Agency Action

Reclassification of Major Sources as Area Sources Under Section 112 of the CAA

OAR/OAQPS/SPPD/PSG | **SAN:** 4908
Tier 3 Regulation | **RIN:** 2060-AM75
OMB: Supplemental NPRM - Significant (confirmed)

Action Information

TRACKER Status: Development
Working Title: NESHAP Amendment: General Provisions for Once In Always In
Full Title: Reclassification of Major Sources as Area Sources Under Section 112 of the CAA
Commencement: -
Tiering: Approved - 10/1/2004
Reg Reporting: On Current Agenda

Action POCs

Primary POC: Elineth Torres (OAR/OAQPS/SPPD/PSG): 919-541-4347
Secondary POC: Debra Dalcher (OAR/OAQPS): 919-541-2443
Public POC:

Instructions: The Primary POC is typically the workgroup chair or leader for the action. The Secondary POC is his/her back-up. Define a Public POC above if you want someone other than the Primary and/or Secondary POC to answer questions from the public (e.g., for some OCSPP actions, the TSCA Hotline will be entered as the Public POC).

Internal Abstract

Instructions: This Internal Abstract will not be shared outside of the agency.

These amendments would address changes to the EPA's policy on when a major source can become an area source, and, thus, become not subject to national emission standards for hazardous air pollutants (NESHAP) for major sources under Clean Air Act section 112. The Agency received numerous comments regarding this policy in the two public solicitations for comment on regulatory reform held by the EPA and the Department of Commerce, and intends to address it in the near future, either through a new action or a continuation of this action.

External Abstract

Instructions: This External Abstract, used for public consumption, will be available on both the Action form and the associated Reg Reporting form.

These amendments would address changes to the EPA's policy on when a major source can become an area source, and, thus, become not subject to national emission standards for hazardous air pollutants (NESHAP) for major sources under Clean Air Act section 112. The Agency received numerous comments regarding this policy in the two public solicitations for comment on regulatory reform held by the EPA and the Department of Commerce, and intends to address it in the near future, either through a new action or a continuation of this action.

Stages & Milestones

Deadlines:

None

Stages:

Instructions: Stages vary by the type of action you are working on, and are too voluminous to list here. Work with your AAship's Regulatory Steering Committee (RSC) member (who is listed on the ADP Library site: [HYPERLINK "http://intranet.epa.gov/adplibrary/"]) to determine what Stages to include.

Current answer: NPRM, NPRM Extension, Notice, Supplemental NPRM

All Milestones:

Instructions: Milestones vary by the type of action you are working on and the Tier level of your action; they are too voluminous to list here. Work with your AAship's Regulatory Steering Committee (RSC) member (who is listed on the ADP Library site: [HYPERLINK "http://intranet.epa.gov/adplibrary/"]) to determine what Milestones to include.

Current answer:

11/21/2006 - NPRM - OMB Review (Actual Program to Policy)
12/15/2006 - NPRM - OMB Review (Actual Policy to OMB)
12/15/2006 - NPRM - OMB Review (Actual Received by OMB)
12/20/2006 - NPRM - OMB Review (Actual OMB Review Completed)
12/21/2006 - NPRM - FR Publication (Actual Received by FR Analysts)
01/03/2007 - NPRM - FR Publication (Actual FR Publication)
12/21/2006 - NPRM - Signature (Actual Signature Date)
02/28/2007 - NPRM Extension - Signature (Actual Signature Date)
03/02/2007 - NPRM Extension - FR Publication (Actual Received by FR Analysts)
03/05/2007 - NPRM Extension - FR Publication (Actual FR Publication)
01/25/2018 - Notice (Issuance of Guidance Memorandum) - Signature (Actual Signature Date)
01/29/2018 - Notice (Issuance of Guidance Memorandum) - FR Publication (Actual Received by FR Analysts)
02/01/2018 - Notice (Issuance of Guidance Memorandum) - FR Publication (Actual FR Analysts to FR)
02/08/2018 - Notice (Issuance of Guidance Memorandum) - FR Publication (Actual FR Publication)
06/05/2018 - Supplemental NPRM - OMB Determination (Actual OMB Determination Received)
11/21/2018 - Supplemental NPRM - OMB Review (Planned Program to Policy)
12/07/2018 - Supplemental NPRM - OMB Review (Planned Policy to OMB)
12/07/2018 - Supplemental NPRM - OMB Review (Planned Received by OMB)
02/06/2019 - Supplemental NPRM - OMB Review (Planned OMB Review Completed)
02/15/2019 - Supplemental NPRM - Signature (Planned Signature Date)
02/19/2019 - Supplemental NPRM - FR Publication (Planned Received by FR Analysts)
02/21/2019 - Supplemental NPRM - FR Publication (Planned FR Analysts to FR)
02/28/2019 - Supplemental NPRM - FR Publication (Planned FR Publication)
02/28/2019 - Supplemental NPRM - Comment Period (Planned Comment Period Open)
04/28/2019 - Supplemental NPRM - Comment Period (Planned Comment Period Closed)

Workgroup

Workgroup Name: NESHAP Amendment: General Provisions for Once In Always In Workgroup
Participating Offices: OAR, OECA, OGC, OP, R04, R07

Issues, Impacts, and Development

Science Issues:

Question 1: Please identify if there are any science issues associated with this action (e.g., risk assessment, benefits analysis or technology assessment).
Instructions: Answer Yes, No or Undetermined.

Current answer: No
Question 2: If yes, describe the science issue(s).

Current answer:

Peer Review:

Question: Will this action or supporting documentation go through Peer Review?
Instructions: Answer Yes, No or Undetermined. If yes, it must be entered in the Science Inventory Database.

Current answer:

Major Issues and Cross-Media Concerns:

Question: Please identify anticipated and/or probable major issues, including pollution prevention alternatives and cross-media issues.

Current answer:

Human Health:

Question: Will this action address/concern human health impacts?
Instructions: Answer Yes, No or Undetermined. If Yes, provide an explanation.
Current Answer: Undetermined

Children's Health:

Question: Is this action likely to address an adverse impact on childhood lifestages including prenatal (via exposure to women of childbearing age)? (Reg DaRRT)
Instructions: Answer Yes, No or Undetermined. If Yes, indicate if the likely impact is related to Exposure and/or Toxicity, and provide an explanation.
Current Answer: Undetermined

Environmental Justice:

Question 1: Does this action involve a topic that is likely to be of particular interest to or have particular impact upon minority, low-income or indigenous populations, or tribes? (Reg DaRRT)

Instructions: Answer Yes, No or Undetermined. If yes, select from options below and provide an explanation. Selecting No means that this action is not likely to be of particular interest to these populations or tribes. Selecting Undetermined means that, given the information available at this time, the Agency does not know if these populations or tribes will be particularly interested in this action.

Current Answer: Undetermined

Question 2: If you answered Yes to the previous question, place an "X" to the left of at least one:

	The action is likely to impact the health of these populations.
	The action is likely to impact the environmental conditions of these populations.
	The action is likely to present an opportunity to address an existing disproportionate impact on these populations.
	The action is likely to result in the collection of information or data that could be used to assess potential impacts on the health or environmental conditions of these populations or tribes.
	The action is likely to affect the availability of information to these populations or tribes.
	Other reasons. Explain.

Current Answer:

Comments:

Levels of Government Affected:

Question 1: Are any levels of government affected? (Reg DaRRT)
Instructions: Answer Yes, No or Undetermined. If Yes, answer the next question.
Current Answer:Undetermined

Question 2: Levels Affected
Instructions: Place an "X" to the left of at least one.

	Federal
	State
	Local
	Tribal
	Small

Current Answer:

Question 3: Describe the type of effects.
Instructions: Place an "X" in at least one of the columns for each affected government level.

	Likely to be involved in implementation	Likely to be regulated
Federal		
State		
Local		
Tribal		
Small		

Current answer:

	Likely to be involved in implementation	Likely to be regulated
Federal		
State		
Local		
Tribal		
Small		

Note: Deliberative...Not Agency Policy...Do Not Quote, Cite or Distribute