



March 2016 Action Initiation List (as of 4/26/2016)

U.S. Environmental Protection Agency (EPA)

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

The two most recent Action Initiation Lists (AILs) can always be found at: <https://www.epa.gov/laws-regulations/actions-initiated-month>. But, they will not provide updates on the actions listed herein. Updates on priority rulemakings are available from EPA's Regulatory Development and Retrospective Review Tracker (RegDaRRT) on www.epa.gov/rulemaking/.

For all rules – those that are in RegDaRRT and those that are not – you may obtain updates twice a year in EPA's Semiannual Regulatory Agenda, which is accessible from these Web sites:

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

Action Title	Stage	Contact	Abstract	Projected Publication Date
Removal of Title V Emergency Affirmative Defense Provisions from State Operating Permit Programs and Federal Operating Permit Program	NPRM	Matthew Spangler 919-541-0327 Spangler.Matthew@epa.gov	The EPA is proposing to remove the “emergency” affirmative defense provisions from both sets of Title V implementing regulations, currently located at 40 CFR 70.6(g) (for State Operating Permit Programs) and 40 CFR 71.6(g) (for Federal Operating Permit Programs), in order to ensure consistency with Clean Air Act requirements.	12 months or less
Risk and Technology Review of the National Emission Standards for Hazardous Air Pollutants from Manufacturing of Nutritional Yeast	NPRM	Allison Costa 919-541-1322 Costa.Allison@epa.gov	This action will address the Agency’s residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Manufacturing of Nutritional Yeast. The Manufacturing of Nutritional Yeast NESHAP, subpart CCCC, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on 5/21/01. The NESHAP established emission limitations based on maximum achievable control technology (MACT) for controlling emission of hazardous air pollutants (HAP) from nutritional yeast fermenters. The HAP emitted from fed-batch last stage, second-to-last stage and third-to-last stage fermenters is acetaldehyde. This action will implement the residual risk review requirements of CAA section 112(f)(2) and the technology review requirements of CAA section 112(d)(6). The statute directs the EPA to promulgate emission standards under CAA 112(f)(2) if such standards are required to provide an ample margin of safety to protect public health or to prevent, taking relevant factors into account, an adverse environmental effect. Any such standards are to be promulgated within 8 years after promulgation of MACT standards under CAA section 112(d). CAA section 112(d)(6) requires the EPA to review and revise the MACT standards as necessary, taking into account developments in practices, processes and control technologies, no less often than every 8 years. Pursuant to a court order, the EPA is obligated to complete the final action by 10/1/17.	12 months or less
Trichloroethylene (TCE); SNUR for Non-Aerosol Spray Degreasers	NPRM	Toni Krasnic 202-564-0984 Krasnic.Toni@epa.gov	EPA is proposing a significant new use rule (SNUR) under the Toxic Substance Control Act (TSCA) section 5(a)(2) for certain uses of trichloroethylene (TCE). This action would require persons who intend to manufacture (including import) or process this chemical substance for an activity that is designated as a significant new use by this proposed rule to notify EPA at least 90 days before commencing that activity. The required notification would provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs.	12 months or less
Action Title	Stage	Contact	Abstract	Projected

				Publication Date
Brominated Phthalates Cluster Test Rule - TSCA §4(a)	NPRM	Catherine Roman 202-564-8172 Roman.Catherine@epa.gov	Section 4 of the Toxic Substances Control Act (TSCA) provides authority for the EPA to require manufacturers (including importers) or processors to test chemical substances and mixtures. The EPA is proposing a TSCA section 4 test rule to obtain specific data on human health, fate, and environmental effects for various chemical esters of brominated phthalate acids. The chemicals were identified for further assessment under the TSCA Work Plan for Chemical Assessments. The Work Plan indicates that chemical risk assessments will be conducted if, as a result of scoping and problem formulation, there are exposures of concern, identified hazards, and sufficient data for quantitative analysis. In August 2015, the EPA published a problem formulation and data needs assessment on the Brominated Phthalates Cluster Flame Retardants after scoping and problem formulation concluded that the toxicological and exposure profile for the cluster was incomplete and inadequate to develop a TSCA Work Plan risk assessment. The purpose of the proposed section 4 test rule is to obtain the necessary data to characterize hazard and exposure to enable the EPA to conduct a risk assessment under TSCA.	12 months or less
Federal Civil Penalties Inflation Adjustment of 2016	Interim Final	Caroline Hermann 202-564-2876 Hermann.Caroline@epa.gov	On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990, to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. Each federal agency is now required to publish by interim final rule, a “catch-up” adjustment, effective by August 1, 2016. This rule will amend Part 19 to reflect the statutory maximum and, in some cases, minimum, civil penalties that can be assessed under each of EPA’s enforcement authorities.	12 months or less

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Bioreactor/Wet Landfill Regulations under RCRA Subtitle D	ANPRM	Craig Dufficy 703-308-9037 Dufficy.Craig@epa.gov	The EPA is developing an Advance Notice of Proposed Rulemaking discussing the possibility of revisions to the Resource Conservation and Recovery Act (RCRA) subtitle D part 258 regulations for municipal solid waste (MSW) landfills to allow for accelerated waste decomposition in the presence of water. Specifically, EPA is now considering whether to revise part 258 to create new national standards for the operation of “wet” landfills and bioreactor landfills, in light of advances in landfill technology. The EPA intends to request information and data on the performance of wet landfills and bioreactors, and request comments on whether new national standards for wet landfills are appropriate, and if so, what regulatory changes the EPA should consider in developing any proposal.	12 months or less
National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production Direct Final	NPRM, Direct Final	Rochelle Boyd 919-541-1390 Boyd.Rochelle@epa.gov	The EPA is taking direct final action to promulgate amendments to a final rule that revised national emission standards for hazardous air pollutants for the Secondary Aluminum Production source category. The final rule was published on September 18, 2015 (80 FR 56700). This direct final action amends certain regulatory text to clarify and/or correct certain provisions in the 2015 final rule. This action also corrects typographical errors.	12 months or less

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				Date
Air Quality Designations for the 2012 PM2.5 Standard for Deferred Areas in Georgia, Florida and Tennessee	Final	Carla Oldham 919-541-3347 Oldham.Carla@epa.gov	This action will establish the initial air quality designations for the 2012 PM2.5 national ambient air quality standard for certain areas in Georgia, Florida and Tennessee where these designations were deferred. On December 18, 2014, when EPA established the initial designations for most areas of the country, EPA deferred taking action on these areas because it could not determine using available air quality data whether the areas were meeting or were not meeting the NAAQS, but for which forthcoming data would likely result in complete and valid data needed to determine a designation. Based on more recent data for 2015, the EPA has sufficient data for most of these areas to make a definitive designation.	12 months or less
Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations for PCBs in Small Capacitors	NPRM	Sara Kemme 202-566-0511 Kemme.Sara@epa.gov	The EPA's regulations governing the use of Polychlorinated Biphenyls (PCBs) in electrical equipment and other applications were first issued in the late 1970s and have not been updated since 1998. The EPA has initiated rulemaking to reassess the ongoing authorized use of PCBs in small capacitors. In particular, the reassessment of the use authorization will focus on the use of liquid PCBs in small capacitors in fluorescent light ballasts. A separate Regulatory Agenda entry (RIN 2070-AJ38) addresses the proposed reassessment of other PCB use authorizations.	12 months or less

What EPA Actions Appear on the AILs?

Generally, AILs include those actions that 1) will appear in upcoming *Semiannual Regulatory Agenda* and 2) have been approved for commencement by EPA's Regulatory Policy Officer. In rare instances, an action will not appear on an AIL before it appears in the *Agenda*. Also, keep in mind that AILs will not post immediately. You can access a given month's list roughly 20 days after the close of the month (e.g., the April 2014 AIL will post sometime around May 20th).

What Does Each Column in the AIL Mean?

Title: Self-explanatory.

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

- ANPRM - Advance Notice of Proposed Rulemaking
- NPRM - Notice of Proposed Rulemaking
- Supplemental - Supplemental NPRM
- Direct Final - Direct Final Action
- Interim Final - Interim Final Action
- Final - Final Action
- Section 610 Review - Agency Review under Section 610 of the Regulatory Flexibility Act

Contact: Provides the name, phone, and email address for the EPA staff person assigned to this rule. Additionally, if a rule is in EPA's RegDaRRT (www.epa.gov/rulemaking/), then a link to the rule's profile will be provided in this column.

Abstract: A brief summary of the action and its purpose.

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