# May 2012 Action Initiation List (as of 7/20/2012)

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/.

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 |
|---|---|---|---|---|
| Uniform Standard for Flares | NPRM | Brenda Shine<br>919-541-3608<br>Shine.Brenda@epa.gov | This action was originally part of the Uniform Standards described in regulatory action RIN 2060-AR00 but will now be proposed as a separate action. Organic chemical production industries and the petroleum refining industry have similar emission sources that are often required to be controlled to similar levels by the same type of control devices and work practice standards. The air pollution control regulatory requirements for these sources have evolved and improved as different New Source Performance Standards (NSPS) and Maximum Achievable Control Technology (MACT) have been developed over the years. This has resulted in requirements that are different and in many cases insufficient especially with respect to ensuring continuous compliance. EPA has developed "standardized" regulatory requirements in the past but they are specific to Part 60, 61, and 63 rules respectively and are out of date. This action will continue the development and consolidation of a state-of-the-art uniform standard that will then become applicable when it is referenced in future regulatory actions, such as new and revised Control Technique Guidelines documents, NSPS technology reviews, and MACT Risk and Technology reviews for these industries.<br><br>The uniform standard part 65 Subpart M for closed vent systems and control devices, developed in a previous action, will be amended in this action to include flare requirements. All technical support documents previously developed under RIN 2060-AR00 to identify methodologies to improve flare performance will undergo an external ad hoc peer review. Feedback from the peer review will then be considered in the development of the standard. The flare uniform standard will also include requirements for work practices and equipment standards and for monitoring, recordkeeping, and reporting. In addition, EPA will develop tools for the proper application of this uniform standard during rule development, including anticipated costs and pollutant emission reductions. | 12 months or less |
| Petroleum Refinery Sector Amendment for Flares | NPRM | Brenda Shine<br>919-541-3608<br>Shine.Brenda@epa.gov | This action was originally part of the Petroleum Refining Sector Rulemaking described in RIN 2060-AQ75 but will now be a separate action. In this action we plan to conduct a review of flare efficiency for the refinery sector. We plan to amend the Refinery Maximum Achievable Control Technology (MACT) 40 CFR part 63, subpart CC (Refinery MACT 1) and 40 CFR part 63, subpart UUU (Refinery MACT 2) and the Refinery New Source Performance Standards (NSPS) subpart Ja to the extent necessary to establish flare efficiency requirements. The flare uniform standards are being developed in a separate action and will specify work practices, equipment standards, and monitoring, recordkeeping, and reporting requirements for flares. This action may reference the Flare Uniform Standards, also under development, in lieu of directly incorporating flare efficiency requirement into the Refinery MACT standards or NSPS. | 12 months or less |

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| Air Quality: Revision to Definition of Volatile Organic Compounds – Exclusion of 2,3,3,3-tetrafluoropropene | Final | Dave Sanders<br>919-541-3356<br>Sanders.Dave@epa.gov | This action would add 2,3,3,3-tetrafluoropropene (also known as HFO-1234yf) to the list of compounds excluded from the definition of volatile organic compounds (VOCs) on the basis that this compound makes a negligible contribution to tropospheric ozone formation. Through this action, the EPA is revising the Agency's definition of VOC for purposes of preparing state implementation plans (SIPs) to attain the national ambient air quality standards (NAAQS) for ozone under Title I of the Clean Air Act (CAA). An action (RIN 2060-AQ38) for trans-1,3,3,3-tetrafluoropropene (also known as HFO-1234ze), previously proposed along with 2,3,3,3-tetrafluoropropene, is currently being finalized separately after it was decided to place the two compounds in two separate actions. | 12 months or less |
| Kraft Pulp Mills New Source Performance Standards (NSPS) | NPRM | Kelley Spence<br>919-541-3158<br>Spence.Kelley@epa.gov | Section 111(b)(1) of the Clean Air Act (CAA) directs EPA to review and, if appropriate, revise the New Source Performance Standards (NSPS) at least every 8 years after promulgation. This is a review of Subpart BB, Standards of Performance for Kraft Pulp Mills Section 60.280 - 60.285 which was last promulgated in 1978. The subpart is applicable to the following sources in kraft pulp mills that were installed after 1978: digester systems, brown stock washers, evaporator systems, recovery furnaces, smelt dissolving tanks, lime kilns, and condensate stripper systems. The pollutants regulated in this subpart include total reduced sulfur (TRS) compounds and particulate matter (PM). This action is subject to a citizen suit under section 304(a)(2) of the CAA brought against the EPA under the Administrative Procedure Act, 5. U.S.C. 701-06. This complaint seeks to compel the Administrator to fulfill her mandatory duty to review the NSPS for new and modified kraft pulp mills. | 12 months or less |

| Action Title | Stage | Contact | Abstract | Projected Publication Date |
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| Revision to Ambient Nitrogen Dioxide Monitoring Requirements | NPRM | Nealson Watkins<br>919-541-5522<br>Watkins.Nealson@epa.gov | Nitrogen Dioxide (NO2) monitoring requirements were revised in February 2010 as part of the revision to the NO2 National Ambient Air Quality Standards. The revised requirements included network design elements that required monitors for characterizing concentrations near major roads, across area-wide extents, and in areas with vulnerable and susceptible populations. The required deadline for the establishment of the revised NO2 network was January 1, 2013. The Annual Monitoring Network Plans addressing these revisions are due July 1, 2012, for approval by the Administrator. The EPA is proposing revisions to the deadline for the near-road element of the network which establishes a phased approach that is more practical for states to implement and for EPA to fund. These changes will establish a series of deadlines that collectively implement the near-road network between January 1, 2014 and January 1, 2017, more closely matching the schedule for anticipated EPA grant funding as well as monitoring agency capacity for implementing the new sites. No changes are being proposed for the deadline affecting the area-wide and vulnerable and susceptible network elements. Additionally, no changes are being proposed to the population thresholds for monitoring finalized in the 2010 rule.<br><br>The EPA is also proposing to change the Annual Monitoring Network Plan approval authority from Administrator to Regional Administrator, as was originally intended, which is consistent with the approval authority for other networks characterizing ozone and fine particles, for example. | 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/), 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.