

Federal Regulatory Air Actions 2009

NESHAP = National Emission Standards for Hazardous Air Pollutants **NSPS** = New Source Performance Standards **NSR** = New Source Review **PSD** = Prevention of Significant Deterioration **NAAQS** = National Ambient Air Quality Standards

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Subject, Rule, Part, & Subpart	Date of Action	Type of Action & Link to Document**	Summary of Action	Additional Info/Actions	Additional Links
Lead Monitoring Ambient Air Monitoring 40 CFR Part 58	12/30/09	Proposed Rule	EPA issued a final rule on November 12, 2008, (effective date January 12, 2009) that revised the National Ambient Air Quality Standards (NAAQS) for lead and associated monitoring requirements. EPA is proposing to change the lead emission threshold at which monitoring agencies are presumptively required to conduct lead monitoring near a lead source to 0.50 tpy from an emissions threshold of 1.0 tpy. EPA is proposing to replace the current non-source-oriented monitoring approach with the requirement for lead monitoring at the national multi-pollutant monitoring network known as NCore.		EPA Lead Monitoring Website
Chemical Preparation Facilities NESHAP 40 CFR Part 63 Subpart BBBB BBB	12/30/09	Final Rule	Final GACT for chemical preparation facilities that conduct industrial operations that mix, mill, blend and/or extrude chemicals that contain the target HAP in their manufacturing processes during the production of chemical preparations. Proposed 8/5/09.		NDEQ Air Toxics Notebook Page
Gasoline Dispensing Facilities NESHAP 40 CFR Part 63 Subpart CCCCC	12/15/09	Proposed Rule	EPA is proposing amendments and clarifications to certain definitions and applicability provisions of the final rules in response to some of the issues raised in the petitions for reconsideration. In addition, several other compliance-related questions posed by various individual stakeholders and State and local agency representatives are addressed in this proposed action. They are seeking comments only on the proposed amendments presented in this action.		NDEQ Air Toxics Notebook Page
Gasoline Distribution Facilities NESHAP 40 CFR Part 63 Subpart BBBB B	12/15/09	Proposed Rule	EPA is proposing amendments and clarifications to certain definitions and applicability provisions of the final rules in response to some of the issues raised in the petitions for reconsideration. In addition, several other compliance-related questions posed by various individual stakeholders and State and local agency representatives are addressed in this proposed action. They are seeking comments only on the proposed amendments presented in this action.		NDEQ Air Toxics Notebook Page

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Pipeline Facilities Protection of Stratospheric Ozone 40 CFR Part 82 Subpart I	12/15/09	Final Rule	This final rule bans the sale or distribution of air-conditioning and refrigeration appliances containing HCFC-22, HCFC-142b, or blends containing one or both of these substances, beginning January 1, 2010. In addition, EPA is banning the sale or distribution of air-conditioning and refrigeration appliance components that are pre-charged with HCFC-22, HCFC-142b, or blends containing one or both of these controlled substances as the refrigerant. These prohibitions apply only to appliances and components manufactured on or after 1/1/10.		
Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act	12/15/09	Final Rule	The Administrator finds that six greenhouse gases taken in combination endanger both the public health and the public welfare of current and future generations. The Administrator also finds that the combined emissions of these greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas air pollution that endangers public health and welfare under CAA section 202(a). These Findings are based on careful consideration of the full weight of scientific evidence and a thorough review of numerous public comments received on the Proposed Findings published 4/24/09.		EPA Climate Change Website
Inclusion of Fugitive Emissions Non-attainment NSR & PSD 40 CFR Part 51 & 52	12/10/09	Interim Final Rule & Stay	The amendments to 40 CFR parts 51 and 52 in this rule are effective from 12/31/09 through 3/31/10. The following CFR sections are administratively stayed until March 1, 2010: 40 CFR 51.165(a)(1)(v)(G), (a)(1)(vi)(C)(3), (a)(1)(ix), (a)(1)(xxviii)(B)(2), (a)(1)(xxviii)(B)(4), (a)(1)(xxxv)(A)(1), (a)(1)(xxxv)(B)(1), (a)(1)(xxxv)(C), (a)(1)(xxxv)(D), (a)(2)(ii)(B), (a)(6)(iii), (a)(6)(iv), and (f)(4)(i)(D); 40 CFR 51.166, (a)(7)(iv)(b), (b)(2)(v), (b)(3)(iii)(c), (b)(3)(iii)(d), (b)(20), (b)(40)(ii)(b), (b)(40)(ii)(d), (b)(47)(i)(a), (b)(47)(ii)(a), (b)(47)(iii), (b)(47)(iv), (r)(6)(iii) and (r)(6)(iv), and (w)(4)(i)(d); 40 CFR part 51, Appendix S, paragraphs II.A.5(vii), II.A.6(iii), II.A.9, II.A.24(ii)(b), II.A.24(ii)(d), II.A.30(i)(a), II.A.30(ii)(a), II.A.30(iii), II.A.30(iv), IV.1.1(ii), IV.J.3, IV.J.4, and IV.K.4(i)(d); and 40 CFR 52.21, (a)(2)(iv)(b), (b)(2)(v), (b)(3)(iii)(b), (b)(3)(iii)(c), (b)(20), (b)(41)(ii)(b), (b)(41)(ii)(d), (b)(48)(i)(a), (b)(48)(ii)(a), (b)(48)(iii), (b)(48)(iv), (r)(6)(iii), (r)(6)(iv), and (aa)(4)(i)(d).		EPA NSR Website
Sulfur Dioxide Standards NAAQS 40 CFR Part 50, 53, & 58	12/8/09	Proposed Rule	EPA proposes to establish a new 1-hour SO ₂ standard within the range of 50-100 parts per billion (ppb), based on the 3-year average of the annual 99th percentile (or 4th highest) of 1-hour daily maximum concentrations. The EPA also proposes to revoke both the existing 24-hour and annual primary SO ₂ standards.		EPA Sulfur Dioxide Website

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Semi-annual Regulatory Agenda	12/7/09	Notice	Notice of semiannual regulatory agenda		Reginfo.gov EPA Agenda of Rules
Perchloroethylene Dry Cleaners NESHAP 40 CFR Part 63 Subpart M	12/7/09	Information Collection Request Notice	Submitted to OMB for approval. Information Collection Request related to recordkeeping and reporting.		NDEQ Air Toxics Notebook Page
Paints and Allied Products Manufacturing - Area Sources NESHAP 40 CFR Part 63 Subpart CCCCCC	12/3/09	Final Rule	Final standards for the Paints and Allied Products Manufacturing area source category. The emissions standards for new and existing sources are based on EPA's proposed determination as to what constitutes the generally available control technology or management practices for the area source category. Proposed 6/1/09.		NDEQ Air Toxics Notebook Page
Asphalt Processing & Roofing Mfg. NESHAP 40 CFR Part 63 Subpart AAAAAA	12/2/09	Final Rule	Area source rules requiring generally available control technologies (GACT) for asphalt processing & roofing. Proposed 7/9/09.		NDEQ Air Toxics Notebook Page
Fuel Economy Regulations for Automobiles Mobile Source regulations 40 CFR Part 86	11/25/09	Direct Final Rule & Proposed Rule	First, minor corrections and amendments are needed to EPA's 12/27/06 final rule for fuel economy labeling requirements for cars and light trucks. Second, the Department of Transportation finalized new average fuel economy standards for 2008-2011 light trucks on 4/6/06. Third, on 3/30/09, NHTSA revised CAFE requirements for 2011 trucks and finalized new average fuel economy (CAFE) standards for 2011 passenger automobiles. In order for DOT to administer these new standards, EPA must make some conforming changes to its regulations. In addition, some minor conforming changes to EPA's regulations are needed for two other separate statutory and regulatory actions.		EPA Transportation and Air Quality Website

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Miscellaneous Organic Chemical Mfg. NESHAP 40 CFR Part 63 Subpart FFFF	11/23/09	Information Collection Request Notice	This information is being collected to assure compliance with 40 CFR part 63, subpart FFFF. The required information consists of emissions data and other information that has been determined to be private.		NDEQ Air Toxics Notebook Page
Critical Use Exemption From the Phase-out of Methyl Bromide Protection of Stratospheric Ozone 40 CFR Part 82 Subpart A	11/23/09	Proposed Rule	EPA is proposing uses that qualify for the 2010 critical use exemption and the amount of methyl bromide that may be produced, imported, or supplied from existing pre-phase-out inventory for those uses in 2010.		EPA Stratospheric Ozone Website
Polyvinyl Chloride & Copolymers Production Facilities NESHAP 40 CFR Part 63	11/16/09	Proposed Settlement	EPA failed to promulgate emission standards for major sources of hazardous air pollutant emissions from polyvinyl chloride and copolymers production facilities ("PVC Standards"). The settlement agreement states that EPA shall sign a proposed rule to establish PVC Standards no later than October 29, 2010, and that EPA shall sign a final rule to establish PVC Standards no later than July 29, 2011.		
Nitric Acid Plants NSPS 40 CFR Part 60 Subpart G	11/16/09	Proposed Consent Decree	On or before November 15, 2010, EPA will sign and submit for publication a proposed rule containing revisions to NSPS Subpart G and/or a proposed or final determination not to revise NSPS Subpart G. If EPA signs a proposed rule or proposed determination, then on or before November 15, 2011, EPA will sign and submit for publication a final rule containing revisions to NSPS Subpart G or a final determination not to revise it.		

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Air Quality Designations for the 2006 24-Hour Fine Particle (PM2.5) National Ambient Air Quality Standards Designations of Areas For Air Quality Planning Purposes 40 CFR Part 81 Subpart C	11/13/09	Final Rule	This rule establishes the initial air quality designations for most areas in the United States (U.S.), including Indian Country, for the 2006 24-hour fine particle (PM2.5) National Ambient Air Quality Standards (NAAQS). Through these designations, EPA is identifying areas that meet or violate these NAAQS.		EPA Particulate Matter Website
Coal- and Oil-fired Electric Utility Steam Generating Units NESHAP 40 CFR Part 63 Subpart	11/10/09	Information Collection Request Notice	Soliciting additional comments for information collection request. Initial ICR 7/2/09. Requesting electric steam generating units burning fossil fuel and >25 megawatts to conduct emissions testing. Testing results will be used in the development of a NESHAP standard.		
Mandatory Reporting of Greenhouse Gases Administrative Practice & Procedure 40 CFR Part 86, 87, 89, 90, 94, 98, 600, 1033, 1039, 1042, 1045, 1048, 1051, 1054, 1065 Subpart	10/30/09	Final Rule	Final rule requires suppliers of fossil fuels or industrial greenhouse gases, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions submit annual reports to EPA. The gases covered by the proposed rule are carbon dioxide (CO ₂), methane (CH ₄), nitrous oxide (N ₂ O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), sulfur hexafluoride (SF ₆), and other fluorinated gases including nitrogen trifluoride (NF ₃) and hydrofluorinated ethers (HFE).	Proposed 4/10/09. **Link to Docket	EPA Climate Change Website
Carbon Monoxide Standards NAAQS 40 CFR Part 50 Subpart	10/29/09	Availability of Draft Documents	EPA is making available for public comment a draft assessment document: Risk and Exposure Assessment to Support the Review of the Carbon Monoxide (CO) Primary National Ambient Air Quality Standards-- First External Review Draft. This draft document describes the quantitative analyses that are being conducted as part of the review of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO).	Notice of public meeting (10/21/09) and teleconference (10/22/09) **Link to Docket	EPA Carbon Monoxide Website

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Chemical Manufacturing Area Source NESHAP 40 CFR Part 63 Subpart VVVVV	10/29/09	Final Rule	EPA is issuing standards for the control of hazardous air pollutants for nine area source categories in the chemical manufacturing sector: Ag. Chemicals and Pesticides Manufacturing, Cyclic Crude and Intermediate Production, Industrial Inorganic Chemical Manufacturing, Industrial Organic Chemical Manufacturing, Inorganic Pigments Manufacturing, Miscellaneous Organic Chemical Manufacturing, Plastic Materials and Resins Manufacturing, Pharmaceutical Production, and Synthetic Rubber Manufacturing. This final rule establishes emission standards in the form of management practices for each chemical manufacturing process unit as well as emission limits for certain subcategories of process vents and storage tanks. The rule also establishes management practices and other emission reduction requirements for subcategories of wastewater systems and heat exchange systems.	10/6/08 - Proposed Rule ** Link to Docket	NDEQ Air Toxics Notebook Page
Petroleum Refineries NESHAP 40 CFR Part 63 Subpart CC	10/28/09	Proposed Partial Withdrawal	EPA is proposing to withdraw the residual risk and technology review portions of the final rule amending the National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries, which was signed by then Administrator Stephen Johnson, on January 16, 2009.		NDEQ Air Toxics Notebook Page
Petroleum Refineries NESHAP 40 CFR Part 63 Subpart CC	10/28/09	Final Rule	This action amends the national emission standards for petroleum refineries to add maximum achievable control technology standards for heat exchange systems. This action also amends the general provisions cross-reference table and corrects section references.	11/10/08 - Supplemental Proposal **Link to Docket	NDEQ Air Toxics Notebook Page
Coal- and Oil-fired Electric Utility Steam Generating Units NESHAP 40 CFR Part 63 Subpart	10/28/09	Proposed Consent Decree	Under the terms of the proposed consent decree, EPA shall, no later than March 16, 2011, sign for publication in the Federal Register a notice of proposed rulemaking setting forth EPA's proposed emission standards for coal- and oil-fired EGUs pursuant to CAA section 112(d). In addition, EPA shall, no later than November 16, 2011, sign for publication in the Federal Register a notice of final rulemaking setting forth EPA's final emission standards for coal- and oil-fired EGUs pursuant to CAA section 112(d).		

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Greenhouse Gas Tailoring Rule Non-attainment NSR & PSD 40 CFR Part 51 & 52	10/27/09	Proposed Rule	EPA is proposing to tailor the major source applicability thresholds for greenhouse gas (GHG) emissions and to set a PSD significance level for GHG emissions. This proposal is necessary because EPA expects soon to promulgate regulations under the CAA to control GHG emissions and, as a result, trigger PSD applicability requirements for GHG emissions. If PSD applies at the applicability levels provided under the CAA, State permitting authorities would be paralyzed by permit applications in numbers that are orders of magnitude greater than their current administrative resources could accommodate. This proposed rule would phase in the applicability thresholds for the PSD program for sources of	11/04/09 - Public Hearings Notice ** Link to Docket.	EPA Climate Change Website
Greenhouse Gas Tailoring Rule State & Federal Operating Permit Programs 40 CFR Part 70 & 71	10/27/09	Proposed Rule	EPA is proposing to tailor the major source applicability thresholds for greenhouse gas (GHG) emissions. This proposal is necessary because EPA expects soon to promulgate regulations under the CAA to control GHG emissions and, as a result, trigger Title V applicability requirements for GHG emissions. If Title V applies at the applicability levels provided under the CAA, State permitting authorities would be paralyzed by permit applications in numbers that are orders of magnitude greater than their current administrative resources could accommodate. This proposed rule would phase in the applicability thresholds for the Title V program for sources of GHG emissions. The first phase, which would last 6 years, would establish a temporary level for the Title V applicability thresholds at 25,000 tons per year (tpy), on a "carbon dioxide equivalent" (CO ₂) basis.		EPA Climate Change Website
Ozone Standards NAAQS 40 CFR Part 50	10/19/09	Availability of Draft Documents	EPA is making available for public review and comment a draft document titled Integrated Review Plan for the Ozone National Ambient Air Quality Standards Review--External Review Draft. This document contains the plans for the new periodic review of the air quality criteria for ozone (O ₃)-related effects on public health and public welfare and the current O ₃ standards or any revised standards that may result from the reconsideration of the 2008 O ₃ standards. The draft IRP will be posted on the Agency's Technology Transfer Network (TTN) Web site at: http://www.epa.gov/ttn/naaqs/standards/ozone/s_o3_index.html .		EPA Ground Level Ozone Website

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<p>Significant New Alternatives Policy</p> <p>Protection of Stratospheric Ozone</p> <p>40 CFR Part 82</p> <p>Subpart G</p>	10/19/09	Proposed Rule	EPA proposes to find HFO-1234yf acceptable, subject to use conditions as a substitute for CFC-12 in motor vehicle air conditioning. The proposed substitute is a non ozone- depleting gas and consequently does not contribute to stratospheric ozone depletion.		EPA Stratospheric Ozone Website
<p>Emission Factor Program Improvements</p> <p>NSPS</p> <p>40 CFR Part 60</p> <p>Subpart</p>	10/14/09	Advanced Notice of Proposed Rule Making	To convey issues raised by stakeholders about EPA's emissions factors program, inform the public of their initial ideas on how to address these issues, and solicit comments on current resolutions. The goal is to develop a self-sustaining emissions factors program that produces high quality, timely emissions factors, better indicates the precision and accuracy of emissions factors, encourages the appropriate use of emissions factors, and ultimately improves emissions quantification. Although initially developed for emissions inventory purposes only, use of emissions factors has been expanded to a variety of air pollution control activities including permitting, enforcement, modeling, control strategy development, and risk analysis.	11/13/09 - Extension of Public Comment to December 14, 2009 ** Link to Docket	

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Emission Factor Program Improvements NESHAP 40 CFR Part 61 & 63 Subpart	10/14/09	Advanced Notice of Proposed Rule Making	To convey issues raised by stakeholders about EPA's emissions factors program, inform the public of their initial ideas on how to address these issues, and solicit comments on current resolutions. The goal is to develop a self-sustaining emissions factors program that produces high quality, timely emissions factors, better indicates the precision and accuracy of emissions factors, encourages the appropriate use of emissions factors, and ultimately improves emissions quantification. Although initially developed for emissions inventory purposes only, use of emissions factors has been expanded to a variety of air pollution control activities including permitting, enforcement, modeling, control strategy development, and risk analysis.		
Coal Preparation & Processing Plants NSPS 40 CFR Part 60 Subpart Y	10/8/09	Final Rule	The final amendments for coal preparation and processing plants include revisions to the emission limits for particulate matter and opacity standards for thermal dryers, pneumatic coal cleaning equipment, and coal handling equipment located at coal preparation and processing plants. These revised limits apply to affected facilities that commence construction after 4/28/08. The amendments also establish a sulfur dioxide emission limit and a combined nitrogen oxide and carbon monoxide emissions limit for thermal dryers located at coal preparation and processing plants. In addition, the amendments establish work practice standards to control fugitive coal dust emissions from open storage piles located at coal preparation and processing plants. The rule modifies the definition of thermal dryer, pneumatic coal-cleaning equipment and coal. The modified definitions, SO ₂ limit, the NO _x /CO limit, and the work practice standards apply to facilities that commence construction after 5/27/09. Proposed 4/28/08 & 5/27/09.		

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Pollutants Covered by the Federal PSD Permit Program PSD 40 CFR Part 52	10/7/09	Proposed Rule	In a 12/18/08 memorandum, EPA established an interpretation of the regulatory phrase "subject to regulation" that is applied to determine the pollutants subject to the federal PSD program under the Clean Air Act. On 2/17/09, the EPA Administrator granted a petition for reconsideration of the regulatory interpretation in the memorandum. However, the Administrator did not grant a request to stay the memorandum, so the interpretation remains in effect for the federal PSD program pending completion of this reconsideration action. This document implements the grant of reconsideration by discussing and requesting public comment on various interpretations of the regulatory phrase "subject to regulation." The interpretations discussed in this document include our current and preferred interpretation, which would make PSD applicable to a pollutant		EPA NSR Website
Hospital, Medical Infections Waste Incinerators (HIMWI) NSPS 40 CFR Part 60 Subpart Ce & Ec	10/6/09	Final Rule	Revised standards to address remand and 5 year review. Proposed 2/6/07 and 12/1/08. The changes proposed in 2007 included provisions allowing existing sources to use previous emissions test results to demonstrate compliance with the revised emissions limits; annual inspections of air pollution control devices (APCD); a one-time visible emissions test of ash handling operations; CO continuous emissions monitoring systems (CEMS) and bag leak detection systems for new sources; and several approved monitoring alternatives. The 2008 proposal included changes regarding requirements for NOx and SO2		EPA HIMWI Website
Flexible Air Permitting Rule State & Federal Operating Permit Programs 40 CFR Part 70 & 71	10/6/09	Final Rule	Revising title V regulations: adding definitions for alternative operating scenario and approved replicable methodology and codifying some clarifications to existing provisions. These revisions are intended to clarify and reaffirm opportunities for accessing operational flexibility under existing regulations. EPA is not finalizing any revisions to the existing minor or major New Source Review (NSR) regulations. EPA is withdrawing that portion of the proposal which relates to Green Groups and their potential inclusion in NSR programs required by parts C and D of title I of the Act. Instead, EPA is encouraging States and sources to investigate in more depth the flexibilities currently available under the major NSR regulations. Rule is effective 11/5/09.		EPA NSR Website

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<p>Significant New Alternatives Policy</p> <p>Protection of Stratospheric Ozone</p> <p>40 CFR Part 82</p> <p>Subpart Appendix A</p>	9/30/09	Determination of Acceptability	<p>This Determination of Acceptability expands the list of acceptable substitutes for ozone-depleting substances under the U.S. Environmental Protection Agency's (EPA) Significant New Alternatives Policy (SNAP) program. The determinations concern new substitutes for use in the refrigeration and air conditioning and foam blowing sectors.</p>		EPA Stratospheric Ozone Website
<p>Inclusion of Fugitive Emissions</p> <p>Non-attainment NSR & PSD</p> <p>40 CFR Part 51 & 52</p>	9/30/09	Final Rule	<p>This stay of the Fugitives Emissions Rule will be effective for a period of three months beginning with the publication of this document in the Federal Register. To effectuate this stay of the December 19, 2008 rule, we are reinstating previous provisions on a temporary basis. The EPA will publish a document in the Federal Register establishing a comment period and opportunity for a public hearing for the reconsideration proceeding.</p>		EPA NSR Website
<p>Light-Duty Vehicle Greenhouse Gas Emission Standards & Corporate Average Fuel Economy Standards</p> <p>Mobile Source regulations</p> <p>40 CFR Part 86</p>	9/28/09	Proposed Rule	<p>EPA and NHTSA are issuing this joint proposal to establish a National Program consisting of new standards for light-duty vehicles that will reduce greenhouse gas emissions and improve fuel economy. EPA is proposing greenhouse gas emissions standards under the Clean Air Act, and NHTSA is proposing Corporate Average Fuel Economy standards under the Energy Policy and Conservation Act, as amended. These standards apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016, and represent a harmonized and consistent National Program.</p>	10/6/09 - Notice of public hearings	

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Particulate Matter Standards NAAQS 40 CFR Part 50	9/10/09	Availability of Draft Documents	EPA is making available for public comment two draft assessment documents: Risk Assessment to Support the Review of the PM Primary National Ambient Air Quality Standards-- External Review Draft and Particulate Matter Urban-Focused Visibility Assessment--External Review Draft. These draft documents describe the quantitative analyses that are being conducted as part of the review of the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM).		EPA Particulate Matter Website
Aluminum, Copper, and Other Nonferrous Foundries NESHAP 40 CFR Part 63 Subpart ZZZZZZ	9/10/09	Final Rule	Minor corrections to 6/25/09 rule. Wording corrections to clarify intent of rule and clarify the applicability requirements in Sec. 63.11544(a)(1), (2), and (3).		NDEQ Air Toxics Notebook Page
Control of Emissions From New Marine Compression-Ignition Engines at or Above 30 liters per Cylinder Mobile Source regulations 40 CFR Part 80, 85, 86, 89, 94, 1027, 1033, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, and 1068	8/28/09	Proposed Rule	Proposed emission standards for new marine diesel engines with per cylinder displacement at or above 30 liters installed on U.S. vessels. The proposed engine standards are equivalent to the nitrogen oxides limits recently adopted in the amendments to Annex VI to the International Convention for the Prevention of Pollution from Ships and are based on the position advanced as part of those international negotiations. The near-term standards for newly-built engines would apply beginning in 2011. Long-term standards would begin in 2016 and are based on the application of high-efficiency after treatment technology. Proposing a change to diesel fuel program that would forbid the production and sale of marine fuel oil above 1,000 ppm sulfur.		EPA Transportation and Air Quality Website

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Startup, Shutdown, & Malfunctions NESHAP 40 CFR Part 63 Subpart A	8/26/09	Notice	On 12/19/08, the United States Court of Appeals for the DC Circuit vacated two provisions in EPA's General Provisions Rule promulgated that exempt sources from the requirement to comply with otherwise applicable section 112(d) emission standards during periods of startup, shutdown and malfunction. EPA recently issued a letter, dated July 22, 2009 (posted at www.epa.gov/compliance/civil/caa/ssm.html), to various parties that addresses concerns that have been raised regarding the impact of the decision in <i>Sierra Club v. EPA</i> , 551 F.3d 1019 (DC Cir. 2008). Industry Intervenor appealed the December 2008 <i>Sierra Club</i> decision by filing petitions for rehearing. On July 30, 2009, the DC Circuit denied these petitions. On August 5, 2009, EPA filed a motion seeking a 60-day stay of the mandate. On August 6, 2009, Industry Intervenor filed a motion to stay the mandate pending their appeal of the decision to the United States Supreme Court. Until the D.C. Circuit issues a mandate effectuating the vacatur, 40 CFR 63.6(f)(1) and (h)(1) remain in effect.		EPA Air Compliance & Enforcement Website
Test Methods 2G - 3C NSPS 40 CFR Part 60 Subpart Appendix A	8/25/09	Proposed Rule	Proposal to revise the voluntary test method for determining stack gas velocity taking into account the velocity decay near the stack or duct walls. When the method was originally developed, it addressed only sources where the flow measurements were made in locations with circular cross-sections. The proposed revised test method addresses flow measurement locations with both circular and rectangular cross-sections. The proposed revisions also include changes that increase the accuracy of the method and simplify its application. The primary users of the proposed method are likely to be owners and operators of utility units subject to the Acid Rain Program and certain large electric generating units and large non-electric generating units.	9/9/09 - Correction	
Ozone Standards NAAQS 40 CFR Part 50	8/11/09	Final Rule	EPA is taking final action to revise a portion of its Phase 2 implementation rule for the 8-hour ozone National Ambient Air Quality Standard (NAAQS or standard) for which the Agency had sought a voluntary remand from the U.S. Circuit Court of Appeals for the District of Columbia Circuit. The Court granted EPA's request by remanding and vacating that portion of the rule. Specifically, this rule addresses an interpretation that allowed certain credits toward reasonable further progress (RFP) for the 8-hour standard from emissions reductions outside the nonattainment area.		EPA Ground Level Ozone Website

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Subject, Rule, Part, & Subpart	Date of Action	Type of Action & Link to Document**	Summary of Action	Additional Info/Actions	Additional Links
Ozone Standard Implementation Non-attainment NSR 40 CFR Part 51	8/11/09	Final Rule	EPA is taking final action to revise a portion of its Phase 2 implementation rule for the 8-hour ozone National Ambient Air Quality Standard (NAAQS or standard) for which the Agency had sought a voluntary remand from the U.S. Circuit Court of Appeals for the District of Columbia Circuit. The Court granted EPA's request by remanding and vacating that portion of the rule. Specifically, this rule addresses an interpretation that allowed certain credits toward reasonable further progress (RFP) for the 8-hour standard from emissions reductions outside the nonattainment area.		EPA NSR Website
Chemical Preparation Facilities NESHAP 40 CFR Part 63 Subpart BBBBBBB Prepared Feeds Mfg.	8/5/09	Proposed Rule	Proposed GACT for chemical preparation facilities that conduct industrial operations that mix, mill, blend and/or extrude chemicals that contain the target HAP in their manufacturing processes during the production of chemical preparations.		NDEQ Air Toxics Notebook Page
NESHAP 40 CFR Part 63 Subpart DDDDDDD	7/27/09	Proposed Rule	Proposed GACT for prepared feed manufacturers (except for dogs and cats) who add chromium compounds or manganese compounds to the feeds.		NDEQ Air Toxics Notebook Page
Ozone Monitoring Ambient Air Monitoring 40 CFR Part 58	7/16/09	Proposed Rule	EPA is proposing to modify minimum monitoring requirements in urban areas, add new minimum monitoring requirements in non-urban areas, and extend the length of the required ozone monitoring season in some States. The proposals would require one monitor to be placed in MSAs of populations ranging from 50,000 to less than 350,000. Additionally, the agency proposes a rural network that will enable assessment of the impact of ozone on natural vegetation in support of the secondary NAAQS. The proposal requires each state to locate three non-urban monitors: One would be located on federal, state or tribal lands, including wilderness areas that have ozone-sensitive natural vegetation or ecosystems. The second would be placed "in a micropolitan Statistical Area expected to have ozone design value concentrations of at least 85 percent of the NAAQS." The third required rural monitor would be located "in the area of expected maximum concentration outside of any MSA..."		EPA Ambient Monitoring Website

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Nitrogen Oxide Standards NAAQS 40 CFR Part 50 Subpart A & Appendix S	7/15/09	Proposed Rule	EPA proposed to make revisions to the primary nitrogen oxide NAAQS in order to provide requisite protection of public health. Specifically, EPA proposes to supplement the current annual standard by establishing a new short-term standard based on the 3-year average of the 99th percentile (or 4th highest) of 1-hour daily maximum concentrations. EPA proposes to set the level of this new standard within the range of 80 to 100 parts per billion and solicits comment on standard levels as low as 65 ppb and as high as 150 ppb. Consistent with the terms of a consent decree, the Administrator will sign a notice of final rulemaking by January 22, 2010.		EPA Nitrogen Oxide Website
Nitrogen Oxide Monitoring Ambient Air Monitoring 40 CFR Part 58	7/15/09	Proposed Rule	Along with revisions to the nitrogen oxide ambient air standards, EPA also proposes to establish requirements for an NO2 monitoring network that will include monitors within 50 meters of major roadways. In addition, EPA is soliciting comment on an alternative approach to setting the standard and revising the monitoring network.		EPA Ambient Monitoring Website
Asphalt Processing & Roofing Mfg. NESHAP 40 CFR Part 63 Subpart AAAAAAA	7/9/09	Proposed Rule	Area source rules requiring generally available control technologies (GACT) for asphalt processing & roofing.		NDEQ Air Toxics Notebook Page
Coal- and Oil-fired Electric Utility Steam Generating Units NESHAP 40 CFR Part 63	7/2/09	Information Collection Request Notice	Soliciting comments for information collection request. Requesting electric steam generating units burning fossil fuel and >25 megawatts to conduct emissions testing. Testing results will be used in the development of a NESHAP standard.		
Gasoline Distribution Facilities NESHAP 40 CFR Part 63 Subpart A & BBBB	6/30/09	Proposed Settlement	Under the terms of the proposed settlement agreement, EPA will sign and submit for publication in the Federal Register a notice of proposed rulemaking to amend the Gasoline Distribution NESHAP that contains amendments amending the definition of bulk gasoline plant, requirements for gasoline dispensing facilities, and requirements for gasoline storage tanks with a capacity of less than 250 gallons.		NDEQ Air Toxics Notebook Page

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Gasoline Dispensing Facilities NESHAP 40 CFR Part 63 Subpart CCCCCC	6/30/09	Proposed Settlement	Under the terms of the proposed settlement agreement, EPA will sign and submit for publication in the Federal Register a notice of proposed rulemaking to amend the Gasoline Distribution NESHAP that contains amendments amending the definition of a gasoline dispensing facility.		NDEQ Air Toxics Notebook Page
General Provisions & Aluminum, Copper, and Other Nonferrous Foundries NESHAP 40 CFR Part 63 Subpart A & ZZZZZZ	6/25/09	Final Rule	Area source rules requiring generally available control technologies for aluminum, copper, & other non-ferrous foundries. Proposed 2/9/09. Amending source category list by changing the name of the "Secondary Aluminum Production" category to "Aluminum Foundries" and the "Nonferrous Foundries, not elsewhere classified" category to "Other Nonferrous Foundries."		NDEQ Air Toxics Notebook Page
VOC Emissions from Synthetic Organic Chemical Manufacturing NSPS 40 CFR Part 60 Subpart NNN	6/24/09	Final Rule	Correction to Sec. 60.664 to the equation in paragraph (f)(1) introductory text.		
Renewable Fuels Standard Regulation of Fuels & Fuel Additives 40 CFR Part 80 Subpart M	6/24/09	Final Rule	Following publication of the May 1, 2007, final rule promulgating the Renewable Fuel Standard regulations, EPA discovered a number of technical errors and areas within the regulations that could benefit from clarification or modification. In parallel proposed and direct final rules published on October 8, 2008, EPA proposed to amend the regulations to make the appropriate corrections, clarifications and modifications. However, EPA received adverse comment on several provisions in the parallel proposed and direct final rules and, on November 26, 2008, withdrew those provisions from the direct final rule that drew adverse comment. In today's action, EPA is addressing the comments received on the portions of the direct final rule that were withdrawn and is finalizing those withdrawn provisions with minor clarifying changes.	Link to Docket	EPA Renewable Fuels Standard Website

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Volatile Organic Compound Emission Standards for Aerosol Coatings National Volatile Organic Compound Emission Standards 40 CFR Part 59 Subpart E	6/23/09	Final Rule	These amendments add compounds and associated reactivity factors to Table 2--Reactivity Factors based on petitions EPA received from regulated entities, and clarify which volatile organic compounds are to be quantified in compliance determinations. Additionally, this final rule makes certain changes related to the notice required for a company to certify that it will assume the responsibility for compliance with recordkeeping and reporting requirements for a regulated entity, and it also addresses which party is liable following such a certification. Further, in this action we make minor revisions and corrections to the aerosol coatings reactivity rule. Finally, in this action we are extending the deadline for submitting the initial notifications required in one section of the aerosol coatings regulations for 30 days, until July 31, 2009. Proposed 4/5/09.		
General Provisions Non-attainment NSR 40 CFR Part 51 Subpart Appendix M	6/16/09	Proposed Rule	Proposes amendments to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. In addition, this proposed rule incorporates by reference Volume 3, "General Requirements for Environmental Proficiency Test Providers" adopted 12/22/07, as an example of an acceptable accredited proficiency test sample provider (APTSP) technical criteria document. This document outlines the criteria an accredited provider program must meet for the samples to be acceptable. Requirements pertaining to the audit samples have all been moved to the General Provisions and have been removed from the test methods. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies.	7/6/09 - Extended Public comment period to 8/5/09.	EPA NSR Website
General Provisions NSPS 40 CFR Part 60 Subpart Subpart A & Appendix A	6/16/09	Proposed Rule	Proposes amendments to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. In addition, this proposed rule incorporates by reference Volume 3, "General Requirements for Environmental Proficiency Test Providers" adopted 12/22/07, as an example of an acceptable accredited proficiency test sample provider (APTSP) technical criteria document. This document outlines the criteria an accredited provider program must meet for the samples to be acceptable. Requirements pertaining to the audit samples have all been moved to the General Provisions and have been removed from the test methods. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies.	7/6/09 - Extended Public comment period to 8/5/09.	

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<p style="text-align: center;">General Provisions NESHAP 40 CFR Part 61 Subpart Subpart A & Appendix B</p>	6/16/09	Proposed Rule	<p>Proposes amendments to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. In addition, this proposed rule incorporates by reference Volume 3, "General Requirements for Environmental Proficiency Test Providers" adopted 12/22/07, as an example of an acceptable accredited proficiency test sample provider (APTSP) technical criteria document. This document outlines the criteria an accredited provider program must meet for the samples to be acceptable. Requirements pertaining to the audit samples have all been moved to the General Provisions and have been removed from the test methods. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies.</p>	7/6/09 - Extended Public comment period to 8/5/09.	
<p style="text-align: center;">General Provisions NESHAP 40 CFR Part 63 Subpart Subpart A</p>	6/16/09	Proposed Rule	<p>Proposed amendments to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. In addition, this proposed rule incorporates by reference Volume 3, "General Requirements for Environmental Proficiency Test Providers" adopted 12/22/07, as an example of an acceptable accredited proficiency test sample provider (APTSP) technical criteria document. This document outlines the criteria an accredited provider program must meet for the samples to be acceptable. Requirements pertaining to the audit samples have all been moved to the General Provisions and have been removed from the test methods. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies.</p>	7/6/09 - Extended Public comment period to 8/5/09.	
<p style="text-align: center;">Reaffirm Revisions to Program Acid Rain 40 CFR Part 72</p>	6/12/09	Final Rule	<p>Final rule to reaffirm the certain revisions of the Acid Rain Program rules. These rule revisions were finalized in the Federal Register notices that also finalized the Clean Air Interstate Rule (CAIR) and the Federal Implementation Plans for CAIR (CAIR FIPs). The U.S. Court of Appeals for the District of Columbia Circuit recently issued a decision vacating and remanding CAIR and the CAIR FIPs. These revisions to the Acid Rain Program rules were not addressed by any parties in the proceeding or the Court. EPA is reaffirming in this interim final rule in order to remove any uncertainty about their legal status because they have been in effect since mid-2006, most of them are crucial to the ongoing operation of the Acid Rain Program, and the rest of them streamline and clarify requirements of the program. Proposed 12/15/08.</p>		

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Compression Ignition Engines NSPS 40 CFR Part 60 Subpart IIII	6/4/09	Proposed Settlement	Notice of a settlement agreement to address a lawsuit filed by the American Petroleum Institute challenging EPA's New Source Performance Standards for stationary compression ignition internal combustion engines. The settlement requires EPA to propose revisions to the NSPS for this sector within a year. The revisions must "allow owners and operators more options in operating and maintaining their engines, but would require more testing for sources using the additional options." Comments on the proposed settlement must be received by EPA no later than July 6, 2009.		
Paints and Allied Products Manufacturing - Area Sources NESHAP 40 CFR Part 63 Subpart CCCCCC	6/1/09	Proposed Rule	Proposed standards for the Paints and Allied Products Manufacturing area source category. The proposed emissions standards for new and existing sources are based on EPA's proposed determination as to what constitutes the generally available control technology or management practices for the area source category.		NDEQ Air Toxics Notebook Page
PM2.5 Standard Implementation Non-attainment NSR & PSD 40 CFR Part 51 & 52 Subpart I & A	6/1/09	Petition for Reconsideration & Stay of Effectiveness	EPA has granted a petition for reconsideration With respect to the final rule titled, "Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers," published on 5/16/08. In addition, EPA has administratively stayed one of the provisions to which the petitioners objected--a "grandfathering" provision for PM2.5 contained in the federal prevention of significant deterioration (PSD) program. The EPA will publish notification in the Federal Register establishing a comment period and opportunity for a public hearing for the reconsideration proceeding. The petition for reconsideration and request for administrative stay can be found in the docket for the 5/16/08 rule. Effective June 1, 2009, 40 CFR 52.21(i)(1)(xi) is stayed for a period of three months, until September 1, 2009.	7/23/09 - Extending stay to 6/1/10. 9/22/09 - Extending stay to 6/22/10 Link to Docket	EPA NSR Website
Continuous Instrumental Test Methods NSPS 40 CFR Part 60 Subpart Appendix A	5/29/09	Final Rule	Inadvertent printing errors were made to 5/22/08 rule. Text insertions were misplaced, duplicate insertions were made, and the definition for system bias was inadvertently revised.		

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Coal Preparation & Processing Plants NSPS 40 CFR Part 60 Subpart Y	5/27/09	Supplemental Proposal	Supplemental action to the proposed amendments published on 4/28/08. This supplemental action proposes to revise the particulate matter emissions and opacity limits included in the original proposal for thermal dryers, pneumatic coal-cleaning equipment, and coal handling equipment. It also proposes to expand the applicability of the thermal dryer standards so that the proposed standards for thermal dryers would apply to both direct contact and indirect contact thermal dryers drying all coal ranks and pneumatic coal-cleaning equipment cleaning all coal ranks. In addition, it proposes to establish a sulfur dioxide emission limit and a combined nitrogen oxide and carbon monoxide emissions limit for thermal dryers. We are also proposing to amend the definition of coal for purposes of subpart Y to include petroleum coke and coal refuse. Finally, it proposes to establish work practice standards to control coal dust emissions from open storage piles and roadways associated with coal preparation and processing plants. Also proposes changes to Subpart A reference citations in 60.17.		
Renewable Fuels Standard Regulation of Fuels & Fuel Additives 40 CFR Part 80 Subpart M	5/26/09	Notice of Proposed Rulemaking	Proposes regulations designed to ensure that refiners, blenders, and importers of gasoline and diesel would use enough renewable fuel each year so that the four volume requirements of the Energy Independence and Security Act would be met with renewable fuels that also meet the required lifecycle greenhouse gas emissions performance standards. The proposed rule describes the standards that would apply to these parties and the renewable fuels that would qualify for compliance. The proposed regulations make a number of changes to the current Renewable Fuel Standard program while retaining many elements of the compliance and trading system already in place.	7/7/09 - Extension of Public Comment Period to 9/25/09	EPA Renewable Fuels Standard Website
Notice of Upcoming Joint Rulemaking To Establish Vehicle GHG Emissions and CAFE Standards 40 CFR Part	5/22/09	Notice of Intent	EPA and DOT currently intend to work in coordination to propose standards for control of emissions of greenhouse gases and for fuel economy, respectively. If proposed and finalized, these standards would apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles (light-duty vehicles) built in model years 2012 through 2016.		EPA Transportation and Air Quality Website

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Ozone Standards NAAQS 40 CFR Part 50 Subpart A	5/19/09	Final Rule	Finalizing amendments to the Exceptional Events Rule to provide a revised exceptional event data flagging and documentation schedule for ozone data that may be used for designations under the 2008 ozone National Ambient Air Quality Standards (NAAQS). The Exceptional Events Rule states that when EPA sets a NAAQS for a new pollutant or revises the NAAQS for an existing pollutant, EPA may revise or set a new schedule for flagging data for those NAAQS. Proposed March 12, 2008.		EPA Ground Level Ozone Website
Transportation Conformity Rule Administrative Practice & Procedure 40 CFR Part 93	5/15/09	Proposed Rule	Amendments to the transportation conformity rule that primarily affect conformity's implementation in PM2.5 and PM10 nonattainment and maintenance areas. EPA is proposing to update the transportation conformity regulation in light of the October 17, 2006 final rule that strengthened the 24-hour PM2.5 air quality standard and revoked the annual PM10 standard. In addition, EPA is proposing to clarify the regulations concerning hot-spot analyses to address a remand from the Court of Appeals for the District of Columbia Circuit (Environmental Defense v. EPA, 509 F.3d 553 (DC Cir. 2007)). This portion of the proposal applies to PM2.5 and PM10 nonattainment and maintenance areas as well as carbon monoxide nonattainment and maintenance areas.	6/8/09 - Extension of Public Comment period to 6/29/09	EPA Transportation and Air Quality Website
Performance Specifications for Mercury Monitoring NSPS 40 CFR Part 60 Subpart Appendix B	5/6/09	Proposed Rule	Proposing performance specifications for use of mercury continuous emission monitors, which specifications would be generally applicable and updating recordkeeping and testing requirements.		
Portland Cement Manufacturing NESHAP 40 CFR Part 63 Subpart LLL	5/6/09	Proposed Rule	Proposed amendments to add or revise, emission limits for mercury, total hydrocarbons (THC), and particulate matter (PM) from kilns and in-line kiln/raw mills located at a major or an area source, and hydrochloric acid (HCl) from kilns and in-line kiln/raw mills located at major sources. These proposed amendments also would remove the following four provisions in the current regulation: the operating limit for the average hourly recycle rate for cement kiln dust; the requirement that cement kilns only use certain type of utility boiler fly ash; the opacity limits for kilns and clinker coolers; and the 50 parts per million volume dry (ppmvd) THC emission limit for new greenfield sources. EPA is also proposing standards which would apply during startup, shutdown, and operating modes for all of the current standards for cement kilns.	6/9/09 - Extension of Public Comment Period to 9/4/09	NDEQ Air Toxics Notebook Page

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Ozone Depletion, Chemicals, Exports, & Imports Protection of Stratospheric Ozone 40 CFR Part 82 Subpart A	4/30/09	Final Rule	Authorizes uses of methyl bromide that qualify for the 2009 critical use exemption and the amount of methyl bromide that may be produced, imported, or supplied from existing pre-phase-out inventory for those uses in 2009.		EPA Stratospheric Ozone Website
Nonmetallic Mineral Processing Plants (NMPP) NSPS 40 CFR Part 60 Subpart OOO	4/28/09	Final Rule	Amendments include proposed revisions to the emission limits for NMPP affected facilities which commence construction, modification, or reconstruction after 4/22/08. Also includes additional testing and monitoring requirements for future affected facilities; exemption of affected facilities that process wet material from this proposed rule; changes to simplify the notification requirements for all affected facilities; and changes to definitions and various clarifications. Proposed 4/22/08.		
Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act 40 CFR Part 1	4/24/09	Proposed Rule	Proposal to find that that atmospheric concentrations of greenhouse gases endanger public health and welfare within the meaning of Section 202(a) of the Clean Air Act and motor vehicle emissions contribute to the greenhouse gas emissions.		EPA Climate Change Website
Predictive Emissions Monitoring Systems & Testing and Monitoring Provisions NSPS 40 CFR Part 60 Subpart Appendix A, B, & F	4/23/09	Correction	Correction to final rule on 3/25/09 to correct definitions and equations.		

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Predictive Emissions Monitoring Systems & Testing and Monitoring Provisions NESHAP 40 CFR Part 63 Subpart Appendix A	4/23/09	Correction	Correction to final rule on 3/25/09 to add five stars after paragraph 1.1.	3/25/09 - final rule 6/5/09 - Reopening comment period until 6/26/09 Link to Docket	
Determination of PM10 & PM2.5 emissions from stationary sources Non-attainment NSR 40 CFR Part 51 Subpart Appendix M	4/22/09	Correction	Correction to proposed rule on 3/25/09 to equation 24 and equation 40.		EPA NSR Website
Mandatory Reporting of Greenhouse Gases Administrative Practice & Procedure 40 CFR Part 86, 87, 89, 90, 94, 98, 600, 1033, 1039, 1042, 1045, 1048, 1051, 1054, 1065	4/10/09	Proposed Rule	Proposal requires suppliers of fossil fuels or industrial greenhouse gases, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions submit annual reports to EPA. The gases covered by the proposed rule are carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), sulfur hexafluoride (SF6), and other fluorinated gases including nitrogen trifluoride (NF3) and hydrofluorinated ethers (HFE).		EPA Climate Change Website
Volatile Organic Compound Emission Standards Non-attainment NSR 40 CFR Part 51	4/2/09	Proposed Rule	Amends Table 2A of the aerosol coatings reactivity rule by adding compounds and associated reactivity factors; and by clarifying which volatile organic compounds are to be quantified in compliance determinations. And proposing certain changes related to the certification notice required and proposes minor revisions and corrections to rule.		EPA NSR Website

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Subject, Rule, Part, & Subpart	Date of Action	Type of Action & Link to Document**	Summary of Action	Additional Info/Actions	Additional Links
Volatile Organic Compound Emission Standards for Aerosol Coatings National Volatile Organic Compound Emission Standards 40 CFR Part 59 Subpart E	4/2/09	Proposed Rule	Amends Table 2A of the aerosol coatings reactivity rule by adding compounds and associated reactivity factors; and by clarifying which volatile organic compounds are to be quantified in compliance determinations. And proposing certain changes related to the certification notice required and proposes minor revisions and corrections to rule.		
Reaffirm Revisions to Program Acid Rain 40 CFR Part 72	3/26/09	Withdrawal of Direct Final Rule	Withdrawing direct final rule to reaffirm the certain revisions of the Acid Rain Program rules published 12/15/08 due to adverse comment. These rule revisions were finalized in the Federal Register notices that also finalized the Clean Air Interstate Rule (CAIR) and the Federal Implementation Plans for CAIR (CAIR FIPs). The U.S. Court of Appeals for the District of Columbia Circuit recently issued a decision vacating and remanding CAIR and the CAIR FIPs. These revisions to the Acid Rain Program rules were not addressed by any parties in the proceeding or the Court. EPA is reaffirming in this interim final rule in order to remove any uncertainty about their legal status because they have been in effect since mid-2006, most of them are crucial to the ongoing operation of the Acid Rain Program, and the rest of them streamline and clarify requirements of the program.		
Determination of PM10 & PM2.5 emissions from stationary sources Non-attainment NSR 40 CFR Part 51 Subpart Appendix M	3/25/09	Proposed Rule	Proposed amendments to Methods 201A and 202. Add a particle-sizing device to allow for sampling of particulate matter (PM) with mean aerodynamic diameters less than or equal to 2.5 micrometers. Revises the sample collection and recovery procedures of Method 201 to reduce the formation of reaction artifacts that could lead to inaccurate measurements of condensable particulate matter (CPM) and eliminate most of the hardware and analytical options in the existing method. Also, soliciting comments on whether to end the transition period for CPM in the New Source Review program on a date earlier than the current end date of January 1, 2011.	4/22/09 - Correction to proposed rule	EPA NSR Website

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Subject, Rule, Part, & Subpart	Date of Action	Type of Action & Link to Document**	Summary of Action	Additional Info/Actions	Additional Links
Predictive Emissions Monitoring Systems & Testing and Monitoring Provisions NSPS 40 CFR Part 60 Subpart Appendix A, B, & F	3/25/09	Final Rule	Promulgate Performance Specification 16 for predictive emissions monitoring systems (PEMS). Performance Specification 16 provides testing requirements for assessing the acceptability of PEMS when they are initially installed. It will apply to any PEMS required in future rules in 40 CFR Parts 60, 61, or 63, and in cases where a source petitions the Administrator and receives approval to use a PEMS in lieu of another emissions monitoring system required under the regulation.	4/23/09 - Correction to final rule	
Predictive Emissions Monitoring Systems & Testing and Monitoring Provisions NESHAP 40 CFR Part 63 Subpart Appendix A	3/25/09	Final Rule	Promulgate Performance Specification 16 for predictive emissions monitoring systems (PEMS). Performance Specification 16 provides testing requirements for assessing the acceptability of PEMS when they are initially installed. It will apply to any PEMS required in future rules in 40 CFR Parts 60, 61, or 63, and in cases where a source petitions the Administrator and receives approval to use a PEMS in lieu of another emissions monitoring system required under the regulation.		
Combustion Turbines NSPS 40 CFR Part 60 Subpart KKKK	3/20/09	Direct Final Rule	Amendments to the sulfur dioxide emission standards for turbines that burn biogas. Without these amendments, owners/operators of new stationary combustion turbines burning biogas containing relatively low amounts of sulfur-containing compounds will be required to install pretreatment facilities to remove the sulfur compounds prior to combustion or to install post combustion controls to lower sulfur dioxide emissions.		
Particulate Matter Standards NAAQS 40 CFR Part 50	3/18/09	Notice for Review	Making available for public review and comment planning documents related to the particulate matter standard. These documents describe EPA's planned approach for developing quantitative analyses as part of the review of the National Ambient Air Quality Standards for particulate matter.		EPA Particulate Matter Website
Production and Consumption Controls Protection of Stratospheric Ozone 40 CFR Part 82 Subpart A	3/10/09	Final Rule	Granting a specific exemption for entities that import spherical pressure vessels containing halon 1301 for aircraft fire extinguishing ("aircraft halon bottles") for purposes of hydrostatic testing. This action does not exempt entities that import bulk quantities of halon-1301 in containers that are being imported for other purposes.		EPA Stratospheric Ozone Website

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Reciprocating Internal Combustion Engines NESHAP 40 CFR Part 63 Subpart ZZZZ	3/5/09	Proposed Rule	Proposing standards to control emissions from existing RICE at area sources, existing RICE that are ≤500 brake hp located at major sources, and existing compression ignition RICE that are > 500 brake hp located at major sources. Additionally, the amendment proposed emission limits during periods of startup or malfunction for all engines regulated in this subpart.	4/14/09 - Extension of public comment period to 6/3/09	NDEQ Air Toxics Notebook Page
Electric Arc Furnaces - Area Sources NESHAP 40 CFR Part 63 Subpart YYYYY	2/26/09	Withdrawal of Direct Final Rule	Withdrawing direct final rule published December 1, 2008 due to adverse comments received.		NDEQ Air Toxics Notebook Page
Regulations and Revisions Requiring Onboard Diagnostic Systems on 2010 and Later Heavy-Duty Engines Mobile Source regulations 40 CFR Part 86, 89, 90, 1027, 1033, 1042, 1048, 1054, 1060, 1065, and 1068	2/24/09	Final Rule	In 2001, EPA finalized the Clean Diesel Trucks and Buses program, which introduced emissions control systems to reduce nitrogen oxide (NOX) emissions. This final rule will require that these advanced emissions control systems be monitored for malfunctions via an onboard diagnostic system (OBD), similar to those systems that have been required on passenger cars since the mid-1990s. This final rule will require manufacturers to install OBD systems that monitor the functioning of emission control components and alert the vehicle operator to any detected need for emission related repair. This final rule will also require that manufacturers make available to the service and repair industry information necessary to perform repair and maintenance service on OBD systems and other emission related engine components. Lastly, this final rule revises certain existing OBD requirements for diesel engines used in heavy-duty vehicles under 14,000 pounds.		EPA Transportation and Air Quality Website
General Provisions & Aluminum, Copper, and Other Nonferrous Foundries NESHAP 40 CFR Part 63 Subpart A & ZZZZZZ	2/9/09	Proposed Rule	Area source Generally Available Control Technology standards for aluminum, copper, and other foundries.		NDEQ Air Toxics Notebook Page

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General Provisions & Electric Utility & Industrial-Commercial-Institutional Steam Generating Units NSPS 40 CFR Part 60 Subpart A & D, Da, Db, & Dc	1/28/09	Final Rule	Amendments to add compliance alternatives of certain affected sources, eliminate the opacity standard for facilities with a particulate matter limit of 0.030 lb/MMBtu or less that choose to voluntarily install and use continuous emission monitors (CEMS) to demonstrate compliance, and to correct technical and editorial errors. Proposed 6/12/08.		
Definition of Volatile Organic Compounds Non-attainment NSR 40 CFR Part 51 Subpart F	1/21/09	Final Rule	This revision adds the compounds propylene carbonate and dimethyl carbonate to the list of compounds which are excluded from the definition of VOC on the basis that these compounds make a negligible contribution to tropospheric ozone formation.		EPA NSR Website
Ozone Standards NAAQS 40 CFR Part 50	1/16/09	Proposed Rule	Proposal addresses the classification system for 8-hour ozone nonattainment areas. Also addresses how 1-hour ozone contingency measures should apply under the anti-backsliding provisions. The proposal removes language relating to the vacated provisions of the rule that provided exemptions from the requirements of nonattainment new source review (NSR) and CAA section 185 penalty fees under the 1-hour standard. The EPA plans to issue a separate proposed rule providing additional guidance as to how these two requirements (185 fees and NSR) now apply. Includes the deletion of an obsolete provision in the 1-hour ozone standard itself.	2/12/09 Extension of public comment to 4/1/09 & hearing on 3/2/09.	EPA Ground Level Ozone Website
Ozone Standard Implementation Non-attainment NSR 40 CFR Part 51 Subpart X	1/16/09	Proposed Rule	Proposal addresses the classification system for 8-hour ozone nonattainment areas. Also addresses how 1-hour ozone contingency measures should apply under the anti-backsliding provisions. The proposal removes language relating to the vacated provisions of the rule that provided exemptions from the requirements of nonattainment new source review (NSR) and CAA section 185 penalty fees under the 1-hour standard. The EPA plans to issue a separate proposed rule providing additional guidance as to how these two requirements (185 fees and NSR) now apply. Includes the deletion of an obsolete provision in the 1-hour ozone standard itself.	2/12/09 Extension of public comment to 4/1/09 & hearing on 3/2/09.	EPA Ground Level Ozone Website

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Allocation of Essential Use Allowances for Calendar Year 2009 Protection of Stratospheric Ozone 40 CFR Part 82 Subpart A	1/16/09	Proposed Rule	Proposing to allocate essential use allowances for import and production of Class I ozone-depleting substances (ODSs) for calendar year 2009. The proposed allocation in this action is 63.0 metric tons (MT) of chlorofluorocarbons for use in metered dose inhalers (MDIs) for 2009.		EPA Stratospheric Ozone Website
Aggregation & Project Netting Non-attainment NSR & PSD 40 CFR Part 51 & 52 Subpart I & A	1/15/09	Final Rule	The EPA is taking final action on one part of the September 14, 2006 Federal Register proposed rule for the New Source Review (NSR) program. This action retains the current rule text for aggregation and interprets that rule text to mean that sources and permitting authorities should combine emissions when activities are "substantially related." It also adopts a rebuttable presumption that activities at a plant can be presumed not to be substantially related if they occur three or more years apart. EPA is taking no action on project netting.	2/13/09 - Notice of reconsideration filed 2/13/09 - delay of effective date until 5/18/09 due to reconsideration 3/18/09 - delay effective date to 11/18/09 5/14/09 - delay effect date to 5/18/10 **Link to Docket	EPA NSR Website
Debottlenecking Non-attainment NSR & PSD 40 CFR Part 51 & 52 Subpart I & A	1/15/09	Final Rule	The EPA is withdrawing the proposed rule for "debottlenecking" published in the Federal Register on September 14, 2006.		EPA NSR Website
Definition of Solid Waste Waste Treatment & Disposal 40 CFR Part 257	1/2/09	Advanced Notice of Proposed Rule Making	Seeking comment on which non-hazardous materials are or are not solid waste under the Resource Conservation and Recovery Act (RCRA). Also seeking comment on a number of specific questions concerning the meaning of "solid waste" under RCRA, as it applies to non-hazardous waste programs. This is to assist the Agency in developing certain standards under sections 112 and 129 of the Clean Air Act (CAA).	Not an Air Action, but related to incinerator and boiler rules	EPA Air Toxics Website - **See CISWI & Boiler Rules