From: Dana Tulis
To: Mathy Stanislaus; Barry Breen; Lisa Feldt
Cc: Larry Stanton; Lynn Beasley
Subject: CERCLA/EPCRA Reporting Requirements One-Pager & Schedule
Date: 11/27/2012 06:16 PM
Attachments: [redacted]

Folks, yesterday we were requested to provide updates to a one-pager on the CERCLA/EPCRA Reporting Requirements proposed rule. Apparently the request was triggered by the proposed rule's current schedule and pending FAR materials distribution on [redacted]. We were also given a heads up to provide a more realistic schedule for the 60 day list by the end of the month. We provided that updated schedule along with the one-pager.

As you are aware, the outcome of the options selection meeting that was held in June 2011 relies on the final emissions estimating methodologies (EEMs) to establish thresholds for reporting releases under EPCRA. The development of those EEMs is lead by OAR using data collected during the National Air Emissions Monitoring Study (NAEMS). Although the data collection phase of NAEMS is complete, the final development of the EEMs has been delayed. At the time the proposed rule schedule was last updated, we expected that the final EEMs would be available by [redacted] and that we would have the proposed rule on the street by the end of [redacted] (final rule promulgated in [redacted]).

Last year, the decision was made to have the draft EEMs reviewed by an EPA Science Advisory Board (SAB) panel. The Panel was convened in early 2012 and they held their first public meeting in March 2012. Currently the Panel is drafting their report that will be submitted to the SAB for review. During the October conference call, the Panel agreed to have draft recommendations finalized for SAB's review and approval by mid-December. Once the SAB has reviewed and approved the report, it will be forwarded to the Administrator. Given the timing of the submittal, the SAB will likely review and discuss the recommendations in [redacted]. At this time OAR cannot commit to a date for the final EEMs. This does significantly continue to delay our proposed and final rules into [redacted].

I have attached -
1) the one-pager that we sent to PARMS yesterday:

[redacted]

2) the revised schedule that is based on final EEMs available in [redacted] (this may be an overly optimistic date):

[redacted]

Just wanted to give you all a heads up. We can of course discuss further. Thank you.

Dana S. Tulis
Deputy Office Director
Office of Emergency Management
Environmental Protection Agency
202-564-8600