



## **July 2012 Action Initiation List (as of 8/21/2012)**

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: <http://www.epa.gov/lawsregs/search/ail.html>. 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/](http://www.epa.gov/rulemaking/).

If one of the rules on this AIL is in RegDaRRT, a link to the rule's profile is included in the table below. 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 (<http://www.epa.gov/lawsregs/search/regagenda.html>)
- RegInfo.gov (<http://www.reginfo.gov/public/do/eAgendaMain>)
- Regulations.gov (<http://www.regulations.gov/fdmspublic/component/main?main=UnifiedAgenda&agency=EPA&pubperiod=200710>)

Action Title	Stage	Contact	Abstract	Projected Publication Date
Revisions to Research, Demonstration and Development (RD&D) Subtitle D Research, Demonstration & Development Permit Rule	NPRM	Craig Dufficy 703-308-9037 Dufficy.Craig@epa.gov	EPA is considering modifying the Research, Demonstration and Development (RD&D) provisions for Resource Conservation and Recovery Act (RCRA) Subtitle D regulations, originally promulgated in 2004. One of the issues that has arisen is the 12 year time limitation. States that have approved and issued RD&D permits indicate that this limitation discourages long-term research and shortens the investment period needed to recoup costs given that the lag time from design to operation can be as much as three years. The majority of state stakeholders believe that removing the time limit is appropriate. In addition to the 12 year limitation change, EPA is considering (1) developing a common definition of a bioreactor within EPA Offices; (2) promoting a long-term, low cost and sustainable method for Municipal Solid Waste Management and (3) encouraging energy recovery.	More than 12 months
Response to Reclassification Request from New York for the New York-Northern New Jersey-Long Island, NY-NJ-CT Ozone Nonattainment Area	Direct Final	Carla Oldham 919-541-3347 Oldham.Carla@epa.gov	When the EPA promulgates a new or revised National Ambient Air Quality Standard (NAAQS), the EPA is required to designate all areas in the country as nonattainment, attainment, or unclassifiable, pursuant to section 107(d)(1) of the Clean Air Act. In rules signed on April 30, 2012 and May 31, 2012, the EPA promulgated the initial air quality designations for all areas in the United States for the 2008 ozone NAAQS. Areas designated as ozone nonattainment areas were also classified by operation of law at the time of designation according to the severity of the area's air quality problem. Under CAA section 181(a)(4), within 90 days after the original designation and classification, the EPA has the discretion to reclassify an area to a higher or lower classification if the area's design value is within 5 percent of the design value range for the higher or lower classification. In addition, under section 181(b)(3), a state may request a voluntary reclassification to higher category at any time. On June 20, 2012, the State of New York submitted a request that the EPA adjust the classification for the New York-Northern New Jersey-Long Island, NY-NJ-CT multi-state ozone nonattainment area from marginal to moderate, citing both of these reclassification provisions. This action will respond to New York's reclassification request for that area.	12 months or less

## What EPA Actions Appear on the AILs?

Generally, AILs include those actions that 1) will appear in upcoming *Semiannual Regulatory Agenda* and 2) have been approved for commencement by EPA's Regulatory Policy Officer. In rare instances, an action will not appear on an AIL before it appears in the *Agenda*. Also, keep in mind that AILs will not post immediately. You can access a given month's list roughly 15 days after the close of the month (e.g., the April 2011 AIL will post sometime around May 15th).

## 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/](http://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.