



Guide to U.S. EPA’s Planned Regulatory Actions Under the Clean Air Act (as of 12/22/2020)

The Association of Air Pollution Control Agencies (AAPCA) has prepared the following guide to provide a timeline of the U.S. Environmental Protection Agency’s (EPA’s) planned regulatory actions under the Clean Air Act (CAA). This guide includes forthcoming and initiated notices, guidance, and proposed and final rules based on information from the following sources:

- The [Fall 2020 Unified Agenda of Regulatory and Deregulatory Actions](#) (Unified Agenda);
- The [White House Office of Information & Regulatory Affairs](#) (OIRA);
- U.S. EPA’s [online listing of deregulatory actions](#);
- U.S. EPA’s Integrated Review Plans for forthcoming National Ambient Air Quality Standards (NAAQS) reviews; and,
- Recent U.S. EPA [presentations](#) on NAAQS and permitting updates.

The below table of contents provides a full listing of planned actions by calendar year and rulemaking stage, with a projected release/publication date by month and year. Clicking on each action in the table navigates to additional information in this document that includes links to sources and, when available, U.S. EPA’s abstract from the Fall 2020 Unified Agenda. *(Note: If browsing on a computer, the “Ctrl+F” function allows a document search for specific topics or keywords.)*

For more information about AAPCA, please visit www.cleanairact.org.

Contents

2020 PROJECTED ACTIONS	9
Notices	9
Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers [6/30/2020 – Begin Review]	9
Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters [6/30/2020 – Begin Review]	9
Petition to Delist Hazardous Air Pollutants: 2-Butoxyethyl Benzoate (2-BEB) [11/2020]	9
Error Correction of the Area Designations for the 2010 1-Hour SO ₂ Primary National Ambient Air Quality Standard (NAAQS) in Freestone & Anderson Counties, Rusk & Panola Counties, & Titus County in TX [11/2020]	10
Petition to Delist Stationary Combustion Turbines From the List of Categories of Major Sources of Hazardous Air Pollutants [12/2020]	10
Proposed Rules	10
E15 Label Revisions and Underground Storage Tank Compatibility [11/2020]	10
National Emission Standards for Hazardous Air Pollutants From Portland Cement Manufacturing Amendments [11/2020]	10
National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review; Correction [11/2020]	11

National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations RTR and Flexible Polyurethane Foam Production and Fabrication Area Sources Technology Review [11/2020].....	11
National Emission Standards for Hazardous Air Pollutants: Carbon Black Production Residual Risk and Technology Review and Carbon Black Production Area Source Technology Review [11/2020]	11
National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology Standards for Spandex Production Residual Risk and Technology Review [12/2020]	12
National Emission Standards for Hazardous Air Pollutants: Semiconductor Manufacturing Residual Risk and Technology Review [12/2020]	12
National Emission Standards for Hazardous Air Pollutants: Mercury Cell Chlor-Alkali Plants Residual Risk and Technology Review [12/2020]	13
National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review [12/2020]	13
National Emission Standards for Hazardous Air Pollutants: Generic MACT II--Cyanide Chemicals Manufacturing Residual Risk and Technology Review [12/2020]	14
National Emission Standards for Hazardous Air Pollutants: Primary Magnesium Refining Residual Risk and Technology Review [12/2020]	14
Renewable Fuel Standard Program: Standards for 2021, Biomass-Based Diesel Volumes for 2022 [12/2020; at OIRA since 5/13/2020]	14
National Volatile Organic Compound Emission Standards for Aerosol Coatings Amendments [12/2020].....	15
Final Rules	15
Review of Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units [11/2020; at OIRA since 12/11/2020]	15
Improvements for Heavy-Duty Engine and Vehicle Test Procedures, and Other Technical Amendments [11/2020].	15
Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces Amendment [11/2020].....	15
Error Corrections to New Source Review Regulations [12/2020].....	16
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 [12/2020]	16
Air Quality Designations for 2010 Sulfur Dioxide (SO ₂) National Ambient Air Quality Standard (NAAQS)--Round 4 [12/2020; signed 12/21/2020 but not yet published in the <i>Federal Register</i>].....	16
Revising Certain Unclassifiable Area Designations From EPA's Round 2 Air Quality Designations for the 2010 1-Hour SO ₂ Primary NAAQS [12/2020].....	16
2021 PROJECTED ACTIONS	17
Notices	17
Add 1-bromopropane (also known as 1-BP) to the List of Hazardous Air Pollutants [2/2021]	17
Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers [3/2021 – End Review]	17
Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters [3/2021 – Begin Review]	17

Medium and Heavy-Duty Fuel Efficiency Standards [6/2021]	18
Petition to Delist Stationary Combustion Turbines From the List of Categories of Major Sources of Hazardous Air Pollutants [9/2021]	18
Proposed Rules	18
National Emission Standards for Hazardous Air Pollutants: Refractory Products Manufacturing Residual Risk and Technology Review [1/2021]	18
Reconsideration of Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Corn Milling Facilities Under the "Major Emitting Facility" Definition [1/2021]	19
Amendment of 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1) to Reflect Court Vacatur of General Provisions for Emission Standard Exemptions During Periods of Startup, Shutdown, and Malfunction (SSM) [1/2021]	19
Standards of Performance for Primary Copper Smelters Amendments [1/2021; at OIRA since 11/25/2020]	19
Federal Implementation Plan to Establish a Market for Ozone-Precursor Emissions Reduction Credits From Existing Sources on Indian Country Lands Within the Uinta Basin Ozone Nonattainment Area [2/2021]	19
National Emission Standards for Hazardous Air Pollutants Risk and Technology Review Reconsideration: Oil and Natural Gas Sector [3/2021]	20
General Revisions to Emissions Monitoring and Reporting Requirements for Fossil Fuel-Fired Electric Generating Units [3/2021]	20
Protection of Stratospheric Ozone: Updates to the Significant New Alternatives Policy Program [3/2021]	20
National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations [3/2021]	20
Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine Standards: Cleaner Trucks Initiative [3/2021]	21
National Emission Standards for Hazardous Air Pollutants: Stationary Combustion Turbines; Amendments [4/2021]	21
Revised Response to Clean Air Act Section 126(b) Petition From New York [4/2021]	21
Revised Response to Clean Air Act Section 126(b) Petition From Maryland [4/2021]	21
Revised Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards; Response to the July 10, 2020 Court Decision [4/2021]	22
Alternative Work Practices for Leak Detection and Repair Amendments [5/2021]	22
Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Reconsideration of Fugitive Emissions Rule [5/2021]	22
Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program in Refrigeration, Air Conditioning and Foams [6/2021]	22
Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule [6/2021]	22
National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing [7/2021]	22
Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements Rule Update [7/2021]	23

Advancing Clean Aircraft Engines and Reforming Particulate Matter Test Procedures Under CAA Section 231 [8/2021]	23
Reconsideration of Standards of Performance and Emission Guidelines for Municipal Solid Waste Landfills [9/2021]	23
Strengthening Scientific Transparency for Actions Under the Clean Air Act [9/2021]	24
Review of the National Ambient Air Quality Standards for Lead [10/2021]	24
Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After 10/21/74 & on or Before 8/17/83; Standards of Performance for Steel Plants: Electric Arc Furnaces & Argon-Oxygen Decarburization Vessels Constructed After 8/17/83 [11/2021].....	24
National Emission Standards for Hazardous Air Pollutant Emissions: Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks [12/2021]	24
NESHAP for the Gasoline Distribution Source Category (40 CFR Part 63, Subparts R and BBBB) and NSPS for Bulk Gasoline Terminals (40 CFR 60 Subpart XX) Review [12/2021]	24
Final Rules	25
Standards of Performance for Volatile Organic Liquid Storage Vessels (Incl. Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After 7/23/84; Amendments [1/2021]	25
Amendment of 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1) to Reflect Court Vacatur of General Provisions for Emission Standard Exemptions During Periods of Startup, Shutdown, and Malfunction (SSM) [1/2021 – Direct Final Rule]....	25
Protection of the Stratospheric Ozone: Motor Vehicle Air Conditioning System Servicing [1/2021]	26
Revisions to Method 202: Dry Impinger Method for Determining Condensable Particulate Emissions From Stationary Sources [1/2021]	26
Control of Air Pollution From Aircraft and Aircraft Engines: Proposed Greenhouse Gas (GHG) Emissions Standards and Test Procedures [1/2021; completed review at OIRA on 12/18/2020]	26
National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters: Amendments [1/2021]	26
Review of the Ozone National Ambient Air Quality Standards [1/2021; at OIRA since 12/8/2020]	27
Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program [1/2021]	27
Federal Implementation Plan for Oil and Natural Gas Sources; Uintah and Ouray Indian Reservation in Utah [2/2021]	27
Cross-State Air Pollution Rule (CSAPR) Update Remand for the 2008 Ozone NAAQS [3/2021]	27
National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review; Correction [3/2021]	27
Hourly Emissions Increase Test for the New Source Review Program [3/2021]	28
Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances and Other Updates [3/2021]	28
Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units Review [5/2021]	28

Renewable Fuel Standard Program: Standards for 2021, Biomass-Based Diesel Volumes for 2022 [6/2021; at OIRA since 5/13/2020]	28
Vehicle Test Procedure Adjustments for Tier 3 Test Fuel [6/2021]	29
National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations [7/2021]	29
Federal Implementation Plan to Establish a Market for Ozone-Precursor Emissions Reduction Credits From Existing Sources on Indian Country Lands Within the Uinta Basin Ozone Nonattainment Area [8/2021]	29
Revised Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards; Response to the July 10, 2020 Court Decision [8/2021]	29
General Revisions to Emissions Monitoring and Reporting Requirements for Fossil Fuel-Fired Electric Generating Units [9/2021]	30
National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology Standards for Spandex Production Residual Risk and Technology Review [10/2021]	30
National Emission Standards for Hazardous Air Pollutants: Semiconductor Manufacturing Residual Risk and Technology Review [10/2021]	30
National Emission Standards for Hazardous Air Pollutants: Mercury Cell Chlor-Alkali Plants Residual Risk and Technology Review [10/2021]	31
National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations RTR and Flexible Polyurethane Foam Production and Fabrication Area Sources Technology Review [10/2021]	31
National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review [10/2021]	31
National Emission Standards for Hazardous Air Pollutants: Generic MACT II--Cyanide Chemicals Manufacturing Residual Risk and Technology Review [10/2021]	32
National Emission Standards for Hazardous Air Pollutants: Primary Magnesium Refining Residual Risk and Technology Review [10/2021]	32
National Emission Standards for Hazardous Air Pollutants: Carbon Black Production Residual Risk and Technology Review and Carbon Black Production Area Source Technology Review [10/2021]	33
National Emission Standards for Hazardous Air Pollutants: Refractory Products Manufacturing Residual Risk and Technology Review [10/2021]	33
Standards of Performance for Primary Copper Smelters Amendments [10/2021]	34
National Emission Standards for Hazardous Air Pollutants From Portland Cement Manufacturing Amendments [11/2021]	34
National Emission Standards for Hazardous Air Pollutants: Stationary Combustion Turbines; Amendments [11/2021]	34
National Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Reconsideration [12/2021]	34
National Emission Standards for Hazardous Air Pollutants Risk and Technology Review Reconsideration: Oil and Natural Gas Sector [12/2021]	35
Protection of Stratospheric Ozone: Updates to the Significant New Alternatives Policy Program [12/2021]	35

Reconsideration of Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Corn Milling Facilities Under the "Major Emitting Facility" Definition [12/2021]	35
National Volatile Organic Compound Emission Standards for Aerosol Coatings Amendments [12/2021]	35
2022 PROJECTED ACTIONS	35
Proposed Rules	35
Mercury and Air Toxics Standards for Power Plants Technical Corrections and Clarifications [3/2022]	35
Final Rules	36
Alternative Work Practices for Leak Detection and Repair Amendments [3/2022]	36
Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine Standards: Cleaner Trucks Initiative [3/2022]	36
National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing [5/2022]	36
Advancing Clean Aircraft Engines and Reforming Particulate Matter Test Procedures Under CAA Section 231 [5/2022]	36
Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program in Refrigeration, Air Conditioning and Foams [6/2022]	37
Reconsideration of Standards of Performance and Emission Guidelines for Municipal Solid Waste Landfills [9/2022]	37
National Emission Standards for Hazardous Air Pollutant Emissions: Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks [9/2022]	37
Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule [11/2022]	37
Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After 10/21/74 & on or Before 8/17/83; Standards of Performance for Steel Plants: Electric Arc Furnaces & Argon-Oxygen Decarburization Vessels Constructed After 8/17/83 [11/2022]	37
NESHAP for the Gasoline Distribution Source Category (40 CFR Part 63, Subparts R and BBBB) and NSPS for Bulk Gasoline Terminals (40 CFR 60 Subpart XX) Review [12/2022]	38
NO PROJECTED RELEASE OR PUBLICATION DATE	38
Notices	38
Section 610 Review of Renewable Fuels Standard Program [To Be Determined]	38
Proposed Rules	39
Add 1-bromopropane (also known as 1-BP) to the List of Hazardous Air Pollutants [To Be Determined]	39
Petition to Delist Hazardous Air Pollutants: 2-Butoxyethyl Benzoate (2-BEB) [To Be Determined]	39
Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide [To Be Determined]	39
Ozone and Fine Particulate Matter (PM _{2.5}) Significant Impact Levels (SILs) for Prevention of Significant Deterioration (PSD) Program [To Be Determined]	40

Review of the Secondary National Ambient Air Quality Standards for Ecological Effects of Oxides of Nitrogen, Oxides of Sulfur and Particulate Matter [To Be Determined]	40
Revisions to the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas (GHG) Permitting Regulations and Establishment of a GHG SER for GHG Emissions Under the PSD Program [To Be Determined].....	40
Endangerment Finding for Lead Emissions from Piston-Engine Aircraft Using Leaded Aviation Gasoline [To Be Determined]	41
Protection of Visibility: Amendments to Requirements for State Plans [To Be Determined]	41
Treatment of Biogenic CO ₂ Emissions Under the Clean Air Act Permitting Programs [To Be Determined; at OIRA since 2/24/2020]	41
General National Ambient Air Quality Standards Implementation Update Rule [To Be Determined]	41
Renewable Fuel Standard Program: Modification of Statutory Volume Targets [To Be Determined]	41
On-Highway Heavy-Duty Trailers: Review of Standards and Requirements [To Be Determined].....	41
National Emission Standards for Hazardous Air Pollutants: Chemical Manufacturing Area Source Technology Review [To Be Determined].....	42
Reconsideration of the Round 3 Designation of Huntington County for the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard [To Be Determined]	42
Final Rules	42
Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Reconsideration of Fugitive Emissions Rule [To Be Determined]	42
Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements Rule Update [To Be Determined]	42
Revised Response to Clean Air Act Section 126(b) Petition From New York [To Be Determined]	43
Revised Response to Clean Air Act Section 126(b) Petition From Maryland [To Be Determined]	43
Renewables Enhancement and Growth Support Rule [To Be Determined].....	43
Revision to Method 23--Determination of Polychlorinated Dibenzo-P-Dioxins and Polychlorinated Dibenzofurans From Stationary Sources [To Be Determined]	43
Endangerment Finding for Lead Emissions from Piston-Engine Aircraft Using Leaded Aviation Gasoline [To Be Determined]	44
Mercury and Air Toxics Standards for Power Plants Technical Corrections and Clarifications [To Be Determined] ...	44
CLEAN AIR ACT ACTIONS PUBLISHED IN THE <i>FEDERAL REGISTER</i> Since 10/1/2020	44
Final Rules/Actions	44
Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process [12/23/2020].....	44
National Ambient Air Quality Standards for Particulate Matter; Review [12/18/2020]	44
Implementation of the Revoked 1997 8-Hour Ozone National Ambient Air Quality Standards; Updates for Areas That Attained by the Attainment Date; Withdrawal [12/9/2020].....	44
Fuels Regulatory Streamlining [12/4/2020].....	44
Test Methods and Performance Specifications for Air Emission Sources; Correction [12/2/2020].....	44

National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing Residual Risk and Technology Review [11/25/2020].....	44
Prevention of Significant Deterioration and Nonattainment New Source Review; Project Emissions Accounting [11/24/2020].....	44
Air Quality State Implementation Plans; Approvals and Promulgations: Failure to Submit Revisions in response to 2016 Oil and Natural Gas Industry Control Techniques Guidelines for the 2008 Ozone National Ambient Air Quality Standards and for States in the Ozone Transport Region [11/16/2020].....	45
Reclassification of Major Sources under the Clean Air Act [11/19/2020].....	45
Findings of Failure to Submit State Implementation Plans Required for Attainment of the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard [11/3/2020].....	45
National Emission Standards for Hazardous Air Pollutants: Phosphoric Acid Manufacturing [11/3/2020].....	45
National Emission Standards for Hazardous Air Pollutants: Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills; Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 [11/5/2020].....	45
National Emission Standards for Hazardous Air Pollutants: Petroleum Refinery Sector; Action Denying a Petition for Reconsideration [10/26/2020].....	45
Guidance: Administrative Procedures for Issuance and Public Petitions [10/19/2020].....	45
National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review; Correction [10/13/2020].....	45
Implementation of the Revoked 1997 8-Hour Ozone National Ambient Air Quality Standards [10/9/2020].....	45
Test Methods and Performance Specifications for Air Emission Sources [10/7/2020].....	45
Amendments Related to Marine Diesel Engine Emission Standards [10/2/2020].....	45
Proposed Rules/Actions	45
National Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production Reconsideration [11/9/2020].....	45
Revised Cross-State Air Pollution Rule Update for the 2008 Ozone National Ambient Air Quality Standards [10/30/2020].....	45
Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 [10/16/2020].....	46
Notices	46
Tampering Policy and Request for Information Regarding Catalyst Policy [12/14/2020].....	46
Proposed Consent Decree: Clean Air Act Citizen Suit [12/1/2020].....	46
Final Integrated Science Assessment for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter – Ecological Criteria [10/19/2020].....	46
Proposed Consent Decree: Clean Air Act [10/13/2020].....	46

2020 PROJECTED ACTIONS

Notices

Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers [[6/30/2020](#) – Begin Review]

- RIN: [2060-AU76](#)
- More information [here](#)

Abstract: On March 21, 2011, EPA promulgated National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers (76 FR 15554). The rule (40 CFR part 63, subpart JJJJJ) includes standards to control hazardous air pollutant emissions from new and existing industrial, commercial and institutional boilers fired with coal, oil, biomass or other solid and liquid non-waste materials located at area source facilities. Rule amendments that did not impose any additional regulatory requirements beyond those imposed by the March 2011 final rule and, in certain instances, would result in a decrease in burden, were promulgated on February 1, 2013 (78 FR 7488) and September 14, 2016 (81 FR 63112). This entry in the regulatory agenda describes EPA's review of this action pursuant to section 610 of the Regulatory Flexibility Act, "Periodic Review of Rules" (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA is considering comments on the following factors as specified in section 610: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates or conflicts with other federal, state or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. The results of EPA's review will be summarized in a report and placed in the rulemaking docket at the conclusion of this review. This review's Docket ID number is EPA-HQ-OAR-2020-0099; the docket can be accessed at www.regulations.gov.

Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters [[6/30/2020](#) – Begin Review]

- RIN: [2060-AU77](#)
- More information [here](#)

Abstract: On March 21, 2011, the EPA promulgated National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (76 FR 15608). The rule (40 CFR part 63, subpart DDDDD) includes standards to control hazardous air pollutant emissions from new and existing industrial, commercial, and institutional boilers and process heaters fired with coal, oil, biomass, natural gas or other solid, liquid or gaseous non-waste materials located at major source facilities. Rule amendments that did impose additional regulatory requirements beyond those imposed by the March 2011 final rule were estimated to result in an increase in burden were promulgated on January 31, 2013 (78 FR 7138). This entry in the regulatory agenda describes EPA's review of this action pursuant to Section 610 of the Regulatory Flexibility Act, "Periodic Review of Rules" (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA is considering comments on the following factors as specified in Section 610: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates or conflicts with other federal, state or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. The results of EPA's review will be summarized in a report and placed in the rulemaking docket at the conclusion of this review. This review's Docket ID number is EPA-HQ-OAR-2020-0106; the docket can be accessed at www.regulations.gov.

Petition to Delist Hazardous Air Pollutants: 2-Butoxyethyl Benzoate (2-BEB) [[11/2020](#)]

- RIN: [2060-AU75](#)

Abstract: The Clean Air Act (CAA) requires EPA to regulate substances listed as hazardous air pollutants (HAP) under CAA section 112(b). The HAP list includes substances that are air pollutants, and for which emissions, ambient concentrations, bioaccumulation or deposition of the substance are known or reasonably anticipated to cause adverse effects to human health or adverse environmental effects. The CAA requires EPA to consider petitions to add or remove substances from the HAP list. EPA reviews a

petition to determine whether it provides adequate data and can be determined complete. If EPA decides that information is not adequate, the Administrator may use any authority available to them to acquire such information. If the petition is determined complete or EPA acquires adequate information through other means of its authority, EPA must, within 18 months, technically review the petition and then either grant or deny the petition. On September 30, 2019, the Dow Chemical Company submitted a petition to the U.S. Environmental Protection Agency (EPA) to remove 2-butoxyethyl benzoate (2-BEB) from the category of glycol ethers in the list of hazardous air pollutants (HAP) under section 112(b)(3) of the Clean Air Act (CAA), 42 U.S.C. 7412(b)(3). Dow views 2-BEB as a potential replacement for ethylene glycol monobutyl ether (EGBE) and some other chemicals for specific applications. EGBE was delisted as a HAP by EPA on November 29, 2004. The EPA completed the initial review of the petition and found that it was insufficient. The EPA provided the petitioner with a list of additional information to provide and is awaiting receipt of this information. Once it receives and reviews the additional information, the EPA will again determine if the petition is complete based on the updated information. If it is deemed complete, the EPA will introduce a notice that acknowledges receipt of a complete petition, initiates the 18-month window for the EPA to rule on the petition per CAA section 112(b), and solicits comments on the petition to remove 2-BEB from the CAA section 112(b)(3) HAP list.

Error Correction of the Area Designations for the 2010 1-Hour SO₂ Primary National Ambient Air Quality Standard (NAAQS) in Freestone & Anderson Counties, Rusk & Panola Counties, & Titus County in TX [\[11/2020\]](#)

- RIN: [2060-AU15](#)
- Comment period on [proposed rule](#) closed 9/23/2019

Abstract: Due to the receipt of adverse comments, EPA is planning to withdraw the August 22, 2019 notice of proposed rulemaking that proposed to determine that the EPA made an error in the designations for portions of Freestone and Anderson Counties, Rusk and Panola Counties, and Titus County in Texas.

Petition to Delist Stationary Combustion Turbines From the List of Categories of Major Sources of Hazardous Air Pollutants [\[12/2020\]](#)

- RIN: [2060-AU78](#)

Abstract: The Clean Air Act (CAA) requires EPA to regulate substances listed as hazardous air pollutants (HAP) under CAA section 112(c). CAA section 112(c)(9) requires EPA to consider petitions to add or remove source categories. EPA reviews a petition to determine whether it provides adequate data and can be determined complete. If EPA decides that information is not adequate, the Administrator may use any authority available to them to acquire such information. Once the petition is determined complete, EPA must, within 12 months, either grant or deny the petition. On August 28, 2019, EPA received a petition to remove the Stationary Combustion Turbines source category from the list of categories of major sources. On November 19, 2019, EPA received a supplement to the petition. The EPA is currently evaluating the petition for completeness and plans to issue a notice once the petition is determined to be complete. In the second notice, the EPA will notify the petitioners and the public of its determination of whether the petition will be granted (a proposed rulemaking) or denied.

Proposed Rules

E15 Label Revisions and Underground Storage Tank Compatibility [\[11/2020\]](#)

- RIN: [2060-AU92](#)

Abstract: In this action, EPA co-proposes two actions regarding the E15 label requirement. First, EPA proposes to modify the text and color of the E15 label. Second, EPA proposes to remove the E15 label requirement entirely.

This action also proposes changes to our underground storage tank (UST) compatibility demonstration requirements that would help enable use of E15 and higher level ethanol blends.

National Emission Standards for Hazardous Air Pollutants From Portland Cement Manufacturing Amendments [\[11/2020\]](#)

- RIN: [2060-AV00](#)

Abstract: EPA will propose amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) from Portland Cement Manufacturing (Portland Cement NESHAP), to clarify the intent of the provisions applying to previously idled cement kilns in

the 2018 Portland Cement NESHAP Risk and Technology Review final rule published on July 25, 2018 (80 FR 54728). The 2018 final rule included provisions that allow facilities 180 days to demonstrate compliance with the rule if a cement kiln was idle during the required compliance testing period. The provisions allow facilities 180 days to demonstrate compliance once that kiln is brought back online ("idle kiln provision"). On September 21, 2018, Sierra Club and two community groups submitted a petition for reconsideration of the 2018 final rule. The petition identified three issues, one of which pertained to the idle kiln provision. The petitioners believe that the idle kiln provision allows for affected facilities to potentially avoid demonstrating compliance by continually idling their cement kiln. On July 18, 2019, EPA granted reconsideration of the idle kiln provision. Specifically, in this action EPA intends to address several components of the 2018 final rule idle kiln provision to ensure the rule only targets the intended affected sources.

National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review; Correction [[11/2020](#)]

- RIN: [2060-AV01](#)

Abstract: EPA published a final rule in the Federal Register on March 26, 2020 (85 FR 17244). The final rule completed the residual risk and technology review conducted for the Municipal Solid Waste (MSW) Landfills source category regulated under national emission standards for hazardous air pollutants (NESHAP), as well as added minor changes to the MSW Landfills New Source Performance Standards and Emission Guidelines and Compliance Times for MSW Landfills. In this action, EPA is proposing technical revisions and clarifications to correct inadvertent errors and clarify wellhead monitoring requirements (63.1960(a)(4)(i) for the purpose of identifying excess air infiltration); delegation of authority to state, local or tribal agencies (63.1985(c)"emission standards"); applicability of the General Provisions to affected MSW landfills (63.10(d)(3)); and handling of monitoring data for combustion devices during periods of monitoring system breakdowns, repairs, calibration checks and adjustments (63.1975) for the NESHAP for MSW Landfills established in the March 26, 2020 final rule.

National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations RTR and Flexible Polyurethane Foam Production and Fabrication Area Sources Technology Review [[11/2020](#)]

- RIN: [2060-AU57](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action would address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Flexible Polyurethane Foam Fabrication Operations and the agency's technology review for the Flexible Polyurethane Foam Production and Fabrication Area Sources NESHAP. The Flexible Polyurethane Foam Fabrication Operations NESHAP, 40 CFR part 63 subpart MMMMM, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on April 14, 2003. The NESHAP for Flexible Polyurethane Production and Fabrication Operations (area sources) were promulgated on July 16, 2007 (72 FR 38864) and codified at 40 CFR part 63, subpart OOOOOO. The major source NESHAP established emission limitations and work practice requirements based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP) from loop slitter adhesive use and flame lamination. The HAP emitted from loop slitter adhesive use and flame lamination include methylene chloride and hydrochloric acid. 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 area source NESHAP for Foam Production and Fabrication established generally available control technology (GACT) standards to address methylene chloride emissions from slabstock polyurethane foam production, molded polyurethane foam production, rebond foam production, and foam fabrication adhesive use. 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 and GACT 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 (Community In-Power and Development Association v. Pruitt, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

National Emission Standards for Hazardous Air Pollutants: Carbon Black Production Residual Risk and Technology Review and Carbon Black Production Area Source Technology Review [[11/2020](#)]

- RIN: [2060-AU66](#)

- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action would address the EPA's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Carbon Black Production major sources, as well as the technology review of the Carbon Black Production Area Source NESHAP. The Carbon Black Production NESHAP, 40 CFR part 63, subpart YY, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on July 12, 2002, and applies to major sources. 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 the main unit filter process vent. The HAP emitted from the main unit filter process vent include, but are not limited to carbon disulfide, carbon sulfide, lead, mercury, and cyanide. 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) as they pertain to the Carbon Black Production NESHAP. 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. The Carbon Black Production Area Source NESHAP, 40 CFR part 63, subpart M (6M), was promulgated on July 16, 2007, pursuant to CAA section 112(d)(5). Technical corrections to the Carbon Black Production Area Source NESHAP were published on March 26, 2008. CAA section 112(d)(5) provides EPA authority to promulgate standards or requirements applicable to area source categories or subcategories of HAP listed pursuant to CAA section 112(c), based on generally available control technologies or management practices by the sources to reduce HAP emissions. For standards set pursuant to CAA section 112(d)(5), EPA is not required to conduct a residual risk review but is required to conduct a technology review. Accordingly, this action also includes a technology review of the of the Carbon Black Production Area Source NESHAP. Pursuant to a court order (*Community In-Power and Development Association v. Pruitt*, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology Standards for Spandex Production Residual Risk and Technology Review [\[12/2020\]](#)

- RIN: [2060-AU55](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action would address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP): Generic Maximum Achievable Control Technology Standards for Spandex Production Residual Risk and Technology Review. The Spandex Production NESHAP, 40 CFR 63 subpart YY, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on July 12, 2002 (See 67 FR 46258). 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 storage vessels, process vents, and fiber spinning lines. The HAP emitted from these Spandex Production equipment include toluene and 2,4 toluene diisocyanate. This action would 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 (*Community In-Power and Development Association v. Pruitt*, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this action by October 1, 2021.

National Emission Standards for Hazardous Air Pollutants: Semiconductor Manufacturing Residual Risk and Technology Review [\[12/2020\]](#)

- RIN: [2060-AU56](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action would address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Semiconductor Manufacturing. The semiconductor manufacturing NESHAP, 40 CFR part 63,

subpart BBBBBB was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on May 22, 2003 and amended on July 22, 2008. The NESHAP established emission limitations based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP) from storage tank and process vents. The HAP emitted from storage tank and process vents include hydrochloric acid, hydrogen fluoride, glycol ethers, methanol and xylene. This action would 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 section 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 (Community In-Power and Development Association v. Pruitt, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

National Emission Standards for Hazardous Air Pollutants: Mercury Cell Chlor-Alkali Plants Residual Risk and Technology Review [[12/2020](#)]

- RIN: [2060-AU59](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action will address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Mercury Cell Chlor-Alkali Plants. The Mercury Cell Chlor-Alkali Plants NESHAP, subpart IIIII, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on December 19, 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 these facilities. The HAP emitted from the mercury cell chlor-alkali operations include mercury and chlorine. 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 (Community In-Power and Development Association v. Pruitt, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review [[12/2020](#)]

- RIN: [2060-AU63](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action will address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Primary Copper Smelting. The Primary Copper Smelting NESHAP, subpart QQQ, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on June 12, 2002. The NESHAP established emission limitations and/or work practice requirements based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP) from primary copper smelters that use conventional batch copper converters. The HAP emitted from primary copper smelters include HAP metals such as arsenic, beryllium, cadmium, chromium, lead, manganese, and nickel. 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 (Community In-Power and Development Association v. Pruitt, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021. This action will also address the agency's technology review of the area source NESHAP for Primary Copper Smelting. The Primary Copper Smelting area source NESHAP, subpart EEEEE, was promulgated pursuant to section

112(d) of the Clean Air Act on January 23, 2007. The area source NESHAP includes emissions limits and work practice standards that reflect the generally available control technologies (GACT) and/or management practices in the primary copper smelting category. This action will implement the technology review requirements of CAA section 112(d)(6). CAA section 112(d)(6) requires the EPA to review and revise the area source NESHAP standards as necessary, taking into account developments in practices, processes and control technologies, no less often than every 8 years. There is not a court-ordered deadline for review of the area source NESHAP.

National Emission Standards for Hazardous Air Pollutants: Generic MACT II--Cyanide Chemicals Manufacturing Residual Risk and Technology Review [[12/2020](#)]

- RIN: [2060-AU64](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action will address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Cyanide Chemicals Manufacturing. The Cyanide Chemicals Manufacturing NESHAP, subpart YY, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on July 12, 2002. 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 Cyanide Chemicals Manufacturing facilities. The HAP emitted from Cyanide Chemicals Manufacturing include hydrogen cyanide, sodium cyanide, acrylonitrile and acetonitrile. 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 (*Community In-Power and Development Association v. Pruitt*, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

National Emission Standards for Hazardous Air Pollutants: Primary Magnesium Refining Residual Risk and Technology Review [[12/2020](#)]

- RIN: [2060-AU65](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action will address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Primary Magnesium Refining. The Primary Magnesium Refining NESHAP, subpart TTTTT, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on October 10, 2003. The NESHAP established emission limitations, work practice standards, and operation and maintenance requirements based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP) from spray dryers, magnesium chloride storage bins, melt/reactor systems, and launder off-gas systems. The HAP emitted from these sources include, but are not limited to, hydrochloric acid, chlorine, dioxins and metal HAP. 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 (*Community In-Power and Development Association v. Pruitt*, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

Renewable Fuel Standard Program: Standards for 2021, Biomass-Based Diesel Volumes for 2022 [[12/2020](#); at OIRA since [5/13/2020](#)]

- RIN: [2060-AU82](#)
- Judicial Deadline: 11/30/2020

Abstract: 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 2021. 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 2022.

National Volatile Organic Compound Emission Standards for Aerosol Coatings Amendments [[12/2020](#)]

- RIN: [2060-AU94](#)

Abstract: This proposed action will amend the national emission standards for the aerosol coatings (aerosol spray paints) category under section 183(e) of the Clean Air Act (CAA). The CAA requires the Administrator to control volatile organic compound (VOC) emissions from specific categories of consumer and commercial products for purposes of reducing emissions contributing to ozone formation and ozone nonattainment. The National Emission Standards for Aerosol Coatings (Aerosol Coatings Reactivity rule) was promulgated on March 24, 2008 and establishes VOC reactivity-based emission limits. Several amendments have been made since rule promulgation pursuant to 40 CFR part 59, subpart E, 40 CFR 59.511, allowing regulated entities to petition the Administrator to add compounds to the rule. The proposed amendments will update the coating category product-weighted reactivity emission limits, add compounds and reactivity factors, and revise reporting requirements. The EPA currently plans to propose this action by December 31, 2020.

Final Rules

Review of Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units [[11/2020](#); at OIRA since [12/11/2020](#)]

- RIN: [2060-AT56](#)
- Comment period on [proposed rule](#) closed 3/18/2019

Abstract: On December 20, 2018, the EPA proposed revised Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units, found at 40 CFR Part 60, subpart TTTT. The EPA proposed to amend the previous determination that the best system of emission reduction (BSER) for newly constructed coal-fired steam generating units (i.e., EGUs) is partial carbon capture and storage. Instead, the proposed revised BSER for this source category is the most efficient demonstrated steam cycle (e.g., supercritical steam conditions for large units and subcritical steam conditions for small units) in combination with the best operating practices. The EPA is currently working on finalizing the proposal.

Improvements for Heavy-Duty Engine and Vehicle Test Procedures, and Other Technical Amendments [[11/2020](#)]

- RIN: [2060-AU62](#)
- Comment period on [proposed rule](#) closed 6/26/2020

Abstract: EPA proposed changes to the test procedures used for heavy-duty engines and vehicles to demonstrate compliance with emission standards. These changes improve accuracy and reduce testing burden. EPA also proposed other regulatory amendments concerning light-duty vehicles, heavy-duty vehicles, highway motorcycles, locomotives, marine engines, other nonroad engines and vehicles, stationary engines, and portable fuel containers. If finalized, these other regulatory amendments would streamline the regulations which would reduce industry costs, increase compliance flexibility, harmonize with other requirements, clarify existing requirements, and correct errors.

Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces Amendment [[11/2020](#)]

- RIN: [2060-AU87](#)
- Comment period on [proposed rule](#) closed 7/6/2020

Abstract: In this action, EPA intends to finalize its decision regarding the proposed changes to the Standards of Performance for New Residential Wood Heaters and New Residential Hydronic Heaters and Forced-Air Furnaces. In response to the situation created by the COVID-19 pandemic, on May 22, 2020, EPA published a proposed rule which proposes to allow retailers to sell affected Step 1

compliant new residential wood heaters and new residential hydronic heaters and forced-air furnaces that are manufactured or imported before the May 15, 2020, compliance date to be sold at retail through November 30, 2020. This replacement sales period would allow retailers to recover comparable sales opportunities lost due to the pandemic for the sale of Step 1" compliant wood heaters, hydronic heaters and forced-air furnaces remaining in inventory.

Error Corrections to New Source Review Regulations [[12/2020](#)]

- RIN: [2060-AU46](#)
- Comment period on [proposed rule](#) closed 1/21/2020

Abstract: The EPA is correcting inadvertent errors and updating references in the New Source Review (NSR) regulations. The NSR regulations in 40 CFR parts 49, 51 and 52 have undergone restructuring and revisions during their history, resulting in a number of inadvertent errors during that time. In addition, the 1990 Clean Air Act amendments created programs (e.g., title V and Part 63) and some other revisions that are not reflected in the current NSR regulations. This rule corrects these errors and updates within the NSR regulations, thereby, improving clarity and reducing unintended confusion.

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 [[12/2020](#)]

- RIN: [2060-AU54](#)
- Notice of withdrawal of direct final rule published in the *Federal Register* [12/9/2020](#)

Abstract: 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 antibacksliding 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 will be effective.

Air Quality Designations for 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS)--Round 4 [[12/2020](#); signed [12/21/2020](#) but not yet published in the *Federal Register*]

- RIN: [2060-AU61](#)
- More information [here](#)
- Judicial Deadline: 12/31/2020

Abstract: On June 2, 2010, the EPA established a revised primary SO₂ National Ambient Air Quality Standards (NAAQS) at 75 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; June 22, 2010). 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 by not designating all portions of the country by the 6/3/13, deadline. Under a consent decree entered by the Court on 3/2/15, in one of those cases, the EPA is required to complete the remaining area designations according to a specific schedule with the following deadlines: 7/2/16 ("Round 2"); 12/31/17 ("Round 3") and 12/31/2020 ("Round 4").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). 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; 8/21/15). This is the fourth and final action for the 2010 SO₂ NAAQS designations. By the 12/31/2020, 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.

Revising Certain Unclassifiable Area Designations From EPA's Round 2 Air Quality Designations for the 2010 1-Hour SO₂ Primary NAAQS [[12/2020](#)]

- RIN: [2060-AU79](#)

- Comment period on [proposed rule](#) closed 10/2/2020

Abstract: On June 30, 2016, the EPA Administrator signed a final action designating certain areas in the United States for the 2010 1-hour primary sulfur dioxide (SO₂) National Ambient Air Quality Standard. In the final action we explained that EPA expects to receive additional air quality characterization for many of the areas being designated, and that the agency could consider such data that corresponds to those areas being designated unclassifiable in future actions that assess the areas' air quality status. With this action, EPA plans to revise certain unclassifiable area designations in the June 2016 final action that have since collected at least three years of air quality monitoring information to characterize SO₂ air quality pursuant to EPA's Data Requirements Rule (80 FR 51052).

2021 PROJECTED ACTIONS

Notices

Add 1-bromopropane (also known as 1-BP) to the List of Hazardous Air Pollutants [\[2/2021\]](#)

- RIN: [2060-AS26](#)
- More information [here](#)

Abstract: The Agency received two petitions to add 1- bromopropane (1-BP) to the list of Hazardous Air Pollutants (HAP) under section 112 of the Clean Air Act (CAA). After review and comment, the EPA found that the petitioners met the requirements contained in CAA section 112(b)(3) and granted the petition. The final action granting the petitions was published on June 18, 2020 (85 FR 36851). This subsequent action adds 1-BP (CAS 106-94-5) to the CAA section 112(b)(1) list of HAP by modifying 40 CFR part 63, subpart C, which will result in regulation of 1-BP under section 112 of the CAA. Before proposing regulatory changes, the Agency wants to assess whether changes are warranted to the General Provisions of 40 CFR part 63, subpart A or other part 63 subparts to address impacts from this listing action. The agency will thus issue an Advanced Notice of Public Rule Making (ANPRM), seeking public comment and information, followed by a proposed and final action to add 1-BP to the CAA section 112(b)(1) list of HAP.

Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers [\[3/2021 – End Review\]](#)

- RIN: [2060-AU76](#)
- More information [here](#)

Abstract: On March 21, 2011, EPA promulgated National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers (76 FR 15554). The rule (40 CFR part 63, subpart JJJJJ) includes standards to control hazardous air pollutant emissions from new and existing industrial, commercial and institutional boilers fired with coal, oil, biomass or other solid and liquid non-waste materials located at area source facilities. Rule amendments that did not impose any additional regulatory requirements beyond those imposed by the March 2011 final rule and, in certain instances, would result in a decrease in burden, were promulgated on February 1, 2013 (78 FR 7488) and September 14, 2016 (81 FR 63112). This entry in the regulatory agenda describes EPA's review of this action pursuant to section 610 of the Regulatory Flexibility Act, "Periodic Review of Rules" (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA is considering comments on the following factors as specified in section 610: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates or conflicts with other federal, state or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. The results of EPA's review will be summarized in a report and placed in the rulemaking docket at the conclusion of this review. This review's Docket ID number is EPA-HQ-OAR-2020-0099; the docket can be accessed at www.regulations.gov.

Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters [\[3/2021 – Begin Review\]](#)

- RIN: [2060-AU77](#)
- More information [here](#)

Abstract: On March 21, 2011, the EPA promulgated National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (76 FR 15608). The rule (40 CFR part 63, subpart DDDDD) includes standards to control hazardous air pollutant emissions from new and existing industrial, commercial, and institutional boilers and process heaters fired with coal, oil, biomass, natural gas or other solid, liquid or gaseous non-waste materials located at major source facilities. Rule amendments that did impose additional regulatory requirements beyond those imposed by the March 2011 final rule were estimated to result in an increase in burden were promulgated on January 31, 2013 (78 FR 7138). This entry in the regulatory agenda describes EPA's review of this action pursuant to Section 610 of the Regulatory Flexibility Act, "Periodic Review of Rules" (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA is considering comments on the following factors as specified in Section 610: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates or conflicts with other federal, state or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. The results of EPA's review will be summarized in a report and placed in the rulemaking docket at the conclusion of this review. This review's Docket ID number is EPA-HQ-OAR-2020-0106; the docket can be accessed at www.regulations.gov.

Medium and Heavy-Duty Fuel Efficiency Standards [\[6/2021\]](#)

- RIN: [2060-AU90](#)

Abstract: This rulemaking would request comment on whether the National Highway Traffic Safety Administration (NHTSA) and EPA should reconsider certain aspects of the fuel efficiency and greenhouse gas (GHG) standards for medium- and heavy-duty on-highway vehicles and work trucks for model years beyond 2018 that were established in the agencies' October 25, 2016 final rule. In particular, the agencies are considering whether to continue the engine standards and advanced technology incentives included in the 2016 rule, and expect to request comment on the effects of these aspects of the program and the best ways to model these effects, which were not modeled in the 2016 rule. The agencies are further considering whether the stringency of standards in later model years covered in that rulemaking as they apply to covered vehicles remain appropriate. This action would complement the separate rulemaking reevaluating the standards for trailers that the agencies are pursuing under RINs 2127-AM17 and 2060-AU50.

Petition to Delist Stationary Combustion Turbines From the List of Categories of Major Sources of Hazardous Air Pollutants [\[9/2021\]](#)

- RIN: [2060-AU78](#)

Abstract: The Clean Air Act (CAA) requires EPA to regulate substances listed as hazardous air pollutants (HAP) under CAA section 112(c). CAA section 112(c)(9) requires EPA to consider petitions to add or remove source categories. EPA reviews a petition to determine whether it provides adequate data and can be determined complete. If EPA decides that information is not adequate, the Administrator may use any authority available to them to acquire such information. Once the petition is determined complete, EPA must, within 12 months, either grant or deny the petition. On August 28, 2019, EPA received a petition to remove the Stationary Combustion Turbines source category from the list of categories of major sources. On November 19, 2019, EPA received a supplement to the petition. The EPA is currently evaluating the petition for completeness and plans to issue a notice once the petition is determined to be complete. In the second notice, the EPA will notify the petitioners and the public of its determination of whether the petition will be granted (a proposed rulemaking) or denied.

Proposed Rules

National Emission Standards for Hazardous Air Pollutants: Refractory Products Manufacturing Residual Risk and Technology Review [\[1/2021\]](#)

- RIN: [2060-AU67](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action will address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Refractory Products Manufacturing. The Refractory Products Manufacturing NESHAP, 40 CFR Part 63 subpart SSSSS, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on April 16, 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 ovens, kilns, preheaters, and dryers. The HAP emitted from ovens, kilns, preheaters, and dryers include: ethylene glycol, formaldehyde, HF, HCl and phenol. 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 (*Community In-Power and Development Association v. Pruitt*, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

Reconsideration of Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Corn Milling Facilities Under the "Major Emitting Facility" Definition [[1/2021](#)]

- RIN: [2060-AU71](#)

Abstract: This rulemaking would convene a reconsideration proceeding of portions of the final rule "Prevention of Significant Deterioration, Nonattainment New Source Review, and title V: Treatment of Corn Milling Facilities Under the Major Emitting Facility' Definition" that apply in nonattainment areas.

Amendment of 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1) to Reflect Court Vacatur of General Provisions for Emission Standard Exemptions During Periods of Startup, Shutdown, and Malfunction (SSM) [[1/2021](#)]

- RIN: [2060-AU98](#)

Abstract: The United States Court of Appeals for the District of Columbia Circuit vacated two provisions in the Clean Air Act (CAA) section 112, effecting compliance requirements with National Emission Standards for Hazardous Air Pollutants (NESHAP) during periods of startup, shutdown and malfunction (SSM). Specifically, the 2008 Court decision in *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008) vacated the SSM emission standard exemptions contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1) of the General Provisions. The Court holds that under section 302(k) of the CAA, emission standards or limitations must be continuous in nature and that the SSM exemption violates this CAA requirement. On October 16, 2009, the Court mandated the vacatur, making it immediately effective. This EPA action implements the mandate by amending the provisions at 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1).

Standards of Performance for Primary Copper Smelters Amendments [[1/2021](#); at OIRA since [11/25/2020](#)]

- RIN: [2060-AU99](#)
- More information [here](#)

Abstract: The Primary Copper Smelting New Source Performance Standards (NSPS) were promulgated on January 15, 1976, and required new, modified and reconstructed primary copper smelters to limit particulate matter emissions from dryers and sulfur dioxide emissions from roasters, smelting furnaces and copper converters. This action, a review of the 1976 NSPS under the authority of Clean Air Act (CAA) section 111(b), will address greenhouse gas (GHG) emissions from new, modified and reconstructed primary copper smelters. In this action EPA intends to propose and apply criteria for determining whether GHG emissions from the Primary Copper Smelting source category contribute significantly to air pollution, and, therefore, whether or not that pollutant should be regulated under the NSPS. If EPA proposes to find that GHG emissions from the Primary Copper Smelting source category should be regulated under the NSPS through a significant contribution finding, this action would also propose standards of performance to limit emissions of GHGs from new, modified and reconstructed primary copper smelters.

Federal Implementation Plan to Establish a Market for Ozone-Precursor Emissions Reduction Credits From Existing Sources on Indian Country Lands Within the Uinta Basin Ozone Nonattainment Area [[2/2021](#)]

- RIN: [2008-AA04](#)

Abstract: The purpose of this Notice of Proposed Rulemaking (NPRM) is to solicit broad feedback on the most effective and efficient means of promulgating a Clean Air Act (CAA) Federal Implementation Plan (FIP) applicable to sources on Indian country lands within the Uintah and Ouray Indian Reservation (U&O Reservation) to establish a bank of ozone-precursor emission reduction credits (ERCs) that may be generated and used for several air quality planning purposes. Specifically, the credits could be utilized in

achievement of the ozone National Ambient Air Quality Standard (NAAQS), general conformity demonstrations, and new source review (NSR) permitting related to development of new ozone-precursor emissions sources in the Uinta Basin Ozone Nonattainment Area in Utah. The EPA designated portions of the physiographic region known as the "Uinta Basin" nonattainment for the 2015 Ozone NAAQS, effective August 3, 2018. This NPRM discusses potential approaches to credit reductions of ozone precursor emissions from existing sources in Indian country within the Uinta Basin Ozone Nonattainment Area to be used for several purposes.

National Emission Standards for Hazardous Air Pollutants Risk and Technology Review Reconsideration: Oil and Natural Gas Sector [\[3/2021\]](#)

- RIN: [2060-AS13](#)

Abstract: 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 which were promulgated in 1999. On October 15, 2012, the EPA received several petitions for reconsideration to reconsider, clarify and amend the residual risk review, the technology review and 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. The letter may be found in the EPA Docket, ID No. EPA-HQ-OAR-2017-0747.

General Revisions to Emissions Monitoring and Reporting Requirements for Fossil Fuel-Fired Electric Generating Units [\[3/2021\]](#)

- RIN: [2060-AS74](#)

Abstract: This proposed rule would revise the definitions, monitoring, record keeping, and reporting requirements associated with the allowance trading programs (e.g. Acid Rain, Cross State Air Pollution Rule etc.) implemented by EPA in conjunction with states. EPA periodically revises these regulations in order to update test methods incorporated by reference, correct known errors, clarify, and otherwise modify provisions where necessary to ensure that the requirements remain current and provide flexibility. The proposed rule would also update or remove other provisions of the Acid Rain Program that applied only in earlier phases of the program.

Protection of Stratospheric Ozone: Updates to the Significant New Alternatives Policy Program [\[3/2021\]](#)

- RIN: [2060-AU11](#)

Abstract: This rule would address a court remand of EPA's Significant New Alternatives Policy (SNAP) program final rule issued on July 20, 2015 (2015 Rule) that, among other things, changed the listings for certain hydrofluorocarbons (HFCs) in various end-uses in the aerosols, refrigeration and air conditioning, and foam blowing sectors. The Court of Appeals for the District of Columbia Circuit in the case of Mexichem Fluor, Inc. v. EPA vacated the 2015 Rule "to the extent it requires manufacturers to replace HFCs with a substitute substance" and remanded the rule to EPA for further proceedings. EPA's SNAP program implements Section 612 of the Clean Air Act.

National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations [\[3/2021\]](#)

- RIN: [2060-AU37](#)
- Comment period on [advance notice of proposed rulemaking](#) closed 2/20/2020; [proposed information collection request](#) closed 8/11/2020

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Ethylene Oxide Commercial Sterilization and Fumigation Operations were finalized in December 1994 (59 FR 62585). The standards require existing and new major sources to control emissions to the level achievable by the maximum achievable control technology (MACT) and require existing and new area sources to control emissions using generally available control technology (GACT). EPA completed a residual risk and technology review for the NESHAP in 2006 and, at that time, concluded that no revisions to the standards were necessary. In this action, EPA will conduct the second technology review for the NESHAP and also assess potential updates to the rule. To aid in this effort, EPA

issued an advance notice of proposed rulemaking (ANPRM) that solicited comment from stakeholders and began the Small Business Advocacy Review (SBAR) panel process which is needed when there is the potential for significant economic impacts to small businesses from any regulatory actions being considered. The panel met once in June 2020 and will meet again in Fall 2020. Following the second meeting, the panel will provide recommendations.

Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine Standards: Cleaner Trucks Initiative [3/2021]

- RIN: [2060-AU41](#)
- Comment period on [advanced notice of proposed rulemaking](#) closed 2/20/2020

Abstract: Heavy-duty engines have been subject to emission standards for criteria pollutants, including particulate matter (PM), hydrocarbon (HC), carbon monoxide (CO), and oxides of nitrogen (NO_x), for nearly half a century; however, current data suggest that the existing standards do not ensure full, in-use emission control. In particular, in-use engine NO_x emission levels from heavy-duty vehicles can be significantly higher than their certified values under certain conditions. NO_x emissions are major precursors of ozone and significant contributors to secondary PM_{2.5} formation. Ozone and ambient PM_{2.5} concentrations continue to be a nationwide health and air quality issue. Reducing NO_x emissions from on-highway, heavy-duty trucks and buses is an important component of improving air quality nationwide and reducing public health and welfare effects associated with these pollutants, especially for vulnerable populations and in highly impacted regions. This action will evaluate data on current NO_x emissions from heavy-duty vehicles and engines, and options available to improve control of criteria pollutant emissions through revised emissions standards. Additionally, this action will evaluate ways to streamline existing requirements.

National Emission Standards for Hazardous Air Pollutants: Stationary Combustion Turbines; Amendments [4/2021]

- RIN: [2060-AV03](#)

Abstract: This action is proposing to amend the National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines to address a petition for reconsideration of the March 2020 final Risk and Technology Review (RTR) of the rule. The petition for reconsideration cited two issues: EPA's decision not to remove the stay of the standards for new gas-fired turbines, and EPA's decision not to set limits for unregulated HAP in light of the decision in Louisiana Environmental Action Network v. EPA, 955 F. 3d. (D.C. Cir. 2020). EPA expects to address both of those issues in the proposed amendments.

Revised Response to Clean Air Act Section 126(b) Petition From New York [4/2021]

- RIN: [2060-AV04](#)
- More information [here](#)

Abstract: This action will respond to a Clean Air Act section 126(b) petition from the state of New York dated March 12, 2018. The petition requests a finding from EPA that emissions from numerous sources in nine states (Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia) significantly contribute to nonattainment and interfere with maintenance of the 2008 and 2015 ozone national ambient air quality standards in New York State. EPA previously denied the petition in 2019. Petitioners challenged the denial and on July 14, 2020, the D.C. Circuit vacated and remanded EPA's denial. This action addresses the Court's vacatur and remand and provides a revised response to the petition.

Revised Response to Clean Air Act Section 126(b) Petition From Maryland [4/2021]

- RIN: [2060-AV05](#)
- More information [here](#)

Abstract: This action is a revised response to CAA section 126(b) petition from Maryland. In 2016, Maryland submitted a single petition alleging good neighbor violations by 36 electric generating units (EGUs) in five states with respect to the 2008 ozone NAAQS. Also in 2016, Delaware submitted four petitions, each alleging good neighbor violations by individual sources located in Pennsylvania or West Virginia with respect to the 2008 and 2015 ozone NAAQS. EPA previously denied all of the petitions in 2018. Petitioners challenged the denial and on May 19, 2020, the D.C. Circuit remanded EPA's denial as to four EGUs with selective non-catalytic reductions identified in the Maryland petition. This action addresses the Court's remand and provides a revised response to the petition.

Revised Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards; Response to the July 10, 2020 Court Decision [[4/2021](#)]

- RIN: [2060-AV06](#)

Abstract: The EPA promulgated initial air quality designations for the 2015 ozone National Ambient Air Quality Standards (NAAQS) for all areas of the country in three actions. As part of the second action, promulgated on April 30, 2018, EPA designated 51 nonattainment areas. Subsequently, multiple petitioners filed six petitions for review of that designations action. Collectively, the petitioners challenged the designations of 17 counties associated with nine nonattainment areas, including nearby counties that EPA designated as attainment. On July 10, 2020, the court issued its decision remanding without vacatur all but one of the challenged counties to EPA for further consideration. Therefore, the affected designations remain in place pending the outcome of EPA's response to the court remand.

Alternative Work Practices for Leak Detection and Repair Amendments [[5/2021](#)]

- RIN: [2060-AP66](#)

Abstract: 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 would update the alternative work practice and address the issues raised for reconsideration.

Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Reconsideration of Fugitive Emissions Rule [[5/2021](#)]

- RIN: [2060-AQ47](#)
- More information [here](#)

Abstract: The EPA is reconsidering 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 and undertakes any associated rulemaking.

Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program in Refrigeration, Air Conditioning and Foams [[6/2021](#)]

- RIN: [2060-AT78](#)

Abstract: EPA has received a number of manufacturers' submissions and petitions concerning listings of substitutes. This rule would propose listings based upon EPA's evaluation and other updates as appropriate, focusing on refrigeration, air conditioning, and foams.

Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule [[6/2021](#)]

- RIN: [2060-AU35](#)

Abstract: This action would revise specific provisions in 40 CFR part 98 to reduce burden, simplify and streamline implementation of the rule, improve the quality and consistency of the data collected, and clarify or provide minor technical updates to certain provisions that have been the subject of questions from reporting entities.

National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing [[7/2021](#)]

- RIN: [2060-AU47](#)

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESAHP) for Brick and Structural Clay Products (BSCP) Manufacturing was promulgated in May 2003 and was subsequently vacated by the D.C. Circuit Court (Court) in March 2007. In response to the Court decision, the EPA published revised BSCP maximum achievable control technology (MACT) standards on October 26, 2016. The NESAHP set health-based emission standards for acid gases (chlorine, hydrogen chloride and hydrogen fluoride); set emission standards for mercury and particulate matter (PM) (PM surrogate for non-mercury HAP metals) and set work practice standards for dioxins/furans. On July 6, 2018, the Court remanded portions of the rule back to the EPA for further proceedings (Sierra Club and Natural Resources and Defense Council v. Environmental Protection Agency and E. Scott Pruitt, D.C. Cir No. 15-1487 (Brick MACT II decision)). Specifically, the Court remanded portions of the rule related to the use of health-based standards for acid gases, the use of alternative PM standards and the use of the upper prediction limit methodology to calculate MACT standards from limited datasets. This proposal would amend the NESAHP for BSCP Manufacturing, as promulgated in 40 CFR part 63, subpart JJJJ, to address the decisions made by the Court in their July 6, 2018, Brick MACT II decision. In addition, the Agency will be reviewing certain issues raised by industry regarding the 2016 final rule.

Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements Rule Update [7/2021]

- RIN: [2060-AU88](#)

Abstract: This proposed rulemaking would update the final State Implementation Plan (SIP) Requirements Rule for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) (80 FR 12264, March 6, 2015) to reconcile regulatory provisions that were vacated as part of the decision in South Coast Air Quality Management District v. EPA, 882 F.3d 1138 (D.C. Cir. 2018) (South Coast II) with those listed in part 51 of the Code of Federal Regulations (CFR). The 2008 SIP Requirements Rule governs attainment planning requirements that apply to areas designated nonattainment for the 2008 ozone NAAQS, and states in the Ozone Transport Region, as well as anti-backsliding requirements for areas once designated nonattainment for the revoked ozone NAAQS. This proposed action would clarify national policy by updating affected provisions in the 2008 ozone SIP Requirements Rule to reflect the outcome of South Coast II and ensure that states understand the requirements that apply to them for continued implementation of the ozone NAAQS.

Advancing Clean Aircraft Engines and Reforming Particulate Matter Test Procedures Under CAA Section 231 [8/2021]

- RIN: [2060-AU69](#)

Abstract: This rulemaking follows on the International Civil Aviation Organization (ICAO) agreement on the international particulate matter (PM) emission standards for commercial aircraft engines in February 2019. Domestically the EPA anticipates adopting PM standards that would be at least as stringent as ICAO's standards. The rulemaking includes retiring the existing smoke number standard for certain classes of aircraft engines and updating the measurement procedures for PM emissions.

Reconsideration of Standards of Performance and Emission Guidelines for Municipal Solid Waste Landfills [9/2021]

- RIN: [2060-AU24](#)
- More information [here](#)

Abstract: This action is in response to seven petitions for reconsideration by industry and environmental stakeholders of the agency's promulgated Standards of Performance for Municipal Solid Waste Landfills and its companion rule, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. The EPA finalized these two rules on August 29, 2016 (81 FR 59332 and 81 FR 59276). The petitions raised at least one objection to the rule requirements included in the final rule that arose after the comment period or was impracticable to raise during the comment period and that is of central relevance to the rule. In a letter signed May 5, 2017, the Administrator granted reconsideration of six specific issues in a petition from industry representatives: (1) tier 4 surface emission monitoring; (2) annual liquids reporting; (3) corrective action timeline procedures; (4) overlapping applicability with other rules; (5) the definition of cover penetration; and (6) design plan approval, as well as any other matter that will benefit from additional comment. This action proposes the EPA's response to the issues for which the EPA granted reconsideration.

Strengthening Scientific Transparency for Actions Under the Clean Air Act [\[9/2021\]](#)

- RIN: [2060-AV02](#)

Abstract: Following completion of new requirements for all EPA activities under the final regulation "Strengthening Transparency in Pivotal Science Underlying Influential Scientific Information and Regulatory Decisions," OAR will issue a supplementary regulation governing the treatment of pivotal science underlying regulatory activities and other actions under the Clean Air Act. The purpose of this proposed rulemaking will be to outline how the requirements of the final Strengthening Transparency rule will be interpreted and applied for Clean Air Action actions.

Review of the National Ambient Air Quality Standards for Lead [\[10/2021\]](#)

- RIN: [2060-AU86](#)
- Call for Information on the Integrated Science Assessment for Lead Closed [9/8/2020](#)

Abstract: Under the Clean Air Act Amendments of 1977, EPA is required to periodically review and if appropriate revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS). There are primary and secondary NAAQS for lead providing protection of public health and welfare. This action would address EPA's obligation to periodically review the NAAQS for lead.

Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After 10/21/74 & on or Before 8/17/83; Standards of Performance for Steel Plants: Electric Arc Furnaces & Argon-Oxygen Decarburization Vessels Constructed After 8/17/83 [\[11/2021\]](#)

- RIN: [2060-AU96](#)
- Judicial Deadline: 11/1/2021

Abstract: This action will address the agency's review of the New Source Performance Standards (NSPS) for Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983; and Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 (EAF NSPS). The EAF NSPS, subparts AA and AAa were promulgated pursuant to section 111(b) of the Clean Air Act (CAA) on September 23, 1975 (40 FR 43850), and October 31, 1984 (49 FR 43845), respectively. The EAF NSPS established standards of performance in the form of emission limitations and monitoring requirements based on the best system of emission reductions (BSER) (taking into account the cost of achieving such reduction and any non-air quality health and environmental impact and energy requirements). The parameters regulated at electric arc furnaces and argon oxygen vessels include particulate matter emissions and opacity. This action would implement the review requirements of CAA section 111(b)(1)(B). CAA section 112(b)(1)(B) requires the EPA to review, and if appropriate, revise the standards of performance based on the BSER, no less often than every 8 years. Pursuant to the consent decree in *Our Children's Earth Foundation v. Wheeler*, No. 18-cv-04765 (N.D. Cal. entered May 10, 2019), the EPA is obligated to propose this action by November 1, 2021, and complete this action by November 1, 2022.

National Emission Standards for Hazardous Air Pollutant Emissions: Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks [\[12/2021\]](#)

- RIN: [2060-AT20](#)

Abstract: On September 19, 2012, the EPA issued amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks source category (77 FR 58219). This action will propose to add provisions back into the rule that were inadvertently deleted when the EPA published the 2012 final amendments. These provisions, which were in the original 1995 NESHAP, provide facilities the opportunity to increase the duration of time between surface tension measurements after a certain number of compliant measurements. The EPA never intended these provisions to be deleted. In addition, this action will propose to correct several typographical errors, incorrect references and other minor inadvertent errors that the EPA discovered after promulgation of the 2012 final amendments.

NESHAP for the Gasoline Distribution Source Category (40 CFR Part 63, Subparts R and BBBB) and NSPS for Bulk Gasoline Terminals (40 CFR 60 Subpart XX) Review [\[12/2021\]](#)

- RIN: [2060-AU97](#)

- Judicial Deadline: 12/01/2021

Abstract: This action will address the agency's technology review of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for two Gasoline Distribution rules. The Gasoline Distribution NESHAP, subparts R and BBBB, were promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on December 14, 1994, and January 10, 2008, respectively. The NESHAP established emission limitations and other associated requirements based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP) from major sources and using generally available control technologies or management practices for controlling HAP emissions from area sources. The HAP emitted in gasoline vapors from storage tanks, loading racks, tank truck vapor leaks and equipment leaks include: benzene, ethylbenzene, hexane, toluene, xylenes, isooctane, naphthalene, cumene and methyl tert-butyl ether. This action will implement the technology review requirements of CAA section 112(d)(6). 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. The review will also evaluate whether there are unregulated pollutants or processes in the source category, and will include establishing new standards as appropriate, consistent with the recent decision in Louisiana Environmental Action Network (LEAN) v. EPA, 955 F.3d 1088 (D.C. Cir. 2020). Pursuant to the consent decree in Our Children's Earth Foundation v. Wheeler, No. 18-cv-04765 (N.D. Cal. entered May 10, 2019), the EPA is obligated to propose this action by December 1, 2021, and complete this action by December 1, 2022. In addition, this action will address the agency's review of the New Source Performance Standards (NSPS) for Bulk Gasoline Terminals. The Bulk Gasoline Terminals NSPS, subpart XX, was originally promulgated pursuant to section 111(b) of the CAA on August 18, 1983. The NSPS established standards of performance in the form of emission limitations and other associated requirements based on the EPA's determination of the best system of emission reductions (BSER) as defined in CAA section 111(a)(1). This NSPS regulates volatile organic compounds in gasoline vapors emitted from tank truck loading and unloading operations. This action will implement the review requirements of CAA section 111(b)(1)(B). CAA section 111(b)(1)(B) requires the EPA to review, and if appropriate, revise standards of performance under CAA section 111(b) no less often than every 8 years. Pursuant to the consent decree in Our Children's Earth Foundation v. Wheeler, No. 18-cv-04765 (N.D. Cal. entered May 10, 2019), the EPA is obligated to propose this action by December 1, 2021, and complete this action by December 1, 2022.

Final Rules

Standards of Performance for Volatile Organic Liquid Storage Vessels (Incl. Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After 7/23/84; Amendments [[1/2021](#)]

- RIN: [2060-AU91](#)
- Comment period on [proposed rule](#) closed 11/30/2020

Abstract: EPA is considering this action to propose limited amendments to the Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 (40 CFR part 60, subpart Kb). This proposed action would amend NSPS Kb by incorporating a voluntary alternative standard to allow certain sources subject to NSPS Kb to comply with the National Emission Standards for Storage Vessels (Tanks) - Control Level 2 found at 40 CFR part 63, subpart WW. The primary benefit anticipated from allowing this voluntary alternative is that some NSPS Kb sources can conduct top-side internal floating roof inspections without the need for emptying and degassing storage tanks, which is a costly process that releases emissions of VOC.

Amendment of 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1) to Reflect Court Vacatur of General Provisions for Emission Standard Exemptions During Periods of Startup, Shutdown, and Malfunction (SSM) [[1/2021](#) – Direct Final Rule]

- RIN: [2060-AU98](#)

Abstract: The United States Court of Appeals for the District of Columbia Circuit vacated two provisions in the Clean Air Act (CAA) section 112, effecting compliance requirements with National Emission Standards for Hazardous Air Pollutants (NESHAP) during periods of startup, shutdown and malfunction (SSM). Specifically, the 2008 Court decision in Sierra Club v. EPA, 551 F.3d 1019 (D.C. Cir. 2008) vacated the SSM emission standard exemptions contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1) of the General Provisions. The Court holds that under section 302(k) of the CAA, emission standards or limitations must be continuous in nature and that the SSM exemption violates this CAA requirement. On October 16, 2009, the Court mandated the vacatur, making it

immediately effective. This EPA action implements the mandate by amending the provisions at 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1).

Protection of the Stratospheric Ozone: Motor Vehicle Air Conditioning System Servicing [[1/2021](#)]

- RIN: [2060-AO75](#)
- Comment period on [proposed rule](#) closed 5/14/2020

Abstract: This action would incorporate by reference industry standards for equipment used to service motor vehicle air conditioners, as required by the Clean Air Act, for new alternative refrigerants in the motor vehicle air conditioning end-use currently listed as acceptable subject to use conditions under the Significant New Alternatives Policy (SNAP) program and being used in cars on the road today.

Revisions to Method 202: Dry Impinger Method for Determining Condensable Particulate Emissions From Stationary Sources [[1/2021](#)]

- RIN: [2060-AS91](#)
- Comment period on [proposed rule](#) closed 11/7/2017

Abstract: The New Source Review (NSR) permitting regulations require that the measurement and control of PM from new major stationary sources and major modifications include the condensable component for both PM_{2.5} and PM₁₀ emissions. Stakeholders have expressed concern that source-specific CPM test results obtained with Method 202 could include positive bias that translates into overestimations of emissions. Some of these stakeholder issues involve the quality of reagent chemicals used in the method, while other issues involve equipment preparation or contamination pre- and post-sampling. The EPA is revising sections of Method 202 including, but not limited to, the proof blank train preparation and recovery requirements in the method and use of the proof and field train blanks. The revisions will address consistency in the execution of Method 202, which has shown wide variation in its implementation, and allows many performance-based options and procedures.

Control of Air Pollution From Aircraft and Aircraft Engines: Proposed Greenhouse Gas (GHG) Emissions Standards and Test Procedures [[1/2021](#); completed review at OIRA on [12/18/2020](#)]

- RIN: [2060-AT26](#)
- Comment period on [proposed rule](#) closed 8/20/2020

Abstract: This rulemaking follows on the EPA's final endangerment and cause or contribute findings for aircraft greenhouse gas (GHG) emissions, which was published on August 15, 2016 (81 FR 54422). As a result of these positive findings, the EPA is obligated under section 231 of the Clean Air Act to set emission standards applicable to GHG emissions from the classes of aircraft engines used in certain types of aircraft covered in the finding. The International Civil Aviation Organization (ICAO) adopted international aircraft CO₂ standards in 2017. On August 20, 2020 (85 FR 51556), the EPA proposed GHG standards that would align with ICAO's standards.

National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters: Amendments [[1/2021](#)]

- RIN: [2060-AU20](#)
- Comment period on [proposed rule](#) closed 10/23/2020

Abstract: 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 its decision on July 29, 2016, vacating the maximum achievable control technology (MACT) standards for all subcategories that were affected by the EPA's exclusion of certain sources from consideration when setting the standards. The court also remanded the carbon monoxide standard 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. In November 2015, the EPA finalized its decision on certain other issues for which it granted reconsideration. Environmental groups filed a petition for judicial review of the reconsideration action. The court issued its decision on March 16, 2018, remanding for

further explanation the revised 130 parts per million carbon monoxide emission limits. This final rule will address the issues that were remanded in the two court decisions.

Review of the Ozone National Ambient Air Quality Standards [[1/2021](#)]; at OIRA since [12/8/2020](#)]

- RIN: [2060-AU40](#)

Abstract: 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 also a Policy Assessment, which includes a risk/exposure assessment, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents informed the Administrator's proposed decision to retain the current standards. The proposed decision was 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.

Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program [[1/2021](#)]

- RIN: [2060-AU81](#)
- Comment period on [proposed rule](#) closed 10/2/2020

Abstract: EPA has received a number of manufacturers' submissions and petitions concerning listings of substitutes. This rule would list additional substitutes based upon EPA's evaluation and other updates as appropriate.

Federal Implementation Plan for Oil and Natural Gas Sources; Uintah and Ouray Indian Reservation in Utah [[2/2021](#)]

- RIN: [2008-AA03](#)
- Comment period on [proposed rule](#) closed 3/23/2020

Abstract: Promulgating these federal regulations will address ozone-forming emissions from existing and new and modified oil and natural gas sources on Indian country lands within the Uintah and Ouray Indian Reservation (U&O Reservation) in Utah, portions of which are included in an area in the Uinta Basin that the EPA designated as nonattainment for the primary 2015 ozone national ambient air quality standard (NAAQS) for human health. The rulemaking seeks to achieve three goals for the Indian country portion of the Uinta Basin: (1) establish emissions control requirements for oil and natural gas activity that contribute to the Uinta Basin's winter ozone problem; (2) establish regulatory requirements that are the same or consistent between Indian country and neighboring jurisdictions within the Basin; and (3) allow for reasonable continued development of the Basin's oil and natural gas resources on the Indian country lands within the U&O Reservation that are included in the current Uinta Basin Ozone Nonattainment Area. This rule would apply to any person who owns or operates or plans to construct or modify an oil and natural gas facility on Indian country lands within the exterior boundaries of the U&O Reservation. The primary stakeholders are the oil and natural gas operators on the Reservation, the Ute Indian Tribe, State of Utah, and the public.

Cross-State Air Pollution Rule (CSAPR) Update Remand for the 2008 Ozone NAAQS [[3/2021](#)]

- RIN: [2060-AU84](#)
- Comment period on [proposed rule](#) closes 12/14/2020
- Judicial Deadline: 3/15/2021

Abstract: On September 7, 2016, EPA issued the Cross-State Air Pollution Rule (CSAPR) Update to address interstate transport of ozone for the 2008 ozone NAAQS in the eastern United States. This rule - the CSAPR Update Remand for the 2008 ozone NAAQS - addresses the remand of the CSAPR Update by the U.S. Court of Appeals for the D.C. Circuit on September 13, 2019.

National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review; Correction [[3/2021](#)]

- RIN: [2060-AV01](#)

Abstract: EPA published a final rule in the Federal Register on March 26, 2020 (85 FR 17244). The final rule completed the residual risk and technology review conducted for the Municipal Solid Waste (MSW) Landfills source category regulated under national emission standards for hazardous air pollutants (NESHAP), as well as added minor changes to the MSW Landfills New Source Performance Standards and Emission Guidelines and Compliance Times for MSW Landfills. In this action, EPA is proposing technical revisions and clarifications to correct inadvertent errors and clarify wellhead monitoring requirements (63.1960(a)(4)(i) for the purpose of identifying excess air infiltration); delegation of authority to state, local or tribal agencies (63.1985(c)"emission standards"); applicability of the General Provisions to affected MSW landfills (63.10(d)(3)); and handling of monitoring data for combustion devices during periods of monitoring system breakdowns, repairs, calibration checks and adjustments (63.1975) for the NESHAP for MSW Landfills established in the March 26, 2020 final rule.

Hourly Emissions Increase Test for the New Source Review Program [\[3/2021\]](#)

- RIN: [2060-AU58](#)

Abstract: In August 2018, EPA proposed to revise the New Source Review (NSR) program in conjunction with the Affordable Clean Energy (ACE) rule to make available to states an NSR applicability test for electric generating unit (EGU) modifications based on hourly emissions. Under the proposed NSR revisions, if a physical or operational change would not increase the hourly emissions of the EGU, it would not trigger major NSR; however, if the EGU's hourly emissions would increase after the change, then the source's projected annual emissions increase would be reviewed using the existing NSR applicability test. These NSR revisions are no longer part of the ACE rule, so this action is intended to finalize the NSR revisions through a separate rulemaking.

Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances and Other Updates [\[3/2021\]](#)

- RIN: [2060-AU80](#)
- Comment period on [proposed rule](#) closed 10/6/2020

Abstract: The EPA is proposing to extend the laboratory and analytical use exemption for the production and import of class I ozone-depleting substances indefinitely, which currently expires on December 31, 2021. This action is proposed under the Clean Air Act following actions by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. The current exemption expires on December 31, 2021. The permanent exemption would allow the production and import of controlled substances in the United States for laboratory and analytical uses that have not been already identified by EPA as nonessential.

Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units Review [\[5/2021\]](#)

- RIN: [2060-AU60](#)
- Comment period on [proposed rule](#) closed 10/15/2020
- Judicial Deadline: 5/31/2021

Abstract: EPA promulgated emissions standards for Other Solid Waste Incineration (OSWI) units on December 16, 2005. Units covered under this rule include certain very small municipal waste combustion and institutional waste incineration units. On September 14, 2018, the U.S. District Court for the District of Columbia ordered EPA to "review and revise" the OSWI standards and guidelines and publish a notice of proposed rulemaking by August 31, 2020, and promulgate a final rule by May 31, 2021. EPA is finalizing this action, in light of the statutory requirements under Clean Air Act section 129(a)(5) and the case law relevant to those requirements, to review and revise the OSWI standards and guidelines.

Renewable Fuel Standard Program: Standards for 2021, Biomass-Based Diesel Volumes for 2022 [\[6/2021\]](#); at OIRA since [5/13/2020\]](#)

- RIN: [2060-AU82](#)
- Judicial Deadline: 11/30/2020

Abstract: 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 2021. 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 2022.

Vehicle Test Procedure Adjustments for Tier 3 Test Fuel [\[6/2021\]](#)

- RIN: [2060-AT21](#)
- Comment period on [proposed rule](#) closed 8/11/2020

Abstract: This rule would amend vehicle test procedures to account for current transition in the test fuels used for compliance testing under EPA and National Highway Traffic Safety Administration (NHTSA) joint greenhouse gas (GHG) emissions and corporate average fuel economy standards (CAFE) (77 FR 62624) and EPA's Tier 3 standards (79 FR 23414, April 28, 2014). This would ensure that testing results are consistent across both programs and avoid changes in the stringency of the GHG/Fuel Economy program.

National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations [\[7/2021\]](#)

- RIN: [2060-AU37](#)
- Comment period on [advance notice of proposed rulemaking](#) closed 2/20/2020; [proposed information collection request](#) closed 8/11/2020

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Ethylene Oxide Commercial Sterilization and Fumigation Operations were finalized in December 1994 (59 FR 62585). The standards require existing and new major sources to control emissions to the level achievable by the maximum achievable control technology (MACT) and require existing and new area sources to control emissions using generally available control technology (GACT). EPA completed a residual risk and technology review for the NESHAP in 2006 and, at that time, concluded that no revisions to the standards were necessary. In this action, EPA will conduct the second technology review for the NESHAP and also assess potential updates to the rule. To aid in this effort, EPA issued an advance notice of proposed rulemaking (ANPRM) that solicited comment from stakeholders and began the Small Business Advocacy Review (SBAR) panel process which is needed when there is the potential for significant economic impacts to small businesses from any regulatory actions being considered. The panel met once in June 2020 and will meet again in Fall 2020. Following the second meeting, the panel will provide recommendations.

Federal Implementation Plan to Establish a Market for Ozone-Precursor Emissions Reduction Credits From Existing Sources on Indian Country Lands Within the Uinta Basin Ozone Nonattainment Area [\[8/2021\]](#)

- RIN: [2008-AA04](#)

Abstract: The purpose of this Notice of Proposed Rulemaking (NPRM) is to solicit broad feedback on the most effective and efficient means of promulgating a Clean Air Act (CAA) Federal Implementation Plan (FIP) applicable to sources on Indian country lands within the Uintah and Ouray Indian Reservation (U&O Reservation) to establish a bank of ozone-precursor emission reduction credits (ERCs) that may be generated and used for several air quality planning purposes. Specifically, the credits could be utilized in achievement of the ozone National Ambient Air Quality Standard (NAAQS), general conformity demonstrations, and new source review (NSR) permitting related to development of new ozone-precursor emissions sources in the Uinta Basin Ozone Nonattainment Area in Utah. The EPA designated portions of the physiographic region known as the "Uinta Basin" nonattainment for the 2015 Ozone NAAQS, effective August 3, 2018. This NPRM discusses potential approaches to credit reductions of ozone precursor emissions from existing sources in Indian country within the Uinta Basin Ozone Nonattainment Area to be used for several purposes.

Revised Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards; Response to the July 10, 2020 Court Decision [\[8/2021\]](#)

- RIN: [2060-AV06](#)

Abstract: The EPA promulgated initial air quality designations for the 2015 ozone National Ambient Air Quality Standards (NAAQS) for all areas of the country in three actions. As part of the second action, promulgated on April 30, 2018, EPA designated 51 nonattainment areas. Subsequently, multiple petitioners filed six petitions for review of that designations action. Collectively, the petitioners challenged the designations of 17 counties associated with nine nonattainment areas, including nearby counties that EPA designated as attainment. On July 10, 2020, the court issued its decision remanding without vacatur all but one of the challenged

counties to EPA for further consideration. Therefore, the affected designations remain in place pending the outcome of EPA's response to the court remand.

General Revisions to Emissions Monitoring and Reporting Requirements for Fossil Fuel-Fired Electric Generating Units [\[9/2021\]](#)

- RIN: [2060-AS74](#)

Abstract: This proposed rule would revise the definitions, monitoring, record keeping, and reporting requirements associated with the allowance trading programs (e.g. Acid Rain, Cross State Air Pollution Rule etc.) implemented by EPA in conjunction with states. EPA periodically revises these regulations in order to update test methods incorporated by reference, correct known errors, clarify, and otherwise modify provisions where necessary to ensure that the requirements remain current and provide flexibility. The proposed rule would also update or remove other provisions of the Acid Rain Program that applied only in earlier phases of the program.

National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology Standards for Spandex Production Residual Risk and Technology Review [\[10/2021\]](#)

- RIN: [2060-AU55](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action would address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP): Generic Maximum Achievable Control Technology Standards for Spandex Production Residual Risk and Technology Review. The Spandex Production NESHAP, 40 CFR 63 subpart YY, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on July 12, 2002 (See 67 FR 46258). 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 storage vessels, process vents, and fiber spinning lines. The HAP emitted from these Spandex Production equipment include toluene and 2,4 toluene diisocyanate. This action would 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 (*Community In-Power and Development Association v. Pruitt*, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this action by October 1, 2021.

National Emission Standards for Hazardous Air Pollutants: Semiconductor Manufacturing Residual Risk and Technology Review [\[10/2021\]](#)

- RIN: [2060-AU56](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action would address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Semiconductor Manufacturing. The semiconductor manufacturing NESHAP, 40 CFR part 63, subpart BBBBBB was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on May 22, 2003 and amended on July 22, 2008. The NESHAP established emission limitations based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP) from storage tank and process vents. The HAP emitted from storage tank and process vents include hydrochloric acid, hydrogen fluoride, glycol ethers, methanol and xylene. This action would 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 section 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 (*Community In-Power and*

Development Association v. Pruitt, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

National Emission Standards for Hazardous Air Pollutants: Mercury Cell Chlor-Alkali Plants Residual Risk and Technology Review [[10/2021](#)]

- RIN: [2060-AU59](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action will address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Mercury Cell Chlor-Alkali Plants. The Mercury Cell Chlor-Alkali Plants NESHAP, subpart IIIII, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on December 19, 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 these facilities. The HAP emitted from the mercury cell chlor-alkali operations include mercury and chlorine. 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 (Community In-Power and Development Association v. Pruitt, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations RTR and Flexible Polyurethane Foam Production and Fabrication Area Sources Technology Review [[10/2021](#)]

- RIN: [2060-AU57](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action would address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Flexible Polyurethane Foam Fabrication Operations and the agency's technology review for the Flexible Polyurethane Foam Production and Fabrication Area Sources NESHAP. The Flexible Polyurethane Foam Fabrication Operations NESHAP, 40 CFR part 63 subpart MMMMM, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on April 14, 2003. The NESHAP for Flexible Polyurethane Production and Fabrication Operations (area sources) were promulgated on July 16, 2007 (72 FR 38864) and codified at 40 CFR part 63, subpart OOOOOO. The major source NESHAP established emission limitations and work practice requirements based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP) from loop slitter adhesive use and flame lamination. The HAP emitted from loop slitter adhesive use and flame lamination include methylene chloride and hydrochloric acid. 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 area source NESHAP for Foam Production and Fabrication established generally available control technology (GACT) standards to address methylene chloride emissions from slabstock polyurethane foam production, molded polyurethane foam production, rebond foam production, and foam fabrication adhesive use. 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 and GACT 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 (Community In-Power and Development Association v. Pruitt, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review [[10/2021](#)]

- RIN: [2060-AU63](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action will address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Primary Copper Smelting. The Primary Copper Smelting NESHAP, subpart QQQ, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on June 12, 2002. The NESHAP established emission limitations and/or work practice requirements based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP) from primary copper smelters that use conventional batch copper converters. The HAP emitted from primary copper smelters include HAP metals such as arsenic, beryllium, cadmium, chromium, lead, manganese, and nickel. 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 (Community In-Power and Development Association v. Pruitt, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021. This action will also address the agency's technology review of the area source NESHAP for Primary Copper Smelting. The Primary Copper Smelting area source NESHAP, subpart EEEEE, was promulgated pursuant to section 112(d) of the Clean Air Act on January 23, 2007. The area source NESHAP includes emissions limits and work practice standards that reflect the generally available control technologies (GACT) and/or management practices in the primary copper smelting category. This action will implement the technology review requirements of CAA section 112(d)(6). CAA section 112(d)(6) requires the EPA to review and revise the area source NESHAP standards as necessary, taking into account developments in practices, processes and control technologies, no less often than every 8 years. There is not a court-ordered deadline for review of the area source NESHAP.

National Emission Standards for Hazardous Air Pollutants: Generic MACT II--Cyanide Chemicals Manufacturing Residual Risk and Technology Review [\[10/2021\]](#)

- RIN: [2060-AU64](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action will address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Cyanide Chemicals Manufacturing. The Cyanide Chemicals Manufacturing NESHAP, subpart YY, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on July 12, 2002. 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 Cyanide Chemicals Manufacturing facilities. The HAP emitted from Cyanide Chemicals Manufacturing include hydrogen cyanide, sodium cyanide, acrylonitrile and acetonitrile. 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 (Community In-Power and Development Association v. Pruitt, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

National Emission Standards for Hazardous Air Pollutants: Primary Magnesium Refining Residual Risk and Technology Review [\[10/2021\]](#)

- RIN: [2060-AU65](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action will address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Primary Magnesium Refining. The Primary Magnesium Refining NESHAP, subpart TTTTT, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on October 10, 2003. The NESHAP established emission limitations, work practice standards, and operation and maintenance requirements based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP) from spray dryers, magnesium chloride storage bins, melt/reactor systems, and launder off-gas systems. The HAP emitted from these sources include, but are not limited to, hydrochloric acid, chlorine, dioxins and metal HAP. 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 (Community In-Power and Development Association v. Pruitt, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

National Emission Standards for Hazardous Air Pollutants: Carbon Black Production Residual Risk and Technology Review and Carbon Black Production Area Source Technology Review [[10/2021](#)]

- RIN: [2060-AU66](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action would address the EPA's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Carbon Black Production major sources, as well as the technology review of the Carbon Black Production Area Source NESHAP. The Carbon Black Production NESHAP, 40 CFR part 63, subpart YY, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on July 12, 2002, and applies to major sources. 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 the main unit filter process vent. The HAP emitted from the main unit filter process vent include, but are not limited to carbon disulfide, carbon sulfide, lead, mercury, and cyanide. 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) as they pertain to the Carbon Black Production NESHAP. 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. The Carbon Black Production Area Source NESHAP, 40 CFR part 63, subpart M (6M), was promulgated on July 16, 2007, pursuant to CAA section 112(d)(5). Technical corrections to the Carbon Black Production Area Source NESHAP were published on March 26, 2008. CAA section 112(d)(5) provides EPA authority to promulgate standards or requirements applicable to area source categories or subcategories of HAP listed pursuant to CAA section 112(c), based on generally available control technologies or management practices by the sources to reduce HAP emissions. For standards set pursuant to CAA section 112(d)(5), EPA is not required to conduct a residual risk review but is required to conduct a technology review. Accordingly, this action also includes a technology review of the of the Carbon Black Production Area Source NESHAP. Pursuant to a court order (Community In-Power and Development Association v. Pruitt, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

National Emission Standards for Hazardous Air Pollutants: Refractory Products Manufacturing Residual Risk and Technology Review [[10/2021](#)]

- RIN: [2060-AU67](#)
- Judicial Deadline for Final Rule: [10/1/2021](#)

Abstract: This action will address the agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Refractory Products Manufacturing. The Refractory Products Manufacturing NESHAP, 40 CFR Part 63 subpart SSSSS, was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on April 16, 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 ovens, kilns, preheaters, and dryers. The HAP emitted from ovens, kilns, preheaters, and dryers include: ethylene glycol, formaldehyde, HF, HCl and phenol. 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 (Community In-Power and Development Association v. Pruitt, No. 16-cv-1074KBJ (D.D.C. 2018)), the EPA is obligated to complete this final action by October 1, 2021.

Standards of Performance for Primary Copper Smelters Amendments [[10/2021](#)]

- RIN: [2060-AU99](#)
- More information [here](#); proposed rule at OIRA since [11/25/2020](#)

Abstract: The Primary Copper Smelting New Source Performance Standards (NSPS) were promulgated on January 15, 1976, and required new, modified and reconstructed primary copper smelters to limit particulate matter emissions from dryers and sulfur dioxide emissions from roasters, smelting furnaces and copper converters. This action, a review of the 1976 NSPS under the authority of Clean Air Act (CAA) section 111(b), will address greenhouse gas (GHG) emissions from new, modified and reconstructed primary copper smelters. In this action EPA intends to propose and apply criteria for determining whether GHG emissions from the Primary Copper Smelting source category contribute significantly to air pollution, and, therefore, whether or not that pollutant should be regulated under the NSPS. If EPA proposes to find that GHG emissions from the Primary Copper Smelting source category should be regulated under the NSPS through a significant contribution finding, this action would also propose standards of performance to limit emissions of GHGs from new, modified and reconstructed primary copper smelters.

National Emission Standards for Hazardous Air Pollutants From Portland Cement Manufacturing Amendments [[11/2021](#)]

- RIN: [2060-AV00](#)

Abstract: EPA will propose amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) from Portland Cement Manufacturing (Portland Cement NESHAP), to clarify the intent of the provisions applying to previously idled cement kilns in the 2018 Portland Cement NESHAP Risk and Technology Review final rule published on July 25, 2018 (80 FR 54728). The 2018 final rule included provisions that allow facilities 180 days to demonstrate compliance with the rule if a cement kiln was idle during the required compliance testing period. The provisions allow facilities 180 days to demonstrate compliance once that kiln is brought back online ("idle kiln provision"). On September 21, 2018, Sierra Club and two community groups submitted a petition for reconsideration of the 2018 final rule. The petition identified three issues, one of which pertained to the idle kiln provision. The petitioners believe that the idle kiln provision allows for affected facilities to potentially avoid demonstrating compliance by continually idling their cement kiln. On July 18, 2019, EPA granted reconsideration of the idle kiln provision. Specifically, in this action EPA intends to address several components of the 2018 final rule idle kiln provision to ensure the rule only targets the intended affected sources.

National Emission Standards for Hazardous Air Pollutants: Stationary Combustion Turbines; Amendments [[11/2021](#)]

- RIN: [2060-AV03](#)

Abstract: This action is proposing to amend the National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines to address a petition for reconsideration of the March 2020 final Risk and Technology Review (RTR) of the rule. The petition for reconsideration cited two issues: EPA's decision not to remove the stay of the standards for new gas-fired turbines, and EPA's decision not to set limits for unregulated HAP in light of the decision in Louisiana Environmental Action Network v. EPA, 955 F. 3d. (D.C. Cir. 2020). EPA expects to address both of those issues in the proposed amendments.

National Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Reconsideration [[12/2021](#)]

- RIN: [2060-AR73](#)
- Comment period on [proposed rule](#) closes 2/8/2021

Abstract: This action responds to four petitions for reconsideration of the April 2012 Polyvinyl Chloride and Copolymers National Emission Standards for Hazardous Air Pollutants (PVC NESHAP) that EPA received from industry and environmental stakeholders. By letter to petitioners dated September 28, 2012 (available at Docket ID No. EPA-HQ-2002-0037), the Administrator granted reconsideration on issues relating to emission limits for process vents, process wastewater and stripped resin raised by petitioners.

National Emission Standards for Hazardous Air Pollutants Risk and Technology Review Reconsideration: Oil and Natural Gas Sector [[12/2021](#)]

- RIN: [2060-AS13](#)

Abstract: 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 which were promulgated in 1999. On October 15, 2012, the EPA received several petitions for reconsideration to reconsider, clarify and amend the residual risk review, the technology review and 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. The letter may be found in the EPA Docket, ID No. EPA-HQ-OAR-2017-0747.

Protection of Stratospheric Ozone: Updates to the Significant New Alternatives Policy Program [[12/2021](#)]

- RIN: [2060-AU11](#)

Abstract: This rule would address a court remand of EPA's Significant New Alternatives Policy (SNAP) program final rule issued on July 20, 2015 (2015 Rule) that, among other things, changed the listings for certain hydrofluorocarbons (HFCs) in various end-uses in the aerosols, refrigeration and air conditioning, and foam blowing sectors. The Court of Appeals for the District of Columbia Circuit in the case of Mexichem Fluor, Inc. v. EPA vacated the 2015 Rule "to the extent it requires manufacturers to replace HFCs with a substitute substance" and remanded the rule to EPA for further proceedings. EPA's SNAP program implements Section 612 of the Clean Air Act.

Reconsideration of Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Corn Milling Facilities Under the "Major Emitting Facility" Definition [[12/2021](#)]

- RIN: [2060-AU71](#)

Abstract: This rulemaking would convene a reconsideration proceeding of portions of the final rule "Prevention of Significant Deterioration, Nonattainment New Source Review, and title V: Treatment of Corn Milling Facilities Under the Major Emitting Facility' Definition" that apply in nonattainment areas.

National Volatile Organic Compound Emission Standards for Aerosol Coatings Amendments [[12/2021](#)]

- RIN: [2060-AU94](#)

Abstract: This proposed action will amend the national emission standards for the aerosol coatings (aerosol spray paints) category under section 183(e) of the Clean Air Act (CAA). The CAA requires the Administrator to control volatile organic compound (VOC) emissions from specific categories of consumer and commercial products for purposes of reducing emissions contributing to ozone formation and ozone nonattainment. The National Emission Standards for Aerosol Coatings (Aerosol Coatings Reactivity rule) was promulgated on March 24, 2008 and establishes VOC reactivity-based emission limits. Several amendments have been made since rule promulgation pursuant to 40 CFR part 59, subpart E, 40 CFR 59.511, allowing regulated entities to petition the Administrator to add compounds to the rule. The proposed amendments will update the coating category product-weighted reactivity emission limits, add compounds and reactivity factors, and revise reporting requirements. The EPA currently plans to propose this action by December 31, 2020.

2022 PROJECTED ACTIONS

Proposed Rules

Mercury and Air Toxics Standards for Power Plants Technical Corrections and Clarifications [[3/2022](#)]

- RIN: [2060-AU21](#)

Abstract: This action proposes changes to the National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units (commonly referred to as the Mercury and Air Toxics Standards (MATS)), 40 CFR part 63, subpart UUUUU, that would provide clarity and flexibility with regard to some monitoring, recordkeeping, and reporting provisions.

Final Rules

Alternative Work Practices for Leak Detection and Repair Amendments [3/2022]

- RIN: [2060-AP66](#)

Abstract: 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 would update the alternative work practice and address the issues raised for reconsideration.

Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine Standards: Cleaner Trucks Initiative [3/2022]

- RIN: [2060-AU41](#)
- Comment period on [advanced notice of proposed rulemaking](#) closed 2/20/2020

Abstract: Heavy-duty engines have been subject to emission standards for criteria pollutants, including particulate matter (PM), hydrocarbon (HC), carbon monoxide (CO), and oxides of nitrogen (NO_x), for nearly half a century; however, current data suggest that the existing standards do not ensure full, in-use emission control. In particular, in-use engine NO_x emission levels from heavy-duty vehicles can be significantly higher than their certified values under certain conditions. NO_x emissions are major precursors of ozone and significant contributors to secondary PM_{2.5} formation. Ozone and ambient PM_{2.5} concentrations continue to be a nationwide health and air quality issue. Reducing NO_x emissions from on-highway, heavy-duty trucks and buses is an important component of improving air quality nationwide and reducing public health and welfare effects associated with these pollutants, especially for vulnerable populations and in highly impacted regions. This action will evaluate data on current NO_x emissions from heavy-duty vehicles and engines, and options available to improve control of criteria pollutant emissions through revised emissions standards. Additionally, this action will evaluate ways to streamline existing requirements.

National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing [5/2022]

- RIN: [2060-AU47](#)

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESAHP) for Brick and Structural Clay Products (BSCP) Manufacturing was promulgated in May 2003 and was subsequently vacated by the D.C. Circuit Court (Court) in March 2007. In response to the Court decision, the EPA published revised BSCP maximum achievable control technology (MACT) standards on October 26, 2016. The NESAHP set health-based emission standards for acid gases (chlorine, hydrogen chloride and hydrogen fluoride); set emission standards for mercury and particulate matter (PM) (PM surrogate for non-mercury HAP metals) and set work practice standards for dioxins/furans. On July 6, 2018, the Court remanded portions of the rule back to the EPA for further proceedings (Sierra Club and Natural Resources and Defense Council v. Environmental Protection Agency and E. Scott Pruitt, D.C. Cir No. 15-1487 (Brick MACT II decision)). Specifically, the Court remanded portions of the rule related to the use of health-based standards for acid gases, the use of alternative PM standards and the use of the upper prediction limit methodology to calculate MACT standards from limited datasets. This proposal would amend the NESAHP for BSCP Manufacturing, as promulgated in 40 CFR part 63, subpart JJJJ, to address the decisions made by the Court in their July 6, 2018, Brick MACT II decision. In addition, the Agency will be reviewing certain issues raised by industry regarding the 2016 final rule.

Advancing Clean Aircraft Engines and Reforming Particulate Matter Test Procedures Under CAA Section 231 [5/2022]

- RIN: [2060-AU69](#)

Abstract: This rulemaking follows on the International Civil Aviation Organization (ICAO) agreement on the international particulate matter (PM) emission standards for commercial aircraft engines in February 2019. Domestically the EPA anticipates adopting PM standards that would be at least as stringent as ICAO's standards. The rulemaking includes retiring the existing smoke number standard for certain classes of aircraft engines and updating the measurement procedures for PM emissions.

Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program in Refrigeration, Air Conditioning and Foams [\[6/2022\]](#)

- RIN: [2060-AT78](#)

Abstract: EPA has received a number of manufacturers' submissions and petitions concerning listings of substitutes. This rule would propose listings based upon EPA's evaluation and other updates as appropriate, focusing on refrigeration, air conditioning, and foams.

Reconsideration of Standards of Performance and Emission Guidelines for Municipal Solid Waste Landfills [\[9/2022\]](#)

- RIN: [2060-AU24](#)
- More information [here](#)

Abstract: This action is in response to seven petitions for reconsideration by industry and environmental stakeholders of the agency's promulgated Standards of Performance for Municipal Solid Waste Landfills and its companion rule, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. The EPA finalized these two rules on August 29, 2016 (81 FR 59332 and 81 FR 59276). The petitions raised at least one objection to the rule requirements included in the final rule that arose after the comment period or was impracticable to raise during the comment period and that is of central relevance to the rule. In a letter signed May 5, 2017, the Administrator granted reconsideration of six specific issues in a petition from industry representatives: (1) tier 4 surface emission monitoring; (2) annual liquids reporting; (3) corrective action timeline procedures; (4) overlapping applicability with other rules; (5) the definition of cover penetration; and (6) design plan approval, as well as any other matter that will benefit from additional comment. This action proposes the EPA's response to the issues for which the EPA granted reconsideration.

National Emission Standards for Hazardous Air Pollutant Emissions: Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks [\[9/2022\]](#)

- RIN: [2060-AT20](#)

Abstract: On September 19, 2012, the EPA issued amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks source category (77 FR 58219). This action will propose to add provisions back into the rule that were inadvertently deleted when the EPA published the 2012 final amendments. These provisions, which were in the original 1995 NESHAP, provide facilities the opportunity to increase the duration of time between surface tension measurements after a certain number of compliant measurements. The EPA never intended these provisions to be deleted. In addition, this action will propose to correct several typographical errors, incorrect references and other minor inadvertent errors that the EPA discovered after promulgation of the 2012 final amendments.

Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule [\[11/2022\]](#)

- RIN: [2060-AU35](#)

Abstract: This action would revise specific provisions in 40 CFR part 98 to reduce burden, simplify and streamline implementation of the rule, improve the quality and consistency of the data collected, and clarify or provide minor technical updates to certain provisions that have been the subject of questions from reporting entities.

Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After 10/21/74 & on or Before 8/17/83; Standards of Performance for Steel Plants: Electric Arc Furnaces & Argon-Oxygen Decarburization Vessels Constructed After 8/17/83 [\[11/2022\]](#)

- RIN: [2060-AU96](#)

- Judicial Deadline: 11/1/2022

Abstract: This action will address the agency's review of the New Source Performance Standards (NSPS) for Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983; and Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 (EAF NSPS). The EAF NSPS, subparts AA and AAa were promulgated pursuant to section 111(b) of the Clean Air Act (CAA) on September 23, 1975 (40 FR 43850), and October 31, 1984 (49 FR 43845), respectively. The EAF NSPS established standards of performance in the form of emission limitations and monitoring requirements based on the best system of emission reductions (BSER) (taking into account the cost of achieving such reduction and any non-air quality health and environmental impact and energy requirements). The parameters regulated at electric arc furnaces and argon oxygen vessels include particulate matter emissions and opacity. This action would implement the review requirements of CAA section 111(b)(1)(B). CAA section 112(b)(1)(B) requires the EPA to review, and if appropriate, revise the standards of performance based on the BSER, no less often than every 8 years. Pursuant to the consent decree in *Our Children's Earth Foundation v. Wheeler*, No. 18-cv-04765 (N.D. Cal. entered May 10, 2019), the EPA is obligated to propose this action by November 1, 2021, and complete this action by November 1, 2022.

NESHAP for the Gasoline Distribution Source Category (40 CFR Part 63, Subparts R and BBBB) and NSPS for Bulk Gasoline Terminals (40 CFR 60 Subpart XX) Review [\[12/2022\]](#)

- RIN: [2060-AU97](#)
- Judicial Deadline: 12/01/2022

Abstract: This action will address the agency's technology review of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for two Gasoline Distribution rules. The Gasoline Distribution NESHAP, subparts R and BBBB, were promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on December 14, 1994, and January 10, 2008, respectively. The NESHAP established emission limitations and other associated requirements based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP) from major sources and using generally available control technologies or management practices for controlling HAP emissions from area sources. The HAP emitted in gasoline vapors from storage tanks, loading racks, tank truck vapor leaks and equipment leaks include: benzene, ethylbenzene, hexane, toluene, xylenes, isooctane, naphthalene, cumene and methyl tert-butyl ether. This action will implement the technology review requirements of CAA section 112(d)(6). 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. The review will also evaluate whether there are unregulated pollutants or processes in the source category, and will include establishing new standards as appropriate, consistent with the recent decision in *Louisiana Environmental Action Network (LEAN) v. EPA*, 955 F.3d 1088 (D.C. Cir. 2020). Pursuant to the consent decree in *Our Children's Earth Foundation v. Wheeler*, No. 18-cv-04765 (N.D. Cal. entered May 10, 2019), the EPA is obligated to propose this action by December 1, 2021, and complete this action by December 1, 2022. In addition, this action will address the agency's review of the New Source Performance Standards (NSPS) for Bulk Gasoline Terminals. The Bulk Gasoline Terminals NSPS, subpart XX, was originally promulgated pursuant to section 111(b) of the CAA on August 18, 1983. The NSPS established standards of performance in the form of emission limitations and other associated requirements based on the EPA's determination of the best system of emission reductions (BSER) as defined in CAA section 111(a)(1). This NSPS regulates volatile organic compounds in gasoline vapors emitted from tank truck loading and unloading operations. This action will implement the review requirements of CAA section 111(b)(1)(B). CAA section 111(b)(1)(B) requires the EPA to review, and if appropriate, revise standards of performance under CAA section 111(b) no less often than every 8 years. Pursuant to the consent decree in *Our Children's Earth Foundation v. Wheeler*, No. 18-cv-04765 (N.D. Cal. entered May 10, 2019), the EPA is obligated to propose this action by December 1, 2021, and complete this action by December 1, 2022.

NO PROJECTED RELEASE OR PUBLICATION DATE

Notices

Section 610 Review of Renewable Fuels Standard Program [\[To Be Determined\]](#)

- RIN: [2060-AU44](#)
- More information [here](#)

Abstract: The rulemaking "Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program" was finalized by EPA in March 2010 (75 FR 14669, March 26, 2010). The final regulations made a number of changes to the existing Renewable Fuel Standard program while retaining many elements of the compliance and trading system already in place. The final rule also implemented the revised statutory definitions and criteria, most notably the greenhouse gas emission thresholds for renewable fuels and new limits on renewable biomass feedstocks. This entry in the regulatory agenda describes EPA's review of this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610). As part of this review, EPA is considering comments on the following factors: (1) the continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule.

Proposed Rules

Add 1-bromopropane (also known as 1-BP) to the List of Hazardous Air Pollutants [\[To Be Determined\]](#)

- RIN: [2060-AS26](#)
- More information [here](#)

Abstract: The Agency received two petitions to add 1- bromopropane (1-BP) to the list of Hazardous Air Pollutants (HAP) under section 112 of the Clean Air Act (CAA). After review and comment, the EPA found that the petitioners met the requirements contained in CAA section 112(b)(3) and granted the petition. The final action granting the petitions was published on June 18, 2020 (85 FR 36851). This subsequent action adds 1-BP (CAS 106-94-5) to the CAA section 112(b)(1) list of HAP by modifying 40 CFR part 63, subpart C, which will result in regulation of 1-BP under section 112 of the CAA. Before proposing regulatory changes, the Agency wants to assess whether changes are warranted to the General Provisions of 40 CFR part 63, subpart A or other part 63 subparts to address impacts from this listing action. The agency will thus issue an Advanced Notice of Public Rule Making (ANPRM), seeking public comment and information, followed by a proposed and final action to add 1-BP to the CAA section 112(b)(1) list of HAP.

Petition to Delist Hazardous Air Pollutants: 2-Butoxyethyl Benzoate (2-BEB) [\[To Be Determined\]](#)

- RIN: [2060-AU75](#)

Abstract: The Clean Air Act (CAA) requires EPA to regulate substances listed as hazardous air pollutants (HAP) under CAA section 112(b). The HAP list includes substances that are air pollutants, and for which emissions, ambient concentrations, bioaccumulation or deposition of the substance are known or reasonably anticipated to cause adverse effects to human health or adverse environmental effects. The CAA requires EPA to consider petitions to add or remove substances from the HAP list. EPA reviews a petition to determine whether it provides adequate data and can be determined complete. If EPA decides that information is not adequate, the Administrator may use any authority available to them to acquire such information. If the petition is determined complete or EPA acquires adequate information through other means of its authority, EPA must, within 18 months, technically review the petition and then either grant or deny the petition. On September 30, 2019, the Dow Chemical Company submitted a petition to the U.S. Environmental Protection Agency (EPA) to remove 2-butoxyethyl benzoate (2-BEB) from the category of glycol ethers in the list of hazardous air pollutants (HAP) under section 112(b)(3) of the Clean Air Act (CAA), 42 U.S.C. 7412(b)(3). Dow views 2-BEB as a potential replacement for ethylene glycol monobutyl ether (EGBE) and some other chemicals for specific applications. EGBE was delisted as a HAP by EPA on November 29, 2004. The EPA completed the initial review of the petition and found that it was insufficient. The EPA provided the petitioner with a list of additional information to provide and is awaiting receipt of this information. Once it receives and reviews the additional information, the EPA will again determine if the petition is complete based on the updated information. If it is deemed complete, the EPA will introduce a notice that acknowledges receipt of a complete petition, initiates the 18-month window for the EPA to rule on the petition per CAA section 112(b), and solicits comments on the petition to remove 2-BEB from the CAA section 112(b)(3) HAP list.

Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide [\[To Be Determined\]](#)

- RIN: [2060-AL94](#)

Abstract: Under the Clean Air Act and the Montreal Protocol on Substances that Deplete the Ozone Layer, this rule would seek to create an exemption for emergency uses of methyl bromide, an ozone depleting substance. This exemption is limited to no more than 20 metric tons per emergency event. This rule would define what qualifies as an emergency use.

Ozone and Fine Particulate Matter (PM_{2.5}) Significant Impact Levels (SILs) for Prevention of Significant Deterioration (PSD) Program [\[To Be Determined\]](#)

- RIN: [2060-AR28](#)

Abstract: This proposed action will establish Significant Impact Levels (SILs) for ozone and PM_{2.5} to facilitate implementation of the Prevention of Significant Deterioration (PSD) program in areas attaining the national ambient air quality standards (NAAQS) for Ozone or PM_{2.5}. The SILs for Ozone and PM_{2.5} would be used as compliance demonstration tools by permitting authorities to help determine whether the projected emissions from a proposed new major source or major modification will cause or contribute to a violation of the NAAQS. This proposed action is, in part, in response to the January 22, 2013, D.C. Circuit's decision that vacated the PM_{2.5} Significant Monitoring Concentration (SMC) and vacated and remanded two provisions in the EPA's PSD regulations containing SILs that were contained in the 2010 rule promulgating increments, SMCs, and SILs for PM_{2.5}. Furthermore, in August 2011, the Texas Commission on Environmental Quality (TCEQ) filed a Petition for Reconsideration to the Administrator regarding several provisions contained in the 2010 PM_{2.5} final rule, claiming that EPA did not provide an opportunity for public comment prior to issuing the provisions as part of the final rule. In response to the TCEQ petition, EPA will reconsider the following provisions: 1) The revised definition of "baseline area" that includes a new significance level for PM_{2.5}, which is used for determining whether a particular attainment or unclassifiable area should be included in the baseline area for the PM_{2.5} increments; and 2) The requirement that PM_{2.5} precursor emissions be included in the significant impact analysis. This proposed action will be the first to add SILs for ozone to the PSD regulations. The EPA intended to address all these issues when it commenced rulemaking activity in 2013. Subsequently, the agency decided to pursue a 2-step process. As a first step, EPA issued guidance on SILs for PM_{2.5} and Ozone on April 17, 2018. Based on the information gathered from the implementation of this guidance by the permitting authorities, EPA will complete a rulemaking action, as appropriate.

Review of the Secondary National Ambient Air Quality Standards for Ecological Effects of Oxides of Nitrogen, Oxides of Sulfur and Particulate Matter [\[To Be Determined\]](#)

- RIN: [2060-AS35](#)

Abstract: Under the Clean Air Act, the EPA is required to review and, if appropriate, revise the air quality criteria and national ambient air quality standards (NAAQS) every 5 years. On April 3, 2012, the EPA published a final rule in which the Agency determined to retain the current secondary standards (welfare-based) for nitrogen oxides (NO_x) and for sulfur oxides (SO_x). On January 15, 2013, the EPA published a final rule in which the Agency retained the secondary standards for particulate matter. The current review of the air quality criteria and secondary standards for ecological effects of SO_x, NO_x and particulate matter includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment by the EPA, with opportunities for review by the EPA's Clean Air Scientific Advisory Committee (CASAC) and the public. These documents will inform the Administrator's proposed decision as to whether to retain or revise the standards. The proposed decision would be published in the Federal Register with opportunity provided for public comment. The Administrator's final decisions would take into consideration these documents, CASAC advice, and public comment on the proposed decision.

Revisions to the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas (GHG) Permitting Regulations and Establishment of a GHG SER for GHG Emissions Under the PSD Program [\[To Be Determined\]](#)

- RIN: [2060-AS62](#)
- Supplemental Proposed Rule – initial proposed rule available [here](#)

Abstract: The EPA is taking this action to establish a Greenhouse Gas (GHG) Significant Emission Rate (SER) under the Prevention of Significant Deterioration (PSD) air permitting program and finalize certain revisions to the provisions of the Prevention of Significant Deterioration (PSD) and title V Greenhouse Gas (GHG) Tailoring Rule. The GHG SER would establish an appropriate threshold level below which Best Available Control Technology (BACT) is not required for a source's GHG emissions. The Tailoring Rule revisions will allow us to revise certain GHG permitting regulatory provisions, which include the PSD GHG Plantwide Applicability Limits (PALs), and will also implement a recent Court of Appeals for the District of Columbia decision that ordered, among other things, that the

Tailoring Rule regulations under review be vacated to the extent they require a stationary source to obtain a title V permit solely because the source emits or has the potential to emit GHG above the applicable thresholds.

Endangerment Finding for Lead Emissions from Piston-Engine Aircraft Using Leaded Aviation Gasoline [[To Be Determined](#)]

- RIN: [2060-AT10](#)

Abstract: The EPA is analyzing air quality modeling and monitoring information to make a determination, under section 231 of the Clean Air Act, as to whether lead emissions from aircraft engines operating on leaded fuel cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare. In this action, EPA would issuing a Notice of Proposed Rulemaking that describes the proposed determination regarding lead emissions from general aviation aircraft. This would include a description of analyses that EPA conducted to inform the determination, such as the lead inventory relevant to use of leaded aviation gasoline, air quality monitoring, air quality modeling, and potential exposure information.

Protection of Visibility: Amendments to Requirements for State Plans [[To Be Determined](#)]

- RIN: [2060-AU01](#)
- More information [here](#)

Abstract: As indicated in January 17, 2018, letters to petitioners for reconsideration of the 2017 Regional Haze Rule (Protection of Visibility: Amendments to Requirements for State Plans; January 10, 2017), the EPA would undertake a notice-and-comment rulemaking in which it would address portions of the rule, including but not limited to the Reasonably Attributable Visibility Impairment provisions, the provisions regarding Federal Land Manager consultation and any other elements of the rule it may identify for additional consideration.

Treatment of Biogenic CO₂ Emissions Under the Clean Air Act Permitting Programs [[To Be Determined](#)]; at OIRA since [2/24/2020](#)]

- RIN: [2060-AU03](#)

Abstract: The Environmental Protection Agency is proposing to revise its Prevention of Significant Deterioration (PSD) permitting regulations under the Clean Air Act (CAA or Act) to exempt biogenic carbon dioxide (CO₂) emissions from stationary sources that combust biomass from managed forests in the United States to produce energy.

General National Ambient Air Quality Standards Implementation Update Rule [[To Be Determined](#)]

- RIN: [2060-AU10](#)

Abstract: This action is intended to provide regulatory relief with respect to National Ambient Air Quality Standards (NAAQS) implementation consistent with the statutory provisions of the Clean Air Act. Among other things, the action will draw upon the recommendations identified in the agency's August 2017 Report to Congress on Administrative Options to Enable States to Enter into Cooperative Agreements to Provide Regulatory Relief for Implementing Ozone Standards and the October 2017 Final Report on Review of Agency Actions that Potentially Burden the Safe, Efficient Development of Domestic Energy Resources Under Executive Order 13783.

Renewable Fuel Standard Program: Modification of Statutory Volume Targets [[To Be Determined](#)]

- RIN: [2060-AU28](#)

Abstract: 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. As a result, EPA is proposing a rulemaking that would modify the applicable volumes targets for cellulosic biofuel, advanced biofuel, and total renewable fuel for future years through 2022.

On-Highway Heavy-Duty Trailers: Review of Standards and Requirements [[To Be Determined](#)]

- RIN: [2060-AU50](#)

Abstract: The rulemaking will revisit the trailer provisions in 40 CFR part 1037 consistent with the statutory requirements and authority of the Clean Air Act. These provisions were originally adopted in the Heavy-Duty Phase 2 rulemaking (81 FR 73478, October 25, 2016).

National Emission Standards for Hazardous Air Pollutants: Chemical Manufacturing Area Source Technology Review [\[To Be Determined\]](#)

- RIN: [2060-AU73](#)

Abstract: This proposal will address the agency's technology review of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Chemical Manufacturing Area Sources (CMAS). This NESHAP was promulgated pursuant to section 112(d) of the Clean Air Act (CAA) and established emission limitations and work practice requirements for controlling emissions of hazardous air pollutants (HAP). The CMAS NESHAP, subpart VVVVVV, was promulgated on October 29, 2009. The NESHAP controls HAP emissions from process vents, storage tanks, equipment leaks, wastewater streams, transfer operations and heat exchange systems. This action implements the technology review requirements of CAA section 112(d)(6) which requires the EPA to review and revise the standards as necessary, taking into account developments in practices, processes and control technologies, no less often than every 8 years.

Reconsideration of the Round 3 Designation of Huntington County for the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard [\[To Be Determined\]](#)

- RIN: [2060-AU93](#)

Abstract: Huntington County, Indiana was designated nonattainment under Round 3 of the area designations for the 2010 primary Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS). The Clean Air Act (CAA) directs any areas designated nonattainment by this rule to undertake certain planning and pollution control activities to attain the NAAQS as expeditiously as practicable. The state of Indiana has submitted a petition for reconsideration of this nonattainment designation. In this action, the EPA is reconsidering this designation through a notice and comment rulemaking. The EPA will, following a full evaluation of new information raised by the petition, determine an appropriate proposed designation upon reconsideration. The EPA would then provide an opportunity for new air quality information to be submitted by the state or a third party during the comment period. After reviewing all information submitted, the EPA will finalize an appropriate designation for the area, which may result in retaining the initial nonattainment designation, or if there is sufficient information to warrant a different result, may result in changing the initial designation to attainment/unclassifiable.

Final Rules

Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Reconsideration of Fugitive Emissions Rule [\[To Be Determined\]](#)

- RIN: [2060-AQ47](#)
- More information [here](#)

Abstract: The EPA is reconsidering 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 and undertakes any associated rulemaking.

Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements Rule Update [\[To Be Determined\]](#)

- RIN: [2060-AU88](#)

Abstract: This proposed rulemaking would update the final State Implementation Plan (SIP) Requirements Rule for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) (80 FR 12264, March 6, 2015) to reconcile regulatory provisions that were vacated as part of the decision in *South Coast Air Quality Management District v. EPA*, 882 F.3d 1138 (D.C. Cir. 2018) (*South Coast II*) with

those listed in part 51 of the Code of Federal Regulations (CFR). The 2008 SIP Requirements Rule governs attainment planning requirements that apply to areas designated nonattainment for the 2008 ozone NAAQS, and states in the Ozone Transport Region, as well as anti-backsliding requirements for areas once designated nonattainment for the revoked ozone NAAQS. This proposed action would clarify national policy by updating affected provisions in the 2008 ozone SIP Requirements Rule to reflect the outcome of South Coast II and ensure that states understand the requirements that apply to them for continued implementation of the ozone NAAQS.

Revised Response to Clean Air Act Section 126(b) Petition From New York [\[To Be Determined\]](#)

- RIN: [2060-AV04](#)
- More information [here](#)

Abstract: This action will respond to a Clean Air Act section 126(b) petition from the state of New York dated March 12, 2018. The petition requests a finding from EPA that emissions from numerous sources in nine states (Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia) significantly contribute to nonattainment and interfere with maintenance of the 2008 and 2015 ozone national ambient air quality standards in New York State. EPA previously denied the petition in 2019. Petitioners challenged the denial and on July 14, 2020, the D.C. Circuit vacated and remanded EPA's denial. This action addresses the Court's vacatur and remand and provides a revised response to the petition.

Revised Response to Clean Air Act Section 126(b) Petition From Maryland [\[To Be Determined\]](#)

- RIN: [2060-AV05](#)
- More information [here](#)

Abstract: This action is a revised response to CAA section 126(b) petition from Maryland. In 2016, Maryland submitted a single petition alleging good neighbor violations by 36 electric generating units (EGUs) in five states with respect to the 2008 ozone NAAQS. Also in 2016, Delaware submitted four petitions, each alleging good neighbor violations by individual sources located in Pennsylvania or West Virginia with respect to the 2008 and 2015 ozone NAAQS. EPA previously denied all of the petitions in 2018. Petitioners challenged the denial and on May 19, 2020, the D.C. Circuit remanded EPA's denial as to four EGUs with selective non-catalytic reductions identified in the Maryland petition. This action addresses the Court's remand and provides a revised response to the petition.

Renewables Enhancement and Growth Support Rule [\[To Be Determined\]](#)

- RIN: [2060-AS66](#)
- Proposed rule available [here](#)

Abstract: This action finalizes several changes intended to provide further opportunity for expanding the production and use of renewable fuels under the renewable fuel standard (RFS) program, and to reduce burden for regulated entities. This action allows renewable feedstocks that have been partially processed at one facility (commonly referred to as biointermediate feedstocks) to be fully converted into qualified finished renewable fuel at another facility. This action also includes the addition of several new feedstock and fuel pathways and makes numerous other revisions and technical corrections to the RFS and other fuels programs. Finally, this action implements quality specifications for fuel blends containing 16 to 83 volume percent ethanol. This would provide additional flexibility for ethanol flex fuel (EFF) producers to support distribution and use while continuing to ensure EFF quality is consistent with current vehicle emissions control system needs.

Revision to Method 23--Determination of Polychlorinated Dibenzo-P-Dioxins and Polychlorinated Dibenzofurans From Stationary Sources [\[To Be Determined\]](#)

- RIN: [2060-AT09](#)
- Comment period on [proposed rule](#) closed 3/16/2020

Abstract: This action finalizes revisions to 40 CFR part 60, appendix A, Method 23, 'Determination of Polychlorinated Dibenzo-P-Dioxins and Polychlorinated Dibenzofurans from Stationary Sources,' which was last revised on March 31, 1995 (60 FR 28378). This update to Method 23 is a complete republication of the method to determine polychlorinated dibenzo-p-dioxins (PCDD's) and dibenzofurans (PCDF's) which will now include an option to determine polycyclic aromatic hydrocarbons (PAH's), and/or polychlorinated biphenyls (PCB's). This update revises the analytical procedure to include isotope dilution mass spectrometry

combined with high resolution gas chromatography, which is consistent with industry practice. The update moves the method from a prescriptive to a performance-based methodology and removes requirements in the method to use outdated standards or materials. This provides industry with an appropriate method in the execution of Method 23, which has shown wide variation in its implementation, and will allow many performance-based options and procedures.

Endangerment Finding for Lead Emissions from Piston-Engine Aircraft Using Leaded Aviation Gasoline [[To Be Determined](#)]

- RIN: [2060-AT10](#)

Abstract: The EPA is analyzing air quality modeling and monitoring information to make a determination, under section 231 of the Clean Air Act, as to whether lead emissions from aircraft engines operating on leaded fuel cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare. In this action, EPA would issuing a Notice of Proposed Rulemaking that describes the proposed determination regarding lead emissions from general aviation aircraft. This would include a description of analyses that EPA conducted to inform the determination, such as the lead inventory relevant to use of leaded aviation gasoline, air quality monitoring, air quality modeling, and potential exposure information.

Mercury and Air Toxics Standards for Power Plants Technical Corrections and Clarifications [[To Be Determined](#)]

- RIN: [2060-AU21](#)

Abstract: This action proposes changes to the National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units (commonly referred to as the Mercury and Air Toxics Standards (MATS)), 40 CFR part 63, subpart UUUUU, that would provide clarity and flexibility with regard to some monitoring, recordkeeping, and reporting provisions.

CLEAN AIR ACT ACTIONS PUBLISHED IN THE *FEDERAL REGISTER* Since 10/1/2020 Final Rules/Actions

Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process [[12/23/2020](#)]

- **Effective Date:** 12/18/2020

National Ambient Air Quality Standards for Particulate Matter; Review [[12/18/2020](#)]

- **Effective Date:** 12/23/2020

Implementation of the Revoked 1997 8-Hour Ozone National Ambient Air Quality Standards; Updates for Areas That Attained by the Attainment Date; Withdrawal [[12/9/2020](#)]

- **Dates:** The direct final rule published on October 9, 2020 (85 FR 64046) is withdrawn effective December 9, 2020.

Fuels Regulatory Streamlining [[12/4/2020](#)]

- **Effective Dates:** 1/1/2021, except for amendatory instructions 48, 51, and 52, which are effective on 12/4/2020, and amendatory instructions 16, 18, and 19, which are effective on January 1, 2022.

Test Methods and Performance Specifications for Air Emission Sources; Correction [[12/2/2020](#)]

- **Effective Date:** 12/7/2020

National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing Residual Risk and Technology Review [[11/25/2020](#)]

- **More information** [here](#)

Prevention of Significant Deterioration and Nonattainment New Source Review; Project Emissions Accounting [[11/24/2020](#)]

- **Effective Date:** 12/24/2020

Air Quality State Implementation Plans; Approvals and Promulgations: Failure to Submit Revisions in response to 2016 Oil and Natural Gas Industry Control Techniques Guidelines for the 2008 Ozone National Ambient Air Quality Standards and for States in the Ozone Transport Region [[11/16/2020](#)]

- **Effective Date:** 12/16/2020

Reclassification of Major Sources under the Clean Air Act [[11/19/2020](#)]

- **Effective Date:** 1/19/2021

Findings of Failure to Submit State Implementation Plans Required for Attainment of the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard [[11/3/2020](#)]

- **Effective Date:** 12/3/2020

National Emission Standards for Hazardous Air Pollutants: Phosphoric Acid Manufacturing [[11/3/2020](#)]

- **Effective Date:** 11/3/2020

National Emission Standards for Hazardous Air Pollutants: Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills; Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 [[11/5/2020](#)]

- **Effective Date:** 11/5/2020

National Emission Standards for Hazardous Air Pollutants: Petroleum Refinery Sector; Action Denying a Petition for Reconsideration [[10/26/2020](#)]

- **Effective Date:** 10/26/2020

Guidance: Administrative Procedures for Issuance and Public Petitions [[10/19/2020](#)]

- **Effective Date:** 11/18/2020

National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review; Correction [[10/13/2020](#)]

- **Effective Date:** 11/12/2020

Implementation of the Revoked 1997 8-Hour Ozone National Ambient Air Quality Standards [[10/9/2020](#)]

- **Effective Date:** 1/7/2021

Test Methods and Performance Specifications for Air Emission Sources [[10/7/2020](#)]

- **Effective Date:** 12/7/2020

Amendments Related to Marine Diesel Engine Emission Standards [[10/2/2020](#)]

- **Effective Date:** 11/2/2020

Proposed Rules/Actions

National Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production Reconsideration [[11/9/2020](#)]

- **Comment Period End:** 2/8/2021 (extended)

Revised Cross-State Air Pollution Rule Update for the 2008 Ozone National Ambient Air Quality Standards [[10/30/2020](#)]

- **Comment Period Ends:** 12/14/2020

Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 [[10/16/2020](#)]

- **Comment Period Closed:** 11/30/2020

Notices

Tampering Policy and Request for Information Regarding Catalyst Policy [[12/14/2020](#)]

- **Comment Period Ends:** 2/12/2021

Proposed Consent Decree: Clean Air Act Citizen Suit [[12/1/2020](#)]

- **Comment Period Ends:** 12/31/2020

Final Integrated Science Assessment for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter – Ecological Criteria [[10/19/2020](#)]

- **More information** [here](#)

Proposed Consent Decree: Clean Air Act [[10/13/2020](#)]

- **Comment Period Closed:** 11/12/2020