



EPA and Rule Issuance

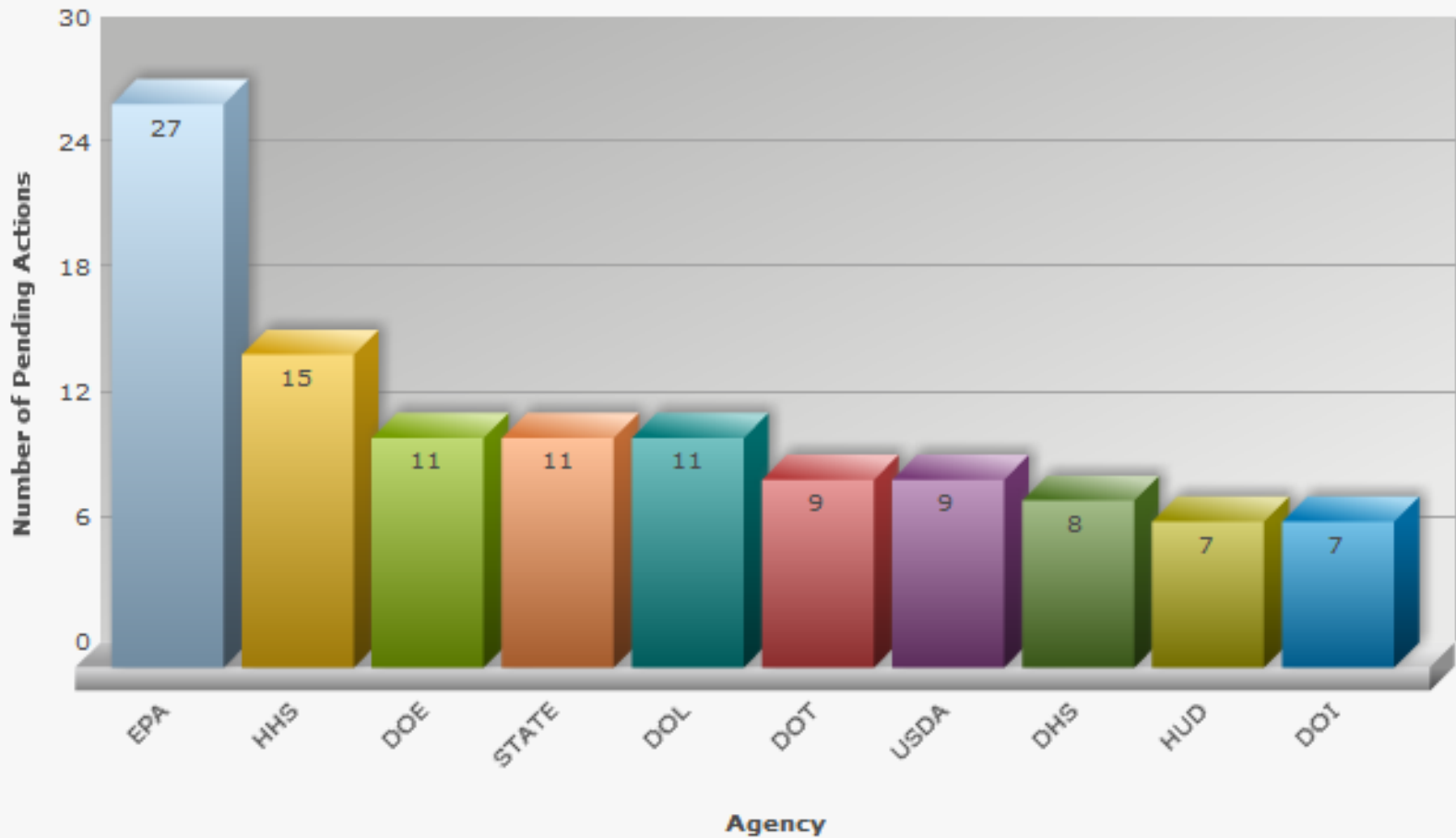
NCSL Presentation

Dec. 7, 2010

Most Federal Rules are from EPA

Dec 2012

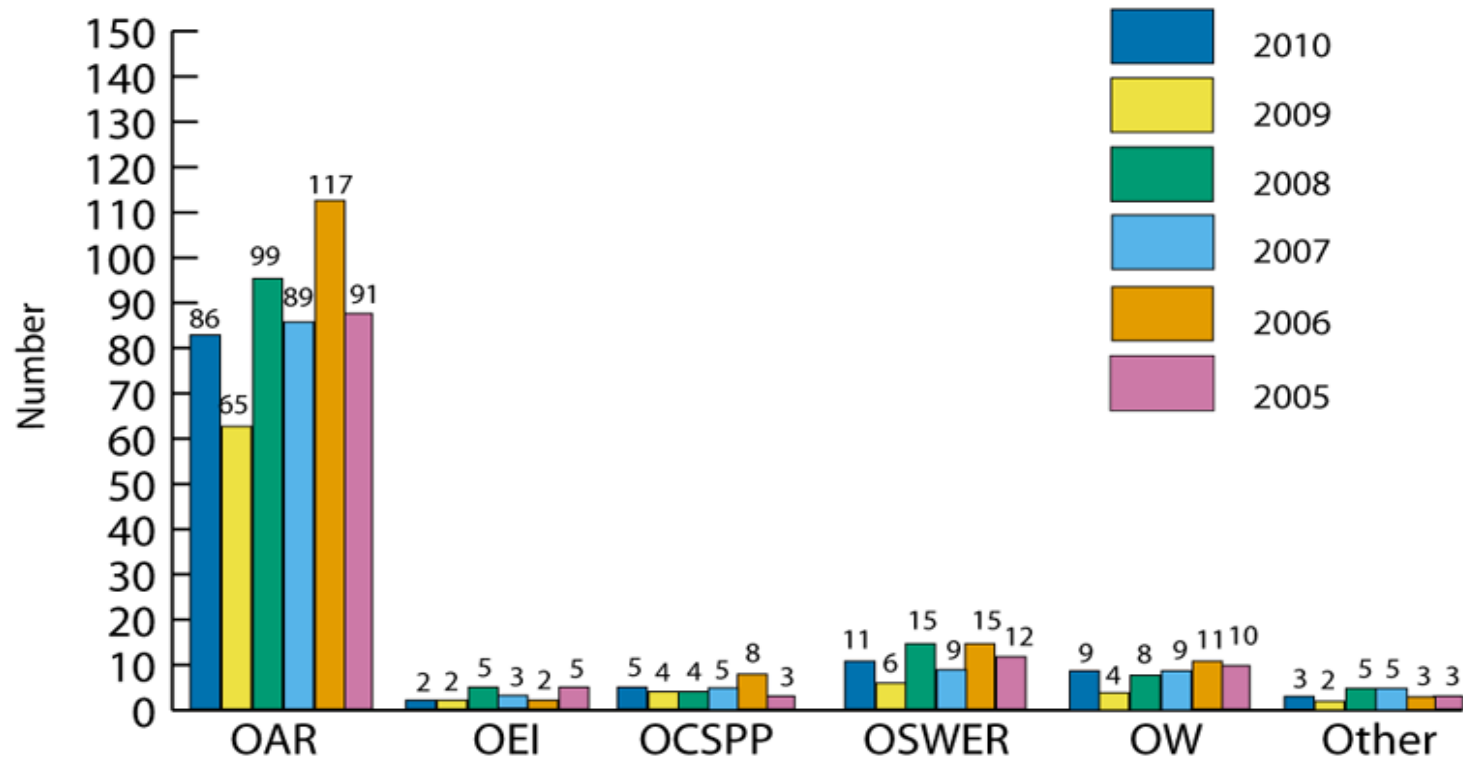
AGENCIES WITH THE MOST REGULATORY ACTIONS CURRENTLY UNDER REVIEW



Total Pending Actions: 149

Most EPA Rules are Air Rules

Administrator-Signed Rules by EPA Program Offices, 2005-2010



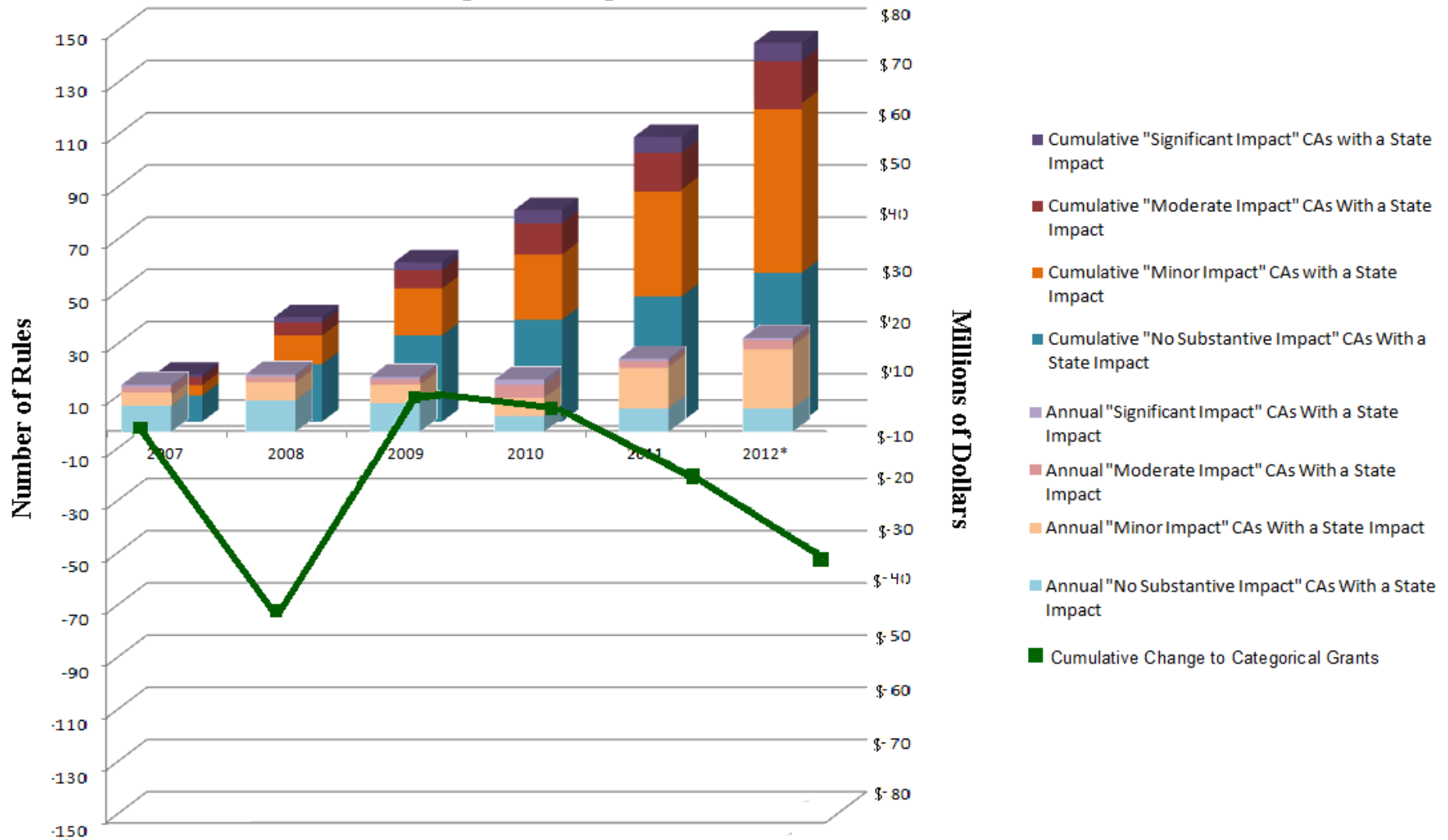
Counting Rules is Tricky

- Completed Actions
- Final Rule
- Proposed Rule
- Notice of Intent to Propose
- Advance Notice of Intent to Propose
- Etc
- Some rules affect state governments more than others

Recent History of Completed Actions with a State Impact

Year	Source	Total Completed Actions with a State Impact
2007	2007 Spring and Fall Regulatory Agenda	18
2008	2008 Spring and Fall Regulatory Agenda	22
2009	2009 Spring and Fall Regulatory Agenda	21
2010	2010 Spring and Fall Regulatory Agenda	20
2011	2011 Spring and Fall Regulatory Agenda	28
Projected 2012*		35?
Totals		144

Annual and Cumulative Completed Actions with a State Impact, Cumulative Change to Categorical Grants



The 2012 List...Most Likely

Effluent Limitations Guidelines and Standards for Airport Deicing Operations	Other Significant
Groundwater and Pesticide Management Plan Rule	Other Significant
Synchronizing the Expiration Dates of EPA Pesticide Applicator Certificates With the Underlying State or Tribal Applicator Certificate	
Emergency Planning and Community Right-to-Know Act: Modification to the Threshold Planning Quantity Methodology for the Extremely Hazardous Substances That are Solids in Solution	Other Significant
Hazardous Chemical Reporting; Community Right-to-Know: Revisions to the Emergency and Hazardous Chemical Inventory Forms (Tier I and Tier II)	
National Emission Standards for Hazardous Air Pollutants (NESHAP): Polyvinyl Chloride and Copolymers Production, Amendments	Other Significant
Quality Assurance Requirements for Continuous Opacity Monitoring Systems	
Performance Specification 4C--Specifications and Test Procedures for Low-Level Carbon Monoxide Continuous Emission Monitoring Systems in Stationary Sources	
Reconsideration of the Prevention of Significant Deterioration and Nonattainment New Source Review NSR: Aggregation	Other Significant
Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur	Other Significant

Criteria and Standards for Cooling Water Intake Structures	Economically Significant
National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule	Other Significant
Transportation Conformity Rule: MOVES Regional Grace Period Extension	
National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Electric Utility Steam Generating Units	Economically Significant
Air Quality Designations for the 2010 Nitrogen Dioxide National Ambient Air Quality Standards	
NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements	Other Significant
Implementation of the 1997 8-Hr Ozone NAAQS: Classification of Subpart 1 Areas and Revision to AntiBacksliding Provisions; Deletion of Obsolete 1-Hr Ozone Standard Provisions.	Other Significant
Ambient Ozone Monitoring Regulations: Revisions to Network Design Requirements	Other Significant
Implementation of the 1997 8-hour Ozone National Ambient Air Quality Standard: NSR Anti-Backsliding	Other Significant
Reasonable Further Progress Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standard	Other Significant
National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; Proposed Reconsideration	Economically Significant
National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers; Reconsideration and Proposed Rule Amendments	Other Significant

Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes	Other Significant
Water Quality Standards Regulatory Clarifications	Other Significant
Petroleum Refinery Sector Risk and Technology Review and NSPS	Economically Significant
NPDES Electronic Reporting Rule	Other Significant
Water Quality Standards for the State of Florida's Estuaries and Coastal Waters	Other Significant
Stormwater Regulations Revision To Address Discharges From Developed Sites	Economically Significant
Revised Regulations for Concentrated Animal Feeding Operations (CAFOs) in the Chesapeake Bay Watershed	Other Significant
National Pollutant Discharge Elimination System (NPDES) Application and Program Updates Rule	Other Significant
Effluent Guidelines and Standards for the Dental Point Source Category	Other Significant
Effluent Guidelines and Standards for the Construction and Development Industry--Revision	Other Significant
Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements	Other Significant
Revising Underground Storage Tank Regulations--Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training	Other Significant
CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances From Animal Waste at Farms	Other Significant
Addition of Subsurface Component to the Hazard Ranking System (HRS)	Other Significant

Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Small Municipal Waste Combustors: Remand Response and Amendments	Other Significant
Air Quality: Revision to Definition of Volatile Organic Compounds--Exclusion of a Group of Four Hydrofluoropolyethers (HFPEs)	Other Significant
Revision of Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings and Uranium In Situ Leaching Processing Facilities	Other Significant
Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reasonable Possibility in Recordkeeping; Reconsideration	Other Significant
Federal Reference Method for Lead in Total Suspended Particulate Matter	
Revision of New Source Performance Standards for New Residential Wood Heaters	Economically Significant
National Emission Standards for Hazardous Air Pollutants: Startup, Shutdown, and Malfunction Amendments to Part 63 Standards	Other Significant
Revisions to Test Methods and Testing Regulations	
Risk and Technology Review for Ferroalloys Production	Economically Significant
Residual Risk and Technology Review Amendments to the Phosphoric Acid and Phosphate Fertilizer Production NESHAPs	Other Significant
Stationary Combustion Turbine NSPS Amendments to Address UARG Reconsideration Petition	

Residual Risk and Technology Review Amendments to the Secondary Aluminum Production NESHAP	Other Significant
Risk and Technology Review for National Emission Standards for Hazardous Air Pollutants From the Pulp and Paper Industry	Other Significant
Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions; Reconsideration	Other Significant
Correction to Insert Credible Evidence Language Missing From the Compliance Certification Provisions for Operating Permits Programs	
Residual Risk and Technology Review Amendments to the Primary Aluminum Reduction NESHAP	Other Significant
Portland Cement Manufacturing NESHAP and NSPS--Proposed Amendments as a Result of Reconsideration	Other Significant
Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver	Other Significant
National Emission Standards for Aerospace Manufacturing and Rework Facilities Risk and Technology Review	Other Significant
National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins, Pesticide Active Ingredient Production, and Polyether Polyols Production Risk and Technology Review	Other Significant
Revisions to Provisions Governing Alternative to Source-Specific Best Available Retrofit Technology (BART) Determinations, Limited SIP Disapprovals, and Federal Implementation Plans	Other Significant
Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3	Other Significant

Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed On or Before December 1, 2008	
Pesticides; Certification of Pesticide Applicators	Other Significant
Pesticides; Agricultural Worker Protection Standard Revisions	Other Significant
Prions; Amendment of EPA's Regulatory Definition of Pests to Include Prion	
Regulations to Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)	Other Significant
Lead Wheel Weights; Regulatory Investigation	Other Significant
Pesticides; Revisions to Minimum Risk Exemptions	
National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelters; Amendments	TBD
Technical Corrections for the Greenhouse Gas Reporting Rule	TBD
Notice of Proposed Revisions to Stormwater Regulations to Clarify that an NPDES Permit is not Required for Stormwater Discharges from Logging Roads	TBD
Greenhouse Gas Reporting - Change to Calculation Methodologies for Subpart I	TBD
Revisions to Research, Demonstration and Development (RD&D) Subtitle D Research, Demonstration & Development Permit Rule	TBD

Response to Reclassification Request from New York for the New York-Northern New Jersey-Long Island, NY-NJ-CT Ozone Nonattainment Area	TBD
Mercury and Air Toxics Standards (MATS) Source Reconsideration	TBD
Renewable Fuel Standard for 2014	TBD
Renewable Fuel Standards Renewable Identification Number (RIN) Quality Assurance Program	TBD
Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010	TBD
Regulation of Fuels and Fuel Additives: Reducing the Number of Reporting Due Dates under EPA's Fuels Programs	TBD
Certain Nonylphenols and Nonylphenol Ethoxylates; Significant New Use Rule	TBD
National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing	TBD
Uniform Standard for Flares	TBD
Petroleum Refinery Sector Amendment for Flares	TBD
Air Quality Revision to definition of Volatile Organic Compounds - Exclusion of 2,3,3,3,-tetrafluoropropene	TBD
Kraft Pulp Mills New Source Performance Standards (NSPS)	TBD
Revision to Ambient Nitrogen Dioxide Monitoring	TBD

Upcoming Rules

- ~Dec 14 – Particulate air standard (court-ordered)
- Some rules slowed:
- Clean Water Act Guidance on Jurisdiction
- GHG rule on New Source Performance Stnds
- Some rules being rewritten due to “technical errors” (Utility Air Toxics, CSAPR)
- Also, no new rules during budget negotiations
- Look for a faster release of rules after inauguration and after budget negotiations are finished