primary'' and ''secondary'' national ambient air quality standards for pollutants identified under section 108 (the ''criteria'' pollutants). The ''primary'' standards are established for the protection of public health, while ''secondary'' standards are to protect against public welfare or ecosystem effects.

Alternatives:

The main alternatives for the Administrator's decision on the review of the national ambient air quality standards for ozone are whether to reaffirm or revise the existing standards. Decisions on these alternatives will be summarized in the Notice of Proposed Rulemaking.

Anticipated Cost and Benefits:

A regulatory impact analysis (RIA) is being prepared that presents the costs and benefits associated with the proposed revised ozone standards and potential alternative standards. This RIA will be made available when the Notice of Proposed Rulemaking is published.

Risks:

The current national ambient air quality standards for ozone are intended to protect against public health risks associated with morbidity and/or premature mortality and public welfare risks associated with adverse vegetation and ecosystem effects. During the course of this review, risk assessments will be conducted to evaluate health and welfare risks associated with retention or revision of the ozone standards.

Timetable:

Action	Date	FR Cite
NPRM	01/00/10	

Regulatory Flexibility Analysis Required:

No

Government Levels Affected:

None

URL For More Information:

www.epa.gov/air/criteria.html

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Related RIN: Related to 2060–AN24

RIN: 2060–AP98

EPA

143. ● LEAD; CLEARANCE AND CLEARANCE TESTING REQUIREMENTS FOR THE RENOVATION, REPAIR, AND PAINTING PROGRAM

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

Undetermined

Legal Authority:

15 USC 2601(c); 15 USC 2682(c)(3); 15 USC 2684; 15 USC 2686; 15 USC 2687

CFR Citation:

40 CFR 745

Legal Deadline:

NPRM, Judicial, April 22, 2010, Signature.

Final, Judicial, July 15, 2011, Signature.

Abstract:

EPA intends to propose several revisions to the 2008 Lead Renovation, Repair, and Painting Program (RRP) rule that established accreditation, training, certification, and recordkeeping requirements as well as work practice standards for persons performing renovations for compensation in most pre-1978 housing and child-occupied facilities. Current requirements include training renovators, other renovation workers, and dust sampling technicians; for certifying renovators, dust sampling technicians, and renovation firms; for accrediting providers of renovation and dust sampling technician training; for renovation work practices; and for recordkeeping. EPA is particularly concerned about dust lead hazards generated by renovations because children, especially younger children, are at risk for high exposures of lead-based paint dust via hand-to-mouth exposure. For this particular action, EPA will consider whether to establish additional requirements to ensure that renovation work areas are adequately cleaned after renovation work is finished and before the areas are re-occupied. These additional requirements may include dust wipe testing after renovations and ensuring that renovation work areas meet clearance standards before re-occupancy.

Statement of Need:

EPA is particularly concerned about dust lead hazards generated by renovations because children, especially younger children, are at risk for high exposures of lead-based paint dust via hand-to-mouth exposure. This rulemaking revision is being considered in response to a settlement agreement.

Summary of Legal Basis:

Section 402(c)(3) of the Toxic Substances Control Act (TSCA) requires EPA to regulate renovation or remodeling activities that create lead-based paint hazards in target housing, which is defined by statute to cover most pre-1978 housing, public buildings built before 1978, and commercial buildings.

Alternatives:

The additional requirements may include dust wipe testing after

renovations and ensuring that renovation work areas meet clearance standards before re-occupancy.

Anticipated Cost and Benefits:

Not yet determined.

Risks:

Not yet determined.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required:

Undetermined

Government Levels Affected:

None

Additional Information:

SAN No. 5380

URL For More Information:

http://www.epa.gov/lead/pubs/renovation.htm

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RIN: 2070–AJ57

EPA

144. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION RESIDUALS GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

Undetermined

Legal Authority:

Not Yet Determined

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

This action is for the development of regulations for coal combustion residuals (formerly coal combustion waste). The regulations will apply to waste management units at facilities that manage coal combustion residuals generated by steam electric power generators, i.e., electric utilities and independent power producers. This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), which concluded that waste management regulations under RCRA are appropriate for certain coal combustion residuals (wastes). The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks, while monitoring the benefits of beneficial use of coal ash residues. The Agency issued on August 29, 2007, a Notice of Data Availability (NODA) announcing the availability for public inspection and comment of new information and data on the management of coal combustion wastes that the Agency will consider in deciding next steps in this effort. The comment period for this NODA closed on February 11, 2008. EPA is currently preparing a proposed rule for the regulation of coal combustion residuals.

Statement of Need:

There is a need to assess risks associated with the management of coal combustion residuals and the most effective regulatory option to address them.

Summary of Legal Basis:

Resource Conservation and Recovery Act

Alternatives:

To be determined.

Anticipated Cost and Benefits:

To be determined.

Risks:

To be determined.

Timetable:

Action	Date	FR Cite
NODA	08/29/07	72 FR 49714
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

Undetermined

Government Levels Affected:

Federal, Local, State, Tribal

Federalism:

This action may have federalism implications as defined in EO 13132.

Additional Information:

SAN No. 4470. EPA publication information: NODA - http://frwebgate1.access.gpo.gov/ cgi-bin/waisgate.cgi?WAISdocID=623368417775 +2+0+0&WAISaction=retrieve — This effort will also affect Federal, state, local or tribal governments that own coal-burning commercial electric power generating facilities. EPA Docket information: EPA-HQ-RCRA-2006-0796

Sectors Affected:

221112 Fossil Fuel Electric Power Generation

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RIN: 2050–AE81

EPA

145. CRITERIA AND STANDARDS FOR COOLING WATER INTAKE STRUCTURES

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:

CWA 101; CWA 301; CWA 304; CWA 308; CWA 316; CWA 401; CWA 402; CWA 501; CWA 510

CFR Citation:

40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125

Legal Deadline:

None

Abstract:

Section 316(b) of the Clean Water Act (CWA) requires EPA to ensure that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available (BTA) for minimizing adverse environmental impacts. In developing regulations to implement section 316(b), EPA divided its effort into three rulemaking phases. Phase II, for existing electric generating plants that use at least 50 MGD of cooling water, was completed in July 2004. Industry and environmental stakeholders challenged the Phase II regulations. On review, the U.S. Court of Appeals for the Second Circuit remanded several key provisions. In July 2007, EPA suspended Phase II and has now initiated a new 316(b) Phase II rulemaking. Following the decision in the Second Circuit, several parties petitioned the U.S. Supreme Court to review that decision, and the Supreme Court granted the petitions, limited to the issue of whether the Clean Water Act authorized EPA to consider the relationship of costs and benefits in establishing section 316(b) standards. On April 1, 2009, the Supreme Court reversed the Second Circuit, finding that the Agency may consider cost-benefit analysis in its decision-making. This finding did not hold that the Agency must consider costs and benefits in these decisions. EPA issued the Phase III regulation, covering existing electric generating plants using less than 50 MGD of cooling water, and all existing manufacturing facilities, in June 2006. EPA will accept a voluntary remand of the Phase III regulation for existing facilities, in order to issue a regulation covering both Phase II and III facilities, and to do so in a consistent manner. EPA expects this new rulemaking will similarly apply to the approximately 900 existing electric generating and manufacturing plants.

Statement of Need:

In the absence of national regulations, NPDES permit writers have developed requirements to implement section 316(b) on a case-by-case basis. This may result in a range of different requirements, and, in some cases, delays in permit issuance or reissuance. This regulation may have substantial ecological benefits.

Summary of Legal Basis:

The Clean Water Act requires EPA to establish best technology available standards to minimize adverse environmental impacts from cooling water intake structures. On February 16, 2004, EPA took final action on regulations governing cooling water intake structures at certain existing power producing facilities under section 316(b) of the Clean Water Act (Phase II rule). 69 FR 41576 (July 9, 2004). These regulations were challenged, and the Second Circuit remanded several provisions of the Phase II rule on various grounds. Riverkeeper, Inc. v. EPA, 475 F.3d 83, (2d Cir., 2007). EPA suspended most of the rule in response to the remand. 72 FR 37107 (July 9, 2007). The remand of Phase III does not change permitting requirements for these facilities. Until the new rule is issued, permit directors continue to issue permits on a case-by-case, Best Professional Judgment basis for Phase II facilities.

Alternatives:

This analysis will cover various sizes and types of potentially regulated facilities, and control technologies. EPA is considering whether to regulate on a national basis, by subcategory, or by broad water body category.

Anticipated Cost and Benefits:

The technologies under consideration in this rulemaking are similar to the technologies considered for the original Phase II and Phase III rules. Those costs evaluated for the Phase II remanded rule, in 2002 dollars, ranged from $389 million (the final rule option) to $440 million (the final rule option at proposal) to $1 billion to $3.5 billion (closed cycle cooling for facilities on certain waterbodies, or at all facilities). The monetized benefits of the original final rule were estimated to be $82 million. The monetized benefits include only the use value associated with quantifiable increases in commercial and recreational fisheries. Non-use benefits were not analyzed. The costs and benefits of the Phase III option most closely aligned with the Phase II option co-promulgated were $38.3 million and $2.3 million respectively, in 2004 dollars. EPA will develop new costs and benefits estimates for this new effort.

Risks:

Cooling water intake structures may pose significant risks for aquatic ecosystems.

Timetable:

Action	Date	FR Cite
NPRM	09/00/10	
Final Action	07/00/12	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Businesses, Governmental Jurisdictions

Government Levels Affected:

Federal, Local, State

Additional Information:

SAN No. 5210; EPA Docket information: EPA-HQ-OW-2008-0667

URL For More Information:

www.epa.gov/waterscience/316b

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RIN: 2040–AE95

EPA

FINAL RULE STAGE

146. REVIEW OF THE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD FOR NITROGEN DIOXIDE

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

42 USC 7408; 42 USC 7409

CFR Citation:

40 CFR 50

Legal Deadline:

NPRM, Judicial, June 26, 2009.

Final, Judicial, January 22, 2010.

Abstract:

Under the Clean Air Act, EPA is required to review and, if appropriate,

revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On October 8, 1996, EPA published a final rule not to revise either the primary or secondary NAAQS for nitrogen dioxide (NO2). That action provided the Administrator's final determination, after careful evaluation of comments received on the October 1995 proposal, that revisions to neither the primary nor the secondary NAAQS for NO2 were appropriate at that time. On December 9, 2005, EPA's Office of Research and Development initiated the current periodic review of NO2 air quality criteria, the scientific basis for the NAAQS, with a call for information in the Federal Register. Subsequently, the decision was made to separate the reviews of the primary and secondary NO2 standards, and to combine the NO2 secondary-standard review with the secondary-standard review of Sulfur Dioxide (SO2) due to their linkage in terms of effects and atmospheric chemistry. That joint review of the SO2 and NO2 secondary standards is part of a separate regulatory action described elsewhere in this Regulatory Plan under the identifying number RIN-2060-AO72. The regulatory action described here is for the Agency's review of the primary NO2 NAAQS. This includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment Document by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards. On July 15, 2009, a proposed rule was published that would establish a new, short-term (1-hour) standard in the range of 80 to 100 parts per billion. This action included a proposal to revise the NO2 monitoring network to include monitors near major roadways.

Statement of Need:

As established in the Clean Air Act, the national ambient air quality standards for NO2 are to be reviewed every five years.

Summary of Legal Basis:

Section 109 of the Clean Air Act (42 USC 7409) directs the Administrator to propose and promulgate ''primary'' and ''secondary'' national ambient air quality standards for pollutants identified under section 108 (the ''criteria'' pollutants). The ''primary'' standards are established for the protection of public health, while ''secondary'' standards are to protect against public welfare or ecosystem effects.

Alternatives:

The main alternatives for the Administrator's decision on the review of the national ambient air quality standards for NO2 are whether to retain or revise the existing standards.

Anticipated Cost and Benefits:

The Clean Air Act makes clear that the economic and technical feasibility of attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of State plans to implement the standards. Accordingly, the Agency prepares cost and benefit information in order to provide States information that may be useful in considering different implementation strategies for meeting proposed or final standards. Cost and benefit information is not developed to support a NAAQS rulemaking until sufficient policy and scientific information is available to narrow potential options for the form and level associated with any potential revisions to the standard. Therefore, work on the developing the plan for conducting the cost and benefit analysis will generally start 1 1/2 to 2 years following the start of a NAAQS review.

Risks:

During the course of this review, risk assessments will be conducted to evaluate health risks associated with retention or revision of the NO2 standards

Timetable:

Action	Date	FR Cite
NPRM	07/15/09	74 FR 34403
Final Action	02/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State, Local, Tribal

Additional Information:

SAN No. 5111; EPA publication information: NPRM - http://edocket.access.gpo.gov/2009/pdf/E9-15944.pdf; EPA Docket information: EPA-HQ-OAR-2006-0922

URL For More Information:

http://www.epa.gov/air/nitrogenoxides/

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RIN: 2060–AO19

EPA

147. CONTROL OF EMISSIONS FROM NEW MARINE COMPRESSION–IGNITION ENGINES AT OR ABOVE 30 LITERS PER CYLINDER

Priority:

Other Significant

Legal Authority:

42 USC 7545; 42 USC 7547

CFR Citation:

40 CFR 80; 40 CFR 94; 40 CFR 1042; 40 CFR 1065

Legal Deadline:

Final, Judicial, December 17, 2009.

Abstract:

Category 3 marine diesel engines (those with per cylinder displacement greater than 30 liters) are very large engines that are used for propulsion power in ocean-going vessels. Emissions from these engines contribute significantly to unhealthful levels of ambient particulate matter and ozone in many parts of the United States. These engines are highly mobile and are not easily controlled at a state or local level. EPA currently regulates emissions from Category 3 marine diesel engines on ships flagged in the United States. This rulemaking will consider long-term nitrogen oxides (NOx) standards for new Category 3 marine diesel engines that would require the use of high efficiency aftertreatment technology. We are considering standards equivalent to the limits for NOx recently adopted by the International Maritime Organization,

which are based on the position advanced by the United States Government as part of the international negotiations. We are also considering a revision to our diesel fuel program under the Act to allow for the manufacture and sale of marine diesel fuel with a sulfur content up to 1,000 ppm for use in Category 3 engines. The proposal would be part of a coordinated strategy, the other components of which would consist of the new amendments to MARPOL Annex VI that will extend these standards to foreign vessels (through the Act to Prevent Pollution from Ships) and pursuing Emission Control Area (ECA) designation for U.S. coastal areas in accordance with MARPOL Annex VI. Implementation of this coordinated strategy will ensure that all ships that affect U.S. air quality meet stringent NOx and fuel sulfur requirements. A recent D.C. Circuit decision (February 2009) upheld EPA's deadline of 12/17/09 based on EPA's commitment in the regulation to meet that deadline for the final Category 3 rule.

Statement of Need:

There is a need to reduce emissions from Category 3 marine diesel engines to achieve significant public health benefits and help states and localities attain and maintain PM and ozone National Ambient Air Quality Standards. These large diesel engines generate significant emissions of fine particulate matter (PM2.5), Nitrogen oxides (NOx) and sulfur oxides (SOx), as well as hydrocarbons (HC), carbon monoxide (CO), and hazardous air pollutants or air toxics that are associated with adverse health effects. Without further action, by 2030, NOx emissions from ships are projected to more than double, growing to 2.1 million tons a year, while annual PM2.5 emissions are expected to almost triple to 170,000 tons. By 2030, the coordinated strategy described in this rule is expected to reduce annual emissions of NOx in the United States by about 1.2 million tons and particulate matter (PM) emissions by about 143,000 tons, and prevent between 13,000 and 32,000 premature deaths annually.

Summary of Legal Basis:

Authority for this regulatory action is granted to the Environmental Protections Agency by sections 114, 203, 205, 206, 207, 208, 211, 213, 216, and 301(a) of the Clean Air Act as amended in 1990 (42 U.S.C. 7414, 7522, 7524, 7525, 7541, 7542, 7545, 7547, 7550 and 7601(a)), and by sections 1901-1915 of the Act to Prevent Pollution from Ships (33 USC 1909 et seq.).

The authority for the fuel requirements is provided in section 211 (c) of the Clean Air Act, which allow EPA to regulate fuels that contribute to air pollution which endangers public health or welfare (42 U.S.C. 7545 (c)). Additional support for the procedural and enforcement-related aspects of the fuel controls in the proposed rule, including the record keeping requirements, comes from sections 114 (a) and 301 (a) of the CAA (42 U.S.C. Sections 7414 (a) and 7601 (a)). The authority for the engine requirements is provided in section 213(a)(3) of the Clean Air Act, which directs the Administrator to set standards regulating emissions of NOx, volatile organic compounds (VOCs), or CO for classes or categories of engines, like marine diesel engines, that contribute to ozone or carbon monoxide concentrations in more than one nonattainment area. Section 208, which requires manufacturers and other persons subject to Title II requirements to ''provide information the Administrator may reasonably require . . . to otherwise carry out the provisions of this part. . . '' provides authority for a PM measurement requirement. The authority to implement and enforce the Category 3 marine diesel emission standard is provided in Section 213(d) which specifies that the standards EPA adopts for marine diesel engines ''shall be subject to Sections 206, 207, 208, and 209 of the Clean Air Act, with such modifications that the Administrator deems appropriate to the regulations implementing these sections.'' In addition, the marine standards ''shall be enforced in the same manner as [motor vehicle] standards prescribed under section 202'' of the Act. Section 213 (d) also grants EPA authority to promulgate or revise regulations as necessary to determine compliance with and enforce standards adopted under section 213. Authority to implement MARPOL Annex VI is provided in section 1903 of the Act to Prevent Pollution from Ships (APPS). Section 1903 gives the Administrator the authority to prescribe any necessary or desired regulations to carry out the provisions of Regulations 12 through 19 of Annex VI.

Alternatives:

Several alternatives were considered as part of this rulemaking, including a mandatory cold ironing requirement; earlier adoption of the Tier 3 NOx limits; and standards for existing engines, including a mandatory remanufacture program, the MARPOL Annex VI program for existing engines, and a Voluntary Marine Verification Program.

Anticipated Cost and Benefits:

A benefit-cost analysis was performed for the entire coordinated strategy that involves this rulemaking and the international agreements described above. Specifically, the estimated annual benefits of the coordinated strategy range between $110 and $280 billion annually in 2030 using a three percent discount rate, or between $100 and $260 billion assuming a 7 percent discount rate, compared to estimated social costs of approximately $3.1 billion in that same year. Though there are a number of health and environmental effects associated with the coordinated strategy that we are unable to quantify or monetize, the projected benefits of the coordinated strategy far outweigh the projected costs. Using a conservative benefits estimate, the 2030 benefits are expected to outweigh the costs by at least a factor of 32 and could be as much as a factor of 90.

Risks:

The failure to set new tiers of standards for Category 3 marine diesel engines risks continued increases in exposure to elevated levels of ambient ozone and particulate matter emissions, particularly for populations in port areas and along coastal waterways but also for populations located well inland. These elevated levels risk additional premature mortality and other health and environmental impacts that could otherwise be avoided.

Timetable:

Action	Date	FR Cite
ANPRM	12/07/07	72 FR 69521
ANPRM Comment Period End	03/06/08	
NPRM	08/28/09	74 FR 44441
NPRM Comment Period End	09/28/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Businesses

Government Levels Affected:

Federal

International Impacts:

This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information:

SAN No. 5129. EPA publication information: ANPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2007/December/Day-07/a23556.htm — EPA Docket information: EPA-HQ-OAR-2007-0121

URL For More Information:

www.epa.gov/otaq/oceanvessels.htm

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RIN: 2060–AO38

EPA

148. RENEWABLE FUELS STANDARD PROGRAM

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

This action may affect the private sector under PL 104-4.

Legal Authority:

Clean Air Act Section 211(o)

CFR Citation:

40 CFR 86; 40 CFR 80

Legal Deadline:

Final, Statutory, December 19, 2008.

Abstract:

This rulemaking will implement provisions in Title II of the 2007 Energy Independence and Security Act (EISA) that amend Section 211(o) of the Clean Air Act. The amendments revise the National Renewable Fuels Standard Program in the United States, increasing the national requirement to a total of 36 billion gallons of total renewable fuel in 2022. Application of the new standards now apply to diesel fuel producers in addition to gasoline producers and to nonroad fuels in addition to highway fuels. The new requirements also establish new renewable fuel categories and specific volume standards for cellulosic and advanced renewable fuels, biomass based diesel and total renewable fuels. Further, the amendments establish new eligibility requirements for meeting the renewable fuel standards including application of a specific definition for biomass, restrictions on what land feedstocks can come from and establish minimum lifecycle greenhouse gas reduction thresholds for the various categories of renewable fuels.

Statement of Need:

This action is directed by the 2007 Energy Independence and Security Act. It requires EPA to implement the amendments to Clean Air Act Section 211(o) - The Renewable Fuels Standard Program.

Summary of Legal Basis:

Clean Air Act Section 211(o).

Alternatives:

A notice of proposed rulemaking was published in the Federal Register on May 26, 2009. The proposal includes a number of proposed approaches as well as alternative approaches to implement the new standards. The public comment period will close on September 25, 2009.

Anticipated Cost and Benefits:

The economic analyses that support the proposed rule do not reflect all of the potentially quantifiable economic impacts. There are several key impacts that remain incomplete as a result of time and resource constraints necessary to complete the proposed rule, including the economic impact analysis and the air quality and health impacts analysis (see Section II.B.3). As a result, this proposal does not combine economic impacts in an attempt to compare costs and benefits, in order to avoid presenting an incomplete and potentially misleading characterization. For the final rule, when the planned analyses are complete and current analyses updated, we will provide a consistent cost-benefit comparison. However, the following is offered in reflection of some of the benefits and costs associated with certain aspects of the proposed rule. Initial estimates indicate that the expanded use of renewable fuels will result in a reduction of 6.8 billion tons of CO2 equivalent GHG emissions in 2022. This is equivalent to removing about 24 million vehicles off the road. Also, 36 billion gallons of renewable fuel will displace about 15 billion gallons of petroleum-based gasoline and diesel fuel, which represents about 11% of annual gasoline and diesel consumption in 2022. Total energy security benefits associated with a reduction of U.S. imported oil is $12.38/barrel. Based upon the $12.38/barrel figure, total energy security benefits associated with this proposal were calculated at $3.7 billion. Increases in gasoline and diesel fuel costs are equivalent to $4 billion to $18 billion in 2022. Estimates on U.S. food costs would increase by $10 per person per year by 2022 while net U.S. farm income would increase by $7.1 billion dollars (10.6%).

Risks:

Analysis of criteria and toxic emission impacts is performed relative to several different reference cases. Overall we project the proposed program will result in significant increases in ethanol and acetaldehyde emissions. We project more modest but still significant increases in acrolein, NOx, formaldehyde and PM. However, we project today's action will result in decreased ammonia emissions (due to reductions in livestock agricultural activity), decreased CO emissions (driven primarily by the impacts of ethanol on exhaust emissions from vehicles and nonroad equipment), and decreased benzene emissions (due to displacement of gasoline with ethanol in the fuel pool). Discussion and a breakdown of these results by the fuel production / distribution and vehicle and equipment emissions are presented in the NPRM. The aggregate nationwide emission inventory impacts presented here will likely lead to health impacts throughout the U.S. due to changes in future-year ambient air quality. However, emissions changes alone are not a good indication of local or regional air quality and health impacts, as there may be highly localized impacts such as increased emissions from ethanol plants and evaporative emissions from cars, and decreased emissions from gasoline refineries. For the final rule, a national-scale air quality modeling analysis will be performed to analyze the impacts of the proposed standards. Further, as the production of biofuels increases to meet the requirements of this proposed rule, there may be adverse impacts on both

water quality and quantity. Increased production of biofuels may lead to increased application of fertilizer and pesticides and increased soil erosion, which could impact water quality.

Timetable:

Action	Date	FR Cite
NPRM	05/26/09	74 FR 24903
NPRM Comment Period End	07/27/09	
NPRM Comment Period Extended	07/07/09	74 FR 32091
NPRM Extended Comment Period End	09/25/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

None

International Impacts:

This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information:

SAN No. 5250. EPA publication information: NPRM - http://edocket.access.gpo.gov/2009/pdf/E9-10978.pdf — EPA Docket information: EPA—HQ— OAR—2005—0161

URL For More Information:

http://www.epa.gov/otaq/renewablefuels/index.htmınotices

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RIN: 2060–AO81

EPA

149. ENDANGERMENT AND CAUSE OR CONTRIBUTE FINDINGS FOR GREENHOUSE GASES UNDER SECTION 202(A) OF THE CLEAN AIR ACT

Priority:

Other Significant

Legal Authority:

42 USC 7521(a)

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

On April 24, 2009, the Administrator published a proposed Endangerment Finding under section 202(a) of the Clean Air Act. This proposed finding had two components. First, the Administrator proposed to find that the current and projected concentrations of the mix of six key greenhouse gases - carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF6) - in the atmosphere endanger the public health and welfare of current and future generations through climate change. In the second component of the proposal, known as the Cause or Contribute Finding, the Administrator further proposed to find that the combined emissions of four of these six greenhouse gases from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these key greenhouse gases and hence to the threat of climate change. EPA has not proposed in this action any new regulation of motor vehicle or motor vehicle emissions.

Statement of Need:

This action responds to the Supreme Court's decision in Massachusetts v. EPA, 549 U.S. 497 (2007), in which the court found that greenhouse gases are air pollutants under the CAA. The Court held that the Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles and new motor vehicle engines cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.

Summary of Legal Basis:

The legal basis is Section 202(a) of the Clean Air Act.

Alternatives:

Not yet determined.

Anticipated Cost and Benefits:

This action does not include any proposed standards and does not itself impose any requirements on industry or other entities.

Risks:

The effects of climate change observed to date and projected to occur in the future include, but are not limited to, more frequent and intense heat waves, more severe wildfires, degraded air quality, more heavy downpours and flooding, increased drought, greater sea level rise, more intense storms, harm to water resources, harm to agriculture, and harm to wildlife and ecosystems.

Timetable:

Action	Date	FR Cite
Proposal	04/24/09	74 FR 18886
Final	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

Additional Information:

Previously reported as RIN 2060-ZA14. SAN No. 5335; EPA publication information: Proposal - http://www.epa.gov/fedrgstr/EPA-AIR/2009/April/Day-24/a9339.pdf. EPA Docket information: EPA-HQ-OAR-2009-0171

URL For More Information:

www.epa.gov/climatechange/endangerment.html

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RIN: 2060–AP55

EPA

150. ● EPA/NHTSA JOINT RULEMAKING TO ESTABLISH LIGHT–DUTY GREENHOUSE GAS EMISSION STANDARDS AND CORPORATE AVERAGE FUEL ECONOMY STANDARDS

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

Undetermined

Legal Authority:

Clean Air Act Section 202(a)

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

EPA plans to set national emissions standards under section 202 (a) of the Clean Air Act to control greenhouse gas (GHG) emissions from passenger cars and light-duty trucks, and medium-duty passenger vehicles, as part of a joint rulemaking with National Highway Traffic and Safety Administration (NHTSA). This joint rulemaking effort was announced by President Obama on May 19, 2009. The GHG standards would significantly reduce the GHG emissions from these light-duty vehicles. The standards would be phased in beginning with the 2012 model year through model year 2016. EPA and NHTSA expect to propose the rules by late summer 2009. EPA's final action would only occur if EPA determines that emissions of greenhouse gases may reasonably be anticipated to endanger public health or welfare, and that emissions from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these greenhouse gases and hence to the threat of climate change. EPA has already proposed these findings. (74 FR 18886; April 24, 2009)

Statement of Need:

EPA recently proposed to find that emissions of greenhouse gases from new motor vehicles and engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health and welfare. Therefore, there is a need to reduce GHG emissions from light-duty vehicles to protect public health and welfare. The light-duty vehicle sector, which includes passenger cars, light-duty trucks, and medium-duty passenger vehicles, accounts for approximately 60% of all U.S. transportation sector GHG emissions. This rulemaking would significantly reduce GHG emissions from model year 2012 through 2016 light-duty vehicles. This rulemaking is also consistent with the National Fuel Efficiency Policy announced by President Obama on May 19, 2009, responding to the country's critical need to address global climate change and reduce oil consumption.

Summary of Legal Basis:

Section 202(a)(1) provides broad authority to regulate new ''motor vehicles,'' which include light duty vehicles, light-duty trucks, and medium-duty passenger vehicles (hereafter light vehicles). While other provisions of Title II address specific model years and emissions of motor vehicles, section 202(a)(1) provides the authority that EPA would use to regulate GHGs from new light vehicles. Section 202(a)(1) states ''the Administrator shall by regulation prescribe (and from time to time revise). . . standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles . . . , which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare.'' Any such standards ''shall be applicable to such vehicles . . . for their useful life.'' Finalizing the light vehicle regulations would be contingent upon EPA finalizing both the endangerment finding and cause or contribute finding that emissions of GHGs from new motor vehicles and motor vehicle engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health and welfare.

Alternatives:

The rulemaking proposal will include an evaluation of regulatory alternatives that can be considered in addition to the Agency's primary proposal. In addition, the proposal is expected to include tools such as averaging, banking and trading of emissions credits as alternative approaches for compliance with the proposed program.

Anticipated Cost and Benefits:

According to EPA's preliminary analysis, the standards under consideration are projected to reduce GHGs by approximately 900 million metric tons and save 1.8 billion barrels of oil over the life of the program for MY 2012 — 2016 vehicles. The program would reduce GHG emissions from the U.S. light-duty fleet by 19 percent by 2030. EPA estimates an average increased cost of about $1,300 per vehicle in 2016 compared to today's vehicles. However, the typical driver would save enough in lower fuel costs over the first three years to offset the higher vehicle cost. Over the life of a vehicle, drivers would save about $2,800 through the fuel savings that come from controlling GHG emissions. Detailed analysis of economy-wide cost impacts, greenhouse gas emission reductions, and societal benefits will be performed during the rulemaking process.

Risks:

GHG emissions from light-duty vehicles are responsible for almost 60 percent of all U.S. transportation-related GHGs, and increase the risk of unacceptable climate change impacts.

Timetable:

Action	Date	FR Cite
NPRM	09/28/09	74 FR 49454
NPRM Comment Period End	11/27/09	
Final Action	03/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

Additional Information:

SAN No. 5344; EPA Docket information: EPA-HQ-OAR-2009-0472

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Related RIN: Related to 2127–AK50

RIN: 2060–AP58

EPA

151. ● PREVENTION OF SIGNIFICANT DETERIORATION (PSD): RECONSIDERATION OF INTERPRETATION OF REGULATIONS THAT DETERMINE POLLUTANTS COVERED BY THE FEDERAL PSD PERMIT PROGRAM

Priority:

Other Significant

Legal Authority:

Administrative Procedure Act sec 553(e)

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

This action concerns the EPA's interpretation of the regulatory phrase ''subject to regulation'' as it applies to the federal Prevention of Significant Deterioration (PSD) program (more specifically, in 40 CFR 52.21(b)(50)). At issue is a December 18, 2008, memorandum, titled ''EPA's Interpretation of Regulations that Determine Pollutants Covered By Federal Prevention of Significant Deterioration (PSD) Permit Program,'' which specified that a pollutant is only ''subject to regulation'' when its emissions are actually controlled or limited under a provision of the Clean Air Act (CAA) or a final EPA rule issued under the authority of the CAA. Following issuance of the memo, EPA received a petition for reconsideration from the Sierra Club and several other organizations. The petitioners argued that EPA's issuance of the Memo violated the procedural requirements of the Administrative Procedures Act and the CAA, and the Memo's interpretation conflicted with prior agency actions. On February 17, 2009, the Administrator granted reconsideration on the December 18, 2008, memorandum in order to allow for public comment on the issues raised in the Memo and in a related decision of the Environmental Appeals Board (EAB). Thus, EPA will proceed with a reconsideration proceeding and conduct rulemaking regarding the proper interpretation of this regulatory phrase.

Statement of Need:

This rulemaking is needed to ensure a common understanding of when a new pollutant becomes ''subject to regulation'' and thereby subject to PSD permitting requirements. In light of the petitioners' request, EPA believes that soliciting comment on the December 18, 2008, interpretation, as well as other feasible options, is warranted.

Summary of Legal Basis:

APA 553(e).

Alternatives:

Not yet determined.

Anticipated Cost and Benefits:

Not yet determined.

Risks:

Not yet determined.

Timetable:

Action	Date	FR Cite
NPRM	10/07/09	74 FR 51535
Final Action	03/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

Additional Information:

SAN No. 5377

URL For More Information:

www.epa.gov/nsr

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RIN: 2060–AP87

EPA

152. ● LEAD; AMENDMENT TO THE OPT–OUT AND RECORDKEEPING PROVISIONS IN THE RENOVATION, REPAIR, AND PAINTING PROGRAM

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

This action may affect the private sector under PL 104-4.

Legal Authority:

15 USC 2601(c); 15 USC 2682(c)(3); 15 USC 2684; 15 USC 2686; 15 USC 2687

CFR Citation:

40 CFR 745

Legal Deadline:

NPRM, Judicial, October 20, 2009, Signature.

Final, Judicial, April 22, 2010, Signature.

Abstract:

EPA intends to propose several revisions to the 2008 Lead Renovation, Repair, and Painting Program (RRP) rule that established accreditation, training, certification, and recordkeeping requirements as well as work practice standards on persons performing renovations for compensation in most pre-1978 housing and child-occupied facilities. This particular action will involve proposing amendments to the opt-out provision that currently exempts a renovator from the training and work practice requirements of the rule where he or she obtains a certification from the owner of a residence he or she occupies that no child under age 6 or pregnant women resides in the home and the home is not a child-occupied facility. EPA will propose revisions that involve renovation firms providing the owner with a copy of the records they are currently required to maintain to demonstrate compliance with the training and work practice requirements of the RRP rule and, if different, providing the information to the occupant of the building being renovated or the operator of the child-occupied facility. EPA will also propose various minor amendments to the regulations concerning applications for training provider accreditation, amending accreditations, course completion certificates, recordkeeping, State and Tribal program requirements, and grandfathering (i.e., taking a refresher training in lieu of the initial training). In addition, the proposed amendments intend to clarify that certain requirements apply to the RRP rule as well as the Lead-based Paint Activities (abatement) regulations, that a certified inspector or risk assessor can act as a dust sampling technician, which hands-on training topics are required for renovator and dust sampling technician courses, and

requirements for States and Tribes that apply to become authorized to implement the RRP program.

Statement of Need:

This rulemaking revisions is being considered in response to a settlement agreement.

Summary of Legal Basis:

Section 402(c)(3) of the Toxic Substances Control Act (TSCA) requires EPA to regulate renovation or remodeling activities that create lead-based paint hazards in target housing, which is defined by statute to cover most pre-1978 housing, public buildings built before 1978, and commercial buildings.

Alternatives:

The original proposal considered several options on these points. In addition, EPA will identify other alternatives to evaluate. The alternatives were not, however, available at the time that this form was completed.

Anticipated Cost and Benefits:

Under development and not available at the time that this form was completed.

Risks:

Under development and not available at the time that this form was completed.

Timetable:

Action	Date	FR Cite
NPRM	10/28/09	74 FR 55506
NPRM Comment Period End	11/27/09	
Final Action	04/00/10	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

None

Additional Information:

SAN No. 5379

URL For More Information:

http://www.epa.gov/lead/pubs/renovation.htm

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RIN: 2070–AJ55

EPA

153. REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

33 USC 1321

CFR Citation:

40 CFR 112

Legal Deadline:

None

Abstract:

On December 5, 2008, EPA amended the Spill Prevention, Control, and Countermeasure (SPCC) rule to provide increased clarity with respect to specific regulatory requirements, to tailor requirements to particular industry sectors, and to streamline certain rule requirements. The Agency subsequently delayed the effective date of these amendments to January 14, 2010 to allow the Agency time to review the amendments to ensure that they properly reflect consideration of all relevant facts. EPA also requested public comment on the delay of the effective date and its duration, and on the December 2008 amendments. EPA is reviewing the record for the amendments and the additional comments to determine if any changes are warranted.

Statement of Need:

The final rule is necessary to clarify the regulatory obligations of SPCC facility owners and operators and to reduce the regulatory burden where appropriate.

Summary of Legal Basis:

33 USC 1321 et seq.

Alternatives:

EPA considered alternative options for various aspects of this final rule, following receipt of public comments.

Anticipated Cost and Benefits:

The principal effect of the final amendments would be lower compliance costs for owners and operators of certain types of facilities and equipment. Preliminary cost savings for this rulemaking effort is estimated to be between $92-100 million.

Risks:

In the absence of quantitative information on the change in risk related to the specific proposed amendments, EPA conducted a qualitative assessment, which suggests that the final amendments will not lead to a significant increase in oil discharge risk.

Timetable:

Action	Date	FR Cite
Notice Clarifying Certain Issues	05/25/04	69 FR 29728
NPRM 1–Year Compliance Extension	06/17/04	69 FR 34014
Final 18 Months Compliance Extension	08/11/04	69 FR 48794
NODA : Certain Facilities	09/20/04	69 FR 56184
NODA: Oil–Filled and Process Equipment	09/20/04	69 FR 56182
NPRM	10/15/07	72 FR 58377
Final Action	12/05/08	73 FR 74236
Notice to Delay Effective Date	02/03/09	74 FR 5900
Delay of Effective Date	04/01/09	74 FR 14736
Final Action #2	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, Local, State, Tribal

Additional Information:

SAN No. 2634.2; EPA publication information: Notice Clarifying Certain Issues - http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi? dbname=2004

__register &docid=fr25my04-49.pdf; Split from RIN 2050-AC62.; EPA Docket information: EPA-HQ-OPA-2007-0584

URL For More Information:

www.epa.gov/oilspill/spcc.htm

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RIN: 2050–AG16

EPA

154. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

CWA 301; CWA 304; CWA 306; CWA 501

CFR Citation:

Not Yet Determined

Legal Deadline:

NPRM, Judicial, December 1, 2008, FR Publication by 12/1/2008 as per 12/5/2006 Court Order.

Final, Judicial, December 1, 2009, FR Publication by 12/1/2009 as per 12/5/2006 Court Order.

Abstract:

In a November 28, 2008 proposed rulemaking, EPA proposed to establish effluent limitations guidelines (ELGs) and new source performance standards (NSPSs) for the Construction and Development point source category. This rulemaking and its schedule respond to a court order that requires the Agency to publish final regulations by December 1, 2009. The ELGs and NSPSs would control the discharge of pollutants such as sediment, turbidity, nutrients and metals in discharges from construction activities and will be implemented through the issuance of NPDES permits. EPA solicited comments on a range of erosion and sediment control measures and pollution prevention measures. The proposed requirements vary by size of the construction site and by other factors, such as rainfall intensity and clay content of soil. The proposed rule was intended to work in concert with existing state and local programs, adding a technology-based ''floor'' that establishes minimum requirements that would apply nationally. Once implemented, these new requirements would significantly reduce the amount of sediment, turbidity, and other pollutants discharged from construction sites.

Statement of Need:

Despite substantial improvements in the nation's water quality since the inception of the Clean Water Act, 45 percent of assessed river and stream miles, 47 percent of assessed lake acres, and 32 percent of assessed square miles of estuaries show impairments from a wide range of sources. Improper control of stormwater discharges from construction activity is among the many contributors to remaining water quality problems throughout the United States. Sediment is one of the primary pollutants that cause water quality impairment for streams and rivers. Construction generates significantly higher loads of sediment per acre than other sources. The rulemaking would constitute the nationally applicable, technology-based ELGs and NSPS applicable to all dischargers required to obtain a National Pollutant Discharge Elimination System (NPDES) permit.

Summary of Legal Basis:

The Clean Water Act authorizes EPA to establish ELGs and NSPS to limit the pollutants discharged from point sources. In addition, EPA is bound by the district court decision, in NRDC v. EPA, 437 F.Supp.2d 1137, (C.D. Cal.2006), to propose ELGs and NSPS for the construction and development industry by December 1, 2008 and to promulgate ELGs and NSPS as soon as practicable, but in no event later than December 1, 2009.

Alternatives:

The Clean Water Act directs EPA to establish a technology basis for the ELGs and NSPS, which are based on the performance of specific technology levels, such as the best available technology economically achievable. EPA is considering a range of pollution control approaches and technologies, and is also considering waivers based on construction site size, rainfall, and soil erosivity to reduce the impact on small dischargers.

Anticipated Cost and Benefits:

The annualized social costs of the proposed rulemaking were estimated to range from $141 million to $3.8 billion, and the annualized monetized benefits were estimated to range from $11 million to $327 million. The costs include compliance costs, administrative costs, and partial equilibrium estimates of quantity effects and deadweight loss to society. The monetized benefit categories include avoided costs of dredging for navigation and water storage, avoided costs of drinking water treatment, and monetizable water quality benefits. These costs may change in the final rule.

Risks:

Sediment is currently one of the primary pollutants that cause water quality impairment for streams and rivers and present a risk to aquatic life. The ELGs and NSPS are expected to result in a reduction of the discharge of pollutants to surface waters, primarily as sediment and turbidity.

Timetable:

Action	Date	FR Cite
NPRM	11/28/08	73 FR 72561
NPRM Comment Period End	02/26/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Businesses, Governmental Jurisdictions

Government Levels Affected:

Federal, Local, State

Additional Information:

SAN No. 5119; EPA publication information: NPRM - http://edocket.access.gpo.gov/2008/pdf/E8-27848.pdf; EPA Docket information: EPA-HQ-OW-2008-0465

URL For More Information:

http://www.epa.gov/waterscience/guide/construction/

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