

Subpart W Stakeholders Conference Call
January 7, 2016
Docket number EPA-HQ-OAR-2008-0218

ATTENDEES

EPA: Reid Rosnick, (ORIA)

Environmental/Tribal Groups: Sharyn Cunningham, CCAT; Sarah Fields, Uranium Watch; Aaron Menzies, Earth Works

UPDATE

Reid began the call with a welcome and by taking attendance, and then had a couple of items to share.

We continue responding to comments, while working on portions of the preamble and final rule language. The process was slowed in December because of people on vacation and other priorities that took key people away from the project. We still anticipate an early spring release.

DISCUSSION

Sarah: Will there be a release of the basic outline of the final rule prior to being published?

Reid: As we did with the proposal, as soon as the Administrator signs the final rule, we will post it on our website. This will give stakeholders a lead time of a week or two before the rule is published in the Federal Register.

Sarah: What is the status of the emails that are posted on the website? Are they up to date?

Reid: We just posted all non-privileged records up to November 2015. We will post December 2015 in a week or so.

Sarah: I see a basic problem with Subpart W (and Subpart B) of NESHAPs. When there are changes to these facilities it is not always noted to the public for the opportunity to comment on actions. Sometime, as with the Pinon Ridge site, there is opportunity for comment. How does this work?

Reid: There is no requirement in the Clean Air Act for EPA to provide notice for comment on these types of facilities. Sometimes EPA, based on the nature of the facility, EPA will post a notice for comment, but it is not required.

Sharyn: Can you tell me the difference between tiers 2 and 3 rules?

Reid: The tiering system is internal to EPA and is a prioritization system for rulemakings. Subpart W rule was originally tier 2 and is now tier 3. This means very little for stakeholders, other than there is a possibility the rule may not be subject to Office of Management and Budget (OMB) review. Almost everything else remains the same.

No Further Comments

Next call: Thursday, April 7, 2016 at 11 AM Eastern Time.

end