



FEDERAL REGULATORY ACTIONS

IMPACTING

ONSHORE DRILLING

*Prepared by: Joe Hurt & Paul Breaux
23 July 2012*

Copyright 2012, IADC

ABBREVIATIONS AND ACRONYMS

ACOE/ACE	Army Corps of Engineers	ISO	International Organization for Standardization
AESC	Association of Energy Servicing Companies	HDE	Heavy Duty Engine
AIS	Automatic Identification System	LAER	Lowest Achievable Emission Rate
ALJ	Administrative Law Judge	MACT	Maximum Achievable Control Technology
APCD	Air Pollution Control District	MRO	Medical Review Officer
ANPRM	Advance Notice of Proposed Rulemaking	MPA	Marine Protected Area
API	American Petroleum Institute	MSHA	Mine Safety and Health Administration
BACT	Best Available Control Technology	NAAQS	National Ambient Air Quality Standards
BCT	Best Conventional Pollutant Control Technology	NMFS	National Marine Fisheries Service
BMP	Best Management Practices	NWA	National Wildlife Area
BPT	Best Practicable Control Technology Currently Available	NEPA	National Environmental Policy Act of 1969
BSEE	Bureau of Safety and Environmental Enforcement	NESHAPs	National Emissions Standard for Hazardous Air Pollutants
CAA	Clean Air Act	NIOSH	National Institute for Occupational Safety and Health
CARB	California Air Resources Board	NMVOC	Non-Methane Volatile Organic Compound
CBP	U. S. Customs and Border Protection (DHS)	NORA	National Occupational Research Agenda
CDL	Commercial Driver's License	NOx	Nitrogen Oxides
CEQ	Council on Environmental Quality	NPRM	Notice of Proposed Rulemaking
CFCs	Chlorofluorocarbons	NSPS	New Source Performance Standards
CFR	Code of Federal Regulations	NSR	New Source Review
COA	Corresponding Onshore Area	NTSB	National Transportation Safety Board
CSB	Chemical Safety Board	ONRR	Office of Natural Resources Revenue
CWA	Clean Water Act	OPA-90	Oil Pollution Act of 1990
CZMA	Coastal Zone Management Act	OSHA	Occupational Safety and Health Administration
DEIS	Draft Environmental Impact Statement	OTR	Office of the U.S. Trade Representative
DHS	Department of Homeland Security	PEL	Permissible Exposure Limit
DOE	Department of Energy	PHMSA	Pipeline and Hazardous Materials Safety Administration
DOL	Department of Labor	P.L.	Public Law
DOT	Department of Transportation	PM	Particulate Matter
EIS	Environmental Impact Statement	ppm	Parts per million
EO	Executive Order	PSD	Prevention of Significant Deterioration
EPA	Environmental Protection Agency	RCC	Rescue Coordination Center
EPCRA	Emergency Planning and Community Right-to-Know Act	RFA	Regulatory Flexibility Act
FAA	Federal Aviation Administration	RIA	Regulatory Impact Analysis
FCC	Federal Communications Commission	RIN	Regulation Identifier Number
FDA	Food and Drug Administration	RQ	Reportable Quantity
FEMA	Federal Emergency Management Agency	RSPA	Research and Special Programs Administration (DOT) – now PHMSA
FLSA	Fair Labor Standards Act	SAMHSA	Substance Abuse and Mental Health Services Administration
FR	<i>The Federal Register</i>	SBF	Synthetic-Based Drilling Fluid
FRA	Federal Railroad Administration	SBREFA	Small Business Regulatory Enforcement Fairness Act
FPSO	Floating Production Storage and Offloading Unit	SIP	State Implementation Plan
FMCSA	Federal Motor Carrier Safety Administration	SNPRM	Supplemental Notice of Proposed Rulemaking
FTA	Federal Transit Administration	SOx	Sulfur Oxides
FWPCA	Fresh Water Pollution Control Act	SSI	Sensitive Security Information
HAPs	Hazardous Air Pollutants	TRI	Toxics Release Inventory
HCFCs	Hydrochlorofluorocarbons	TSA	Transportation Security Administration
HHS	Department of Health and Human Services	TWIC	Transportation Worker Identification Credential
HME	Hazardous Materials Endorsement (to a CDL)	U.S.C.	The United States Code
HMR	Hazardous Materials Regulations	USCIS	U.S. Citizenship and Immigration Services
IADC	International Association of Drilling Contractors	VOC	Volatile Organic Compound
ICAO	International Civil Aviation Organization		
ICE	U. S. Immigration and Customs Enforcement		
ILO	International Labor Office		
IPAA	Independent Petroleum Association of America		

Table of Contents

<u>Agency</u>	<u>Page</u>
Department of Justice	2
Drug Enforcement Administration (DEA)	2
Department of Labor (DOL)	2
Occupational Safety and Health Administration (OSHA)	2
Department of Transportation (DOT)	3
Office of the Secretary	3
Federal Motor Carrier Safety Administration (FMCSA)	3
Pipeline and Hazardous Materials Safety (PHMSA)	7
Environmental Protection Agency (EPA)	7
Resource Conservation and Recovery Act (RCRA)	7
Clean Air Act (CAA)	8

U.S. Federal Regulatory Actions Impacting Onshore Drilling Contractors

This document reflects regulatory actions announced in the *Federal Register* or other sources through 30 June 2012. The dates given for anticipated regulatory actions are based on information in the most recent Semi-Annual Unified Agenda, or information obtained through contact with the agency.

Every effort has been made to assure the accuracy and reliability of the information presented in this publication. However, the author and IADC make no representation, warranty, or guarantee in connection with this publication and hereby expressly disclaim any liability or responsibility for loss or damage resulting from its use or for the violation of any regulation that this publication may mention or with which this publication may conflict.

Access to copies of the *Federal Register* from 2 January 1994 onward is available from the Federal Register [Main Page](#). Hyperlinks to referenced regulatory and other documents are provided where they are known.

The public may identify rulemaking proposals that are open for public comment, and may submit comments on those rulemaking proposals via the "[Regulations.gov](#)" website.

To report errors in this document, provide comments, or for further information, please contact [Alan Spackman](#) or [John Pertgen](#).

“ ● ” **This symbol denotes information added or significantly modified since the previous edition.**

Entries in red indicate regulations entering into force which may require immediate action on the part of drilling contractors to assure compliance.

Department of Justice / Drug Enforcement Administration (DEA)

Inclusion of Non-Serious Offense Identification Records (FBI-111P). (RIN 1110-AA25; 28 CFR 20) On 5 September 2006 ([71 FR 52302](#)) published a **NPRM** to amend the FBI regulations defining offenses that may serve as the basis for maintaining fingerprints and criminal history record information (CHRI) in its criminal history record information systems. The revised regulation will permit the retention and exchange of fingerprints and CHRI relating to non-serious offenses (NSOs) when provided by the submitting jurisdiction for retention by the FBI. Such NSO information is currently maintained only at the State and local levels. The change allows for the more uniform collection of CHRI at the Federal level. The most recent Unified Agenda indicated that a **final action was planned for April 2012.**

Department of Labor (DOL) / Occupational Safety and Health Administration (OSHA)

Updating OSHA Standards Based on National Consensus Standards - Personal Protection Equipment. (OSHA-2011-0184) (RIN 1218-AC65; 29 CFR 1910, 1915, 1917, 1918 and 1926) On 22 June 2012 OSHA issued a **Direct Final Rule** ([77 FR 37587](#)) and a **NPRM** ([77 FR 37617](#)) regarding head protection. The final rule revises the PPE sections of the general industry, shipyard employment, long-shoring and marine terminals standards regarding the head protection requirements. OSHA is also including the construction industry in this rulemaking to ensure consistency. Effective date of direct final rule: 20 September 2012. **NPRM comment due date: 23 July 2012.**

Occupational Injury and Illness Recording and Reporting Requirements- NAICS Update and Reporting Revisions. (OSHA-2010-0019). (RIN 1218-AC50; 29 CFR 1904) On 22 June 2011 ([76 FR 36414](#)) OSHA issued a **Proposed Rule**, which proposes to update its Injury and Illness Recording and Reporting regulation. On 28 September 2011 ([76 FR 59952](#)) OSHA reopened the comment period on this proposed rulemaking due to a request from the National Automobile Dealers Association. New Comment due date: 30 October 2011. The most recent Unified Agenda indicated that comments **should be analyzed by May 2012.**

NOTE: [On 12 September IADC submitted [comments](#) regarding this proposed policy change]

Occupational Injury Illness Recording and Reporting Requirements. (OSHA-2009-0044) (RIN 1218-AC45; 29 CFR 1904) On 29 January 2010 ([75 FR 4728](#)) OSHA issued a **Proposed Rule** (with an announcement of public meeting) to revise its Occupational Injury and Illness Recording and Reporting (Recordkeeping) regulation to restore the column to the OSHA 300 Log that employers would use to record work-related musculoskeletal disorders (MSD). On 17 May 2011 ([76 FR 28383](#)) OSHA issued a Notice of limited reopening of rulemaking record. OSHA, after numerous small business teleconferences, decided to reopen the comments period to allow, in particular, small businesses on the information issues raised during the teleconferences, which included their experiences recording work-related MSDs and how they believe that they would be impacted by OSHA's revised recordkeeping with regards to restoring a column on the OSHA 300 log if the case is an MSD. Comment due date: 16 June 2011. The most recent Unified Agenda indicated that the **next action is "to be determined."**

Hazard Communication (OSHA-H022K-2006-0062). (RIN 1218-AC20; 29 CFR 1910, 1915 and 1926) OSHA's Hazard Communication Standard (HCS) requires chemical manufacturers and importers to evaluate the hazards of the chemicals they produce or import, and prepare labels and material safety data sheets (MSDS) to convey the hazards and associated protective measures to users of the chemicals. On 26 March 2012 ([77 FR 17574](#)) OSHA issued a **Final Rule**, which modifies its Hazard Communication Standard (HCS) to the United Nations' Globally Harmonized Systems of Classification and Labeling of Chemicals (GHS). **Effective date: 25 May 2012**

Standards Improvement (OSHA-2006-0049 / S-778B). (RIN 1218-AC19; 29 CFR 1910 and 1926) OSHA is continuing its efforts to remove or revise duplicative, unnecessary, and inconsistent safety and health standards under Standards Improvement Project (SIPS) Phase I published on 18 June 1998 ([63 FR 33450](#)) and Phase II published on 5 January 2005 ([70 FR 1111](#)). On 8 June 2011 ([76 FR 33590](#)) OSHA has issued a **Final Rule**, which mainly removed and revised individual requirements within the rules that are confusing, outdated, duplicative, or inconsistent. OSHA had identified several requirements (*e.g.*, rigging, NIOSH records, and training certificates) for improvement based on their review of its standards, suggestions and comments from the public, or recommendations from OMB. **Effective date: 8 July 2011**

Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips and Fall Protection) (OSHA-2007-0072; No. S-029) (RIN: 1218-AB80; 29 CFR 1910) On 10 April 1990 (55 FR 13360), OSHA proposed a rule addressing slip, trip, and fall hazards and establishing requirements for personal fall protection systems. On 24 May 2010 ([75 FR 28862](#)) OSHA issued a second **NPRM**, which proposes to revise the walking-working surfaces standards and the PPE standards in the regulations. OSHA believes that the proper use of fall protection systems can protect employees from injury and death due to falls at different elevations. The most recent Unified Agenda indicated that a **final action is planned for October 2012.**

Electric Power Transmission and Distribution, Electrical Protective Equipment (OSHA-S215-2006-0063) (RIN 1218-AB67; 29 CFR 1910 and 1926) On 15 June 2005 ([70 FR 34821](#)) issued a **NPRM** proposing to update the standard for the construction of electric power transmission and distribution installations and make it consistent with the more recently promulgated general industry standard addressing the maintenance and repair of electric power generation, transmission, and distribution lines and equipment. On 14 September 2009 ([74 FR 46958](#)) OSHA had a second re-opening of the record. Comment due date: 15 October 2009. The most recent Unified Agenda indicated that OSHA was **planning a final rule for May 2012.**

Department of Transportation (DOT) / Office of the Secretary

Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Federal Drug Testing Custody and Control Form; Technical Amendment (DOT-OST-2010-0161). (RIN 2105-AE03/AE13; 49 CFR 40) On 27 September 2010 ([75 FR 59105](#)) the DOT issued an **Interim Final Rule.** In order to accommodate use of the new form issued by DHHS for Drug Testing Custody and Control, the DOT is making a few necessary changes in order for collectors, laboratories, and Medical Review Officers to know how to use the form. On 27 September 2011 ([76 FR 59574](#)) DOT issued a **Final Rule** (with technical amendments), which authorized the new Custody and Control Form (CCF) form and made some technical amendments. **Effective date: 27 September 2011**

Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes (DHS-2006-0030) (RIN 1601-AA63 (previously AA37); 6 CFR 37) On 9 March 2007 a NPRM ([72 FR 10820](#)) was issued by DHS, which is proposing to establish minimum standards for State-issued driver's licenses and identification cards that Federal agencies would accept for official purposes after 11 May 2008, in accordance with the REAL ID Act of 2005. The most recent Unified Agenda indicated that on 31 December 2011 DHS indicated that this rulemaking was **withdrawn.**

DOT / Federal Motor Carrier Safety Administration (FMCSA)

Hours of Service of Drivers of Commercial Motor Vehicles; Regulatory Guidance for Oilfield Exception (FMCSA-2012-0183) (RIN not listed; 49 CFR 395) On 5 June 2012 ([77 FR 33098](#)) FMCSA issued a Notice of regulatory guidance with a request for comments. This notice announces revisions of the regulatory guidance to clarify the applicability of the "Oilfield Operations" exceptions in 49 CFR 395.1(d) to the "Hours of Service of Drivers" regulations, and requests comments on the revision. Effective date: 5 June 2012. **Comment due date: 6 August 2012**

Amendment to Agency Rules of Practice (FMCSA-2011-0259) (RIN 2126-AB38; 49 CFR 386) On 13 December 2011 ([76 FR 77458](#)) FMCSA issued a **NPRM**, which proposes to amend its rules of practice in three aspects. They are:

- Clarify that paying the full proposed civil penalty in an enforcement proceedings, either in response to a Notice of Claim (NOC) or later in the proceeding, would not allow respondents to unilaterally avoid an admission of liability for the violations charged;
- Agency proposes to establish procedures for issuing out-of-service orders to motor carriers, intermodal equipment providers, brokers, and freight forwarders it determines are reincarnations of other entities with a history of failings to comply with statutory or regulatory requirements. The procedures would provide for an administrative review before the out-of-service order takes effect; and

- Agency proposes procedures for consolidating Agency records of reincarnated companies with their predecessor entities.

Comment due date: 12 January 2012

Commercial Driver’s License Drug and Alcohol Clearinghouse. (RIN 2126-AB18; 49 CFR 382) This rulemaking would create a central database for verified positive controlled substances and alcohol test results for commercial driver’s license (CDL) holders and refusals by such drivers to submit to testing. The most recent Unified Agenda indicated that a **NPRM was planned for June 2012.**

Harmonizing Schedule I Drug Requirements (FMCSA-2011-0073) (RIN 2126-AB35; 49 CFR 382 and 391) On 8 July 2011 FMCSA (76 FR 40306) issued a **NRPM**, which proposes to amend the physical qualifications for drivers and the instructions for the medical examination report to clarify that drivers may not use Schedule I drugs and be qualified to drive commercial motor vehicles. On 30 January 2012 (77 FR 4479) the FMCSA issued a **Final Rule**, which confirms that drivers with CDLs cannot use Schedule I drugs and the rule also harmonizes FMCSA’s provisions regarding pre-employment and return-to-duty test refusals with corresponding DOT-wide provisions. It also corrects the inaccurate uses of the term “actual knowledge.” **Effective date: 29 February 2012**

NOTE: 22 February 2012 (77 FR 10391) FMCSA issued a correction to the final rule, which corrected some printing errors to the Form 649-F Medical Examinations Report for Commercial Driver Fitness Determination. **Effective date: 22 February 2012**

Commercial Driver’s License Information System State Procedures Manual, Release 5.2.0 (FMCSA-2011-0039) (RIN 2126-AB33; 49 CFR 384) On 6 April 2011 FMCSA issued an **NPRM** with a request for comments ([76 FR 19023](#)). FMCSA proposes to amend the regulations to incorporate by reference the most recent version of the American Association of Motor Vehicle Administrator, Inc.’s (AAMVA) Commercial Driver’s License Information System (CDLIS) State Procedures Manual. On 4 November 2011 ([76 FR 68328](#)) FMCSA issued a **Final Rule**, which is intended to ensure uniform application of CDLIS procedures among States. **Effective date: 5 December 2011**

Electronic On-Board Recorders and Hours of Service Supporting Documents (FMCSA-2010-0167) (RIN 2126-AB20; 49 CFR 385, 390, and 395) On 1 February 2011 ([76 FR 5537](#)) FMCSA issued a **NPRM**, which proposes to amend the regulations to require certain motor carriers operating commercial motor vehicles in interstate commerce to use electronic on-board recorders (EOBRs) to document their drivers’ hours of service (HOS). On 13 February 2012 ([77 FR 7562](#)) FMCSA issued a Notice of Intent, which indicates that they plan to move forward on this rulemaking by publishing a **SNPRM**.

Hours of Service of Drivers (FMCSA-2004-19608) (RIN 2126-AB26; 49 CFR 385, 386, 390, and 395) On 29 December 2010 ([75 FR 82170](#)) FMCSA issued a **NPRM**, which proposes to revise the regulations for hours of service for drivers of property-carrying commercial motor vehicles (CMV). On 27 December 2011 ([76 FR 81134](#)) FMCSA issued a **Final Rule**, which revises the HOS to limit the use of the 34-hour restart provision to once every 168 hours and to require that anyone using the 34-hour restart provision have as part of the restart two periods that include 1 a.m. to 5 a.m. It also includes a provision that allows truckers to drive if they have had a break of at least 30 minutes, at a time of their choosing, sometime within the previous 8 hours. The current 11-hour driving limit remains unchanged, as does the 60- and 70- hour limits. The purpose of the rule is to limit the ability of drivers to work the max number of hours currently allowed, or close to the max, on a continuing basis to reduce the possibility of driver fatigue. Long daily and weekly hours are associated with an increased risk of crashes and with the chronic health conditions associated with lack of sleep. **Effective date: 27 February 2012**

Drivers of CMVs: Restricting the Use of Cellular Phones. (FMCSA-2010-0096) (RIN 2126-AB29; 49 CFR 383, 384, 390, 391, and 392) On 21 December 2010 ([75 FR 80014](#)) FMCSA issued a **NPRM**, which proposes to restrict the use of hand-held mobile telephones, including hand-held cell phones, by drivers of commercial motor vehicles (CMVs) while operating in interstate commerce. On 2 December 2011 ([76 FR 75470](#)) FMCSA issued a **Final Rule**, which restricts the use of hand-held mobile telephones by drivers of commercial vehicles. **Effective date: 3 January 2012**

National Registry of Certified Medical Examiners (FMCSA-2008-0363) (RIN 2126-AA97; 49 CFR 390 and 391) On 1 December 2008 ([73 FR 73129](#)) FMCSA issued a NPRM, which proposes to establish and maintain a National Registry of Certified Medical Examiners (NRCME) and to require that all medical examiners, who conduct medical examinations for interstate commercial motor vehicle drivers, complete certain training concerning FMCSA physical qualification standards, pass a test to verify understanding of those standards, and maintain competence by periodic training and testing. On 20 April 2012 ([77 FR 24104](#)) FMCSA issued a **Final Rule**, which established the National Registry of Certified Medical Examiners with the requirements that all medical examiners, who conduct physical examinations for interstate commercial motor vehicle (CMV) drivers, meet designated criteria to be placed on the registry. After the transition period, wherein the medical providers are required to be trained and tested, the National Registry will only accept, as valid, medical examiner certificates issued by a medical examiner that is listed on the National Registry. Effective date: 21 May 2012. **Compliance date: 21 May 2014**

Medical Certification Requirements as Part of the CDL (FMCSA-1997-2210) (RIN 2126-AA10; 49 CFR 383, 384, 390 and 391) On 1 December 2008 ([73 FR 73096](#)) FMCSA issued a **Final Rule**, which amends the regulations to require interstate commercial driver's license (CDL) holders, subject to the physical qualification requirements to provide a current original or copy of their medical examiner's certificates to their State Driver Licensing Authority (SDLA). The agency also requires the SDLA to record on the Commercial Driver's License Information System driver record the self-certification that the driver made regarding the applicability of the Federal driver qualification rules and the medical certification status information specified in the final rule. Effective date: 30 January 2009. **Compliance date: 30 January 2012**

Medical Certification Requirements as Part of the Commercial Driver's License (CDL); Extension of Certificate Retention Requirements (FMCSA-1997-2210) (RIN 2126-AB39; 49 CFR 391) On 16 November 2011 ([76 FR 70661](#)) FMCSA issued a **Final Rule**, which amends its regulations to keep them into effect until 30 January 2014, for an interstate driver to retain on their person a copy of their medical certificate. **Effective date: 15 December 2011**

Limitations on the Issuance of Commercial Driver's Licenses with a Hazardous Materials Endorsement (FMCSA-2001-1117) (RIN 2126-AA70; 49 CFR 383) On 29 April 2005 ([70 FR 22268](#)) FMCSA issued an **Interim Final Rule**, effective when issued, that amends the Federal Motor Carrier Safety Regulations to cross-reference the TSA's compliance date as the date when FMCSA companion requirements also become applicable. Consistent with TSA regulations, FMCSA also reduced the amount of advance notice that States must provide to drivers that a security threat assessment will be performed when they renew a hazardous materials endorsement. The most recent Unified Agenda indicated that the **next action is "to be determined."**

Unified Registration System (FMCSA-97-2349) (RIN 2126-AA22; 49 CFR 360, 365, 366, 368, 387 and 390) On 26 October 2011 ([76 FR 66506](#)) FMCSA issued a **SNPRM**, which responds to comments to the 2005 Unified Registration System (URS) NRPM, incorporates new proposals implementing requirements imposed by final rules published after the 2005 URS NPRM, and includes new proposals to implement certain provisions of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act. The FMCSA believes the proposed URS would improve the registration process for motor carriers, property brokers, freight forwarders and other entities that register with FMCSA. Comment due date: 27 December 2011. The most recent Unified Agenda indicated that FMCSA planned to **publish their analyzed comments in February 2012.**

DOT / Pipeline and Hazardous Materials Safety Administration (PHMSA)

Hazardous Materials; Miscellaneous Amendments Pertaining to DOT Specification Cylinders (RRR) (PHMSA-2011-0140) (RIN 2137-AE80; 49 CFR 171, 172, 173, 178 and 180) On 29 May 2012 ([77 FR 31551](#)) PHMSA issued an **ANPRM**, which states that they are considering amendments to the Hazardous Materials Regulations to revise certain requirements applicable to the manufacture, use and requalification of DOT specification cylinders. Comment due date: 27 August 2012

Vehicles in Intrastate Commerce (PHMSA-2010-0227) (RIN 2137-AE65; 49 CFR 177) On 2 December 2011 ([76 FR 75470](#)) PHMSA issued a **Final Rule**, which restricts the use of hand-held mobile telephones by drivers of commercial vehicles. **Effective date: 3 January 2012**

Hazardous Materials Regulations: Combustible Liquids (PHMSA-2009-0241). (RIN 2137-AE52; 49 CFR 172, 173, and 176) On 5 April 2010 ([75 FR 17111](#)) PHMSA issued an **ANPRM**, which states that PHMSA is considering amendments to the Hazardous Materials Regulations as they apply to the transportation of combustible liquids. On 30 May 2012 ([77 FR 31815](#)) PHMSA has **withdrawn** the ANPRM.

Environmental Protection Agency (EPA)

Note: EPA initiatives are, where appropriate, categorized and listed in association with the source of the legislative authority for the regulatory action, e.g., Clean Air Act. EPA rulemaking dockets can be accessed at the "[regulations.gov](#)" website.

Environmental Justice Plan (RIN not listed; CFR not listed) On or about December 2011 IADC became aware that the EPA, based on their [Environmental Justice Plan](#), may bring changes to environmental rulemaking, permitting and enforcement. The term "environmental justice" or EJ, broadly encompasses the principle that low-income or minority communities should not be disproportionately burdened by federal environmental regulatory programs. Why does this matter to the private sector? It is because the federal government is increasingly adding EJ policies to its regulatory, permitting and enforcement programs. If you need permits, comply with regulations or face enforcement actions, you will be running head first into these new EJ policies.

EPA – Resource Conservation and Recovery Act (RCRA)

Hazardous Waste Management System: Modification of the Hazardous Waste Manifest System. (EPA-HQ-RCRA-2001-0032) (RIN 2050-AG20; 40 CFR 260 thru 265, and 271) On 26 February 2008 ([73 FR 10204](#)) the EPA published a notice of availability and request for comments regarding the

electronic manifest (e-Manifest) project. This project is to develop a centralized web-based information technology system for electronic manifests. Comment due date: 11 April 2008. The most recent Unified Agenda indicated that a **final action is “to be determined.”**

Modifications to RCRA Rules Associated with Solvent-Contaminated Shop Towels and Wipes (SAN 4091). (RIN 2050–AE51; 40 CFR 261) A proposed rule was originally scheduled for November 2002. On 20 November 2003 ([68 FR 65586](#)), EPA issued a **NPRM** proposing: to conditionally exclude from the definition of hazardous waste disposable industrial wipes that are contaminated with hazardous solvents and are going to disposal and to conditionally exclude from the definition of solid waste reusable industrial shop towels and rags that are contaminated with hazardous solvents and are sent for laundering or dry cleaning. On 15 December 2009 ([74 FR 66259](#)) the EPA is extending the comment period for 60 days. Comment due date: 26 February 2010. The most recent Unified Agenda indicated that a **final action was planned for June 2012.**

EPA – Clean Air Act (CAA)

2011 Technical Corrections, Clarifying and Other Amendments to Certain Provisions of the Mandatory Reporting of Greenhouse Gases Rule (EPA-HQ-OAR-2011-0147) (RIN 2060-AQ85; 40 CFR 98) On 4 August 2011 the EPA issued a proposed rule ([76 FR 47392](#)) to amend specific provisions in the Mandatory Reporting of Greenhouse Gases Rule to correct certain technical and editorial error that have been identified since promulgation. On 29 November 2011 ([76 FR 73886](#)) the EPA issued a **Final Rule**, which reflect the changes in the proposed rule. **Effective date: 29 December 2011**

Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances- Fire Protection. (RIN 2060-AQ84; 40 CFR 82) The planned final direct rulemaking, which is expected to be out in August 2011, would list as acceptable (subject to use restrictions) a substitute for ozone-depleting substances in the fire suppression and explosion protection sector under EPA’s Significant New Alternatives Policy (SNAP) Program. No FR entry has been published to date. The most recent Unified Agenda indicated that a **NPRM was planned for January 2012.**

Mandatory Reporting of Greenhouse Gases; Petroleum and Natural Gas Systems (OAR-2011-0417 [previously OAR-2009-0923]) (RIN 2060-AP99; 40 CFR 98) On 12 April 2010 ([75 FR 18608](#)) the EPA issued a proposed rule to require reporting of GHG emissions from petroleum and natural gas systems. On 27 September 2011 ([76 FR 59533](#)) the EPA issued a **Final Rule**, which extended the time period during which owners and operators of facilities would be permitted to use best available monitoring methods in 2011, without submitting a request to the Administrator for approval. They have also expanded the list of types of emissions sources that are not required to submit a request. Lastly, they extended the deadline for requests to use best available monitoring methods beyond 2011.

Implementing Periodic Monitoring in Federal and State Operating Permit Programs (SAN 4699.2) (RIN 2060-AN00; 40 CFR 70 and 71) This rule would revise the Compliance Assurance Monitoring rule (40 CFR 64) to be implemented through the operating permits rule (40 CFR part 70) to define when periodic monitoring must be created, and to include specific criteria that periodic monitoring must meet. The Spring 2011 Unified Agenda indicated that a **NPRM was planned for December 2011** and the most recent Unified Agenda did not address this issue.

Protection of Stratospheric Ozone; Refrigerant Recycling; Modifications to the Technician Certification Requirements under Section 608 of the Clean Air Act (SAN 4901) (RIN: 2060-AM55; 40 CFR 82) This rule would amend the Standards for Becoming a Certifying Program for Technicians to clarify the scope of the technician certification requirements and to provide a limited exemption from

certification requirements for apprentices. The most recent Unified Agenda indicated that a **NPRM is “to be determined.”**

Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for use with Substitute Refrigerants (SAN 4916). (RIN: 2060-AM49; 40 CFR 82) This rule would amend the rule on refrigerant recycling equipment intended for use with Substitute Refrigerants. The most recent Unified Agenda indicated that a **NPRM is “to be determined.”**

National Emission Standards for Hazardous Air Pollutants: General Provisions (OAR-2004-0094). (RIN 2060-AM75; 40 CFR 63) On 3 January 2007 ([72 FR 69](#)) EPA issued a proposed rule with amendments to the General Provisions to the NESHAP. The Spring 2011 Unified Agenda indicated that a **final action is “to be determined”** and the most recent Unified Agenda did not address this rulemaking.

Review of National Ambient Air Quality Standards for Carbon Monoxide (SAN 4266) (OAR-2008-0015) (RIN 2060-AI43; 40 CFR 50) The CAA mandates review of the NAAQS for Carbon Monoxide (CO) every 5 years. On 31 August 2011 ([76 FR 54294](#)) the EPA issued a **Final Rule**, wherein they concluded that the current primary standards are requisite to protect public health with an adequate margin of safety, and is retaining those standards. The EPA further concluded that no secondary standard should be set for CO at this time. In this final rulemaking, the EPA is also making changes to the ambient air monitoring requirements for CO, including those related to network design, and is updating, without substantive change, aspects of the Federal reference method. **Effective date: 31 October 2011**