



## **December 2016 Action Initiation List (as of 12/28/2016)**

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/](http://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
Fuels Regulation Modernization - Phase 1	NPRM	Nick Parsons 734-214-4479 Parsons.Nick@epa.gov	This action is the first of three phases intended to streamline and modernize EPA's fuels regulations. The purpose of this effort is to update EPA's existing gasoline and diesel regulations to reduce compliance costs for both EPA and industry, improve environmental benefits, and improve compliance assurance with EPA's fuels requirements. In this first phase, EPA will focus on streamlining and modernizing the existing fuels regulatory requirements and designing them in a way to match today's fuel marketplace, undertaking actions such as developing a single common set of provisions and definitions that will apply across all gasoline and diesel programs to reduce complexity, eliminate redundancy, and avoid duplication. Subsequent phases will look at removing variations in in-use fuel requirements and put in place provisions to ensure that health and welfare are protected as new fuels enter the marketplace.	12 months or less
Modernizing Ignitable Liquids Determinations	NPRM	Daniel Fagnant 703-308-0319 Fagnant.Daniel@epa.gov	The EPA is proposing to update the flash point test methods for the determination of characteristically ignitable hazardous waste. The currently required test methods refer to outdated standards developed by the American Society for Testing and Materials (ASTM standards) and require instrumentation that is no longer readily commercially available. In addition, the standards require the use of mercury thermometers. The proposed update to the flash point test methods will allow for the use of commercially available instrumentation and will no longer require mercury thermometers. The EPA will also propose that the requirements for mercury thermometers be removed from the SW-846 Compendium sampling methods. In addition, a revision to clarify the alcohol exclusion for ignitable aqueous alcohols is being proposed. The alcohol exclusion will be revised to specifically list beverage alcohols with less than 24% alcohol content and latex paints as excluded from being ignitable hazardous waste. This will supersede guidance on the definitions of the terms "aqueous" and "alcohol" for the aqueous alcohol exclusion.	More than 12 months

Action Title	Stage	Contact	Abstract	Projected Publication Date
Asphalt Processing and Asphalt Roofing Manufacturing RTR	NPRM	Rochelle Boyd 919-541-1390 Boyd.Rochelle@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 Asphalt Processing and Asphalt Roofing Manufacturing. The Asphalt Processing and Asphalt Roofing Manufacturing NESHAP, subpart LLLLL, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on May 7, 2003. The NESHAP established emission limitations and work practice requirements based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP) from asphalt processing and asphalt roofing manufacturing. Asphalt processing facilities produce "blown" asphalt for use in the asphalt roofing manufacturing industry and elsewhere. Asphalt roofing manufacturing facilities produce shingles and roll roofing products by applying the "blown" asphalt to a fiberglass or felt substrate. The HAP emitted from these processes include numerous organic compounds such as formaldehyde, hexane, phenol, polycyclic organic matter and toluene. 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. This RTR is subject to an ongoing deadline suit, but does not have established proposal or final rule dates yet. This action will also address any other regulatory actions for the source category as deemed appropriate.	More than 12 months
Federal Numeric Nutrient Criteria Applicable to Missouri	NPRM	Mario Sengco 202-566-2676 Sengco.Mario@epa.gov	The EPA is proposing numeric nutrient criteria for lakes in Missouri. In August 2011, the EPA disapproved certain provisions of Missouri's revisions to water quality standards based on concerns that the State's numeric nutrient criteria for lakes were not based on a sound scientific rationale and that Missouri failed to demonstrate how the criteria would protect the designated uses. Missouri has not yet adopted numeric nutrient criteria to address EPA's disapproval. Therefore, consistent with Clean Water Act (CWA) Section 303(c)(3), the EPA is proposing numeric nutrient criteria for lakes in Missouri that are scientifically defensible and protective water quality criteria. EPA is under a consent decree with Missouri Coalition for the Environment Foundation to either take CWA section 303(c) action to approve numeric nutrient criteria adopted by Missouri that address EPA's prior disapproval, or propose statewide numeric nutrient criteria for lakes for Missouri by December 15, 2017.	More than 12 months

## 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/](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.