

## Regulatory Update - February 2020

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Published Actions (List of Sections Affected)				

Media/Field	Agency	Topic	Rule	Reference	Link	Rule State	Update	Latest Action(s) - Arranged By Due Date
Chemical Safety	CSB	Accidental Release Reporting	40 CFR 1604	84 FR 67899	<a href="#">Link</a>	Proposed Rule	This proposed rule describes when an owner or operator is required to file a report of an accidental release and the required content of such a report. The purpose of the proposed rule is to ensure that the CSB receives rapid, accurate reports of any accidental release that meets established statutory criteria.  [JBE Comment: Key to this regulation is the lack of clarity as to a significant property damage (on-site or off-site) that triggers reporting. ANPR commenters (Dow Chemical and the State of New Jersey) suggested a dollar limit such as in 49 CFR 171.15 and 49 CFR 91.5.)  The docket is in: <a href="https://www.csb.gov/assets/1/7/compilation_of_anpr_comments.pdf">https://www.csb.gov/assets/1/7/compilation_of_anpr_comments.pdf</a>	The comment period ended January 13, 2020.  CSB is under court order to issue a final rule by February 4, 2020 (12 months from the court ruling date last year).  <b>Stay tuned to this as an immediate effective date for the final rule (once promulgated) could be specified.</b>
Air	EPA	Amendments Related to Global Marine Fuel	40 CFR Part 80	84 FR 69335	<a href="#">Link</a>	Final Rule	The Environmental Protection Agency (EPA) is amending its diesel fuel regulations to allow fuel suppliers to distribute distillate diesel fuel that complies with the sulfur standard that applies internationally for ships instead of the fuel standards that otherwise apply to distillate diesel fuel in the United States. The affected fuel may not be used in the United States' Emission Control Areas.	This final rule is effective on December 18, 2019.
Air	EPA	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act	40 CFR 68	84 FR 69834	<a href="#">Link</a>	Final Rule	The Environmental Protection Agency (EPA) is revising regulations that are designed to reduce the risk of accidental releases of hazardous chemicals. These regulations are part of the EPA's Risk Management Program (RMP), which the Agency established under authority in the Clean Air Act and recently amended on January 13, 2017. After a process of reconsidering several parts of the 2017 rule, EPA has concluded that a better approach is to improve the performance of a subset of facilities by achieving greater compliance with RMP regulations instead of imposing additional regulatory requirements on the larger population of facilities that is generally performing well in preventing accidental releases. For this and other reasons, EPA is rescinding recent amendments to these regulations that we no longer consider reasonable or practicable relating to safer technology and alternatives analyses, third-party audits, incident investigations, information availability, and several other minor regulatory changes. EPA is also modifying regulations relating to local emergency coordination, emergency response exercises, and public meetings. In addition, the Agency is changing compliance dates for some of these	DATES: This final rule is effective on December 19, 2019.  [JBE: Note that certain new program elements have compliance dates for them that span time over the next five years]
Air	EPA	Community Right-to-Know; Corrections to Toxics Release Inventory (TRI) Reporting Requirements	40 CFR Part 372	84 FR 65739	<a href="#">Link</a>	Proposed Rule	EPA is proposing corrections to existing regulatory language for the Toxics Release Inventory (TRI) Program. EPA is proposing corrections that will update identifiers, formulas, and names for certain TRI-listed chemicals and updates to the text that identifies which chemicals the 0.1 percent de minimis concentration applies to in order to remedy a cross-reference to a no-longer-accurate Occupational Safety and Health Administration (OSHA) regulatory citation. These proposed corrections maintain previous regulatory actions and do not alter existing reporting requirements or impact compliance burdens or costs.	The comment period ended January 28, 2020.

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Air	EPA	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing Residual Risk and Technology Review	40 CFR 63	84 FR 69182	<a href="#">Link</a>	Proposed Rule	The U.S. Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Miscellaneous Organic Chemical Manufacturing source category. The EPA is proposing decisions concerning the residual risk and technology review (RTR), including proposing amendments pursuant to the technology review for equipment leaks and heat exchange systems, and also proposing amendments pursuant to the risk review to specifically address ethylene oxide emissions from storage tanks, process vents, and equipment leaks. The EPA is also proposing amendments to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM), including removing general exemptions for periods of SSM, adding work practice standards for periods of SSM where appropriate, and clarifying regulatory provisions for certain vent control bypasses. Lastly, the EPA is proposing to add monitoring and operational requirements for flares that control ethylene oxide emissions and flares used to control emissions from processes that produce olefins and polyolefins; and add provisions for electronic reporting of performance test results and reports, performance evaluation reports, and compliance reports. We estimate that, if finalized, these proposed amendments (not including the potential excess emission reductions from flares) would reduce hazardous air pollutants (HAP) emissions from this source category by 116 tons per year (tpy) and would reduce ethylene oxide emissions from this source category by approximately 10 tpy.	The comment period ended January 31, 2020.  Public hearing. The EPA is planning to hold at least one public hearing in response to this proposed action. Information about the hearing, including location, date, and time, along with instructions on how to register to speak at the hearing, will be published in a second Federal Register document and posted at <a href="https://www.epa.gov/stationary-sources-air-pollution/miscellaneous-organic-chemical-manufacturing-national-emission">https://www.epa.gov/stationary-sources-air-pollution/miscellaneous-organic-chemical-manufacturing-national-emission</a> .
Air	EPA	Community Right-to-Know; Corrections to Toxics Release Inventory (TRI) Reporting Requirements	40 CFR Part 372	84 FR 66369	<a href="#">Link</a>	Advance notice of proposed rulemaking.	In this advance notice of proposed rulemaking (ANPRM), EPA is soliciting information from the public as EPA considers proposing a future rule on adding certain per- and polyfluoroalkyl substances (PFAS) to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA). In this ANPRM, EPA outlines what PFAS are, why the Agency is considering adding certain PFAS to EPCRA section 313, what listing actions are being considered, who may be required to report, the current understanding of hazard concerns for PFAS, EPA's hazard assessments on PFAS, and other information available on these chemicals. In considering a chemical for addition to the EPCRA section 313 list, EPA bases its listing decision on the chemical's hazard (i.e., toxicity), not the risk (i.e., toxicity plus potential exposures) related to that chemical. EPA is requesting comment on which, if any, PFAS should be evaluated for listing, how to list them, and what would be appropriate reporting thresholds given their persistence and bioaccumulation potential. Lastly, EPA asks for any additional data to inform the Agency's evaluation and determination of which PFAS may meet the EPCRA section 313 listing criteria.	The comment period ended February 3, 2020.
Air	EPA	Test Methods and Performance Specifications for Air Emission Sources	40 CFR Parts 51, 60, 61, and 63	84 FR 68069	<a href="#">Link</a>	Proposed Rule	This action proposes corrections and updates to regulations for source testing of emissions under various rules. This proposed rule includes corrections to inaccurate testing provisions, updates to outdated procedures, and approved alternative procedures that provide testers enhanced flexibility. The revisions will improve the quality of data but will not impose new substantive requirements on source owners or operators.	Comments must be received on or before February 11, 2020.
Air	EPA	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing Residual Risk and Technology Review	40 CFR 63	84 FR 68870	<a href="#">Link</a>	Proposed Rule	On December 17, 2019, the U.S. Environmental Protection Agency (EPA) published the proposed rulemaking concerning the residual risk and technology review (RTR) for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Miscellaneous Organic Chemical Manufacturing source category. The EPA also requested public comment on the proposed action. The EPA is announcing that it will hold two public hearings to provide interested parties the opportunity to present data, views, or arguments concerning the proposed action.	The revised comment period ends February 18, 2020.  Public hearings were scheduled for January 14, 2020, in Houston, Texas, and January 16, 2020, in Washington, DC.
Air	EPA	National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology Standards Residual Risk and Technology Review for Ethylene Production	40 CFR 63	84 FR 54278	<a href="#">Link</a>	Proposed Rule	THIS PROPOSED RULE WAS LISTED IN THE SEMI-ANNUAL AGENDA AS A GROUPING OF RTR'S BUT NOT IN THE LSA.  EPA is proposing to finalize the MACT standards applicable to Ethylene manufacturers that has been alternatively proposed and tabled over more than ten years. These proposed regulations seek to impose additional standards and include fence-line monitoring provisions that were informed by the refinery sector rule, but are not identical to those provisions.	The comment period ended December 6, 2019 (revised date).  A hearing in Washington DC was scheduled for Wednesday, November 6, 2019.



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Air	EPA	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	40 CFR 60	80 FR 50244	<a href="#">Link</a>	Proposed Rule	This action proposes reconsideration amendments to the new source performance standards (NSPS). These amendments, if finalized, would remove sources in the transmission and storage segment from the source category, rescind the NSPS (including both the volatile organic compounds (VOC) and methane requirements) applicable to those sources, and rescind the methane-specific requirements (the "methane requirements") of the NSPS applicable to sources in the production and processing segments. The U.S. Environmental Protection Agency (EPA) is also proposing, as an alternative, to rescind the methane requirements of the NSPS applicable to all oil and natural gas sources, without removing any sources from the source category. Furthermore, the EPA is taking comment on alternative interpretations of its statutory authority to regulate pollutants under the Clean Air Act (CAA), and associated record and policy questions.	The comment period ended November 25, 2019.  EPA scheduled a public hearing in Dallas for October 17, 2019.  The docket folder can be found at: <a href="https://www.regulations.gov/docket?D=EPA-HQ-OAR-2017-0757">https://www.regulations.gov/docket?D=EPA-HQ-OAR-2017-0757</a>
Air	EPA	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) Residual Risk and Technology Review	40 CFR 63	84 FR 56288	<a href="#">Link</a>	Proposed Rule	THIS PROPOSED RULE WAS LISTED IN THE SEMI-ANNUAL AGENDA AS A GROUPING OF RTR'S BUT NOT IN THE LSA  EPA is proposing to finalize the MACT standards applicable to organic liquids distribution. These proposed regulations seek to impose additional standards and include fenceline monitoring provisions that were informed by the refinery sector rule, but are not identical to those provisions.  Note- Contrary to reporting at the recent AFPM meeting, a refinery subject to MACT CC fenceline monitoring need not comply with this variation of F/L monitoring if it has OLD affected operations. The preamble states "OLD operations located at facilities that are required to implement a fenceline monitoring program under the Petroleum Refinery NESHAP at 40 CFR part 63, subpart CC would not be eligible to use this alternative compliance option." [84 FR 56313] Operators of OLD facilities not at a refinery should read this rule closely as the provisions are complicated.	The comment period ended December 5, 2019.  The period for requests ended October 28, 2019. There is no indication that a hearing was requested.
Air	EPA	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program	40 CFR 86	84 FR 51310	<a href="#">Link</a>	Withdrawal of waiver; final rule.	Revokes California's authority to impose stricter GHG emissions standards on cars and light duty trucks than those imposed by the federal government.	DATES: This joint action is effective November 26, 2019.
Air	EPA	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Project Emissions Accounting	40 CFR Parts 51 and 52	84 FR 39244	<a href="#">Link</a>	Proposed Rule	The Environmental Protection Agency (EPA) is proposing to revise certain New Source Review (NSR) applicability regulations to clarify the requirements that apply to sources proposing to undertake a physical or operational change (i.e., a project) under the NSR preconstruction permitting program. Under this program, an existing major source proposing to undertake a project must determine whether that project will constitute a major modification following a two-step applicability test and thus be subject to the NSR preconstruction permitting requirements	Comments were due by October 8, 2019
Air	EPA	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act	40 CFR 63	84 FR 52419	<a href="#">Link</a>	Proposed Rule	On July 26, 2019, the Environmental Protection Agency (EPA) proposed a rule titled "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act." The EPA is reopening the comment period on the proposed rule that closed on September 24, 2019. The comment period will remain open until November 1, 2019 to allow additional time for stakeholders to review and comment on the proposal.	The public comment period for the proposed rule published in the Federal Register on July 26, 2019 (84 FR 36304), is being reopened. Written comments must be received on or before November 1, 2019.

### Agency Semi-Annual Agenda Items (Potential Future Rulemaking)

Media/Field	Agency	Topic	Rule	Reference	Link	Rule State	Update	Latest Action(s)
					<a href="#">Link</a>		<b>The Government's Unified Semi-Annual Agenda Fall 2019 issued is reflected here along with selected previous issues identified in the Spring 2019 and Fall 2018 Agenda.</b>	
Water	EPA/OW	Clean Water Act Methods Update Rule for the Analysis of Effluent	40 CFR 136	84 FR 56590	<a href="#">Link</a>	Proposed Rule Stage	This regulatory action amends "Guidelines Establishing Test Procedures for the Analysis of Pollutants" at 40 CFR part 136 by approving test procedures (analytical methods) for use by testing laboratories and others for water monitoring. These test procedures must be used to implement the NPDES program unless the U.S. Environmental Protection Agency (EPA) has approved the use of an alternate procedure. The regulation also revises, clarifies, and corrects errors and ambiguities in existing methods and the water monitoring regulations.	NPRM 10/22/2019 NPRM Comment Period End 12/23/2019 Final Rule 03/00/2020



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Air	EPA/OLEM	Financial Responsibility Requirements Under CERCLA Section 108(b) for the Petroleum and Coal Products Manufacturing Industry	40 CFR 320	-	<a href="#">Link</a>	Proposed Rule Stage	Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements. On January 6, 2010, the Agency identified classes of facilities within the chemical manufacturing industry; the petroleum and coal products manufacturing, primarily includes and not coal mines; and electric power generation, transmission, and distribution industries as those for which could develop, as necessary, financial responsibility requirements under CERCLA 108(b). On January 11, 2017, the Agency made a determination to proceed with rulemakings that will either develop proposed financial responsibility requirements under CERCLA 108(b), or determine such requirements are not warranted. This rulemaking will focus on the petroleum and coal products manufacturing industry.	NPRM Judicial Consent Order 12/04/2019 Final Judicial Consent Order 12/01/2021
Air	EPA/OAR	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act	40 CFR 63	72 FR 69 83 FR 5543 84 FR 36304	<a href="#">Link</a>	Proposed Rule Stage	This rulemaking will take final action on the proposed amendments to the General Provisions of the National Emission Standards for Hazardous Air Pollutants (NESHAP) (40 CFR 63, subpart A) included in EPA's proposal "Reclassification of Major Sources as Area Sources Under section 112 of the Clean Air Act" (See 84 FR 36304, July 26, 2019). The amendments allow a major source to become an area source at any time by taking enforceable limits on its potential to emit hazardous air emissions, and, thus, become not subject to NESHAP for major sources under Clean Air Act (CAA) section 112. The amendments would implement the EPA's plain language reading of the CAA section 112 definitions of 'major' and 'area' sources as discussed in the January 2018 William Wehrum memorandum titled "Reclassification of Major Sources as Area Sources Under section 112 of the Clean Air Act." (See notice in 83 FR	NPRM 01/03/2007 Notice 02/08/2018 NPRM 07/26/2019 NPRM Comment Period End 09/24/2019 NPRM Comment Period Reopened 10/02/2019 NPRM Comment Period Reopened End 11/01/2019 Final Action 04/00/2020
Air	EPA/OAR	Alternative Work Practices for Leak Detection and Repair Amendments	40 CFR 60, 40 CFR 61, 40 CFR 63, 40 CFR 65	-	<a href="#">Link</a>	Proposed Rule Stage	On December 22, 2008, EPA published a voluntary alternative work practice for leak detection and repair using a newly developed technology, optical gas imaging. Since promulgation, advancements have been made in leak detection technologies that warrant examination of revisions to the alternative work practice. Additionally, the agency received a request for administrative reconsideration from American Petroleum Institute (API) on February 20, 2009. This package will update the alternative work practice and address the issues raised for reconsideration.	NPRM 06/00/2020
Air	EPA/OAR	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Reconsideration of Fugitive Emissions Rule	40 CFR 51, 40 CFR 52	-	<a href="#">Link</a>	Proposed Rule Stage	The EPA is proposing a rule based on the results of its reconsideration of the final rule titled, "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions; Reconsideration." Through a letter signed on April 24, 2009, the EPA granted reconsideration on a petition submitted by the National Resources Defense Council (NRDC), as well as an administrative stay of the Fugitive Emissions Rule provisions. On March 30, 2011, the EPA issued an interim rule that stayed the Fugitive Emissions Rule by reverting the text of the affected sections of the Code of Federal Regulations back to the prior rule language. This stay will remain in effect until the EPA completes its reconsideration through this rulemaking. In this action, the EPA will consider the petition for reconsideration, public comments, and information contained in the rulemaking docket to reach a decision on the reconsideration and finalize the rule.	NPRM 11/00/2019 Final Rule To Be Determined
Air	EPA/OAR	National Emission Standards for Hazardous Air Pollutants Risk and Technology Review Reconsideration: Oil and Natural Gas Sector	40 CFR 63	80 FR 74068	<a href="#">Link</a>	Proposed Rule Stage	On August 16, 2012, the EPA completed its residual risk and technology review (RTR) and promulgated amendments to National Emission Standards for Hazardous Air Pollutants (NESHAP) that regulate hazardous air pollutants (HAP) from new and existing stationary sources in the oil and natural gas production and transmission/storage major source categories. The 2012 rule amended the NESHAP for these two major source categories (40 CFR part 63, subparts HH and HHH) for the oil and natural gas industry that were promulgated in 1999. On October 15, 2012, the EPA received several petitions for reconsideration to reconsider, clarify, and amend certain provisions of the final 2012 rule. By letter to petitioners dated October 6, 2017, the Administrator granted reconsideration on certain issues brought by petitioners. At this time, we are evaluating these issues to propose reconsideration.	Notice 11/27/2015 NPRM 01/00/2020 Final Rule 09/00/2020

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Deadlines				Feb-2020						
Deadline	Agency	Topic	Required Activity	M	T	W	Th	Fr	Sat	Sun
2/11/20	EPA	Air Emissions Test Methods	Public comments must be sent by the designated date.						01	02
2/18/20	EPA	MON MACT RRTR	Public comments must be sent by the designated date.	03	04	05	06	07	08	09
				10	11	12	13	14	15	16
				17	18	19	20	21	22	23
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Published Actions (List of Sections Affected)	<a href="https://www.gpo.gov/fdsys/browse/collectionCfrFR.action?dispatch=&amp;selectedPublicationDate=Choose+Date+Range">https://www.gpo.gov/fdsys/browse/collectionCfrFR.action?dispatch=&amp;selectedPublicationDate=Choose+Date+Range</a>		

Air	EPA/OAR	Review of the National Ambient Air Quality Standards for Particulate Matter	40 CFR 50	-	<a href="#">Link</a>	Proposed Rule Stage	Under the Clean Air Act Amendments of 1977, EPA is required to review, and if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every five years. On January 13, 2013, the EPA published a final rule revising the NAAQS for particulate matter to provide increased protection for public health. The current review includes the preparation by EPA of an Integrated Review Plan, an Integrated Science Assessment and also, if warranted, a Risk/Exposure Policy Assessment, which includes a risk/exposure assessment and also a Policy Assessment by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents will inform the Administrator's proposed decision as to whether to retain or revise the standards. This proposed decision will be published in the Federal Register with opportunity provided for public comment. The Administrator's final decisions will take into consideration these documents and public comment on the proposed decision.	NPRM 04/00/2020
Air	EPA/OAR	National Emission Standards for Hazardous Air Pollutants: Stationary Combustion Turbine Residual Risk and Technology Review	40 CFR 63	84 FR 15046	<a href="#">Link</a>	Final Rule Stage	This final rule addresses the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Combustion Turbines. The Stationary Combustion Turbine NESHAP, subpart YYYYY, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on March 5, 2004. The NESHAP established emission limitations based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP) from stationary combustion turbines. The HAP emitted from stationary combustion turbines include formaldehyde, toluene, benzene, and acetaldehyde. This action implements 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 eight 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 March 13, 2020. The proposed rule did not make any changes based on the risk and technology reviews. The EPA did propose to amend provisions addressing periods of startup, shutdown and malfunction, require electronic reporting and remove the stay of the effectiveness of the standards for certain new turbines.	NPRM 04/12/2019 NPRM Comment Period End 05/28/2019 Final Rule 01/00/2020
Air	EPA/OAR	National Emission Standards for Hazardous Air Pollutant Emissions: Petroleum Refinery Sector	40 CFR 63	81 FR 71661, 81 FR 76550	<a href="#">Link</a>	Final Rule Stage	The Refinery Sector Rule was promulgated on December 1, 2015 (80 FR 7178). On February 1, 2016, Earthjustice and the American Petroleum Institute (API) and the American Fuels and Petrochemical Manufacturers (AFPM) petitioned the Agency for reconsideration of aspects of the final rule. On June 16, 2016, the EPA granted reconsideration of five aspects of the final rule for which the EPA did not provide adequate opportunity for notice and comment. On November 26, 2018, EPA issued a final rule addressing the delayed coker water over requirements for which we granted reconsideration. This action would finalize EPA's response to the remaining issues for which EPA granted reconsideration.	NPRM 10/18/2016 NPRM Comment Period Extended 11/03/2016 Final Rule 11/00/2019

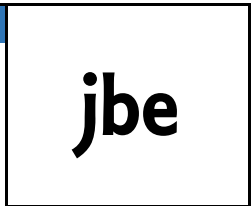
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Air	EPA/OAR	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing Residual Risk and Technology Review	40 CFR 63	-	<a href="#">Link</a>	Proposed Rule Stage	This proposal addresses the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Miscellaneous Organic Chemical Manufacturing (MON). This NESHAP was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) and established emission limitations and work practice requirements based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP). The MON, subpart FFFF, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on November 10, 2003. The NESHAP controls emissions of HAP from continuous process vents, batch process vents, storage tanks, equipment leaks, wastewater streams, transfer racks, and heat exchange systems. The HAP emitted from these sources include, but are not limited to, toluene, methanol, xylene, hydrogen chloride, methylene chloride, and ethylene oxide. This action implements the residual risk review requirements of CAA section 112(f)(2) and the technology review requirements of CAA section 112(d)(6). CAA 112(f)(2) directs EPA to revise the NESHAP if such revisions 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. 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 MON final action by March 13, 2020. In consideration of this deadline, which also applies to 19 other RTR source categories, we established an internal schedule for this RTR to be proposed and finalized prior to the court order deadline.	NPRM 11/00/2019 Final Rule 03/00/2020
Air	EPA/OAR	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) Residual Risk and Technology Review	40 CFR 63	84 FR 56288	<a href="#">Link</a>	Proposed Rule Stage	This action addresses the Agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Organic Liquids Distribution (Non-Gasoline). The Organic Liquids Distribution (Non-Gasoline) NESHAP, 40 CFR 63 subpart EEEE, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on February 3, 2004 (See 69 FR 5063). The NESHAP established emission limitations and work practice requirements based on maximum achievable control technology (MACT) for control emissions of hazardous air pollutants (HAP) from storage tanks, transfer racks, and equipment leaks from associated equipment. The most prevalent HAP emitted from these sources include, but are not limited to, benzene, ethylbenzene, toluene, vinyl chloride, and xylenes. This action implements the residual risk review requirements of CAA section 112(f)(2) and the technology review requirements of CAA section 112(d)(6). CAA 112(f)(2) directs EPA to revise the NESHAP if such revisions 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. CAA section 112(d)(6) requires 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, EPA is obligated to complete the final action by March 13, 2020. In consideration of this deadline, which also applies to 19 other RTR source categories, we established an internal schedule for this RTR to be proposed and finalized prior to the consent decree deadline.	NPRM 10/22/2019 NPRM Comment Period End 12/05/2019 Final Rule 03/00/2020
Air	EPA/OAR	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	40 CFR 51, 40 CFR 52	84 FR 39244	<a href="#">Link</a>	Proposed Rule Stage	The Environmental Protection Agency (EPA) is proposing to revise certain New Source Review (NSR) applicability regulations to clarify the requirements that apply to sources proposing to undertake a physical or operational change (i.e., a project) under the NSR preconstruction permitting program. Under this program, an existing major source proposing to undertake a project must determine whether that project will constitute a major modification following a two-step applicability test and thus be subject to the NSR preconstruction permitting requirements. The first step is to determine if the proposed project will cause a "significant emissions increase" of a regulated NSR pollutant (Step 1). If the proposed project is projected to cause such an increase, the second step is to determine if there is a "significant net emissions increase" of that pollutant (Step 2). In this action, we are proposing to clarify our regulations to make it clear that both emissions increases and emissions decreases that result from a proposed project are to be considered at Step 1 of the NSR major modification applicability test. In addition, this proposal replaces and withdraws the agency's 2006 Project Netting Proposal.	NPRM 08/09/2019 NPRM Comment Period End 10/08/2019 Final Rule 11/00/2020

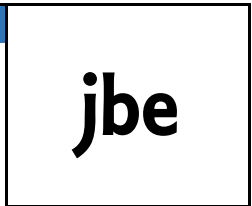
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### Deadlines

Deadline	Agency	Topic	Required Activity
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2/18/20	EPA	MON MACT RRTR	Public comments must be sent by the designated date.

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Air	EPA/OAR	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	40 CFR 60	84 FR 50244	<a href="#">Link</a>	Proposed Rule Stage	On June 3, 2016, the Environmental Protection Agency (EPA) published a final rule titled 'Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Final Rule.' Following promulgation of the final rule, the Administrator received petitions for reconsideration on several provisions in the rule. In a previous action, the EPA proposed those specific reconsideration issues on October 15, 2018. A number of states and industry associations sought judicial review of the 2016 rule, and the litigation is currently being held in abeyance. On March 28, 2017, newly elected President Donald Trump issued Executive Order 13783 titled 'Promoting Energy Independence and Economic Growth,' which directs agencies to review existing regulations that potentially burden the development of domestic energy resources, and appropriately suspend, revise or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law. In 2017, the EPA provided notice to initiate the review of the 2016 rule and stated that, if appropriate, will initiate proceedings to suspend, revise or rescind the rule. Subsequently, in a notice dated June 5, 2017, the EPA further committed to look broadly at the entire 2016 rule. On August 28, 2019, the EPA Administrator signed proposed amendments to the 2012 and 2016 NSPS that would remove regulatory duplication and save the industry millions of dollars in compliance costs each year, while maintaining health and environmental protection from oil and natural gas sources that the Agency considers appropriate to regulate.	NPRM 09/24/2019 NPRM Comment Period End 11/25/2019 Final Rule 03/00/2020
Air	EPA/OAR	National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters Amendments	40 CFR 63	-	<a href="#">Link</a>	Proposed Rule Stage	On January 31, 2013, the EPA promulgated amendments to the National Emission Standards for Hazardous Air Pollutants for Major Source: Industrial, Commercial, and Institutional Boilers and Process Heaters. Environmental groups and industry filed for judicial review of the amended final rule. The court issued their decision on July 29, 2016, which vacated the maximum achievable control technology (MACT) standards for all subcategories that would have been affected had the EPA considered all sources included in the subcategories and remanded to the EPA to adequately explain how carbon monoxide acts as a reasonable surrogate for organic hazardous air pollutants. On September 12, 2016, the EPA petitioned the court asking that the MACT standards be remanded without vacatur. On December 23, 2016, the court granted the EPA's request and remanded without vacating the MACT standards. In November 2015, the EPA finalized its decision on issues for which it granted reconsideration. Environmental groups filed for judicial review on the reconsideration issues. The court issued their decision on March 16, 2018, which remanded for further explanation the revised 130 parts per million carbon monoxide emission limits. This proposal would address the issues that were remanded in the two court decisions and give an opportunity for public comment on the EPA's responses.	NPRM 02/00/2020 Final Rule To Be Determined
Air	EPA/OAR	Review of the Primary National Ambient Air Quality Standards for Ozone	40 CFR 50	-	<a href="#">Link</a>	Proposed Rule Stage	Under the Clean Air Act Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On October 26, 2015, EPA published a final rule revising the NAAQS for ozone to provide increased protection for public health and welfare. The current review includes the preparation by EPA of an Integrated Review Plan, an Integrated Science Assessment, and, if warranted, a Risk/Exposure Assessment, which includes a risk/exposure assessment and also a Policy Assessment by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the current standards. This decision will be published in the Federal Register with opportunity provided for public comment. The Administrator's final decisions will take into consideration these documents, CASAC advice, and public comment on the proposed decision.	NPRM 04/00/2020

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Air	EPA/OAR	Renewable Fuel Standard Program: Standards for 2020, Biomass-Based Diesel Volumes for 2021, and Other Changes	40 CFR 80	84 FR 34106, 84 FR 36762, 84 FR 57677	<a href="#">Link</a>	Proposed Rule Stage	Under section 211 of the Clean Air Act, the Environmental Protection Agency (EPA) is required to set renewable fuel percentage standards every year. This action establishes the annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel that apply to gasoline and diesel transportation fuel produced or imported in the year 2020. Relying on statutory waiver authority that is available when the projected cellulosic biofuel production volume is less than the applicable volume specified in the statute, EPA is establishing volume requirements for cellulosic biofuel, advanced biofuel, and total renewable fuel that are below the statutory volume targets. We are also establishing the applicable volume of biomass-based diesel for 2021.	Notice 07/17/2019 NPRM 07/29/2019 Supplemental NPRM 10/28/2019 Supplemental NPRM Comment Period End 11/29/2019 Final Rule 12/00/2019
Air	EPA/OAR	Implementation of the Revoked 1997 8-Hour Ozone National Ambient Air Quality Standards; Updates to 40 CFR Part 52 for Areas That Attained by the Attainment Date	40 CFR 52	-	<a href="#">Link</a>	Proposed Rule Stage	The EPA is issuing a direct final rule with a parallel proposal to make updates to the regulatory text in 40 CFR part 52 to reflect EPA's factual finding that certain nonattainment areas attained the revoked 1997 8-hour ozone NAAQS by their respective attainment dates, and, therefore, were not required to implement anti backsliding obligations associated with failure to timely attain. EPA is adopting these part 52 updates in a direct final rule with a parallel proposal because EPA views these updates as factual and noncontroversial and anticipates no relevant adverse comments. If EPA receive no relevant adverse comments on the proposal, EPA will not take further action on the proposed rule and the final rule will be effective.	NPRM 11/00/2019 Direct Final Rule 11/00/2019
Air	EPA/OAR	Air Quality Designations for 2010 SO2 NAAQS--Round 4	40 CFR 81	-	<a href="#">Link</a>	Proposed Rule Stage	On June 2, 2010, the EPA established a revised primary SO2 National Ambient Air Quality Standards (NAAQS) at 75 parts per billion (ppb), which is met at a monitoring site when the 3-year average of the 99th percentile of daily maximum 1-hour concentrations does not exceed 75 ppb (75 FR 35520). On August 5, 2013, the EPA published a notice announcing designations of 29 areas in 16 states as nonattainment for the 2010 primary SO2 standard ("Round 1"), based on certified ambient air quality monitoring data (78 FR 47191). However, at that time, the EPA was not yet prepared to issue designations for the remaining areas of the country. Subsequently, three lawsuits were filed against the EPA in different U.S. District Courts alleging that the agency had failed to perform a nondiscretionary duty under the Clean Air Act (CAA) by not designating all portions of the country by the June 3, 2013, deadline. Under a consent decree entered by the Court on March 2, 2015, in one of those cases, the EPA is required to complete the remaining area designations according to a specific schedule with the following deadlines: July 2, 2016 ("Round 2"); December 31, 2017 ("Round 3"), and December 31, 2020 ("Round 4"). On June 30, 2016, and November 29, 2016, the EPA signed a Federal Register notice completing the designations for the Round 2 areas subject to the July 2, 2016, court-ordered deadline, designating 7 areas nonattainment, 17 areas unclassifiable and 41 areas unclassifiable/attainment (81 FR 45039 and 81 FR 89870). The schedule for completing the remaining designations overlaps with submission of SO2 air quality information by States to the EPA under the SO2 Data Requirements Rule (DRR) (80 FR 51052).  This information may be used by the EPA in evaluating areas' air quality in relation to the 2010 SO2 primary NAAQS, including designations and redesignations (80 FR 51052). On December 21, 2017, and March 28, 2018, the EPA signed a Federal Register notice completing the designations for the Round 3 areas subject to the December 31, 2017, court-ordered deadline, designating 6 areas nonattainment, 22 areas unclassifiable, and the remaining areas of the United States that were not, pursuant to the DRR, operating a new EPA-approved monitoring network as attainment/unclassifiable (83 FR 1098 and 83 FR 14597). This is the fourth and final action for the 2010 SO2 NAAQS designations. By the December 31, 2020, court-ordered deadline, the EPA is required to designate all remaining areas of the United States, specifically those areas that, pursuant to the DRR, began operating a new EPA-approved monitoring network.	Notice 08/00/2020 Final Rule 12/00/2020
Air	EPA/OCSP	Parent Company Definition for Toxics Release Inventory (TRI) Reporting	40 CFR 372	-	<a href="#">Link</a>	Proposed Rule Stage	The Toxics Release Inventory (TRI) Program is considering whether to propose to codify a definition of "parent company" for reporting purposes. This proposed rulemaking would clarify existing guidance and provide guidance for facilities owned by public entities, multiple entities, and entities with several layers of ownership. Providing this definition would clarify reporting requirements and increase the quality of TRI data by increasing consistency in the reporting of parent company and improving trend analyses across ownership structures. This action also proposes to add a new data element to the TRI reporting forms, for facilities required to report a foreign parent company.	NPRM 07/00/2020 Final Rule 10/00/2021



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Air	EPA/OCSP	Community Right-to-Know; Corrections to Toxics Release Inventory (TRI) Reporting Requirements	40 CFR 372	-	<a href="#">Link</a>	Proposed Rule Stage	EPA is developing proposed corrections to the existing regulatory language for the Toxics Release Inventory (TRI) Program. EPA is considering corrections that will: (a) update identifiers, formulas, and names for certain TRI-listed chemicals and (b) update text to indicate for which chemicals the 0.1 percent de minimis concentration applies to remedy a cross-reference to a no-longer-applicable regulatory citation. These proposed corrections are intended to maintain previous regulatory actions and do not alter existing reporting requirements. The proposed changes would not cause an increase or decrease in TRI reporting.	NPRM 11/00/2019 Final Rule To Be Determined
Air	EPA	Review of the Primary National Ambient Air Quality Standards for Ozone	40 CFR 50		<a href="#">Link</a>	Proposed Rule	Under the Clean Air Act Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On October 26, 2015, EPA published a final rule revising the NAAQS for ozone to provide increased protection for public health and welfare. The current review will include the preparation of an Integrated Review Plan, an Integrated Science Assessment, and, if warranted, a Risk/Exposure Assessment, and also a Policy Assessment by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the current standards. This decision will be published in the Federal Register with opportunity provided for public comment. The Administrator's final decisions will take into consideration these documents, CASAC advice, and public comment on the proposed decision.	NPRM
Air	EPA	Fuels Regulatory Streamlining	40 CFR 80	83 FR 20812	<a href="#">Link</a>	Proposed Rule	This action is intended to streamline and modernize EPA's existing fuels regulations under 40 CFR part 80. The purpose of this effort is to update EPA's existing gasoline, diesel, and other fuels regulations to help reduce compliance costs for industry as well as EPA, while improving overall compliance assurance and maintaining environmental performance. In this action, EPA will streamline existing fuels regulations by deleting expired provisions, eliminating redundant compliance provisions (e.g., duplicative registration requirements that are required by every EPA fuels program), removing out-of-date requirements, to replace them with a single set of provisions and definitions that will apply across all gasoline, diesel, and other fuels programs currently under 40 CFR part 80.	Final Rule
Air	EPA	National Emission Standards for Hazardous Air Pollutants Risk and Technology Review Reconsideration: Oil and Natural Gas Sector	40 CFR 63	80 FR 74068	<a href="#">Link</a>	Proposed Rule	On August 16, 2012, the EPA completed its residual risk and technology review (RTR) and promulgated amendments to National Emission Standards for Hazardous Air Pollutants (NESHAP) that regulate hazardous air pollutants (HAP) from new and existing stationary sources in the oil and natural gas production and transmission/storage major source categories. The 2012 rule amended the NESHAP for these two major source categories (40 CFR part 63, subparts HH and HHH) for the oil and natural gas industry that were promulgated in 1999. On October 15, 2012, the EPA received several petitions for reconsideration to reconsider, clarify, and amend certain provisions of the final 2012 rule. By letter to petitioners dated October 6, 2017, the Administrator granted reconsideration on certain issues brought by petitioners. At this time, we are evaluating these issues to propose reconsideration.	Final Rule
Emergency Response	OSHA	Emergency Response and Preparedness	29 CFR 1910		<a href="#">Link</a>	Pre-Rule Stage	OSHA currently regulates aspects of emergency response and preparedness through the PSM standard and others. Some of these standards were promulgated decades ago, and none were designed as comprehensive emergency response standards. Consequently, they do not address the full range of hazards or concerns currently facing emergency responders, nor do they reflect major changes in performance specifications for protective clothing and equipment. The Agency acknowledged that current OSHA standards also do not reflect all the major developments in safety and health practices that have already been accepted by the emergency response community and incorporated into industry consensus standards. OSHA is considering updating these standards with information gathered through an RFI and public meetings.	Initiate SBREFA 10/00/2018
Air	EPA	NSPS - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources	40 CFR 60 Subpart OOOOa		<a href="#">Link</a>	Proposed Rule Stage	On June 3, 2016, the Environmental Protection Agency (EPA) finalized "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources" (2016 OOOOa rule). The EPA received five petitions for reconsideration on the 2016 OOOOa rule and nine petitions for judicial review. The EPA is proposing to address key policy issues raised in these petitions, including the regulation of greenhouse gases in this sector, as a second phase behind reconsideration of the current rule.	NPRM 07/00/2018 Final Rule 01/00/2019

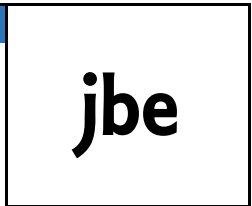
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Waste	EPA	RCRA - Hazardous Waste Determination Methods for Characteristically Ignitable Hazardous Waste	40 CFR 261	<a href="#">Link</a>	Proposed Rule Stage	The EPA is considering updating the flash point test methods for the determination of characteristically ignitable hazardous waste along with other minor changes. 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. A 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 is also considering removing the requirements for mercury thermometers from the SW-846 Compendium sampling methods. Also, the EPA may take comment on the alcohol exclusion for ignitable aqueous alcohols and whether a revision is necessary to improve existing waste management practices.	NPRM 11/00/2018 Final Rule 01/00/2020
Air	EPA	Renewable Fuel Standard Program Modification of Applicable Volumes, 2020 Standards, and Other Changes	40 CFR 80	<a href="#">Link</a>	Proposed Rule Stage	Under the statutory provisions governing the Renewable Fuel Standard (RFS) program, EPA is required to modify, or "reset", the applicable annual volume targets specified in the statute for future years if waivers of those volumes in past years met certain specified thresholds. Those thresholds have been met or are expected to be met in the near future. As a result, EPA is proposing a rulemaking that will propose modifying the applicable volumes targets for cellulosic biofuel, advanced biofuel, and total renewable fuel for the years 2020 - 2022.  In concert with these modifications, EPA will be proposing volume requirements for biomass-based diesel for 2021 and 2022. Since the timetable for this rulemaking overlaps that for annual standard-setting rulemakings, this rulemaking will also include the applicable percentage standards for 2020. Finally, this rulemaking includes several regulatory amendments designed to provide clarity and increase opportunities for renewable fuel production.	NPRM 01/00/2019 Final Rule 12/00/2019
Hazardous Chemicals	EPA	TSCA Chemical Data Reporting Revisions and Small Manufacturer Definition Update for Reporting and Recordkeeping Requirements Under TSCA Section 8(a)	40 CFR 711	<a href="#">Link</a>	Proposed Rule Stage	The Chemical Data Reporting (CDR) rule, under section 8(a) of the Toxic Substances Control Act (TSCA), requires manufacturers (including importers) to provide the EPA with information, including processing and use information, on chemical substances that they manufacture (including import) above threshold production volumes. The information is collected every four years and the production volume threshold for reporting a chemical substance is generally 25,000 pounds for a specific reporting year. Before the next reporting period of 2020, the EPA intends to revise the reporting requirements to better align with new statutory requirements resulting from TSCA as amended by the Frank. R. Lautenberg Chemical Safety for the 21st Century Act, address submitters' feedback following the 2016 submission period, and may consider reporting requirements for inorganic byproducts (RIN 2070-AK31). EPA is also proposing amendments to the size standards for small manufacturers, which impacts certain reporting and recordkeeping requirements for TSCA section 8(a) rules, including CDR; this change is being made in accordance with TSCA section 8(a)(3)(C) and EPA's determination that a revision to the current size standards is warranted.	NPRM 12/00/2018 Final Rule 10/00/2019
Air	EPA	LDAR Alternative Work Practice Standards	40 CFR 60, 61, 63 and 65	<a href="#">Link</a>	Proposed Rule Stage	On December 22, 2008, EPA published a voluntary alternative work practice for leak detection and repair using a newly developed technology, optical gas imaging. Since promulgation, advancements have been made in leak detection technologies that warrant examination of revisions to the alternative work practice. Additionally, the agency received a request for administrative reconsideration from American Petroleum Institute (API) on February 20, 2009. This package will address additional alternative work practices and the issues raised for reconsideration.	NPRM 11/00/2018 Final Rule 11/00/2019
Water	EPA	NPDES Pollutant Testing Procedures	40 CFR 136	<a href="#">Link</a>	Proposed Rule Stage	This regulatory action will amend "Guidelines Establishing Test Procedures for the Analysis of Pollutants" at 40 CFR Part 136 to approve test procedures (analytical methods) for use by testing laboratories and others for water monitoring. These test procedures must be used to implement the NPDES program unless EPA has approved the use of an alternate procedure. This action approves new and revised versions of testing procedures approved for analysis and sampling under the CWA. The rule is expected to include primarily method revisions from voluntary consensus standard bodies and Alternate Testing Procedures that are comparable to the current methods. The EPA believes these changes will have a positive impact on NPDES permittees by increasing method flexibility, thereby allowing entities to reduce costs by choosing more cost-effective methods.	NPRM 12/00/2018 Final Rule 12/00/2019

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Hazardous Chemicals	EPA	EPCRA - Toxic Release Inventory	40 CFR 372	<a href="#">Link</a>	Proposed Rule Stage	The Toxics Use Reduction Institute (TURI) submitted a petition under section 313(e)(1) of the Emergency Planning and Community Right-to-Know Act (EPCRA) to add 25 chemicals to the EPCRA section 313 list of toxic chemicals subject to reporting under the Toxic Release Inventory (TRI). EPA is evaluating the 25 chemicals to determine if they meet the listing criteria of EPCRA section 313(d)(2). EPA intends to propose the addition of any of the 25 chemicals that meet the EPCRA section 313(d)(2) criteria and for which reports are expected to be filed. Chemicals added to the list would be subject to the TRI reporting requirements.	NPRM 01/00/2019 Final Rule 02/00/2020
Air	EPA	NESHAP Residual Risk and Technology Review	40 CFR 63 Subpart YYYY 40 CFR 63 Subpart XX 40 CFR 63 Subpart YY 40 CFR 63 Subpart LLLLL 40 CFR 63 Subpart EEEE 40 CFR 63 Subpart FFFF	<a href="#">Link</a>	Proposed Rule Stage	This proposal will address the EPA's Residual Risk and Technology Review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for multiple subparts of 40 CFR 63. 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 for each of these regulations by March 13, 2020.	Final Rule 03/13/2020
Hazardous Chemicals	EPA	Regulation of Persistent Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)	To be determined	<a href="#">Link</a>	Proposed Rule Stage	The EPA is developing a proposed rule to implement TSCA section 6(h). TSCA section 6(h) directs EPA to issue regulations under section 6(a) for certain persistent, bioaccumulative, and toxic chemical substances that were identified in the 2014 update of the TSCA Work Plan. These regulations must be proposed by June 22, 2019, and issued in final form no later than eighteen months after proposal. Section 6(h) further directs EPA, in selecting among the available prohibitions and other restrictions in TSCA section 6(a), to address risks of injury to health or the environment that the Administrator determines are presented by the chemical substances and reduce exposure to the chemical substances to the extent practicable. EPA must develop an exposure and use assessment, but the statute explicitly states that a risk evaluation is not required for these chemical substances. EPA has identified five chemical substances for proposed action under TSCA section 6(h). These chemical substances are: decabromodiphenyl ether; hexachlorobutadiene; pentachlorothiophenol; phenol, isopropylated phosphate (3:1), also known as tris(4-isopropylphenyl) phosphate; and 2,4,6-tris(tert-butyl)phenol. Decabromodiphenyl ether is a flame retardant that has been widely used in textiles, plastics, adhesives and polyurethane foam. Hexachlorobutadiene is produced as a byproduct in the production of chlorinated solvents and has also been used as an absorbent for gas impurity removal and as an intermediate in the manufacture of rubber compounds. Pentachlorothiophenol is also used in the manufacture of rubber compounds. Phenol, isopropylated phosphate (3:1) is a flame retardant and is also used in lubricants and hydraulic fluids and in the manufacture of other compounds. 2,4,6-Tris(tert-butyl)phenol is an antioxidant that can be used as a fuel or lubricant and as an intermediate in the manufacture of other compounds.	NPRM (Statutory Deadline) 06/21/2019 Final Rule (Statutory Deadline) 12/22/2020

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Media/Field	Agency	Topic	Rule	Reference	Link	Rule State	Update	Latest Action(s)
Air	TCEQ	Control of Air Pollution from Volatile Organic Compounds	30 TAC §115		<a href="#">Link</a>	Proposed	Based on 2017 monitoring data, the DFW area did not attain the 2008 eight-hour ozone NAAQS and did not qualify for a one-year attainment date extension in accordance with the FCAA, §181(a)(5). On August 7, 2019, the EPA signed the final notice reclassifying the DFW and Houston-Galveston-Brazoria (HGB) areas as serious ozone nonattainment areas. With the final reclassification to serious nonattainment, the state is required to submit a SIP revision to fulfill the volatile organic compounds (VOC) reasonably available control technology (RACT) requirements mandated by FCAA, §172(c)(1) and §182(b)(2). Although the eight-county HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties) was also reclassified to serious nonattainment for the 2008 eight-hour ozone NAAQS, the commission determined that RACT is in place for all emission source categories in the HGB area; therefore, there are no changes proposed in this rulemaking that affect the HGB area.	Filed with the Office of the Secretary of State on September 13, 2019. Earliest possible date of adoption: October 27, 2019.



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Air	TCEQ	Control of Air Pollution from Nitrogen Compounds	30 TAC §117	<a href="#">Link</a>	Proposed	Based on 2017 monitoring data, the DFW area did not attain the 2008 eight-hour ozone NAAQS and did not qualify for a one-year attainment date extension in accordance with FCAA, §181(a)(5). The EPA proposed to reclassify the DFW area to serious nonattainment for the 2008 eight-hour ozone NAAQS as published in the November 14, 2018 Federal Register (83 FR 56781). On August 7, 2019, the EPA signed the final reclassification notice. With the final reclassification to serious nonattainment, the state is required to submit a SIP revision to fulfill the nitrogen oxides (NOX) reasonably available control technology (RACT) requirements mandated by FCAA, §172(c)(1) and §182(f). Although the eight-county Houston-Galveston-Brazoria (HGB) area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties) was also reclassified to serious nonattainment for the 2008 eight-hour ozone NAAQS, the commission determined that RACT is in place for all emission source categories in the HGB area; therefore, there are no changes proposed in this rulemaking that affect the HGB area.	Filed with the Office of the Secretary of State on September 13, 2019. Earliest possible date of adoption: October 27, 2019.
Water	TCEQ		30 TAC §222 and §309	<a href="#">Link</a>	Proposed	The rulemaking would allow permittees and applicants to rely on the beneficial reuse of treated wastewater when calculating the amount of land required for disposal of treated wastewater. This would allow permittees and applicants to reduce the acreage dedicated for land application that is currently required by rule. The commission approved the petition to initiate rulemaking with stakeholder involvement. The executive director held a stakeholder meeting on August 9, 2016 and the public was invited to comment on the petition. The public comment period was from August 28, 2016 through October 28, 2016.  Based on information presented at the stakeholder meeting, the executive director understands that the petition was made in response to increasing demands on water supplies and decreasing availability of contiguous or neighboring tracts of land that are large enough for domestic wastewater disposal under the commission's current rules. This trend is currently appearing in parts of Central Texas where wastewater discharge to water in the state is restricted by the commission's rules and land application of treated wastewater is the only permissible disposal option. The executive director recognizes that land availability may also be limited in other parts of the state, and that practicable land application options are especially important wherever discharge to water in the state is restricted or infeasible.	
	TCEQ	Consolidated Permits	30 TAC §305	<a href="#">Link</a>		The Texas Commission on Environmental Quality (TCEQ, agency, or commission) proposes an amendment to §305.64 and the repeal of §305.149. The proposed rulemaking is intended to update some of the commission's procedural rules and is not intended to impose any new procedural or substantive requirements. This rulemaking would correct a typographical error in §305.64 (Transfer of Permits). Additionally, this rulemaking would repeal §305.149 (Time Limitation for Construction of Commercial Hazardous Waste Management Units), because the statutory authority for this rule was repealed. In addition to the proposed revisions associated with this rulemaking, various non-substantive changes are proposed to update references or correct grammar. These changes are non-substantive and are not specifically discussed in the Section by Section Discussion portion of this preamble.	Filed with the Office of the Secretary of State on December 20, 2019. Earliest possible date of adoption: February 9, 2020.
Waste	TCEQ	Industrial Solid Waste and Municipal Hazardous Waste	31 TAC §335	<a href="#">Link</a>	Proposed to amend	The Texas Commission on Environmental Quality (TCEQ, agency, commission) proposes amendments to §§335.1, 335.2, 335.10 - 335.13, 335.24, 335.31, 335.43, 335.63, 335.69, 335.71, 335.76, 335.78, 335.91, 335.112, 335.152, 335.251, 335.261, 335.262, 335.331, 335.501, 335.504, 335.590, and 335.602; and new §335.281. Texas received authorization of its hazardous waste "base program" under RCRA on December 26, 1984. Texas received authorization of revisions to its base hazardous waste program on February 17, 1987 (Clusters I and II). Texas submitted further revisions to its hazardous waste program and received final authorization of those revisions on March 15, 1990; July 23, 1990; October 21, 1991; December 4, 1992; June 27, 1994; November 26, 1997; October 18, 1999; September 11, 2000; June 14, 2005 (parts of Clusters III - X); March 5, 2009 (parts of Clusters XI - XV); May 7, 2012 (parts of Clusters IX and XV - XVIII); November 3, 2014 (parts of Clusters XIX - XXI); and December 21, 2015 (parts of Clusters XX - XXIII). The commission proposes in this rulemaking certain parts of RCRA Rule Clusters XXIV, XXV, and XXVII that implement revisions to the federal hazardous waste program which were made by EPA between April 8, 2015 and November 30, 2018. Both mandatory and optional federal rule changes in these clusters are proposed to be adopted. Although not necessary to maintain authorization, EPA also recommends that the optional federal rule changes be incorporated into the state rules. Establishing equivalency with federal regulations will enable Texas to operate all delegated aspects of the federal hazardous waste program in lieu of the EPA.	Filed with the Office of the Secretary of State on October 25, 2019. Earliest possible date of adoption: December 8, 2019.



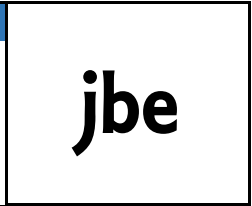
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### Regulation Activity

Color Code Explanation:	Entry new	Entry previously reported and still pending	Action now complete
Published Actions (List of Sections Affected)	<a href="https://www.gpo.gov/fdsys/browse/collectionCfrFR.action?dispatch=&amp;selectedPublicationDate=Choose+Date+Range">https://www.gpo.gov/fdsys/browse/collectionCfrFR.action?dispatch=&amp;selectedPublicationDate=Choose+Date+Range</a>		

Water	TCEQ	Effluent Guidelines and Standards for TPDES Permits	30 TAC §305.541	<a href="#">Link</a>	Proposed to amend	House Bill (HB) 2771 (86th Texas Legislature, 2019) requires the TCEQ to submit a delegation request by September 1, 2021, to seek authority from the United States Environmental Protection Agency (EPA) to issue federal permits for discharges of produced water, hydrostatic test water, and gas plant effluent into water in the state resulting from certain oil and gas activities under the National Pollutant Discharge Elimination System (NPDES) program. Additionally, HB 2771 transfers permitting authority for these discharges from the Railroad Commission of Texas (RRC) to the TCEQ upon delegation of authority for these discharges from EPA to the TCEQ. This rulemaking is one of several steps necessary to implement HB 2771. The proposed rulemaking would amend §305.541 to adopt by reference the EPA's effluent limitations guidelines for the oil and gas extraction point source category and the centralized waste treatment category (40 Code of Federal Regulations (CFR) Parts 435 and 437).	Filed with the Office of the Secretary of State on December 20, 2019. Earliest possible date of adoption: February 9, 2020.
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