



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON D.C. 20460

OFFICE OF THE ADMINISTRATOR

SCIENCE ADVISORY BOARD

February 26, 2013

MEMORANDUM

SUBJECT: Preparations for Chartered Science Advisory Board (SAB) March 8, 2013 Discussions of EPA Planned Agency Actions and their Supporting Science

FROM: James R. Mihelcic, Chair, SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science */Signed/*

TO: Members of the Chartered SAB and SAB Liaisons

On March 8, 2013, the chartered SAB will discuss whether to review the adequacy of the science supporting certain planned regulatory actions for review and comment on the adequacy of the supporting science. An SAB Work Group was charged with identifying actions for consideration by the Chartered SAB. Please find below background on this activity, a short description of the process for identifying actions for SAB consideration, a summary of the process used by the Work Group, and Work Group recommendations.

Background

The Environmental Research, Development, and Demonstration Authorization Act of 1978 (ERDDAA) requires the EPA to make available to the SAB proposed criteria documents, standards, limitations, or regulations provided to any other Federal agency for formal review and comment, together with relevant scientific and technical information on which the proposed action is based. The SAB may then make available to the Administrator, within the time specified by the Administrator, its advice and comments on the adequacy of the scientific and technical basis of the proposed action.

In January 2012, Michael Goo, Associate Administrator for the Office of Policy, issued a memorandum to strengthen EPA's coordination with the SAB by providing the Board with information about proposed agency actions. In February 2012, SAB Staff developed an initial proposal for a process to provide the SAB with information about proposed agency actions. EPA Senior Leadership concluded that providing information to the SAB for consideration at the proposal stage was too late in the process for meaningful input from the Board. In March 2012, the SAB held a public meeting and discussed the January 2012 memo and a pilot that considered the science underlying four proposed rules identified by OAR (standards for air toxics from boilers and incinerators and greenhouse gas emissions and fuel economy standards for light-duty vehicles). Based on the pilot, the SAB concluded that a meaningful assessment

of the Board's interest in proposed actions would require information beyond what is presented in the Semiannual Regulatory Agenda.

Accordingly on December 27, 2012, Associate Administrator Goo, the Administrator's Science Advisor Glenn Paulson, and the SAB Office Director Vanessa Vu issued a memorandum, "Identifying EPA Planned Actions for Science Advisory Board (SAB) Consideration of the Underlying Science – Semi-annual Process," requiring EPA to provide short descriptions of major planned actions that are not yet proposed but appear in the semi-annual regulatory agenda. This process supplements the Deputy Administrator's annual memorandum requesting program and regional offices to identify scientific issues that might be appropriate for SAB consideration.

Process for identifying actions for SAB consideration

The current process requires that the EPA Office of Policy provide the semi-annual regulatory agenda to the SAB. In addition, EPA Program Offices will provide descriptions of major actions and the SAB Staff will forward the descriptions of each action to the SAB. An SAB Work Group will then: (1) review the information provided by the Program Offices; (2) determine if additional information is needed; and (3) provide recommendations on which actions may be priorities for SAB advice and comment as authorized by ERDDAA. The Chartered SAB will meet twice a year in a public meeting to review the recommendations from the SAB Work Group and decide whether to review and provide future advice and comment on the science supporting a particular action. Decisions deemed as "no action" by the SAB would not require additional SAB comment. If the Chartered SAB elects to provide future advice and comment, the SAB Staff will negotiate a timetable for review with the affected Program Office. Attachment A provides additional background about this process.

Summary of the process used by the SAB Work Group

The current SAB review began when the EPA Office of Policy informed the SAB Staff Office that the Fall 2012 Unified (Regulatory) Agenda and Regulatory Plan had been published on December 21, 2012. This semi-annual regulatory agenda is available at <http://www.reginfo.gov/public/>.

An SAB Work Group was formed in January 2013 and consisted of SAB members with broad expertise in scientific and technological issues related to the proposed actions. The Work Group consisted of Drs. James R. Mihelcic (chair), Joseph Arvai, Michael Dourson, David A. Dzombak, H. Christopher Frey, Kimberly L. Jones, Horace Moo-Young, Duncan Patten, and Peter S. Thorne.

The Work Group held a planning call on January 24, 2013 to orient members to the SAB's role in reviewing EPA planned actions to determine the need for SAB consideration and to begin preparations discussion of this topic at the chartered SAB's meeting on March 8, 2013. On January 30, 2013, EPA Program Offices provided short descriptions to the SAB Staff and Work Group of the major planned actions that are not yet proposed but had appeared in the December 21, 2012 semiannual regulatory agenda. The SAB Staff facilitated additional fact finding as requested by the Work Group and/or individual Work Group members. Attachment B provides the questions from the Work Group and the agency responses. The Work Group discussed the information provided by the agency on February 13 and 20, 2013 to prepare the recommendations in this memorandum.

The Work Group considered actions in the December 2012 semi-annual regulatory agenda that were identified by the EPA as “major actions.” The Work Group considered several factors when assessing each proposed major action, i.e., whether the action:

- already had a planned review by the SAB or some other high level external peer review [e.g., National Academy of Sciences, Clean Air Scientific Advisory Committee, Federal Insecticide, Fungicide and Rodenticide (FIFRA) Scientific Advisory Panel];
- was primarily administrative (i.e., involved reporting or record keeping);
- was an extension of an existing initiative;
- was characterized by EPA as an influential scientific or technical work product having a major impact, or involved precedential, novel, and/or controversial issues;
- considered scientific approaches new to the agency;
- addressed an area of substantial uncertainty;
- involved major environmental risks;
- related to an emerging environmental issue; or
- exhibited a long-term outlook.

Work Group Recommendations Regarding Planned EPA Actions of Interest to the SAB

Attachment C provides information on the 41 major actions considered by the Work Group. This attachment includes brief agency descriptions of the planned actions and Work Group recommendations and supporting rationales.

Of the 41 major actions considered, the Work Group recommends that 31 actions do not require additional SAB consideration based on the information received from the EPA. The work group identified ten actions that were of interest.

Of the ten actions of interest, the Work Group identified six actions where the associated science is appropriate for high-level review and the agency has already requested that the SAB or CASAC conduct the review. Table 1 identifies these actions by name and Regulation Identifier Number (RIN). No action is required from the SAB at this time because plans for current or future SAB or CASAC review are in place.

Table 1: Actions where the associated science is appropriate for high-level review and the agency has already requested that the SAB or CASAC conduct the review

Title and RIN	Status
Clean Water Protection Rule, 2040-AF30	EPA has committed to future SAB review
National Primary Drinking Water Regulations (NPDWR): Group Regulation of Carcinogenic Volatile Organic Compounds (VOCs), 2050-AF29	EPA has committed to future SAB review
NPDWR for Lead and Copper: Long-term Regulatory Revisions, 2040 AF15	SAB review Partial Lead Service Line Replacements completed
NPDWR: Regulation of Perchlorate, 2040-AF28	SAB review currently underway
Comprehensive Environmental Response, Compensation, and Liability Act/ he Emergency	SAB review currently underway

Planning and Community Right-to-Know Act Reporting Requirements for Air Releases of Hazardous Substances From Animal Waste at Farms, 2050-AG66	
National Ambient Air Quality Standards for Ozone, 2060-AP3	CASAC review currently underway

For the remaining four actions of interest, the SAB Staff Office and the SAB Chair requested that the Work Group identify one or two actions with the highest priority and provide these recommendations for discussion at the March 8, 2013 SAB meeting. Table 2 identifies these recommendations. Attachment D excerpts the brief agency descriptions of these planned actions and the Work Group rationales for recommending them for discussion.

Table 2: Summary of actions that the SAB Work Group recommends as priorities for SAB comment on the supporting science

Candidate Action and Rationale for Consideration
<p>Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards (2060 AQ86)</p> <p><i>Priority: Highest.</i> This action will be a highly significant and influential rule making, addressing a source categories that is complex in terms of variation among vehicle type, technology, fuel type, and other factors, and that will have significant implications for reducing exposure and risk. This action has implications for multipollutant air quality management and prospects for broader attainment of National Ambient Air Quality Standards. The agency argues that the science for collecting and analyzing vehicle emissions data is generally well-defined, but these techniques are evolving and in many cases require careful interpretation. The agency has provided information on letter peer review for some individual science components supporting the rule. Given the large scope and implications of this rule, it merits consideration for possible review by SAB.</p>
<p>Effluent Guidelines and Standards for Unconventional Oil and Gas Extraction Including Coalbed Methane and Shale Gas Extraction (2040 AF35)</p> <p><i>Priority: Highest.</i> This Notice of Action deals with an emerging and controversial issue. The environmental and health risks at issue are potentially significant. There is likely to be a great deal of public scrutiny regarding effluent guidelines. Even though the main focus of the initiative is to “collect information” and the focus is on “developing regulatory options” (vs. a focus on a single option), it would benefit – on the science and stakeholder perception sides – from a more rigorous scientific review process. Therefore, the SAB should evaluate the underlying science.</p>

Candidate Action and Rationale for Consideration

Revised Regulations for Environmental Radiation Protection Standards for Nuclear Power Plant Operations (2060 AR12).

Priority: High. The EPA issued its rule regarding Environmental Radiation Protection Standards for Nuclear Power Operations in 1977. The revised rule would build upon this earlier initiative. The statement from the EPA indicates that an updated rule would draw on updated science and would seek to clarify how safety should be demonstrated. At the present time, EPA is in an early stage of issuing an advanced notice of proposed rulemaking to solicit public input on general questions and approaches on what aspects of the rule should be updated. It's not clear how much would be learned from just public input at this early stage. Further, public input is important but should not take the place of a science-based assessment of the current rule, as well as a forward looking assessment of modifications that may be necessary (especially since updated science and application to new technology is necessary). Such a review is within the purview of the SAB.

Petroleum Refinery Sector Risk and Technology Review and NSPS (2060 AQ75)

Priority: High. The Clean Air Act (CAA) requires risk assessments on each source category subject to Maximum Achievable Control Technology (MACT) standards within 8 years of MACT standard promulgation. This is to determine if additional standards are needed to reduce residual risks. There is also a requirement for a technology review to consider new developments in practices, processes, and control technologies. The Risk and Technology Review (RTR) meets both requirements. The RTR Risk Assessment Methodologies were reviewed by the SAB in 2009. The New Source Reporting Standards are also required under the CAA and stationary sources must demonstrate compliance. This action is recommended for SAB consideration for future review for the following reasons: 1) Two MACT values are amended and new control technologies have been developed; 2) The American Petroleum Institute has petitioned EPA over these rules; 3) The rule signed in 2009 was subsequently withdrawn because it inadequately characterized the risks of petroleum production emissions; 3) In 2010 EPA received additional data from the regulated industry and the new rule making will use these data; 4) This is an important industry because there is a considerably large exposed population, the facilities are complex and difficult to regulate, and there are many pollutants generated at high levels; and 5) This is an important environmental justice issue with considerable disparity in the exposed vs. unexposed population.

Work Group Recommendations Regarding Improvements to the Process for Identifying EPA Planned Actions for SAB Consideration

The Work Group thanks the EPA for providing information for consideration. To improve the process for future review of the semi-annual regulatory agenda, the SAB Work Group recommends that the agency enhance its descriptions of future planned actions by:

- Providing descriptions at the start of the SAB Work Group process for each major action that has not yet been proposed;
- Characterizing the existing science supporting the regulatory action more fully, if there is no new science;
- Describing the nature of planned peer review in greater detail, especially in regards to the type of peer review as well as details on the qualifications of the reviewer(s). The information provided by the Office of Solid Waste and Emergency Response in response to a question regarding the

action Addition of Subsurface Component to the Hazard Ranking System (2050 AG67) is a model in this regard.

Attachments

- Attachment A: Implementation Process for Identifying EPA Planned Actions for SAB Consideration
- Attachment B: Questions sent to National Program Offices at the the SAB Work Group's request and Agency responses
- Attachment C: List of Descriptions of Major EPA Planned 2013 Actions Identified in the 12/21/12 Semi-Annual Regulatory Agenda with Preliminary SAB Recommendations. List provides a table of contents pointing to agency descriptions of planned actions and recommendations from the Work Group on those actions.
- Attachment D: Actions in the 12/21/12 Semi-Annual Regulatory Agenda Identified for the SAB to Evaluate for Additional Consideration.

Implementation Process for Identifying EPA Planned Actions for SAB Consideration

Background on the EPA Process

- The Environmental Research, Development, and Demonstration Authorization Act of 1978 (ERDDAA, see p. 4)
 - Requires the EPA to make available to the SAB proposed criteria documents, standards, limitations, or regulations provided to any other Federal agency for formal review and comment together with relevant scientific and technical information in the possession of the agency on which the proposed action is based.
 - States that the Board may make available to the Administrator, within the time specified by the Administrator, its advice and comments on the adequacy of the scientific and technical basis of the proposed actions.
- In January 2012, Office of Policy Associate Administrator Michael Goo issued a memorandum to strengthen coordination with the SAB by providing the Board with information about *proposed* agency actions.
- In February 2012, SAB Staff developed an initial proposal to provide the SAB with information about *proposed* agency actions.
 - EPA Senior Leadership concluded that providing information to the SAB for consideration at the proposal stage was *too late* in the process for meaningful involvement.
- In March 2012, the SAB held a public meeting and discussed the Goo memo and a pilot to consider the science underlying four proposed rules identified by OAR (standards for air toxics from boilers and incinerators and greenhouse gas emissions and fuel economy standards for light-duty vehicles).
 - The SAB:
 - Did not identify any science topics related to the four proposed rules warranting SAB comment.
 - Noted that the proposal stage was *too late* in the process for meaningful input.
 - Discussed the need for adequate information on the underlying science for agency actions early in the process. Information beyond the information presented in the Semiannual Regulatory Agenda is needed for this purpose.
- On December 27, 2012, Associate Administrator Michael Goo, the Administrator's Science Advisor Glenn Paulson, and the SAB Office Director Vanessa Vu issued a memorandum (see p. 10) "Identifying EPA Planned Actions for Science Advisory Board (SAB) Consideration of the Underlying Science – Semi-annual Process" requiring EPA to provide short descriptions of *major planned actions that are not yet proposed* appearing in the semi-annual regulatory agenda
- This process supplements the Deputy Administrator's annual memorandum requesting program and regional offices to identify scientific issues that might be appropriate for SAB consideration.

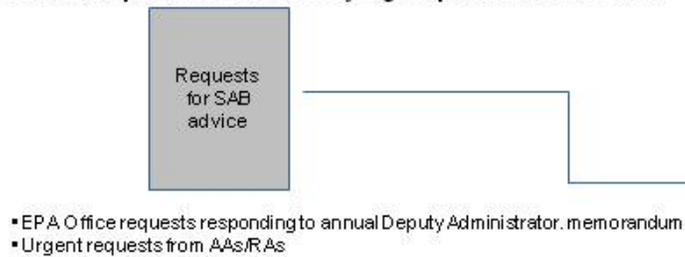
- On January 30, 2013, EPA Program Offices will provide short descriptions of the *major planned actions that are not yet proposed* that appeared in December 21, 2012 semi-annual regulatory agenda (available at <http://www.reginfo.gov/public/>).

Proposed SAB Process

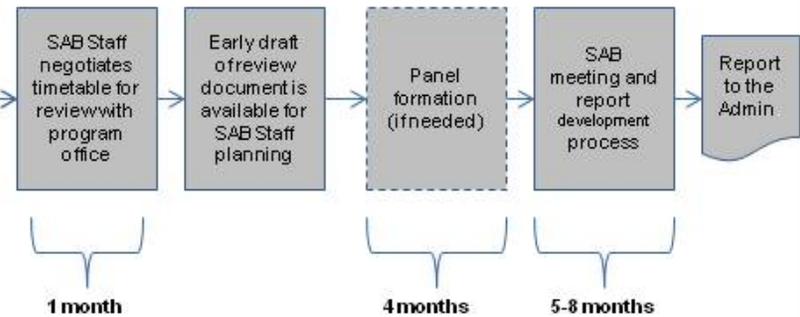
- The chartered SAB will meet twice a year to review the semi-annual regulatory agenda and descriptions of major planned actions to determine if the SAB wishes to identify any actions for additional attention where the Board may wish to provide “advice and comments on the adequacy of the scientific and technical basis of the proposed actions.”
 - Members of the SAB Work Group on EPA Planned Actions for SAB
Consideration of the Underlying Science will lead the discussion at the chartered SAB’s meeting.
- The SAB Staff will facilitate any additional fact finding requested prior to the meeting and work with EPA to schedule and manage the SAB process for actions where the SAB would like to provide advice and comments.
- The SAB Staff will manage the new semi-annual process for determining whether any planned EPA actions merit SAB advice and comment on the supporting science as part of the entire SAB operating plan (see Figure 1).

Figure 1: Two Major Processes for Identifying Advisory Activities for the SAB Operating Plan:
 1) the historical process for identifying requests and 2) the new semi-annual process for determining whether any planned EPA actions merit SAB advice and comment on the supporting science

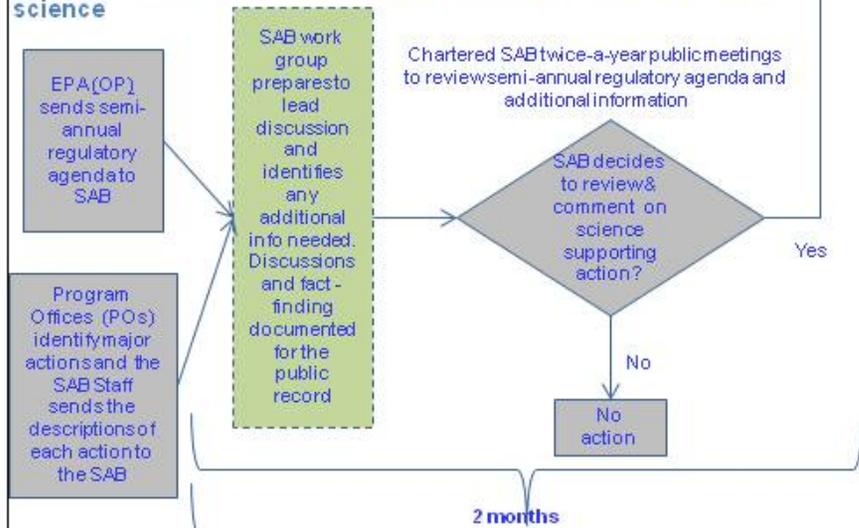
1) Historical process for identifying requests for the SAB



General process for managing SAB advisory activities



2) New semi-annual process for determining whether any planned EPA actions merit SAB advice and comment on the supporting science



**Environmental Research, Development, and Demonstration Authorization Act
[(ERDDAA), 42 U.S.C. 4365]**

TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 55--NATIONAL ENVIRONMENTAL POLICY

SUBCHAPTER III--MISCELLANEOUS PROVISIONS

Sec. 4365. Science Advisory Board

(a) Establishment; requests for advice by Administrator of Environmental Protection Agency and Congressional committees

The Administrator of the Environmental Protection Agency shall establish a Science Advisory Board which shall provide such scientific advice as may be requested by the Administrator, the Committee on Environment and Public Works of the United States Senate, or the Committee on Science, Space, and Technology, on Energy and Commerce, or on Public Works and Transportation of the House of Representatives.

(b) Membership; Chairman; meetings; qualifications of members

Such Board shall be composed of at least nine members, one of whom shall be designated Chairman, and shall meet at such times and places as may be designated by the Chairman of the Board in consultation with the Administrator. Each member of the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section.

(c) Proposed environmental criteria document, standard, limitation, or regulation; functions respecting in conjunction with Administrator

(1) The Administrator, at the time any proposed criteria document, standard, limitation, or regulation under the Clean Air Act [42 U.S.C. 7401 et seq.], the Federal

Water Pollution Control Act [33 U.S.C. 1251 et seq.], the Resource Conservation and Recovery Act of 1976 [42 U.S.C. 6901 et seq.], the Noise Control Act [42 U.S.C. 4901 et seq.], the Toxic Substances Control Act [15 U.S.C. 2601 et seq.], or the Safe Drinking Water Act [42 U.S.C. 300f et seq.], or under any other authority of the Administrator, is provided to any other Federal agency for formal review and comment, shall make available to the Board such proposed criteria document, standard, limitation, or regulation, together with relevant scientific and technical information in the possession of the Environmental Protection Agency on which the proposed action is based.

(2) The Board may make available to the Administrator, within the time specified by the Administrator, its advice and comments on the adequacy of the scientific and technical basis of the proposed criteria document, standard, limitation, or regulation, together with any pertinent information in the Board's possession.

(d) Utilization of technical and scientific capabilities of Federal agencies and national environmental laboratories for determining adequacy of scientific and technical basis of proposed criteria document, etc.

In preparing such advice and comments, the Board shall avail itself of the technical and scientific capabilities of any Federal agency, including the Environmental Protection Agency and any national environmental laboratories.

(e) Member committees and investigative panels; establishment; chairmanship

The Board is authorized to constitute such member committees and investigative panels as the Administrator and the Board find necessary to carry out this section. Each such member committee or investigative panel shall be chaired by a member of the Board.

(f) Appointment and compensation of secretary and other personnel; compensation of members

(1) Upon the recommendation of the Board, the Administrator shall appoint a secretary, and such other employees as deemed necessary to exercise and fulfill the Board's powers and responsibilities. The compensation of all employees appointed under this paragraph shall be fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5.

(2) Members of the Board may be compensated at a rate to be fixed by the President but not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5.

(g) Consultation and coordination with Scientific Advisory Panel

In carrying out the functions assigned by this section, the Board shall consult and coordinate its activities with the Scientific Advisory Panel established by the Administrator pursuant to section 136w(d) of title 7.

(Pub. L. 95-155, Sec. 8, Nov. 8, 1977, 91 Stat. 1260; Pub. L. 96-569, Sec. 3, Dec. 22, 1980, 94 Stat. 3337; Pub. L. 103-437, Sec. 15(o), Nov. 2, 1994, 108 Stat. 4593; Pub. L. 104-66, title II, Sec. 2021(k)(3), Dec. 21, 1995, 109 Stat. 728.)

References in Text

The Clean Air Act, referred to in subsec. (c)(1), is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (Sec. 7401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of this title and Tables.

The Federal Water Pollution Control Act, referred to in subsec. (c)(1), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, Sec. 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (Sec. 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Resource Conservation and Recovery Act of 1976, referred to in subsec. (c)(1), is Pub. L. 94-580, Oct. 21, 1976, 90 Stat. 2796, as amended, which is classified

generally to chapter 82 (Sec. 6901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 6901 of this title and Tables.

The Noise Control Act, referred to in subsec. (c)(1), probably means the Noise Control Act of 1972, Pub. L. 92-574, Oct. 27, 1972, 86 Stat. 1234, as amended, which is classified principally to chapter 65 (Sec. 4901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4901 of this title and Tables.

The Toxic Substances Control Act, referred to in subsec. (c)(1), is Pub. L. 94-469, Oct. 11, 1976, 90 Stat. 2003, as amended, which is classified generally to chapter 53 (Sec. 2601 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 15 and Tables.

The Safe Drinking Water Act, referred to in subsec. (c)(1), is title XIV of act July 1, 1944, as added Dec. 16, 1974, Pub. L. 93-523, Sec. 2(a), 88 Stat. 1660, as amended, which is classified generally to subchapter XII (Sec. 300f et seq.) of chapter 6A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 201 of this title and Tables.

Codification

Section was enacted as part of the Environmental Research, Development, and Demonstration Authorization Act of 1978, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

Amendments

1995--Subsecs. (c) to (i). Pub. L. 104-66 redesignated subsecs. (e) to (i) as (c) to (g), respectively, and struck out former subsec. (c) which read as follows: ``In addition to providing scientific advice when requested by the Administrator under subsection (a) of this section, the Board shall review and comment on the Administration's five-year plan for environmental research, development, and demonstration provided for by section 4361 of this title and on each annual revision thereof. Such review and comment shall be transmitted to the Congress by the Administrator, together with his comments

thereon, at the time of the transmission to the Congress of the annual revision involved."

1994--Subsec. (a). Pub. L. 103-437, Sec. 15(o)(1), substituted ``Committee on Science, Space, and Technology, on Energy and Commerce, or on" for ``Committees on Science and Technology, Interstate and Foreign Commerce, or".

Subsec. (d). Pub. L. 103-437, Sec. 15(o)(2), struck out subsec. (d) which related to review and report to Administrator, President, and Congress on health effects research.

1980--Subsec. (a). Pub. L. 96-569 inserted provisions relating to requests by the enumerated Congressional committees.

Change of Name

Committee on Science, Space, and Technology of House of Representatives treated as referring to Committee on Science of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2. Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred to Committee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2.

Termination of Advisory Boards

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in

the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

References in Other Laws to GS-16, 17, or 18 Pay Rates

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, Sec. 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

Section Referred to in Other Sections

This section is referred to in title 7 section 136w; title 21 section 346a.

12/27/12 Goo/Paulson/Vu memo requiring Agency to provide the SAB with information - Includes sample of information EPA will provide



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460

JAN 2 2013

OFFICE OF THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Identifying EPA Planned Actions for Science Advisory Board (SAB)
Consideration of the Underlying Science – Semi-annual Process

FROM: Michael Goo, Associate Administrator
Office of Policy

Glenn Paulson
Science Advisor

Vanessa Vu, Director
SAB Staff Office

TO: General Counsel
Assistant Administrators
Associate Administrators
Regional Administrators

The purpose of this memorandum is to provide guidance for implementing improved coordination with the SAB, the goal of the memorandum dated January 19, 2012 on that topic (Attachment A).

We ask that you work with the Office of Policy to provide the SAB Staff Office with information about the science supporting major planned agency actions (Tier 1 and Tier 2 actions) that are in the pre-proposal stage. The *2012 Unified (Regulatory) Agenda and Regulatory Plan* was published on December 21, 2012 on the Office of Management and Budget web site <http://www.reginfo.gov/public/>.

Please provide the SAB Staff Office (contact: Angela Nugent) by **January 30, 2013**, a brief description of each action along with its supporting science, following the format provided in Attachment B. Please ensure that these submissions to the SAB are consistent with information developed in the action development process.

This process supplements the Deputy Administrator's annual memorandum requesting program and regional offices to identify scientific issues that might be appropriate for SAB consideration.

We look forward to working with you on this new process to strengthen science supporting EPA's decisions. Please contact us or Caryn Muellerleile (202-564-2855) in the Office of Policy or Angela Nugent (202-564-2218) in the SAB Staff Office, should there be questions.

Attachments

cc: Administrator
Deputy Administrator
Chief of Staff
Deputy Chief of Staff

Attachment A: January 19, 2012 Memorandum from Michal L. Goo



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2012

OFFICE OF
POLICY

MEMORANDUM

SUBJECT: Coordination with the Science Advisory Board Regarding Proposed Criteria Documents, Standards, Limitations and Regulations

FROM: Michael L. Goo, Associate Administrator
Office of Policy

TO: Assistant Administrators
General Counsel
Chief of Staff
Associate Administrators
Regional Administrators

This is to confirm the procedures that we have discussed regarding coordination with the Science Advisory Board (SAB) on the science and technical information underlying the EPA's proposed criteria documents, standards, limitations and regulations.

In addition to the current process by which program offices identify actions on which they plan to seek advice from the SAB on scientific and technical issues, OP will semiannually inform the SAB, through the SAB Staff Office, of upcoming proposed actions. This process will focus on those proposed regulations, criteria documents, standards or limitations that undergo interagency review and will operate as follows:

1. OP will submit to the SAB staff office a list, based on the Agency's *Semiannual Regulatory Agenda (Regulatory Agenda)*, augmented as necessary, of upcoming proposed regulations, criteria documents, standards or limitations that are expected to undergo interagency review. OP will work with program and regional offices to ensure that any actions not listed in the *Regulatory Agenda* that nevertheless are expected to be submitted for interagency review are included in this submission. For any of these additional actions, offices should provide a description similar to that provided for actions included in the *Regulatory Agenda*.

2. Program and Regional offices will notify the SAB staff office when proposed Agency actions that undergo interagency review become formally available for public review and comment. EPA programs are also expected to provide additional information as requested by the SAB Staff Office to facilitate the SAB's consideration of this information.

If the SAB decides to review and, as appropriate, comment on the scientific and technical basis for a proposed action, OP will work with the SAB Staff Office and the relevant program or regional office to establish the appropriate time frame for SAB review and comment.

Thank you for your assistance in adhering to this process. If you have any questions or concerns, please contact me, or your staff can contact Nicole Owens owens.nicole@epa.gov, at 202 (564-1550).

cc: Bob Perciasepe
Bob Sussman
Deputy Assistant Administrators
Deputy Associate Administrators
Deputy Regional Administrators
Assistant Regional Administrators
Alex Cristofaro
Nicole Owens
Vanessa Wu
Thomas Brennan

**Attachment B - Sample Description of Major Planned EPA Action-
Information to be Provided to the SAB**

Name of action: Development of Best Management Practices for Recreational Boats Under Section 312(o) of the Clean Water Act

EPA Office originating action: OW

Brief description of action and statement of need for the action:

This action is for the development of regulations by EPA to implement the Clean Boating Act (Public Law 110-288), which was signed by the President on July 29, 2008. The Clean Boating Act amends section 402 of the Clean Water Act (CWA) to exclude recreational vessels from National Pollutant Discharge Elimination System permitting requirements. In addition, it adds a new CWA section 312(o) directing EPA to develop regulations that identify the discharges incidental to the normal operation of recreational vessels (other than a discharge of sewage) for which it is reasonable and practicable to develop management practices to mitigate adverse impacts on waters of the United States. The regulations also need to include those management practices, including performance standards for each such practice. Following promulgation of the EPA performance standards, new CWA section 312(o) directs the Coast Guard to promulgate regulations governing the design, construction, installation, and use of the management practices. Following promulgation of the Coast Guard regulations, the Clean Boating Act prohibits the operation of a recreational vessel or any discharge incidental to their normal operation in waters of the United States and waters of the contiguous zone (i.e., 12 miles into the ocean), unless the vessel owner or operator is using an applicable management practice meeting the EPA-developed performance standards.

Timetable:

Statutory: Phase 1 - 2009, Phase 2 - 2010, and Phase 3 – 2011
Regulatory Agenda: Phase 1 NPRM - 2013, Phase 1FR - 2014

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No

Scientific questions to be addressed and approach:

Recreational boating activities can contribute to the spread of aquatic nuisance species, primarily through the secondary transport of organisms introduced to U.S. waters via other vectors. For example, recreational boating has been linked to the spread of Zebra and Quagga mussels from their initial introduction into the Great Lakes to other U.S. waters. Consequently, the Agency is considering the development of regulations designed to reduce the spread of such organisms by reducing propagule pressure from the recreational vessel vectors. Propagule pressure is a measure

of the number of individual organisms released as well as the number of discrete release events. While there is a general consensus that an increase in propagule pressure increases the probability of establishing a self-sustaining population of an aquatic nuisance species, the probability is a complex function of a wide range of variables. These variables include species traits (e.g., viability, reproductive capability, and environmental compatibility) and environmental traits (e.g., retention of propagules, and interactions with resident species). When addressing secondary transport via recreational vessels, as this project is designed to specifically do, additional variables such as vessel characteristics, voyage type, and propagule exposure need to be considered. Due to the complexity of this issue, the Agency is seeking expert scientific opinions on management practices that can reduce propagule pressure that results from recreational boating activities.

Plans for scientific analyses and peer review:

The Agency is planning to convene a workshop on secondary transport of aquatic nuisance species via recreational vessels. Invited participants will have expertise in the field of invasion biology and each participant will be charged to provide their expert scientific opinion on management practices that the Agency should consider as part of this rule making.

Attachment B: Questions sent to National Program Offices at the SAB Work Group's request and Agency responses

Question for OAR

Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards (AQ86)

- How was the Influential Science Information associated with the rule peer reviewed?
Agency response: Influential scientific information associated with the Tier 3 proposal was presented in a series of technical reports on the following topics:
 - Effects of fuel sulfur levels on emissions from Tier 2 vehicles in the in-use fleet;
 - Estimates of the fraction of the fleet with high evaporative emissions;
 - Estimates of the effectiveness of on-board diagnostic systems in identifying fuel vapor losses from light-duty vehicles;
 - Evaporative emissions modeling;
 - Data analysis and model development assessing the effect of five gasoline properties (ethanol, T50, T90, aromatics, and Reid Vapor Pressure) on exhaust emissions from Tier 2 vehicles; and
 - Refinery cost modeling

Each of the technical reports was peer reviewed by outside subject matter experts via an independent contractor. Specifically, an independent contractor chose three subject matter experts to review each report. EPA generated a charge letter to frame the peer reviewers' efforts for a particular report. The contractor provided EPA comments from the individual peer reviewers, a summary of the issues brought forward by each group of subject matter experts, and a technical memorandum summarizing the peer review process for each report. EPA drafted written responses to issues raised by the peer review and updated its analyses and reports as appropriate. All materials without Confidential Business Information will be publicly available in the rule-making record and on the Agency's Science Inventory.

What would be the scope of the rulemaking?

Agency response: The proposed Tier 3 vehicle standards apply to new light-duty vehicle and trucks, medium-duty passenger vehicles, and some heavy-duty vehicles. The proposed Tier 3 fuel sulfur standards lower the sulfur content of gasoline used by new and existing vehicles, and therefore impact all on-road gasoline vehicles.

Attachment B: Questions sent to National Program Offices at the SAB Work Group's request and Agency responses

Question for OSWER

Addition of Subsurface Component to the Hazard Ranking System (HRS) (AG67)

- What were the charge questions asked of the peer reviewers mentioned in the Agency's description?
- Are the peer reviewers' reports available to the SAB work group for review to help determine whether it believes an SAB review is necessary? Could any other information be made available?

Response:

The document ([posted by the SAB Staff Office on the Web for the March 7-8, 2013 SAB Meeting](#)) is a modified version of the "External Peer Review Record" which was written by the peer review contractor (modified to remove the actual draft rule) for the HRS SsI proposed rulemaking. The document includes:

1. Title page with Table of Contents (modified)
2. Peer review charge questions
3. Summary matrix with comments on preamble (modified)
4. Summary matrix with comments on charge questions and rule (matrix does include reference to rule section number, line number and page number)
5. Each peer reviewer's comments on charge questions, their resume and COI certification

Questions for OW

Stormwater Regulations Revision to Address Discharges From Developed Sites (AF13)

- What are the supporting models and how well developed are they?

Agency response: The Office of Science and Technology, Office of Wastewater Management, and Office of Wetlands, Oceans, and Watersheds are using a series of models to analyze the costs, benefits, and economic impacts of regulatory options to address stormwater discharges from developed sites. Some of these models were adapted from models developed by others and these original models may have already been subject to peer review. Model development has progressed to a stage that the models are currently producing estimates that will be used to support selection of regulatory options for promulgation in a proposed rule later this year. We are currently

Attachment B: Questions sent to National Program Offices at the SAB Work Group's request and Agency responses

reviewing these models to determine if they are influential and to assess the type of peer review that may be needed.

- Are the models focusing on grey or green infrastructure?

Agency response: Both. Several of the models focus on the benefits of green infrastructure.

- Might the regulation impose new requirements for green infrastructure technologies?

Agency response: We do not expect the regulation to require the use of a particular technology. We typically establish a standard and it is up to the regulated entity to determine which technology to use to meet the standard. We do expect that green infrastructure will be a technology most used to meet the standard that we hope to set in the stormwater rule.

National Primary Drinking Water Regulations: Group Regulation of Carcinogenic Volatile Organic Compounds (VOCs) (AF29)

- Is there additional information about OW's plan to seek SAB comments? What form will that request take?

Agency response: EPA is requesting an advisory for its proposed regulation to address carcinogenic volatile organic compounds as a group. The 1996 Safe Drinking Water Act Amendments require EPA to seek advice from SAB prior to the proposal of a national primary drinking water regulation. EPA has requested the advisory by completing the "proposed project sheet" and submitting it to the SAB.

- Can EPA provide additional information about whether the action meets the EPA Peer Review Handbook definition of "an influential scientific or technical work product" that has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review"? Please provide any additional information regarding the factors EPA is considering and EPA's process and please provide the schedule for making the determination.

Agency response: EPA is required to consider best available peer reviewed science under the Safe Drinking Water Act. Specifically, SDWA section 1412(b)(3)(A). Use of science in decisionmaking - In carrying out this section, and, to the degree that an agency action is based on science, the Administrator shall use --

(i) the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

Attachment B: Questions sent to National Program Offices at the SAB Work Group's request and Agency responses

(ii) data collected by accepted methods or best available methods (if the reliability) of the method and the nature of the decision justifies use of the data).

National Primary Drinking Water Regulations: Group Regulation of Carcinogenic Volatile Organic Compounds (VOCs) (AF29):

- Is there additional information about OW's plan to seek SAB comments? What form will that request take?

Agency response: EPA is requesting an advisory for its proposed regulation to address carcinogenic volatile organic compounds as a group. The 1996 Safe Drinking Water Act Amendments require EPA to seek advice from SAB prior to the proposal of a national primary drinking water regulation. EPA has requested the advisory by completing the "proposed project sheet" and submitting it to the SAB.

- Can EPA provide additional information about whether the action meets the EPA Peer Review Handbook definition of "an influential scientific or technical work product" that has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review"? Please provide any additional information regarding the factors EPA is considering and EPA's process and please provide the schedule for making the determination.

Agency response: EPA is required to consider best available peer reviewed science under the Safe Drinking Water Act. Specifically, SDWA section 1412(b)(3)(A)

Use of science in decisionmaking - In carrying out this section, and, to the degree that an agency action is based on science, the Administrator shall use --

(i) the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

(ii) data collected by accepted methods or best available methods (if the reliability) of the method and the nature of the decision justifies use of the data).

Attachment C: List of Descriptions of Major EPA Planned 2013 Actions Identified in the 12/21/12 Semi-Annual Regulatory Agenda with Preliminary SAB Recommendations (02/25/13 draft) for Discussion at the March 7-8, 2013 Meeting of the Chartered SAB

Page No.	Rule Title	Web Address for More Detail [last 8 numbers are the with their Regulation Identifier Number (RIN) number]	Actions of interest	SAB or CASAC review is underway or EPA has requested or has committed to a future review
EPA/OFFICE OF AIR AND RADIATION				
p.4	Revised Regulation for Environmental Radiation Protection Standard for Nuclear Power Operations	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AR12	Yes	
p.6	Review of the National Ambient Air Quality Standards for Ozone	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AP38	Yes	Yes
p.8	Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AR34		
p.10	Data Requirements for Determining Attainment for the 1-Hour SO2 NAAQS.	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AR19		
p.12	Revision of New Source Performance Standards for New Residential Wood Heaters	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AP93		
p.14	Amendments--Electric Arc Furnace Area Source Standard	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AR27		
p.16	Kraft Pulp Mills NSPS Review	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AR64		
p.18	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions; Reconsideration	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AQ47		
p.20	Petroleum Refinery Sector Amendment for Flares	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AR69		
p.22	Reconsideration of the Polyvinyl Chloride and Copolymers National Emission Standards for Hazardous Air Pollutants	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AR73		
p.24 ¹	p.26 Residual Risk and Technology Review Amendments to the Phosphoric Acid and Phosphate Fertilizer Production National Emissions Standards for Hazardous Air Pollutants (NESHAP)	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AQ20		
	p.27 National Emission Standards for Aerospace Manufacturing and Rework Facilities Risk and Technology Review	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AQ99		
	P28 National Emission Standards for Hazardous Air Pollutants (NESHAP) From Offsite Waste and Recovery Operations RTR	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AR47		
	p.29 Petroleum Refinery Sector Risk and Technology Review and NSPS	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AQ75	Yes	
p.31	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AR71		

¹This summary provides a description of all four Residual Risk and Technology Reviews in the semiannual regulatory agenda reviewed by the SAB workgroup.

Attachment C: List of Descriptions of Major EPA Planned 2013 Actions Identified in the 12/21/12 Semi-Annual Regulatory Agenda with Preliminary SAB Recommendations (02/25/13 draft) for Discussion at the March 7-8, 2013 Meeting of the Chartered SAB

Page No.	Rule Title	Web Address for More Detail [last 8 numbers are the with their Regulation Identifier Number (RIN) number]	Actions of interest	SAB or CASAC review is underway or EPA has requested or has committed to a future review
p.33	Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AQ86	Yes	
p.36	Identification of Additional Qualifying Renewable Fuel Pathways III and Modification to the Renewable Fuels Program	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AR50		
p.39	Renewable Fuel Standard (RFS) Volume Standards for 2014	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AR63		
EPA/OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION				
p.41	Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2070-AJ56		
p.44	Hydraulic Fracturing Chemicals; Chemical Information Reporting Under TSCA Section 8(a) and Health and Safety Data Reporting Under TSCA Section 8(d)	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2070-AJ93		
p.46	Formaldehyde; Third-Party Certification Framework for the Formaldehyde Standards for Composite Wood Products	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2070-AJ44		
p.48	Nanoscale Materials; Chemical Substances When Manufactured, Imported, or Processed as Nanoscale Materials; Reporting and Recordkeeping Requirements; Significant New Use Rule	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2070-AJ54		
p.50	Formaldehyde Emissions Standards for Composite Wood Products	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2070-AJ92		
p.52	Testing of Bisphenol A (BPA)	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2070-AJ83		
EPA/OFFICE OF ENFORCEMENT AND COMPLIANCE ASSISTANCE				
p.54	NPDES Electronic Reporting Rule	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2020-AA47		
EPA/OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE				
p.56	Addition of Subsurface Component to the Hazard Ranking System (HRS)	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2050-AG67		
p.60	Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2050-AE87		
p.63	Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hard Rock Mining Industry	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2050-AG61		
p.65	CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances From Animal Waste at Farms	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2050-AG66	Yes	Yes

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Page No.	Rule Title	Web Address for More Detail [last 8 numbers are the with their Regulation Identifier Number (RIN) number]	Actions of interest	SAB or CASAC review is underway or EPA has requested or has committed to a future review
EPA/OFFICE OF WATER				
p.68	NPDES Regulations to Address Water Quality Impacts From Forest Road Discharges	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2040-AF43		
p.70	Stormwater Regulations Revision to Address Discharges From Developed Sites	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2040-AF13		
p.72	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2040-AF14		
p.74	Concentrated Animal Feeding Operations Regulations Revision Rule	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2040-AF20		
p.76	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2040-AF44		
p.78	Effluent Guidelines and Standards for the Construction and Development Industry--Revision	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2040-AF27		
p.80	Effluent Guidelines and Standards for Unconventional Oil and Gas Extraction Including Coalbed Methane and Shale Gas Extraction	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2040-AF35	Yes	
p.82	Water Quality Standards Regulatory Clarifications	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2040-AF16		
p.84	Clean Water Protection Rule	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2040-AF30	Yes	Yes
p.86	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2040-AF15	Yes	Yes
p.89	National Primary Drinking Water Regulations: Group Regulation of Carcinogenic Volatile Organic Compounds (VOCs)	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2040-AF29	Yes	Yes
p.92	National Primary Drinking Water Regulations: Regulation of Perchlorate No description provided by the Agency	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2040-AF28 SAB peer review underway.	Yes	Yes

Abbreviations used in Agency Descriptions

ANPRM Advanced Notice of Public Rule Making

NFR Notice of Final Rulemaking

NPRM Notice of Proposed Rule Making

FR Final Rule

FRM Final Rule Making

OMB Office of Management and Budget

QA Quality Assurance

EO 12866 Formal Interagency Regulatory Planning and Review conducted by OMB (Sept 1993)

EO 13563 Revised Formal Interagency Regulatory Planning and Review conducted by OMB (January 2011).

EPA/OFFICE OF AIR AND RADIATION ACTIONS

Name of action: Revised Regulation for Environmental Radiation Protection Standard for Nuclear Power Operations

RIN number: 2060-AR12

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

EPA issued "Environmental Radiation Protection Standards for Nuclear Power Operations" in 1977. Since issuance of the standards, the understanding of radiation risk and dose to humans has advanced and new methodologies have been developed to calculate radiation doses. In view of the developments over the past decades, EPA is evaluating how to update the Environmental Radiation Protection Standards for Nuclear Power Operations in 40 CFR part 190. EPA is planning to issue this ANPRM to solicit public input on general questions and approaches on how the rule should be updated.

Timetable:

ANPRM published in FR: 08/13

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

Not applicable at this time. The purpose of the ANPRM is to solicit input from the public and ideas on how the Agency should address various issues in a potential update of the existing regulation. Since the ANPRM has not yet been published, there has not been any response to the action. We have not identified whether to go forward with a regulation or what the science needs will be. Therefore, it is premature to make decisions about science needs at this time.

Scientific questions to be addressed and approach:

None.

Plans for scientific analyses and peer review:

None required.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Revised Regulation for Environmental Radiation Protection Standard for Nuclear Power Operations

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	X	
Is the action an extension of an existing initiative?	X*	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency	X		
Addresses areas of substantial uncertainties		X	
Involves major environmental risks	X		
Relates to emerging environmental issues		X	
Exhibits a long-term outlook	X		

For actions you recommend the SAB evaluate for additional consideration of the underlying science, please provide a brief (two-three sentence) rationale.

*The EPA issued its rule regarding Environmental Radiation Protection Standards for Nuclear Power Operations in 1977. The revised rule would build upon this earlier initiative. The statement from the EPA indicates that an updated rule would draw on *updated* science and would seek to clarify how safety should be demonstrated. At the present time, EPA is in an early stage of issuing an advanced notice of proposed rulemaking to solicit public input on general questions and approaches on what aspects of the rule should be updated.

It's not clear how much would be learned from just public input at this early stage. Further, public input is important but should not take the place of a science-based assessment of the current rule, as well as a forward looking assessment of modifications that may be necessary (especially since updated science and application to new technology is necessary). Such a review is within the purview of the SAB.

Name of action: Review of the National Ambient Air Quality Standards for Ozone

RIN number: 2060-AP38

EPA Office originating action: ORD/OAR

Brief description of action and statement of need for the action:

Under the Clean Air Act, EPA is required to review and, if appropriate, revise the air quality criteria and the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. Each review generally includes the preparation of an Integrated Science Assessment (ISA), Risk/Exposure Assessment (REA), and a Policy Assessment Document (PAD). Each draft of these assessment documents, which inform the Administrator's proposed and final decisions as to whether to retain or revise the standards, is reviewed by EPA's Clean Air Scientific Advisory Committee (CASAC). Established in 1977 under the Clean Air Act (CAA) Amendments of 1977 (see 42 U.S.C. § 7409(d)(2)), CASAC provides independent advice to the EPA Administrator on the scientific and technical bases for the NAAQS and recommends to the Administrator any new standards or revisions of existing criteria and standards as appropriate under CAA sections 108 and 109. The Chair of the CASAC also serves as a member of the chartered Science Advisory Board. The SAB is responsible for selection of CASAC members and overall management of CASAC.

Timetable:

Integrated Science Assessment (final): 2013

Risk/Exposure Assessment (final): 2013

Policy Assessment (final): 2013

Regulatory Agenda - NFR: 2014

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

Yes. All major assessment documents compiled by EPA that form the basis for the review of the ozone standards are reviewed by CASAC in accordance with the requirements of CAA section 109(d)(2).

Plans for scientific analyses and peer review:

SAB peer review conducted: all major assessment documents compiled by EPA are reviewed by CASAC.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Review of the National Ambient Air Quality Standards for Ozone

RIN number: 2060-AP38

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?	X (CASAC)	
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	X	
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency	X		
Addresses areas of substantial uncertainties	X		
Involves major environmental risks	X		
Relates to emerging environmental issues	X		
Exhibits a long-term outlook	X		

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

No SAB review required. The review of science for the Ozone NAAQS is fully covered by CASAC through a multi-year review process.

Name of action: Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements

RIN number: 2060-AR34

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

This proposed rulemaking will address implementation of the 2008 National Ambient Air Quality Standards (NAAQS) for ozone. The proposed rule addresses a range of state implementation plan (SIP) requirements for the 2008 ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress, reasonably available control technology, reasonably available control measures, new source review requirements in nonattainment areas, emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. Other issues also addressed in this proposed rule are the revocation of the 1997 ozone NAAQS for purposes other than transportation conformity; and anti-backsliding requirements that would apply when the 1997 NAAQS is revoked.

Statement of need:

This rule is needed to address how states will meet CAA requirements for SIPs designed to bring nonattainment areas into compliance with the 2008 ozone NAAQS, and any remaining requirements associated with the revoked 1997 ozone NAAQS. There is no court-ordered deadline for this proposed action. However, the CAA requires the nonattainment area plans addressed by this action to be developed and submitted within specified periods after the July 20, 2012 date of nonattainment designations.

Timetable: Regulatory Agenda; Phase 1 NPRM: 01/2013, Phase 1 FR: 01/2014.

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No.

Scientific questions to be addressed and approach:

There are no scientific questions to be addressed that require SAB review. Through this rulemaking, the EPA is proposing policies on how to implement air quality programs to achieve and maintain the 2008 Ozone standard. The programs to be implemented and the tools to assess their effectiveness already exist. State, local, and tribal agencies make the decisions on the suite of programs that are most effective for their particular applications, use the tools to assess this effectiveness, and submit those programs to EPA in the State Implementation Plans.

Plans for scientific analyses and peer review:

None required.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?	X	
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks			X
Relates to emerging environmental issues			X
Exhibits a long-term outlook			X

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This rule-making pertains to state implementation plans. Although it touches upon emission inventories, control technologies, and monitoring, it does so in the context of routine regulatory decision making. Thus, this would be a very low priority activity for SAB review at this time.

Name of Action: Data Requirements for Determining Attainment for the 1-Hour SO₂ NAAQS

RIN number: 2060-AQ19

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

This rule will describe how state, local, and tribal agencies will make determinations concerning whether sources or areas are meeting the 1-hr sulfur dioxide (SO₂) National Ambient Air Quality Standards (NAAQS). The rule will provide policy and technical information concerning the use of ambient monitoring data and or air quality modeling information in making these determinations. The rule will establish appropriate data requirements for determining attainment, and it will include timelines for states to conduct the required analyses and make the resulting data available for use in implementing the SO₂ NAAQS (e.g., for area designations).

Timetable: Proposal: Late 2013, Final: Late 2014

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No.

Scientific questions to be addressed and approach:

In conjunction with this rulemaking, we intend to issue two related guidance documents. One guidance document will describe analytical approaches for siting an ambient monitor or monitors to characterize SO₂ concentration, with the consideration of a range of logistical factors such as terrain and access to power. Another guidance document will recommend approaches for characterizing current air quality with an air quality modeling tool such as AERMOD, with details on proper use of emissions inputs and meteorological data inputs. There are no new science issues associated with this rulemaking.

Plans for scientific analyses and peer review:

The guidance documents noted above do not meet the "Peer Review Handbook" definition as "an influential scientific or technical work product" (e.g., has a major impact, involve precedential, novel, and/or controversial issues). As such, the documents do not need to be peer reviewed, and routine notice-and-comment rulemaking is an acceptable way to provide additional quality to the product.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Data Requirements for Determining Attainment for the 1-Hour SO₂ NAAQS

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X*
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks			X
Relates to emerging environmental issues			X
Exhibits a long-term outlook			X

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

*This action could fall under the scope of CASAC. CASAC has conducted review of the science pertaining to SO₂ monitoring and air quality as part of the most recent review cycle for the SO₂ NAAQS.

The proposed action here pertains to implementation of procedures for siting monitors, conducting air quality modeling, and interpreting monitoring data and monitoring data when making decisions regarding attainment of the NAAQS. Although there are some technical issues associated with this rule, this action is not considered to be an influential scientific or technical work product and thus is not recommended to require SAB review.

Name of Action: Revision of New Source Performance Standards for New Residential Wood Heaters

RIN: 2060-AP93

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

This action is to revise the New Source Performance Standards (NSPS) for new residential wood heaters. The action is necessary because it updates the 1988 NSPS to reflect significant advancements in wood heater technologies and design, broadens the range of residential wood-heating appliances covered by the regulation, and improves and streamlines implementation procedures. This action is expected to include the following new residential wood-heating appliances: Room Heaters (wood stoves, pellet stoves, and single burn-rate wood heaters); Central Heaters (wood-fired hydronic heaters and forced air furnaces); and Masonry Heaters. These standards would apply only to new residential wood heaters and not to existing residential wood-heating appliances.

Timetable: Regulatory Agenda, NPRM: 06/2013, Final: 03/2014

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No.

Scientific questions to be addressed and approach:

EPA is working with a diverse group of stakeholders to address issues related to improved technologies and test methods to support tighter standards for reducing residential wood smoke emissions. For example, the Agency has participated in the American Society for Testing and Materials (ASTM) process to develop consensus test methods for certification of manufacturers' compliance with the standards. The rule revisions are expected to streamline the process for testing new model lines by allowing the use of International Standards Organization (ISO)-accredited laboratories and certifying bodies.

Plans for scientific analyses and peer review: The Agency has met with stakeholders to provide opportunities for them to give their expert scientific opinion on wood heater technologies and design, data for certification and emissions testing, and wood heater performance. In addition, EPA will solicit public comment during the public comment period for this rule and will address all significant comments.

**Recommendation from the SAB Work Group on EPA Planned Actions for SAB
Consideration of the Underlying Science**

Name of planned action: Revision of New Source Performance Standards for New Residential Wood Heaters

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency		X	
Addresses areas of substantial uncertainties			X
Involves major environmental risks			X
Relates to emerging environmental issues			X
Exhibits a long-term outlook			X

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action appears to be a procedural rule making to streamline the process for testing new residential wood heaters using ISO-accredited laboratories and certifying bodies. However, the description of the action indicates that it pertains to an update of the 1998 NSPS to broaden the range of wood heating appliances covered by the regulation. Thus, there are some scientific issues regarding emission source design, prevention and control of emissions, and measurement of emissions. Human exposure to emissions from indoor combustion sources such as residential wood stoves and heaters (and similar devices that use other fuels) is a significant global issue. However, the scope of this rule is relatively narrow. Given its scope, it appears to be a very low priority for SAB.

Name of action: Amendments - Electric Arc Furnace (EAF) Area Source Standard

RIN number: 2060-AR27

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

We are planning to propose a revision of the maximum achievable control technology (MACT) standard for mercury for EAF area sources (in the area source rule) that was promulgated in 2007. In this current action, we plan to develop a mercury emission limit pursuant to Clean Air Act sections 112(d)(2) and (d)(3) to replace a previously promulgated work practice standard.

Timetable:

Statutory: None

Regulatory Agenda

NPRM: 2014

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No. We are planning to develop an emissions limit for mercury based on well established EPA source test methods (EPA Method 30B for mercury).

Scientific questions to be addressed and approach:

None. We are using measurement methods that are already well established under the EPA's Air program, such as EPA stack test methods for mercury (EPA Method 30B). Sources can comply using pollution prevention techniques or readily available control technology for mercury emissions.

Plans for scientific analyses and peer review:

None required.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Amendments - Electric Arc Furnace (EAF) Area Source Standard

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		x
Is the action primarily administrative (i.e., involve reporting or record keeping)?		x
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		x
Is the action an extension of an existing initiative?	x	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			x
Addresses areas of substantial uncertainties			x
Involves major environmental risks			x
Relates to emerging environmental issues			x
Exhibits a long-term outlook			x

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action is a proposed revision of the 2007 maximum achievable control technology (MACT) standard for mercury emissions from electric arc furnaces. As a revision to a current standard with a limited scope of applicability in terms of sources and pollutants, it appears to not require review by the SAB at this time.

Name of action: Kraft Pulp Mills NSPS Review

RIN number: 2060-AQ64

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

This action is subject to a consent decree with a proposed rule signature deadline of May 15, 2013, and a final rule signature deadline of March 14, 2014. Section 111(b)(1) of the Clean Air Act (CAA) directs EPA to review and, if appropriate, revise the New Source Performance Standards (NSPS) at least every 8 years after promulgation. This is a review of Subpart BB, Standards of Performance for Kraft Pulp Mills Section 60.280 - 60.285 which was promulgated in 1978 and last reviewed in 1986. The subpart is applicable to the following sources in kraft pulp mills that were installed after 1978: Digester systems, brown stock washers, evaporator systems, recovery furnaces, smelt dissolving tanks, lime kilns and condensate stripper systems. The pollutants regulated in this subpart include total reduced sulfur (TRS) compounds and particulate matter (PM). This action is subject to a citizen suit under section 304(a)(2) of the CAA brought against the U.S. EPA under the Administrative Procedure Act, 5. U.S.C. 701-06. This complaint seeks to compel the Administrator to fulfill her mandatory duty to review the NSPS for new and modified kraft pulp mills.

Timetable: Consent Decree, Proposed Rule – Signature: 5/15/13, Final Rule – Signature: 3/14/14

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No. The agency has not identified new technologies for this subcategory.

Scientific questions to be addressed and approach:

EPA has been reviewing information collected from industry in a 2010 information collection request (ICR) survey to determine technology and process changes being utilized to reduce air emissions. This review has not resulted in the identification of new technologies for this subcategory. There are no new science issues related to this rulemaking.

Plans for scientific analyses and peer review: None required.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Kraft Pulp Mills NSPS Review

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		x
Is the action primarily administrative (i.e., involve reporting or record keeping)?		x
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		x
Is the action an extension of an existing initiative?	x	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			x
Addresses areas of substantial uncertainties			x
Involves major environmental risks			x
Relates to emerging environmental issues			x
Exhibits a long-term outlook			x

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action is basically a revision of an existing standard. No new technology has been identified. The SAB should not consider this action for additional attention.

Name of action: Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions; Reconsideration
RIN number: 2060-AQ47

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

EPA is proposing a rule based on the results of its reconsideration of the final rule titled, "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions" (Fugitive Emissions Rule), published on December 19, 2008. Through a letter signed on April 24, 2009, EPA granted reconsideration on a petition submitted by the National Resources Defense Council (NRDC), as well as an administrative stay of the Fugitive Emissions Rule provisions. On March 30, 2011, EPA issued an interim rule that stayed the Fugitive Emissions Rule by reverting the text of the affected sections of the CFR back to the prior rule language. This stay will remain in effect until EPA completes its reconsideration and undertakes any associated rulemaking. In this action EPA will consider the petition for reconsideration, public comments, and information contained in the rulemaking docket to reach a decision on the reconsideration and finalize the rule.

Timetable: Statutory: N/A, Regulatory Agenda: Schedule to be determined

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No.

Scientific questions to be addressed and approach:

There are no new science issues associated with this rulemaking.

Plans for scientific analyses and peer review:

None required.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions; Reconsideration

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		x
Is the action primarily administrative (i.e., involve reporting or record keeping)?		x
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		x
Is the action an extension of an existing initiative?	x	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			x
Addresses areas of substantial uncertainties		x	
Involves major environmental risks		x	
Relates to emerging environmental issues			x
Exhibits a long-term outlook			x

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

No new science issues identified. The SAB should not consider this action for additional attention.

Name of action: Petroleum Refinery Sector Amendment for Flares

RIN number: 2060-AR69

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

This action is part of the Petroleum Refinery Risk and Technology Review (RTR) rule proposal, currently at OMB. EPA is in negotiations with litigants on a consent decree deadline to propose the Refinery RTR. As part of the RTR review, EPA plans to conduct a review of the standards dealing with overall flare performance and efficiency at petroleum refineries, and to amend those standards as necessary.

Timetable:

NPRM (subject to change pending consent decree deadline negotiations): 11/00/2013

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No.

Scientific questions to be addressed and approach:

Flares are often used at petroleum refineries as a control device for regulated vent streams, as well as to handle non-routine emissions (e.g., leaks, purges, emergency releases). Factors that may affect combustion efficiency and overall flare performance include, among other things: variability of waste gas composition, over-steaming of steam assisted flares, excess aeration of air assisted flares, and maintenance of a stable flame. The EPA will propose amendments, as necessary, to establish standards to ensure that flares are operated to achieve efficient combustion that has the potential to improve public health by reducing emissions of air toxics.

Plans for scientific analyses and peer review:

Any science used in the rule development has already gone through appropriate peer review. The EPA conducted an ad-hoc peer review in Spring 2012, where a panel of experts from industry, engineering firms, and academia were tasked with answering specific questions about flare design and operation that could affect flare performance. In addition, any data used in developing the rule will undergo standard QA procedures.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Petroleum Refinery Sector Amendment for Flares

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		x
Is the action primarily administrative (i.e., involve reporting or record keeping)?		x
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		x
Is the action an extension of an existing initiative?	x	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency		x	
Addresses areas of substantial uncertainties		x	
Involves major environmental risks			x
Relates to emerging environmental issues			x
Exhibits a long-term outlook			x

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

Although this action has some potentially interesting science and engineering issues pertaining to characterization of emission for flares, this is a rule-making process that is in the late stages of its development and for which the proposed rule is under review by OMB. EPA reports that an ad-hoc peer review panel comprised of "experts from industry, engineering firms, and academia" answered specific questions about flare design and operation in Spring 2012. Thus, given the scope and timing of the rule, and taking into account the external ad-hoc review, this action is not a candidate for SAB review.

Name of action: Reconsideration of the Polyvinyl Chloride and Copolymer Production National Emission Standards for Hazardous Air Pollutants

RIN number: 2060-AR73

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

This action is in response to four petitions for reconsideration by industry and environmental stakeholders of the April 2012 PVC NESHAP. The petitions identify notice and comment issues, as well as several technical consistency and policy issues. The April 2012 final rule was issued in response to a 2009 settlement agreement with Sierra Club, Mossville Environmental Action Now (MEAN) and Louisiana Environmental Action Now (LEAN) to replace the vacated PVC MACT rule. The April 2012 final rule also included a revised PVC GACT rule. This action includes reconsideration of issues in both the MACT and GACT portions of the April 2012 final rule.

Timetable:

NPRM: 11/04/2013

Final Rule: 11/04/2014

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No.

Scientific questions to be addressed and approach:

The reconsideration is primarily addressing notice and comment issues that occurred between proposal and final rule promulgation. We are also requiring process wastewater testing and emissions data collection. These data will be used to reconsider emission standards for process wastewater. No novel scientific approaches will be used in the analysis of data related to this action.

Plans for scientific analyses and peer review:

The data received for process wastewater emissions will undergo standard QA procedures.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Reconsideration of the PVC and Copolymers NESHAP

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?	X	
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks			X
Relates to emerging environmental issues			X
Exhibits a long-term outlook			X

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action does not merit further SAB consideration. This is a reconsideration of an April 2012 rule addressing notice and comment issues that occurred between proposal and final rule promulgation. EPA will also do additional testing of process wastewater to provide data for reconsideration of emission standards for process wastewater. No novel scientific approaches will be used in the analysis of data related to this action.

Name of action(s)¹: Residual Risk and Technology Review Amendments to the Phosphoric Acid and Phosphate Fertilizer Production National Emissions Standards for Hazardous Air Pollutants (NESHAP); National Emission Standards for Aerospace Manufacturing and Rework Facilities Risk and Technology Review; National Emission Standards for Hazardous Air Pollutants (NESHAP) From Offsite Waste and Recovery Operations RTR; Petroleum Refinery Sector Risk and Technology Review and NSPS

EPA Office originating action: OAR

Brief Description of action and statement of need for the action: Hazardous air pollutants (i.e., “air toxics”) are emitted from numerous industrial and other sources exposing residents downwind and, in some cases, through multimedia transfer. The Clean Air Act (CAA) requires that EPA evaluate emissions and resulting risks from these sources (by category) to determine whether exposure levels are such as to provide an “ample margin of safety” and to evaluate whether technology changes over time provide an opportunity for cost-effective emission reductions.

The RTR rules are a combined effort to evaluate both risk and technology as required by the CAA after the application of maximum achievable control technology (MACT) standards. CAA section 112(f)(2) directs EPA to conduct risk assessments on each source category subject to MACT standards within 8 years of promulgation of the MACT standards, and to determine if additional standards are needed to reduce residual risks. Section 112(d)(6) of the CAA requires EPA to review and revise any standards issued under Section 112, as necessary, taking into account developments in practices, processes, and control technologies. Technology reviews are required at least every 8 years after promulgation of MACT standards. The RTR rules fulfill the requirements of both of these sections, and the upcoming proposals include phosphoric acid and phosphate fertilizer production, aerospace manufacturing and rework facilities, offsite waste recovery operations and petroleum refineries. The petroleum refineries project also will include some technical corrections to the petroleum refineries NSPS.

Timetable:

See Table 1 for list of rules and associated schedules. Most of these schedules were established by the Court under a consent decree.

Does action rely on science that meets the EPA *Peer Review Handbook* definition of “an influential scientific or technical work product” that “has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?”

Yes, the residual risk assessment methodology relies on science that meets the EPA *Peer Review Handbook* definition as specified. As noted below, the Science Advisory Board (SAB) has reviewed this methodology.

¹ The originating office provided a single summary that provides a description of all four Residual Risk and Technology Reviews in the semiannual regulatory agenda reviewed by the SAB workgroup.

Scientific questions to be addressed and approach:

These rules require the assessment of risks resulting from emissions from designated sources with a particular focus on the most highly exposed populations. The methodology for conducting the risk assessments is described in “Risk and Technology Review (RTR) Risk Assessment Methodologies: For Review by the EPA’s Science Advisory Board with Case Studies – MACT I Petroleum Refining Sources and Portland Cement Manufacturing (EPA-452/R-09-006).” The SAB reviewed this document in July 2009 and the final report of the review panel is available at ([SAB website](#)). The technology review focuses on identifying and evaluating cost-effective emission reduction technologies that may have come into use since the associated MACT rule was finalized. This analysis relies on publically available information and information from affected industry and other stakeholders.

Plans for scientific analyses and peer review:

As described above, the methodology for conducting the risk assessment was peer reviewed by the SAB. The need for additional peer review is evaluated on a case by case basis (e.g, for unique scientific issues that may arise in a particular assessment).

Table 1. List of RTR Rules and Associated Schedules

RIN	Title	Proposal Date	Final Rule Date	Court-ordered?
2060-AQ75	Petroleum Refinery Sector Risk and Technology Review and NSPS	12/00/13	12/00/14	Yes ²
2060-AQ20	Residual Risk and Technology Review Amendments to the Phosphoric Acid and Phosphate Fertilizer Production National Emissions Standards for Hazardous Air Pollutants (NESHAP)	11/14/2013	8/15/2014	Yes
2060-AR47	National Emission Standards for Hazardous Air Pollutants (NESHAP) From Offsite Waste and Recovery Operations RTR	12/11/2013	9/16/2014	Yes
2060-AQ99	National Emission Standards for Aerospace Manufacturing and Rework Facilities Risk and Technology Review	3/15/2014	1/15/2015	Yes

² Dates for Petroleum Refineries are approximate. Consent decree currently under negotiation.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Residual Risk & Technology Review Amendments to the Phosphoric Acid & Phosphate Fertilizer Production NESHAP

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	X	
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks		X	
Relates to emerging environmental issues			X
Exhibits a long-term outlook			X

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action does not merit further SAB consideration. The Clean Air Act requires risk assessments on each source category subject to MACT standards within 8 years of MACT standard promulgation. This is to determine if additional standards are needed to reduce residual risks. There is also a requirement for a technology review to consider new developments in practices, processes, and control technologies. The Risk and Technology Review (RTR) meets both requirements. The RTR Risk Assessment Methodologies were reviewed by the SAB in 2009.

This RTR is for NESHAPs in the fertilizer industry and doesn't involve new science.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: National Emission Standards for Aerospace Manufacturing & Rework Facilities Risk & Technology Review

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	X	
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks			X
Relates to emerging environmental issues			X
Exhibits a long-term outlook			X

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action does not merit further SAB consideration. The Clean Air Act requires risk assessments on each source category subject to MACT standards within 8 years of MACT standard promulgation. This is to determine if additional standards are needed to reduce residual risks. There is also a requirement for a technology review to consider new developments in practices, processes, and control technologies. The Risk and Technology Review (RTR) meets both requirements. The RTR Risk Assessment Methodologies were reviewed by the SAB in 2009.

This RTR is for emissions standards in the aerospace industry and doesn't seem to involve new science although there may be new hazards associated with use engineered nanomaterials.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: NESHAP from Offsite Waste & Recovery Operations RTR

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	X	
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks		X	
Relates to emerging environmental issues			X
Exhibits a long-term outlook			X

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action does not merit further SAB consideration. The Clean Air Act requires risk assessments on each source category subject to MACT standards within 8 years of MACT standard promulgation. This is to determine if additional standards are needed to reduce residual risks. There is also a requirement for a technology review to consider new developments in practices, processes, and control technologies. The Risk and Technology Review (RTR) meets both requirements. The RTR Risk Assessment Methodologies were reviewed by the SAB in 2009.

This RTR is for NESHAPs in the chemical disposal industry and doesn't seem to involve new science. They are primarily used oils and solvents taken off-site for storage, treatment, recovery of disposal at about 750 facilities nationwide. The major concern is VOCs, especially benzene and methylene chloride. An 82% reduction in emission has been realized through this NESHAP.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Petroleum Refinery Sector Risk and Technology Review and NSPS

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	X	
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency		X	
Addresses areas of substantial uncertainties	X		
Involves major environmental risks	X		
Relates to emerging environmental issues	X		
Exhibits a long-term outlook		X	

The Clean Air Act (CAA) requires risk assessments on each source category subject to Maximum Achievable Control Technology (MACT) standards within 8 years of MACT standard promulgation. This is to determine if additional standards are needed to reduce residual risks. There is also a requirement for a technology review to consider new developments in practices, processes, and control technologies. The Risk and Technology Review (RTR) meets both requirements. The RTR Risk Assessment Methodologies were reviewed by the SAB in 2009. The New Source Reporting Standards are also required under the CAA and stationary sources must demonstrate compliance.

This action is recommended for SAB consideration for future review for the following reasons:

- 1) Two MACT values are amended and new control technologies have been developed.
- 2) The American Petroleum Institute has petitioned EPA over these rules.
- 3) The rule signed in 2009 was subsequently withdrawn because it inadequately characterized the risks of petroleum production emissions.
- 4) In 2010 EPA received additional data from the regulated industry and the new rule making will use these data.

- 5) This is an important industry because there is a considerably large exposed population, the facilities are complex and difficult to regulate, and there are many pollutants generated at high levels.
- 6) This is an important environmental justice issue with considerable disparity in the exposed vs. unexposed population.

Name of action: National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing Area Sources

RIN number: 2060-AR71

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

This action is under a consent decree. In 2012, EPA received responses from wool fiberglass companies which conducted furnace emissions testing for chromium compounds under a Clean Air Act Section 114 letter. Industry data show that wool fiberglass area sources emit chromium from all furnace types. Emissions of chromium compounds from the wool fiberglass industry's area sources total over 50 pounds per year. Additionally, one major source facility is expected to become an area source through changes to a process downstream and independent of the furnace; one furnace at that source has been measured as emitting over 500 pounds per year of chromium compounds. The agency plans to list and regulate area sources in the Wool Fiberglass source category for all processes that emit HAP.

Timetable: NPRM – Signature: 3/15/13, Final Rule – Signature: 1/31/14

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No. We are listing and regulating wool fiberglass area sources for chromium and PM. This is the same as the action being taken for glass melting furnaces in the major source RTR.

Scientific questions to be addressed and approach:

Emissions of chromium compounds from the wool fiberglass industry's area sources total over 50 pounds per year. Additionally, one major source facility is expected to become an area source (fall below the threshold that defines a major source) through changes to a process downstream and independent of the furnace; one furnace at that source has been measured as emitting over 500 pounds per year of chromium compounds. The data show that portion of total chromium compounds that have been measured as hexavalent chromium can be over 90 percent. The proposed rule focuses upon the furnace designs that have the greatest potential to emit chromium compounds (air gas and oxyfuel furnaces). Energy costs, production forecasts and environmental compliance indicate an increasing trend siting of oxyfuel furnaces at wool fiberglass manufacturing facilities.

Plans for scientific analyses and peer review:

The scientific bases of the proposed rule have already undergone appropriate scientific peer review. These include the methods used to collect and model source emissions data for the risk assessment and economic analyses evaluating the impacts of the proposed rule.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: NESHAP for Wool Fiberglass Manufacturing

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks		X	
Relates to emerging environmental issues			X
Exhibits a long-term outlook			X

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action does not merit further SAB consideration.

EPA is regulating wool fiberglass furnaces as they already do for other glass furnaces to control PM and chromium emissions. The scientific bases of the proposed rule have already undergone scientific peer review including methods used to collect and model source emissions data for the risk assessment and economic analyses of the impacts of the proposed rule.

Name of action: Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards

RIN Number: 2060-AQ86

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

This action would establish more stringent vehicle emissions standards and reduce the sulfur content of gasoline as part of a systems approach to addressing the impacts of motor vehicles and fuels on air quality and public health. Light-duty vehicles are responsible for a significant portion of the precursors to pollutants such as ozone, particulate matter (PM_{2.5}) and nitrogen oxides (NO_x) and are large contributors to ambient air toxic pollution. In many nonattainment areas, by 2014, cars and light trucks are projected to contribute 30-45 percent of total NO_x emissions, 20-25 percent of total volatile organic compound (VOC) emissions, and 5-10 percent of total direct PM_{2.5} emissions. Importantly, without future controls, by 2020 mobile sources are expected to be as much as 50 percent of the inventories of these pollutants for some individual urban areas. EPA has estimated that light-duty vehicles will contribute about half of the 2030 inventory of air toxic emissions from all mobile sources. The most recent National-Scale Air Toxics Assessment showed that in 2005, mobile sources were responsible for over 50 percent of cancer risk and noncancer hazard. The Tier 3 rule would result in significant reductions in pollutants such as ozone, particulate matter, and air toxics across the country, and help state and local agencies in their efforts to attain and maintain health-based National Ambient Air Quality Standards (NAAQS). These proposed vehicle standards are intended to harmonize with California's Low Emission Vehicle program, thus creating a federal vehicle emissions program that would allow automakers to sell the same vehicles in all 50 states. The vehicle standards would also coordinate with the light-duty vehicle greenhouse gas standards for model years 2017-2025, creating a nationwide alignment of vehicle programs for criteria pollutant and greenhouse gases.

Timetable: NPRM: 03/13, FRM: 12/13

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

Yes (see below).

Scientific questions to be addressed and approach:

The emissions and fuel standards for motor vehicles proposed in this action are based on understanding the emissions performance of vehicles and fuels as a system, and the feasibility and effectiveness of changes that would reduce emissions. Data were collected from vehicle certification programs and emissions test programs to characterize exhaust and evaporative emissions associated with motor vehicle technology and fuel properties such as sulfur content.

Plans for scientific analyses and peer review:

For some of the proposed standards in this action, new data were needed to characterize exhaust and evaporative emissions of existing technologies, as well as the emissions impacts of the proposed standards. The science underlying collection and analysis of vehicle emissions data is generally well-defined. We identified new data collection and or analysis efforts that fell under the category of Influential Scientific Information (ISI) and followed the guidelines in EPA's Peer Review Handbook for peer-review of this work. Work under the following research areas was peer-reviewed according to guidelines for ISI: characterizing the emissions impacts of lowering the sulfur content of gasoline; characterizing evaporative emissions from motor vehicles with evaporative system leaks; modeling of diurnal evaporative emission data to improve emissions modeling; and refinery modeling.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	X	
Is the action an extension of an existing initiative?		X

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency		X	
Addresses areas of substantial uncertainties		X	
Involves major environmental risks	X		
Relates to emerging environmental issues	X		
Exhibits a long-term outlook	X		

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action should receive consideration for SAB review. This action will be a highly significant and influential rule making, addressing a source categories that is complex in terms of variation among vehicle type, technology, fuel type, and other factors, and that will have significant implications for reducing exposure and risk. This action has implications for multipollutant air quality management and prospects for broader attainment of National Ambient Air Quality Standards. The agency argues that the science for collecting and analyzing vehicle emissions data is generally well-defined, but these techniques are evolving and in many cases require careful interpretation. The agency has provided information on letter peer review for some individual science components supporting the rule. Given the large scope and implications of this rule, it merits consideration for possible review by SAB.

Name of action: Identification of Additional Qualifying Renewable Fuel Pathways III and Modification to the Renewable Fuels Program

RIN Number: 2060-AR50

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

The Renewable Fuel Standard (RFS) program was enacted in the Energy Policy Act of 2005 and substantially amended by the Energy Independence and Security Act of 2007 (EISA 2007). The initial regulations implementing the EISA requirements were published in the Federal Register on March 26, 2010 (75 FR 14670). Since then, EPA has published a number of amendments to the initial RFS regulations, including the identification of additional pathways for the production of qualifying renewable fuel. This proposed action would include a number of clarifications, modifications, and technical amendments to the RFS regulations that are designed to assist regulated parties understand and comply with the regulations. This action would also include proposed amendments to Table 1 to Section 80.1426(f) of the RFS regulations to include additional pathways for the production of qualifying renewable fuels. These new pathways would reflect an assessment of the lifecycle greenhouse gas emissions of fuels produced through the pathways, and would allow producers or importers of such fuels to generate Renewable Identification Numbers under the program, provided that the fuel meets the other regulatory requirements of the program.

Timetable:

Proposed Rule to OMB: 03/13

Proposed Rule Signature: 06/27/13

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No.

Scientific questions to be addressed and approach:

The evaluations of renewable fuels are done pursuant to the analytical requirements spelled out in the Energy Independence and Security Act of 2007 and EPA's RFS regulations. A primary component of that evaluation process is an assessment of lifecycle greenhouse gas (GHG) emissions associated with the production and use of biofuels derived from a given feedstock. For a renewable fuel to qualify under the RFS program, that fuel's lifecycle GHG emissions must meet certain statutorily-defined greenhouse gas reduction thresholds. As required by the Clean Air Act, in addition to other requirements, the renewable fuel must reduce lifecycle GHG emissions by 20%, 50%, or 60% compared to the 2005 baseline petroleum fuel it replaces to qualify as renewable biofuels, advanced biofuels, or cellulosic biofuels, respectively. EPA's

evaluation of the new fuel pathways will not change any of the existing, reviewed methodology that was used as part of the initial RFS rule.

Plans for scientific analyses and peer review:

In developing our lifecycle approach and methodology as part of the March 2010 RFS rule, the Agency employed a collaborative, transparent, and science-based approach. Through technical outreach, the peer review process, and the public comment period, EPA received and reviewed a significant amount of data, studies, and information on our proposed lifecycle analysis approach. We incorporated a number of new, updated, and peer-reviewed data sources in the modeling used as part of our final 2010 rulemaking analysis. EPA will be applying the same methodology adopted pursuant to that elaborate process in this rulemaking.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Identification of Additional Qualifying Renewable Fuel Pathways III and Modification to the Renewable Fuels Program

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		x
Is the action primarily administrative (i.e., involve reporting or record keeping)?	x	
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		x
Is the action an extension of an existing initiative?	x	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			x
Addresses areas of substantial uncertainties			x
Involves major environmental risks			x
Relates to emerging environmental issues			x
Exhibits a long-term outlook			x

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

The agency claims that this action will be based on existing, reviewed methodology that was part of the initial RFS rule. If so, then this action is not a priority for SAB review.

Name of action: Renewable Fuel Standard (RFS) Volume Standards for 2014

RIN Number: 2060-AR63

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

Under the Clean Air Act Section 211(o), as amended by the Energy Independence and Security Act of 2007, EPA is required to determine and promulgate the applicable volume of biomass-based diesel that will be required in 2013 and beyond, as the statute does not specify the applicable volumes for years after 2012 other than it must be a minimum of 1 billion gallons. On September 27, 2012 EPA finalized a volume of 1.28 billion gallons for calendar year 2013. In this rulemaking EPA will propose the applicable volume of biomass-based diesel for 2014.

Timetable:

To OMB: 3/13/13

NPRM - Signature: 5/20/13

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No.

Scientific questions to be addressed and approach:

In the determination of the applicable volume requirement for biomass-based diesel, EPA is required by 211(o)(2)(B)(ii) to consider a number of factors including biodiesel production, consumption, and infrastructure issues as well as the likely impacts of biomass-based diesel production and use in a variety of areas, including climate change, energy security, the agricultural sector, air quality, and others.

Plans for scientific analyses and peer review:

As in the rulemaking that established the 2013 biomass-based diesel volume of 1.28 billion gallons, EPA will largely rely on the analyses conducted as part of the RFS2 final rulemaking released on March 26, 2010. EPA will supplement those analyses with updates on feedstock availability and biodiesel production capacity. We do not expect to conduct a peer review process as the scientific issues do not involve novel or controversial data or interpretations.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Renewable Fuel Standard (RFS) Volume Standards for 2014

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		x
Is the action primarily administrative (i.e., involve reporting or record keeping)?	x	
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		x
Is the action an extension of an existing initiative?	x	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			x
Addresses areas of substantial uncertainties			x
Involves major environmental risks			x
Relates to emerging environmental issues			x
Exhibits a long-term outlook			x

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action involves an annual procedure. The methods are established. The procedure must be applied for 2014. It has already been applied for 2013. This action does not require SAB review.

EPA/OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION ACTIONS

Name of action: Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings (RIN 2070-AJ56).

EPA Office originating action: OCSPP

Brief description of action and statement of need for the action:

Section 402(c)(3) of the Toxic Substances Control Act (TSCA) requires EPA to regulate renovation or remodeling activities that create lead-based paint hazards in target housing (most pre-1978 housing), pre-1978 public buildings, and commercial buildings. In a 2008 rule, EPA addressed lead-based paint hazards created by these activities in target housing and child-occupied facilities built before 1978 (child-occupied facilities are a subset of public and commercial buildings or facilities where children under age 6 spend a great deal of time). The 2008 rule established requirements for training renovators, other renovation workers, and dust sampling technicians; for certifying renovators, dust sampling technicians, and renovation firms; for accrediting providers of renovation and dust sampling technician training; for renovation work practices; and for recordkeeping. The current rulemaking effort will address renovation or remodeling activities in the remaining buildings described in TSCA section 402(c)(3); i.e., public buildings built before 1978 and commercial buildings that are not child-occupied facilities. In 2010, EPA issued an Advanced Notice of Proposed Rulemaking (ANPRM) that solicited public comment on lead-safe work practices and other requirements EPA should consider for renovations on the exteriors of public and commercial buildings and whether lead-based paint hazards are created by interior renovation, repair, and painting projects in public and commercial buildings. EPA is currently developing a proposal to address lead-based paint hazards that may be created by renovations on the exterior or in the interiors of public and commercial buildings. As part of a settlement agreement reached in 2009 and most recently amended in September 2012, EPA will hold a public meeting in 2013 to discuss the issues under consideration for this rulemaking. In addition, after considering the information it gathers and its related analyses, EPA has agreed to either sign a proposed rule covering renovation, repair, and painting activities in public and commercial buildings, or determine that these activities do not create lead-based paint hazards by July 1, 2015. If EPA issues a proposed rule, EPA has further agreed to take final action on or before the date 18 months after the proposal is published.

Timetable:

Applicable Deadlines: NPRM by 7/1/2012; Judicial from 2012 amended Settlement Agreement; FRM by 1/1/2017 Judicial from 2012 amended Settlement Agreement

Regulatory Agenda: NPRM 7/2015

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of “an influential scientific or technical work product” that “has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?”

At this point in the development process, it is too early to make this determination. On December 31, 2012 ([77 FR 76996](#)) (FRL 9373-7), EPA opened a comment period to allow for additional data and other information to be submitted by the public and interested stakeholders, and also provided advance notice of EPA's plan to hold a public meeting on June 26, 2013.

Scientific questions to be addressed and approach:

N/A

Plans for scientific analyses and peer review:

N/A

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Lead; Renovation, Repair & Painting Program for Public & Commercial Buildings

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		Not Specified
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties		X	
Involves major environmental risks		X	
Relates to emerging environmental issues			X
Exhibits a long-term outlook		X	

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

Not recommended for SAB evaluation at this time. The EPA previously issued rules governing lead abatement in child-occupied buildings (public and commercial buildings or facilities where children under age 6 spend a great deal of time). This rulemaking effort is an extension of the existing lead paint abatement practice that is now recommended to be applied to pre-1978 public and commercial buildings that are not child-occupied facilities. EPA will hold a public meeting in 2013 to discuss the issues under consideration for this rulemaking. After considering that information, EPA has agreed to either sign a proposed rule by July 1, 2015 covering renovation, repair, and painting activities or determine that these activities do not create lead-based paint hazards

Name of action: Hydraulic Fracturing Chemicals; Chemical Information Reporting Under TSCA Section 8(a) and Health and Safety Data Reporting Under TSCA Section 8(d) (RIN 2070-AJ93).

EPA Office originating action: OCSPP

Brief description of action and statement of need for the action:

EPA is developing an Advance Notice of Proposed Rulemaking (ANPRM) and intends to initiate a stakeholder process to provide input on the design and scope of possible reporting under the Toxic Substances Control Act (TSCA). EPA anticipates that States, industry, public interest groups and members of the public will be participants in the stakeholder process. The stakeholder process will bring stakeholders together to discuss the information needs and potential reporting under TSCA. As EPA considers potential reporting under TSCA, EPA intends to seek input from the stakeholders to help ensure reporting burdens and costs are minimized, and that information already available is considered in order to avoid duplication of efforts.

Timetable:

Applicable Deadlines: None

Regulatory Agenda: ANPRM 5/2013

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of “an influential scientific or technical work product” that “has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?”

No. This is a pre-rule action that relates to a stakeholder process to provide input on potential reporting that EPA might consider under TSCA. There is no peer reviewable science.

Scientific questions to be addressed and approach:

N/A

Plans for scientific analyses and peer review:

N/A

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Hydraulic Fracturing Chemicals; Chemical Information Reporting Under TSCA Section 8(a) and Health and Safety Data Reporting Under TSCA Section 8(d)

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		x
Is the action primarily administrative (i.e., involve reporting or record keeping)?	x	
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		x
Is the action an extension of an existing initiative?		x

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			x
Addresses areas of substantial uncertainties			x
Involves major environmental risks			x
Relates to emerging environmental issues			x
Exhibits a long-term outlook			x

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action is not recommended for further SAB consideration. It is not based on new science and is primarily administrative in focus.

Name of action: Formaldehyde; Third-Party Certification Framework for the Formaldehyde Standards for Composite Wood Products (RIN 2070-AJ44).

EPA Office originating action: OCSPP

Brief description of action and statement of need for the action:

On July 7, 2010, the Formaldehyde Standards for Composite Wood Products Act was enacted. This law amends Toxic Substances Control Act (TSCA) to establish specific formaldehyde emission limits for hardwood plywood, particleboard, and medium-density fiberboard, which are identical to the California emission limits for these products. The law further requires EPA to promulgate implementing regulations by January 1, 2013. This rulemaking includes provisions related to third-party testing and certification. EPA intends to propose a third-party certification program that will help ensure compliance with the emissions standards. A separate Regulatory Agenda entry (RIN 2070-AJ92) covers the other regulations to implement the statutory formaldehyde emission standards for hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured (including imported) in the United States.

Timetable:

Applicable Deadlines: Statutory: Final Rule by 1/1/2013

Regulatory Agenda: NPRM 1/2013; FRM 2/2014

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of “an influential scientific or technical work product” that “has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?”

No. This is a procedural rule that does not rely on Agency work products subject to peer review under the Handbook. In addition, this proposed rule is currently undergoing interagency review under E.O. 12866/13563.

Scientific questions to be addressed and approach:

N/A

Plans for scientific analyses and peer review:

N/A

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Formaldehyde; Third-Party Certification Framework for the Formaldehyde Standards for Composite Wood Products

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		x
Is the action primarily administrative (i.e., involve reporting or record keeping)?	x	
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		x
Is the action an extension of an existing initiative?		x

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			x
Addresses areas of substantial uncertainties			x
Involves major environmental risks			x
Relates to emerging environmental issues			x
Exhibits a long-term outlook			x

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action is not recommended for further SAB consideration because it is primarily administrative in focus and has no new science issues associated with it.

Name of action: Nanoscale Materials; Chemical Substances When Manufactured, Imported, or Processed as Nanoscale Materials; Reporting and Recordkeeping Requirements; Significant New Use Rule (RIN 2070-AJ546).

EPA Office originating action: OCSPP

Brief description of action and statement of need for the action:

EPA is developing a proposal to establish reporting and recordkeeping requirements under the Toxic Substances Control Act (TSCA) for chemical substances when manufactured (defined by statute to include import) or processed as nanoscale materials. Specifically, EPA is developing a significant new use rule (SNUR) under TSCA section 5(a)(2) that would require persons who intend to manufacture, import, or process this/these chemical substance(s) for an activity that is designated as a significant new use by the proposed rule to notify EPA at least 90 days before commencing that activity. The required notification would provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs to prevent unreasonable risk to human health or the environment. In addition, EPA is developing a proposal to require reporting and recordkeeping under TSCA section 8(a), which would require that persons who manufacture these nanoscale materials notify EPA of certain information including production volume, methods of manufacture and processing, exposure and release information, and available health and safety data. The proposed reporting of these activities will provide EPA with an opportunity to evaluate the information and consider appropriate action under TSCA to reduce any risk to human health or the environment.

Timetable:

Applicable Deadlines: None

Regulatory Agenda: NPRM 7/2013

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of “an influential scientific or technical work product” that “has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?”

No. This is a reporting and recordkeeping rule and does not rely on Agency work products subject to peer review under the Handbook.

Scientific questions to be addressed and approach:

N/A

Plans for scientific analyses and peer review:

N/A

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Nanoscale Materials; Chemical Substances When Manufactured, Imported, or Processed as Nanoscale Materials; Reporting and Recordkeeping Requirements; Significant New Use Rule

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		x
Is the action primarily administrative (i.e., involve reporting or record keeping)?	x	
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		x
Is the action an extension of an existing initiative?		x

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			x
Addresses areas of substantial uncertainties			x
Involves major environmental risks			x
Relates to emerging environmental issues			x
Exhibits a long-term outlook			x

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action is not recommended for further SAB consideration because it is primarily administrative in focus and has no new science issues associated with it.

Name of action: Formaldehyde Emissions Standards for Composite Wood Products (RIN 2070-AJ92).

EPA Office originating action: OCSPP

Brief description of action and statement of need for the action:

On July 7, 2010, the Formaldehyde Standards for Composite Wood Products Act was enacted. This law amends TSCA to establish specific formaldehyde emission limits for hardwood plywood, particleboard, and medium-density fiberboard, which limits are identical to the California emission limits for these products. The law further requires EPA to promulgate implementing regulations by January 1, 2013. This rulemaking will address the mandate to promulgate regulations to implement the statutory formaldehyde emission standards for hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured (including imported) in the United States. As directed by the statute, EPA will also consider provisions relating to, among other things, laminated products, products made with no added formaldehyde resins, testing requirements, product labeling, chain of custody documentation and other recordkeeping requirements, and product inventory sell-through provisions.

Timetable:

Applicable Deadlines: Statutory: Final Rule by 1/1/2013

Regulatory Agenda: NPRM 1/1/2013

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of “an influential scientific or technical work product” that “has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?”

No. This proposed regulation will address the implementation of the statutory mandates that do not involve any peer reviewable science under the handbook. The formaldehyde emission standards that are applicable to this new program are established in the statute. In addition, this proposed rule is currently undergoing interagency review under E.O. 12866/13563.

Scientific questions to be addressed and approach:

N/A

Plans for scientific analyses and peer review:

N/A

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Formaldehyde Emissions Standards for Composite Wood Products

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		x
Is the action primarily administrative (i.e., involve reporting or record keeping)?	x	
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		x
Is the action an extension of an existing initiative?		x

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			x
Addresses areas of substantial uncertainties			x
Involves major environmental risks			x
Relates to emerging environmental issues			x
Exhibits a long-term outlook			x

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action is not recommended for further SAB consideration because it is primarily administrative in focus and has no new science issues associated with it.

Name of action: Testing of Bisphenol A (BPA) (RIN 2070-AJ83).

EPA Office originating action: OCSPP

Brief description of action and statement of need for the action:

Bisphenol A (BPA), a high production volume chemical, is a reproductive, developmental, and systemic toxicant in animal studies and is weakly estrogenic. Following consideration of public comments received on an advance notice of proposed rulemaking (ANPRM) published July 26, 2011, EPA will determine whether to develop a notice of proposed rulemaking (NPRM) seeking comment on testing requirements under consideration including: identifying specific protocols for toxicity testing to determine the potential for BPA to cause endocrine-related adverse effects in environmental organisms at low concentrations, and/or identifying specific protocols for environmental sampling and monitoring to determine whether potentially sensitive organisms may currently be exposed to concentrations of BPA in the environment that are at or above levels of concern for adverse effects, including endocrine-related effects.

Timetable:

Applicable Deadlines: None

Regulatory Agenda: ANPRM 7/26/11; NPRM 0/0000 (Designated as a long-term action)

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of “an influential scientific or technical work product” that “has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?”

At this point in the development process, it is too early to make this determination. This action has been placed in the long-term category, and no determination has been made on whether or what action the agency might pursue, so it is still too early to determine whether there will be peer reviewable science involved in developing this action.

Scientific questions to be addressed and approach:

N/A

Plans for scientific analyses and peer review:

N/A

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Testing of Bisphenol A (BPA)

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		x
Is the action primarily administrative (i.e., involve reporting or record keeping)?		x
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		x
Is the action an extension of an existing initiative?		x

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency	x		
Addresses areas of substantial uncertainties		x	
Involves major environmental risks			x
Relates to emerging environmental issues		x	
Exhibits a long-term outlook		x	

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action is not recommended for further SAB consideration because the regulatory plan is not yet developed. The SAB Staff should monitor this action to obtain an update on whether any new science may be associated with the action.

EPA/OFFICE OF ENFORCEMENT AND COMPLIANCE ASSISTANCE ACTIONS

Name of action: NPDES Electronic Reporting Rule

EPA Office originating action: OECA

Brief description of action and statement of need for the action:

The EPA has responsibility to ensure that the Clean Water Act's (CWA) National Pollutant Discharge Elimination System (NPDES) program is effectively and consistently implemented across the country. This regulation would mandate electronic reporting of NPDES data. Through this regulation, EPA seeks to ensure that such facility-specific information would be accurate, timely, and nationally consistent on the facilities that are regulated by the NPDES program. In the past, EPA primarily obtained this information from state data entry, directly or indirectly, to national NPDES data systems. Information technology has advanced significantly to allow EPA and states to implement electronic reporting rather than the burdensome paper reporting.

The draft proposed rule's requirements for electronic reporting of currently-required information by NPDES permittees would significantly reduce burden and improve the management of the NPDES program. EPA views the draft proposed rule as a key means to reinvigorate the NPDES program, and provide significant savings and flexibilities to states and the NPDES-regulated universe. The electronic reporting and availability of the information would enable states and EPA to better ensure the protection of public health and the environment, effectively manage the national NPDES permitting and enforcement program, monitor compliance, redirect resources, and identify and address environmental problems.

Timetable: NPRM - Feb 2013

Final Action - **January 2014**

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No.

Scientific questions to be addressed and approach:

None.

Plans for scientific analyses and peer review:

None.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: NPDES Electronic Reporting Rule

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		x
Is the action primarily administrative (i.e., involve reporting or record keeping)?	x	
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		x
Is the action an extension of an existing initiative?	x	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			x
Addresses areas of substantial uncertainties			x
Involves major environmental risks			x
Relates to emerging environmental issues			x
Exhibits a long-term outlook			x

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action is not recommended for further SAB consideration. This regulation will mandate electronic reporting of NPDES data. EPA recognizes that current information technology will allow them to now implement electronic reporting versus paper reporting. There is no new data being collected.

EPA/OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE ACTIONS

Name of action: Addition of a Subsurface Intrusion Component to the Hazard Ranking System (HRS)

RIN: 2050-AG67

EPA Office originating action: OSWER

Brief description of action and statement of need for the action: The Hazard Ranking System (HRS), required by the Superfund statute, is the primary mechanism used by EPA to assess the relative threat associated with actual or potential releases of hazardous substances. As a matter of Agency policy, those sites that score 28.50 or greater under the HRS are eligible for inclusion on the National Priorities List (NPL). The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation. A score of 28.50 does not represent a specified level of risk but is a cutoff point that serves as a screening-level indicator of releases or threatened releases that warrant further investigation under the Comprehensive Environmental Response, Compensation and Liability Act. The HRS includes four scoring pathways - ground water, surface water, air and soil exposure. The last comprehensive revision of the HRS occurred December 14, 1990 (55 FR 51532).

Additional pathways have been identified as posing significant threats to human health and the environment that should be considered when evaluating sites for the NPL. One such pathway is subsurface intrusion. Subsurface intrusion occurs when contaminants are released, enter the subsurface environment and move into occupied structures (e.g., residences, workplaces and other buildings) as a gas, vapor or liquid. Over the past decade EPA and state environmental programs have learned significantly more information regarding the risk that this pathway poses to human health. Historically, EPA's Superfund program has responded to vapor intrusion contamination by two mechanisms: (1) through its emergency response program at sites not on the NPL, or (2) through sites placed on the NPL because of other pathway-related risks. In a May 2010 report, the Government Accountability Office (GAO) concluded that if vapor intrusion sites are not assessed and, if needed, listed on the NPL, some seriously contaminated hazardous waste sites with unacceptable human exposure may not otherwise be cleaned up. Thus, EPA is working toward a proposed rulemaking to add a new screening component to the HRS that would allow sites with vapor intrusion contamination to be evaluated for placement on the NPL. This addition would enable the HRS to directly consider the human exposure to contaminants that enter building structures through the subsurface environment and would expand the number of available options for EPA to evaluate potential threats to public health and the environment from releases of hazardous substances. This addition will make the HRS more accurate in assessing a site's relative potential risk. The agency is not considering changes to the remainder of the HRS except for minor updates reflecting changes in terminology. This proposed regulatory change would not affect the status of sites currently on or proposed to the NPL.

Timetable: Statutory: none. Regulatory Agenda: FR publication: 05/2013

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves

precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?”:

No. The proposed rule consists of narrow technical modifications and is an expansion of the current HRS, which was peer reviewed by the agency’s Science Advisory Board (SAB). The 1988 SAB review was comprehensive and addressed the basic structure and concepts of the HRS. This proposed addition adheres to the basic structure and concepts of the current HRS, and thus, is consistent with the recommendations of the SAB. The 1988 SAB report focused on the following issues:

- The overall algorithm for the HRS;
- The inclusion of exposure in the HRS;
- How the HRS could be evaluated in the future;
- Work which could be done to provide better documentation for the next revision of the HRS;
- The types of toxicity the HRS should address and how it should do so;
- Distances from an uncontrolled hazardous waste site that are relevant when considering air pollutants from sites; and
- The feasibility of including waste concentration in the HRS and whether large volume Waste sites had been treated differently than others in the HRS.

Scientific questions to be addressed and approach: During development of this proposed HRS update, the agency determined that several issues pertaining to subsurface intrusion warranted external independent scientific peer review consistent with EPA’s Peer Review Handbook. As a result, the agency has identified elements for which peer review would be helpful, including:

- Consideration of potential for subsurface exposure (intrusion) into occupied structures
- Determination of hazardous waste quantity for the subsurface intrusion component
- Population scoring
- Evaluating populations in multi-story and multi-tenant structures
- Evaluation of target value for workers

Plans for scientific analyses and peer review: A focused independent external peer review was conducted from November 2011 - February 2012. The peer review was conducted on behalf of EPA by an EPA peer review contractor. Five independent peer reviewers were selected by EPA’s peer review contractor including (1) a risk assessor/VI expert from the Agency for Toxic Substances and Disease Registry; (2) a chemical engineer with experience in remediation, monitoring and modeling, who serves as a dean at Arizona State University; (3) a geologist/geochemist/ nationally recognized expert on vapor intrusion; (4) a toxicologist emerita with California Department of Toxic Substances Control; and (5) an Oregon Department of Environmental Quality hydrogeologist with field experience in investigating and mitigating VI. The review explored five charge questions that had been developed by EPA that were specific to the elements mentioned above (potential for intrusion into occupied structures; hazardous waste quantity for subsurface intrusion; population scoring; multi-story/multi-tenant structures; and target value for workers). EPA has made changes to its draft proposed rule based on comments from the peer reviewers and is in the process of completing the peer review response document, which will be made available to the public upon publication of the proposed rule.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Addition of a Subsurface Intrusion Component to the Hazard Ranking System (HRS)

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency's	x		
Addresses areas of substantial uncertainties	x		
Involves major environmental risks		x	
Relates to emerging environmental issues		x	
Exhibits a long-term outlook	x		

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action is not recommended for SAB attention. A peer review was performed on the proposed action with the use of five independent peer reviewers who were managed by an EPA peer review contractor. The peer review team consisted of individuals with expertise in risk assessment, hydrogeology, and engineered remediation/monitoring, who are affiliated with state regulatory agencies, consulting firms, and academia. Five charge questions were addressed by the peer review team: 1) Is EPA’s proposed approach scientifically reasonable for evaluating and assigning proportional weightings for the following when evaluating potential for exposure? 2) Is EPA’s approach of basing the hazardous waste quantity on the amount of contaminants that could be found in the intruded structures appropriate?? 3) Is it appropriate to consider individuals/populations located within the area of subsurface contamination to be at a higher relative risk in situations when sub-slab contaminant concentrations are at least ten times greater than a health-based benchmark? 4) When calculating waste quantity and population, is it scientifically reasonable for populations in multi-story or multi-tenant structures to be evaluated

based on using only the population inhabiting the intruded space and the population on the floor above and below the intruded space, and, 5) Because of longer exposure times indoors, is it reasonable to assume that the relative risk is three times greater for workers exposed to subsurface intrusion within the workplace than it is for workers exposed to outdoor surface contamination at the workplace?

EPA has stated they have made changes to its draft proposed rule based on comments from the peer reviewers and are in the process of completing the peer review response document, which will be made available to the public upon publication of the proposed rule. Accordingly, it is recommended that the action does not require further review.

Name of action: Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; 40 CFR Part 300 Subpart J Product Schedule Listing Requirements

RIN: 2050-AE87

EPA Office originating action: OSWER

Brief description of action and statement of need for the action: Section 311(d)(2)(G) of the Clean Water Act requires EPA to prepare a schedule identifying dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the National Contingency Plan (NCP); and the waters and quantities in which they may be used. Subpart J of the NCP contains the regulations promulgated in response to this requirement. EPA is considering revising Subpart J of the NCP to address the efficacy, toxicity, and environmental monitoring of dispersants, other chemical and biological agents, and other spill mitigating substances, as well as public, state, local, and federal officials concerns on their authorization and use. Additionally, the Agency is considering amendments to area planning requirements for agent use authorization, and advanced monitoring techniques. The Agency is also considering revisions to harmonize 40 CFR part 110.4 with the definitions for chemical and biological agents proposed for Subpart J. These changes, if finalized, will help ensure that chemical and biological agents have met rigorous efficacy and toxicity requirements, that product manufacturers provide important use and safety information, and that the planning and response community is equipped with the proper information to authorize and use the products in a judicious and effective manner.

Timetable:

Statutory: N/A

Regulatory Agenda: Currently we anticipate the NPRM to be published in March of 2013.

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

This action relies on influential scientific information that is comprised of standard EPA methodologies and testing protocols which have been in long-standing use by the Agency.

Scientific/technical questions to be addressed and approach:

The use of dispersants in response to the April 20, 2010, explosion of the Deepwater Horizon drilling rig and resulting oil spill in the Gulf of Mexico (or "Deepwater Horizon incident"), both on surface slicks and injected directly into the oil from the well riser, raised many questions about efficacy, toxicity, environmental trade-offs, and monitoring challenges. The Agency is considering amendments to Subpart J that would increase the overall scientific soundness of the data collected on mitigation agents, take into consideration not only the efficacy but also the toxicity, long-term environmental impacts, endangered species protection, and human health concerns raised during responses to oil discharges, including the Deepwater Horizon incident. For example, we propose to expand dispersant efficacy testing to two crude oils at two different

temperatures, add new toxicity tests and propose a toxicity threshold as a benchmark for deciding whether to list a product on the Product Schedule. The additional data requirements being considered would aid On Scene Coordinators (OSCs) and Regional Response Teams (RRTs) when evaluating specific product information and when deciding whether and which products to use to mitigate hazards caused by discharges or threatened discharges of oil. This action is a major component of EPA's effort to inform the use of dispersants and other chemical or biological agents when responding to oil discharges based on lessons learned from the Federal Government's experiences in responding to off-shore oil discharges, including the Deepwater Horizon incident, and anticipation of the expansion of oil exploration and production activities in the Arctic.

Plans for scientific/technical analyses and peer review:

The Subpart J proposed rule consists mostly of amendments to existing requirements. All of the laboratory test methodologies on which the amendments are based are standard EPA methodologies that have been in long standing use by the Agency. As such we have no plans for additional scientific/technical analyses and peer review.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: _ Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; 40 CFR Part 300 Subpart J Product Schedule Listing Requirements

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?	X	
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks			X
Relates to emerging environmental issues		X	
Exhibits a long-term outlook			X

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action is not recommended for SAB attention because it focuses on established testing protocols and methods that do not require additional peer review.

Name of Action: Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hard Rock Mining & Mineral Processing Industry.

RIN: 2050-AG6

EPA Office Originating Action: OSWER

Brief Description of Action and Statement of Need for the Action:

Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements. EPA intends to use this authority to establish regulations for businesses to have financial mechanisms in place -- such as a bond or insurance policy -- to address risks associated with their management of hazardous substances, without burdening taxpayers. The Agency has identified classes of facilities within the hard rock mining and mineral processing sectors, as those for which financial responsibility requirements will be first developed. EPA intends to include requirements for financial responsibility, as well as notification and implementation.

Timetable: Statutory: CERCLA does not give EPA a statutory deadline for this rule. Regulatory Agenda: NPRM - 05/2014

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

This action is primarily a financial responsibility rule. This action is not likely to rely on scientific or technical work products that may involve precedential or novel issues. We are collecting publically available information from CERCLA, RCRA, and other publically available sources in order to: 1) describe the history of mining and mineral processing sites under Superfund; and 2) characterize the currently active sites in these industrial sectors. This action is likely to be deemed economically significant due to its potential overall costs.

Scientific/Technical Questions to be Addressed and Approach:

EPA intends the CERCLA Section 108(b) proposed rulemaking to assure the availability of funds for hazardous substance response should it become necessary. Therefore, the analyses necessary for development of this proposal are focused on the evaluation of historic response actions (including past costs and risk determinations), the projection of future environmental liabilities and costs, as well as financial analyses aimed at assessing the bankruptcy potential of entities subject to the rule. As such, this action does not address novel scientific or technical questions.

Plans for Scientific/Technical Analyses and Peer Review:

The analytical methods being used in the regulatory development process for this action involve customary qualitative and quantitative analyses, including routine mathematical and statistical analyses, as well as standard forms of firm-level financial analyses. As such, the necessary analyses are not of a novel scientific or technical nature, nor do we anticipate the need for peer review.

**Recommendation from the SAB Work Group on EPA Planned Actions for SAB
Consideration of the Underlying Science**

Name of planned action: Financial Responsibility Requirement under CERCLA Section 108(b)

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?	X	
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks			X
Relates to emerging environmental issues			X
Exhibits a long-term outlook			X

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action is not recommended for SAB attention because the action is administrative in nature and does not involve new scientific or technical issues.

Name of action: CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

RIN: 2040-AF43

EPA Office originating action: OSWER

Brief description of action and statement of need for the action:

On December 18, 2008, EPA published a Final Rule, "CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms" (73 FR 76948) ("the Final Rule"). The Final Rule established exemptions from certain reporting requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the Emergency Planning and Community Right to Know Act (EPCRA). On January 15, 2009, Waterkeeper Alliance, Sierra Club, the Humane Society of the United States, Environmental Integrity Project, the Center for Food Safety, and Citizens for Pennsylvania's Future (collectively, "Waterkeeper") filed a petition for review of the Final Rule. The petition challenged the exemptions under both CERCLA and EPCRA. On March 17, 2009, the National Pork Producers Council filed its petition for review challenging a portion of the Final Rule that amended the EPCRA regulations. The two cases were consolidated. On February 11, 2009, the National Chicken Council, National Turkey Federation, and U.S. Poultry & Egg Association moved to intervene on behalf of EPA to assert their interests in the Final Rule. The case was held in abeyance so that the Parties could participate in the D.C. Circuit Mediation Program. While the mediation process did not resolve the issues raised by all of the Parties, it did raise issues warranting reconsideration of the Final Rule by EPA. As such, EPA sought and received a voluntary remand, without vacatur of the Final Rule. In this action, EPA is reconsidering the Final Rule based on (1) policy choices that were initially made in the promulgation of the Final Rule; (2) views that were articulated by the Parties during the mediation process; and (3) additional data that is now available. The additional data includes data that was collected as part of the National Air Emissions Monitoring Study (NAEMS) and that is being used to develop emissions estimating methodologies (EEMs). EPA's Science Advisory Board (SAB) is currently evaluating the draft EEMs. When those EEMs become final, EPA intends to consider the EEMs in the reconsideration of the Final Rule. The schedule for the publication of the proposed rule is dependent on the finalization of those EEMs.

Timetable:

Statutory: N/A

Regulatory Agenda: NPRM - 12/2013

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

Yes.

Scientific/technical questions to be addressed and approach:

Animal waste at farms can release certain CERCLA hazardous substances to the air. Of particular concern to this action is ammonia and hydrogen sulfide. Without a specific statutory or regulatory exemption, the person in charge of the facility (i.e., farm) is required by CERCLA section 103 to notify the National Response Center when there has been a release of a hazardous substance at or above the reportable quantity for that hazardous substance into the environment, and EPCRA section 304 to notify state and local emergency response organizations when the hazardous substance has left the facility. Ammonia and hydrogen sulfide each have a reportable quantity of 100 pounds in any 24 hour period. The Final Rule exempted farms from the CERCLA section 103 notification requirements for those releases and used a specific number of animals (by species) to determine whether the notification requirements were in effect for EPCRA. The Final Rule used the number of animals defined by the Clean Water Act's National Pollutant Discharge Elimination System definition of a large confined animal feeding operation for that threshold.

The NAEMS data should provide information about the level of emissions coming from certain farms and thus allow the Agency to provide guidance on expected release levels. As noted above, we plan to use the final EEMs in the reconsideration of the Final Rule. For animal species for which NAEMS data is not collected, we will conduct a literature search, and to the extent practicable use any available data that has been peer-reviewed to determine an EEM for these animal species that is consistent with the NAEMS data collection effort. The Agency will also consider additional peer reviewed emission data that is submitted during the proposed rule comment period.

Plans for scientific/technical analyses and peer review:

EPA's Science Advisory Board (SAB) is currently evaluating EEMs based on the NAEMS data; we will consider those EEMs to be peer reviewed. EEMs used for other species will be based on peer-reviewed data that is consistent with the NAEMS data collection effort.

**Recommendation from the SAB Work Group on EPA Planned Actions for SAB
Consideration of the Underlying Science**

Name of planned action: CERCLA/EPCRA Reporting for air release of hazardous substances from animal waste at farms

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)? (EEM's emissions estimate methodology)	X	
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	X	
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency	X		
Addresses areas of substantial uncertainties	X		
Involves major environmental risks	X		
Relates to emerging environmental issues		X	
Exhibits a long-term outlook	X		

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

The EEM is being reviewed by the SAB, and will be used in the rule making.

EPA/OFFICE OF WATER ACTIONS

Name of action: NPDES Regulations to Address Water Quality Impacts From Forest Road Discharges (RIN 2040-AF43)

EPA Office originating action: OW

Brief description of action and statement of need:

The EPA will provide advance notice of its intent to propose flexible non-permitting approaches under the Clean Water Act to regulate certain discharges of stormwater from forest roads, including logging roads, in order to address water quality impacts from those discharges. The EPA recognizes that effective best management practices (BMPs) exist that protect receiving waters and minimize impacts. The EPA plans to propose approaches that leverage effective BMP programs.

Timetable: Pre rule 06/2013

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No, the advance notice of EPA's intent to propose flexible non-permitting approaches under the Clean Water Act does not meet the EPA *Peer Review Handbook* definition.

Scientific questions to be addressed and approach:

None. The EPA continues to review available information on the water-quality impacts of stormwater discharges from forest roads, which include logging roads, as well as existing practices and programs to control such discharges. The EPA is also reviewing information on the coverage and effectiveness of existing practices and programs. The Agency is reviewing the literature and engaging in dialogue with stakeholders to help in this effort.

Plans for scientific analyses and peer review:

None needed.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: NPDES Regulations to Address Water Quality Impacts From Forest Road Discharges

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		XX
Is the action primarily administrative (i.e., involve reporting or record keeping)?		XX
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		XX
Is the action an extension of an existing initiative?		XX

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			XX
Addresses areas of substantial uncertainties			XX
Involves major environmental risks			XX
Relates to emerging environmental issues			XX
Exhibits a long-term outlook		XX	

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action is not recommended for SAB review under the present development of these regulations.

EPA continues to review information of discharges from forest roads recognizing that the best approach is Best Management Practices. There is thus no need for SAB review of this process.

Name of action: Stormwater Regulations Revision to Address Discharges From Developed Sites (Rin 2040-AF13)

EPA Office originating action: Water

Brief description of action and statement of need:

Stormwater discharges from developed areas are a major cause of degradation of surface waters due to the conveyance of pollutants and the erosive power of increased stormwater flow rates and volumes. Current stormwater regulations were promulgated in 1990 and 1999. In 2006, the Office of Water asked the National Research Council (NRC) to review the stormwater program and recommend ways to strengthen it. The NRC Report, which was finalized in October 2008, found that the current stormwater program ". . . is not likely to adequately control stormwater's contribution to waterbody impairment" and recommended that EPA take action to address the harmful effects of stormwater flow. This proposed action would establish requirements for, at minimum, managing stormwater discharges from newly developed and re-developed sites, to reduce the amount of pollutants in stormwater discharges entering receiving waters by reducing the discharge of excess stormwater, and may take other actions to implement improved control of stormwater pollution and more efficient rainwater use. This action could promote the use of green infrastructure approaches to manage stormwater.

Timetable: Judicial for NPRM /; 6/10/2013 - Settlement Agreement deadline for NPRM - Fowler, et al. v. EPA; # 09-0005; D. D.C.; as per 6/28/2012 modification.

Judicial for Final Rule; 12/10/2014 - Settlement Agreement deadline for Final Action - Fowler, et al. v. EPA; # 09-0005; D. D.C.; as per 6/28/2012 modification

Does the action rely on science that meets the EPA Peer Review Handbook definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

Not yet determined.

Scientific questions to be addressed and approach:

What are the costs, economic impact, and benefits of the regulatory options under consideration in the stormwater rule?

Plans for scientific analyses and peer review

OW is using existing models to estimate the cost and economic impact of the proposed stormwater rule. OW is also conducting several analyses to monetize the benefits of the rule. Some of the existing models have already been peer reviewed and OW has conducted external peer review of some of the analyses. OW will catalogue the models and analyses that are being used and will obtain any necessary additional peer reviews prior to finalizing the stormwater rule.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Stormwater Regulations Revision to Address Discharges from Developed Sites

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		xx
Is the action primarily administrative (i.e., involve reporting or record keeping)?		xx
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		xx
Is the action an extension of an existing initiative?		xx

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency		xxx	
Addresses areas of substantial uncertainties			xxx
Involves major environmental risks			xxx
Relates to emerging environmental issues			xxx
Exhibits a long-term outlook	xxx		

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

Not time for a SAB Review. EPA OW recognizes the importance of stormwater and other runoff from developed locations. The NRC recommended that EPA improve its understanding of the runoff process and potential for contamination of water resources. At this time it is developing or improving models for predicting the effects of runoff. EPA recognizes that these models should be reviewed. The question is whether SAB is the appropriate entity to review the new (or newer) models being developed to be used in improving stormwater runoff regulations. It does not seem to be the appropriate time for SAB to recommend getting involved in the development of improved regulations, at least until the models are better developed and tested.

Name of action: Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category (RIN: 2040-AF14)

EPA Office originating action: OW

Brief description of action and statement of need for the action: EPA establishes national technology-based regulations, called effluent limitations guidelines and standards, to reduce discharges of pollutants from industries to waters of the U.S. These requirements are incorporated into National Pollutant Discharge Elimination System (NPDES) discharge permits issued by EPA and states and through the national pretreatment program. The steam electric effluent guidelines apply to steam electric power plants using nuclear or fossil fuels, such as coal, oil and natural gas. There are about 1,200 nuclear- and fossil-fueled steam electric power plants nationwide; approximately 500 of these power plants are coal-fired. In a study completed in 2009, EPA found that the current regulations, which were last updated in 1982, do not adequately address the pollutants being discharged and have not kept pace with changes that have occurred in the electric power industry over the last three decades. The rulemaking will address discharges from ash ponds and flue gas desulfurization (FGD) air pollution controls, as well as other power plant waste streams. Power plant discharges can have major impacts on water quality, including reduced organism abundance and species diversity, contamination of drinking water sources, and other effects. Pollutants of concern include metals (e.g., mercury, arsenic and selenium), nutrients, and total dissolved solids.

Timetable: 4/19/2013 - Consent Decree deadline for NPRM - *Defenders of Wildlife v. Jackson*, 10-1915, D. D.C.; as per 12/10/2012 stipulated extension - 5/22/2014 - Consent Decree deadline for Final Action - *Defenders of Wildlife v. Jackson*, 10-1915, D. D.C.; as per 4/2/2012 modification

NPRM Signature: 4/2013; currently at OMB under E.O. 12866 review; Final Signature: 5/2014

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No, the revisions to the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category do not meet the EPA *Peer Review Handbook* definition.

Scientific questions to be addressed and approach:

None. The focus of this action is to establish national technology-based regulations to reduce discharges of pollutants from the Steam Electric Power Generating Point Sources.

Plans for scientific analyses and peer review:

None needed.

**Recommendation from the SAB Work Group on EPA Planned Actions for SAB
Consideration of the Underlying Science**

Name of planned action: Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?		X

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks		X	
Relates to emerging environmental issues			X
Exhibits a long-term outlook		X	

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

The composition of aqueous discharges from steam-electric power plants has been studied a great deal by EPA, EPRI, and numerous university research groups. There is little new science and engineering involved here. The focus is on bringing regulations up to date. This is an important category of aqueous discharges due the volume of water involved and the widespread distribution of power plants. Overall, however, this is not a high priority for SAB review.

Name of action: Concentrated Animal Feeding Operations Regulations Revision Rule (RIN 2040-AF20)

EPA Office originating action: OW

Brief description of action and statement of need: EPA and authorized states administer the National Pollutant Discharge Elimination System (NPDES) program for concentrated animal feeding operations (CAFOs), as revised by nationally applicable rules in 2003 and 2008. USDA Agricultural Census data shows that there are approximately 900,000 farms that raise livestock or poultry, and EPA estimates that about 238,000 of these farms are considered animal feeding operations (AFOs). The NPDES CAFO Regulations Revision Rule is being developed to ensure Regional and State Water NPDES Permitting Authorities have sufficient tools to reduce discharges of manure from these facilities. The scope of the proposed rule may consider options nationally that would expand the universe of regulated CAFOs and provide more stringent permitting requirements for land application of manure, litter, and process wastewater.

Timetable: Judicial: NPRM 4/30/2013; Final 4/30/2014

Judicial NPRM: Settlement Agreement - Fowler, et al. v. EPA; 09-0005, D. D.C.; as per 6/28/2012 modification

Judicial Final Settlement Agreement - Fowler, et al. v. EPA # 09-CV -00005-CKK D. D.C.; as per 6/28/2012 modification

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No, the revisions to the National Pollutant Discharge Elimination System program for concentrated animal feeding operations do not meet the EPA *Peer Review Handbook* definition.

Scientific questions to be addressed and approach:

None at this time.

Plans for scientific analyses and peer review:

None needed.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Concentrated Animal Feeding Operations Regulations Revision Rule

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?		X

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks		X	
Relates to emerging environmental issues		X	
Exhibits a long-term outlook		X	

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

“The NPDES CAFO Regulations Revision Rule is being developed to ensure Regional and State Water NPDES Permitting Authorities have sufficient tools to reduce discharges of manure from these facilities. The scope of the proposed rule may consider options nationally that would expand the universe of regulated CAFOs and provide more stringent permitting requirements for land application of manure, litter, and process wastewater.” The program is important, but the science and engineering issues will not be new. This action is not recommended for SAB review.

Name of action: Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category)

RIN: 2040-AF44

EPA Office originating action: OW

Brief description of action and statement of need for the action: This action will address revisions to the effluent guidelines and standards for the construction and development point source category 40 CFR 450. The C&D rule was issued on December 1, 2009 and became effective on February 1, 2010. This action would revise several of the non-numeric portions of the rule in response to litigation. The changes are of limited scope and may reduce regulatory burden.

Timetable:

NPRM Signature: 4/2013

Final Signature: 2/2014

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No, the revisions to the effluent guidelines and standards for the construction and development point source category do not meet the EPA *Peer Review Handbook* definition.

Scientific questions to be addressed and approach:

None. The targeted revisions that EPA is proposing to the effluent guidelines and standards for the construction and development point source category are aimed at clarifying and simplifying regulatory requirements and do not pose any scientific questions to be addressed.

Plans for scientific analyses and peer review:

None needed.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?	X	
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?		X

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks			X
Relates to emerging environmental issues			X
Exhibits a long-term outlook		X	

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

The actions proposed appear to be primarily administrative, to reduce regulatory burden. This action is not recommended for SAB review.

Name of action: Effluent Guidelines and Standards for the Construction and Development Industry--Revision

RIN: 2040-AF27

EPA Office originating action: OW

Brief description of action and statement of need for the action:

This action will address an error that was identified in the Effluent Limitations Guidelines for the Construction & Development (C&D) Point Source Category. The C&D rule was issued on December 1, 2009 and became effective on February 1, 2010. The 2009 ELG rule contained a numeric effluent limit for turbidity, based on the application of passive treatment technology. Subsequent to promulgation, EPA received two petitions for reconsideration of the C&D rule. The petitions pointed out a potential error in the calculation of the numeric limit. Based on EPA's examination of the underlying dataset, the calculations in the existing administrative record are not adequate to support the numeric effluent limit. EPA issued a stay of the numeric limitation on January 4, 2011. The stay will be in place until a new limit is finalized or the limit is withdrawn through a rulemaking action. EPA has issued a Federal Register notice soliciting additional data. EPA intends to propose a correction rule for public comment and then take final action on a revised limitation in the future.

Timetable:

NPRM Signature: Long Term

Final Signature: Long Term

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No, the revisions to the turbidity limit for the effluent guidelines and standards for the construction and development point source category do not meet the EPA *Peer Review Handbook* definition.

Scientific questions to be addressed and approach:

None. The focus of this action is to revise or withdraw the numeric effluent limit for turbidity – a technology based standard.

Plans for scientific analyses and peer review:

None needed.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Effluent Guidelines and Standards for the Construction and Development Industry--Revision

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?		X

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks			X
Relates to emerging environmental issues			X
Exhibits a long-term outlook		X	

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale..

This action will address an error that was identified in the Effluent Limitations Guidelines for the Construction & Development Point Source Category. It involves recalculation and reconsideration of a numeric effluent limit for turbidity. The scientific content is not high. This action is not recommended for SAB review.

Name of action: Effluent Guidelines and Standards for Unconventional Oil and Gas Extraction Including Coalbed Methane and Shale Gas Extraction

RIN: 2040-AF35

EPA Office originating action: OW

Brief description of action and statement of need for the action:

In recent years there has been substantial growth in extraction and production of oil and gas resources including coalbed methane and shale gas using unconventional technologies. Part of this growth can be attributed to advances in directional drilling and hydraulic fracturing. This unconventional oil and gas production can generate substantial volumes of wastewater. These wastewaters have been found to contain elevated concentrations of some or all of the following pollutants: fracturing fluid additives, salt content (often expressed as total dissolved solids or TDS), conventional pollutants, organics, metals, and NORM (naturally occurring radioactive material) which, if discharged, can directly impact aquatic life and drinking water sources. The current state of regulations for discharges associated with these unconventional activities varies. This action will collect information, review existing technologies, and develop regulatory options to control discharges of pollutants from these sources.

Timetable:

NPRM Signature: 10/2014

Final Signature: 2/2016

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No, the development of the Effluent Guidelines and Standards for Unconventional Oil and Gas Extraction including Coalbed Methane and Shale Gas Extraction does not meet the EPA *Peer Review Handbook* definition.

Scientific questions to be addressed and approach:

None. The focus of this action is to collect information, review existing technologies and develop regulatory options to control discharges of pollutants from wastewater from unconventional oil and gas wells.

Plans for scientific analyses and peer review:

None needed.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Effluent Guidelines and Standards for Unconventional Oil and Gas Extraction Including Coalbed Methane and Shale Gas Extraction

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?		X

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency		X	
Addresses areas of substantial uncertainties	X		
Involves major environmental risks	X		
Relates to emerging environmental issues	X		
Exhibits a long-term outlook	X		

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This Notice of Action deals with an emerging and controversial issue. The environmental and health risks at issue are potentially significant. There is likely to be a great deal of public scrutiny regarding effluent guidelines. Even though the main focus of the initiative is to "collect information" and the focus is on "developing regulatory options" (vs. a focus on a single option), it would benefit – on the science and stakeholder perception sides – from a more rigorous scientific review process. Therefore, the SAB should evaluate the underlying science.

**Name of action: Water Quality Standards Regulatory Clarifications,
RIN: 2040-AF16**

EPA Office originating action: OW

Brief description of action and statement of need for the action:

EPA is proposing a few targeted clarifications to the water quality standards regulation to improve its effectiveness in helping restore and maintain the Nation's waters. The regulatory interpretations in the rulemaking are urgently needed to strengthen and improve the efficiency of state/tribal WQS implementation that will, in turn, facilitate state/tribal efforts to reduce the rate of new water quality impairments and increase the rate of water quality improvements. The clarifications will also help streamline operations and improve public participation in standards processes. Investing in these regulatory revisions now will produce benefits almost immediately, but will also better position Clean Water Act programs to address environmental issues in the future such as climate change. The core requirements of the current regulation have been in place since 1983. These requirements have served well to provide the foundation for all water quality-based controls that have been put in place since then, including effective TMDL and NPDES permit programs. EPA does not believe it is necessary to overhaul the current regulation or associated guidance and policy. Rather, the intent of the proposal is to provide clarity on EPA's expectations and on the regulatory tools available to states and tribes to address the issues described above.

Timetable:

NPRM Signature 10/2013; current status at OMB under E.O. 12866 review
Final Signature 12/2014

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

No, the Water Quality Standards Clarifications do not meet the EPA *Peer Review Handbook* definition.

Scientific questions to be addressed and approach:

None. The targeted changes that EPA is proposing to the Water Quality Standards regulations are aimed at clarifying and simplifying regulatory requirements and do not pose any scientific questions to be addressed.

Plans for scientific analyses and peer review:

None needed.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Water Quality Standards Regulatory Clarifications

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?	X	
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?		X

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties			X
Involves major environmental risks			X
Relates to emerging environmental issues		X	
Exhibits a long-term outlook		X	

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

The proposed action involves targeted clarifications to water quality standards regulations. "The regulatory interpretations in the rulemaking are urgently needed to strengthen and improve the efficiency of state/tribal WQS implementation that will, in turn, facilitate state/tribal efforts to reduce the rate of new water quality impairments and increase the rate of water quality improvements". It is unclear exactly what is involved here. The description of the action suggests that it will focus on clarifications to enhance the efficiency of regulatory implementation, rather than on new scientific issues. This action is not recommended for review by the SAB.

Name of action: Clean Water Protection Rule

RIN: 2040-AF30

EPA Office originating action: OW

Brief description of action and statement of need for the action:

After U.S. Supreme Court decisions in *SWANCC* and *Rapanos*, the scope of “waters of the United States” protected under all Clean Water Act (CWA) programs has been an issue of considerable debate and uncertainty. The Act has a single definition for “waters of the U.S.” As a result, these decisions affect the geographic scope of all CWA programs. *SWANCC* and *Rapanos* did not invalidate the current regulatory definition of “waters of the United States.” However, the decisions established important considerations for how those regulations should be interpreted, and experience implementing the regulations has identified several areas that could benefit from additional clarification through rulemaking.

Timetable:

NPRM Signature: TBD

Final Signature: Long-Term

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

Yes, the action relies on science that meets that definition.

Scientific questions to be addressed and approach:

EPA’s Office of Research and Development (ORD) has developed a draft report, “*Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence*” that synthesizes the peer-reviewed scientific literature pertaining to biological, chemical, and hydrologic connectivity of waters, and the effects that small streams, wetlands, and open waters have on larger downstream waters such as rivers, lakes, estuaries, and oceans.

This report provides important scientific information for determining what waters fall under federal jurisdiction (that is, what waters are “waters of the U.S.” under the CWA). Findings from this science report will inform the agencies’ efforts to clarify what waters are covered by the CWA in the proposed rule as well as to help improve 404 Program implementation.

Plans for scientific analyses and peer review: The EPA has already decided to submit to the SAB the ORD “*Connectivity*” report. This will include making the document available for public comment, as well as a review by an independent panel of scientists in relevant fields of expertise. Comments received from the panel review and the public will be used to prepare a final draft of the report. No additional materials are anticipated to require SAB review for the Clean Water Protection Rulemaking.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Clean Water Protection Rule

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?	???	
Is the action primarily administrative (i.e., involve reporting or record keeping)?		XX
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	XXX	
Is the action an extension of an existing initiative?		XX

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency		XX	
Addresses areas of substantial uncertainties	XX		
Involves major environmental risks	XX		
Relates to emerging environmental issues	XX		
Exhibits a long-term outlook	XX		

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

SAB should definitely encourage ORD to move this study and potential new understanding of connectivity and/or importance of small rivers and wetlands to Waters of the United States along for review by SAB. ORD has requested that the SAB review a draft ORD report: "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence." This report will support the rule being considered. For wetland and riverine scientists, an analysis of the attributes that explain connectivity of streams and wetlands to downstream waters is critical for including some of these waters for consideration of the Clean Water Act. Continued loss of water quality in small streams, isolated wetlands, etc. may result unless there is clear understanding of the connectivity. Although this has already been brought to SAB, it is essential that SAB take the lead in reviewing these rules and the science behind them to give them the credibility they deserve.

Name of action: National Primary Drinking Water Regulations for Lead and Copper: Long-term Regulatory Revisions

RIN: 2040 AF15

EPA Office originating action: Office of Water

Brief description of action and statement of need: The National Primary Drinking Water Regulations for Lead and Copper (LCR) require public water systems to sample taps from selected residences for lead and copper and take actions including corrosion control treatment, public education and lead service line replacement based upon the results. Beginning in 2004, EPA conducted a wide-ranging review of implementation of the LCR. EPA's comprehensive review included a series of workshops designed to solicit issues, comments, and suggestions from stakeholders on particular issues; a review of monitoring data to evaluate the effectiveness of the LCR; and a review of the LCR implementation by States and water utilities. EPA promulgated short-term regulatory revisions and clarifications on October 10, 2007, which addressed a number of issues identified in the 2004 review of the rule.

EPA is developing further regulatory changes to address the remaining issues identified in the 2004 review. The most significant issue the Agency intends to address in this action is the requirements for lead service line replacement. Currently the LCR requires water systems which are unable to control lead levels through corrosion control treatment to replace lead service lines under their control. The system must also offer customers the opportunity to replace the portion of the lead service line that they own at the customers cost. When a customer declines to replace their portion, the systems is required to replace the portion owned by the system resulting in a partial lead service line replacement (PLSLR). EPA is evaluating whether the current lead service line replacement requirement should be modified to provide more effective protection of public health by reducing exposure to lead. EPA is also evaluating other regulatory requirements including the monitoring procedures, corrosion control optimization steps, public education requirements and the implementation of the 2011 Reduction of Lead in Drinking Water Act.

Timetable: NPRM, 9/2013; Final Rule 5/2014.

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?" The Safe Drinking Water Act (Section 1412.e) requires EPA to request comments from the Science Advisory Board prior to proposal of a national primary drinking water regulation. In 2011, EPA sought input from the Science Advisory Board (SAB) on the effectiveness of lead service line replacements in reducing lead levels. EPA identified several studies for the SAB to consider, and the SAB reviewed additional studies.

Scientific questions to be addressed and approach:

EPA asked the SAB to evaluate the current scientific data regarding the effectiveness of PLSLR. EPA's charge to the SAB ([http://yosemite.epa.gov/sab/sabproduct.nsf/0/38B92187B29155DD852577F80050B4D9/\\$File/SAB+DWC+Lead+charge+031011.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/0/38B92187B29155DD852577F80050B4D9/$File/SAB+DWC+Lead+charge+031011.pdf)) centered around five issues: associations between PLSLR and blood lead levels in children; lead tap water sampling data before and after PLSLR;

comparisons between partial and full LSLR; PLSLR techniques; and exposure to lead through drinking water results primarily from the corrosion of lead pipes and plumbing materials. The SAB completed their recommendations in September 2011, [http://yosemite.epa.gov/sab/sabproduct.nsf/0/964CCDB94F4E6216852579190072606F/\\$File/EP A-SAB-11-015-unsigned.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/0/964CCDB94F4E6216852579190072606F/$File/EP A-SAB-11-015-unsigned.pdf)

Plans for scientific analyses and peer review: In addition to the SAB review of the available science for lead service line replacement, EPA is also analyzing available lead and copper monitoring data to improve the implementation of LCR sampling procedures and sample site selection.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: National Primary Drinking Water Regulations for Lead and Copper: Long-term Regulatory Revisions

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	X	
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties	X		
Involves major environmental risks		X	
Relates to emerging environmental issues			X
Exhibits a long-term outlook	X		

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

The SAB completed a report in 2011 that included a statement that there is a “lack of data available to fully evaluate the effectiveness of Partial Lead Service Line Replacements (PLSLR) but the data that do exist show a potential for harm during PLSLR based on short-term elevations in lead levels following replacement. This report was specifically focused on evaluation of scientific data available to evaluate issues on PLSLR because this issue was identified as one of the most significant issues remaining from the 2004 EPA review of implementation of the Lead Copper Rule (LCR). Based on the information provided by the Office of Water, it is unclear if there are additional scientific issues to be addressed in the broader context of the LCR beyond those already addressed by the SAB; therefore, this action would not meet the requirements to be elevated for additional consideration.

Name of action: Carcinogenic VOCs NPDWR - Group Regulation (RIN 2040-AF29)

EPA Office originating action: OW

Brief description of action and statement of need: The Agency announced in February 2011 that it plans to develop one national drinking water regulation (NDWR) covering up to 16 carcinogenic VOCs. EPA will propose a regulation to address carcinogenic contaminants as groups rather than individually in order to provide public health protections more quickly and also allow utilities to more effectively and efficiently plan for improvements. PCE and TCE, which the Agency determined were candidates for regulatory revision under the second six year review of the existing NPDWRs will be included in the VOC drinking water standard. SDWA Section 1412(b)(1)-(6) describes EPA's requirements for regulating contaminants. In accordance with these requirements, the Agency will evaluate the health effects of carcinogenic VOCs, the feasibility of treatment, the affordability of treatment for small systems, the costs and the benefits (as part of the Health Risk Reduction Cost Analysis), and implementation of a carcinogenic standard. EPA also plans to seek input through informal and formal processes from the Science Advisory Board, the National Drinking Water Advisory Council, the Department of Health and Human Services, State and Tribal drinking water programs, the regulated community (public water systems), public health organizations, academia, environmental and public interest groups, and other interested stakeholders on a number of issues relating to the VOCs group regulation and PCE and TCE rule revisions.

Timetable:

NPRM 10/00/2013

Final Rule 06/00/2015

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

To be determined

Scientific questions to be addressed and approach:

The 1996 Safe Drinking Water Act Amendments require EPA to request comments from SAB prior to the proposal of a national primary drinking water regulation.

Plans for scientific analyses and peer review:

The 1996 Safe Drinking Water Act Amendments require EPA to request comments from SAB prior to the proposal of a national primary drinking water regulation.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: National Primary Drinking Water Regulations: Group Regulation of Carcinogenic Volatile Organic Compounds (VOCs) (RIN 2040-AF29)

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	TBD	
Is the action an extension of an existing initiative?		X

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency		X	
Addresses areas of substantial uncertainties	X		
Involves major environmental risks		X	
Relates to emerging environmental issues	X		
Exhibits a long-term outlook	X		

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action involves implementation of a new approach to regulating VOCs by grouping compounds into a single group for regulatory oversight. The action would be of interest to the SAB due to the need to review scientific underpinnings of the regulation, including the proposed monitoring approach (of the mixtures) and inclusion of currently unregulated compounds.

The specific language from the Safe Drinking Water Act indeed states "The Administrator shall request comments from the Science Advisory Board (established under the Environmental Research, Development, and Demonstration Act of 1978) prior to proposal of a maximum contaminant level goal and national primary drinking water regulation. The Board shall respond, as it deems appropriate, within the time period applicable for promulgation of the national primary drinking water standard concerned. This subsection shall, under no circumstances, be used to delay final promulgation of any national primary drinking water standard. "

The EPA has requested that the SAB should undertake an advisory on the grouping of carcinogenic VOC's for regulation. The agency provided a tentative charge with two topics: addressing mixtures and developing an MCLG and seeking other factors that could be use to consider future contaminants groups.

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: National Primary Drinking Water Regulations: Regulation of Perchlorate

Please respond to the following questions based on the short description EPA provided for the planned action. *We did not receive a description, but information was provided on EPA’s website, including a draft report of the SAB peer review.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?	X	
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	X	
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency			X
Addresses areas of substantial uncertainties	X		
Involves major environmental risks		X	
Relates to emerging environmental issues	X		
Exhibits a long-term outlook	X		

For actions you recommend the SAB evaluate for additional consideration of the underlying science, please provide a brief (two-three sentence) rationale.

This activity would meet the criteria, however there is already an SAB peer review ongoing.

**Attachment D: Actions Recommended in Table 2 as Priorities for SAB
Consideration for Comment on the Supporting Science
(Excerpted from Attachment C)**

Name of action: Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards

RIN Number: 2060-AQ86

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

This action would establish more stringent vehicle emissions standards and reduce the sulfur content of gasoline as part of a systems approach to addressing the impacts of motor vehicles and fuels on air quality and public health. Light-duty vehicles are responsible for a significant portion of the precursors to pollutants such as ozone, particulate matter (PM_{2.5}) and nitrogen oxides (NO_x) and are large contributors to ambient air toxic pollution. In many nonattainment areas, by 2014, cars and light trucks are projected to contribute 30-45 percent of total NO_x emissions, 20-25 percent of total volatile organic compound (VOC) emissions, and 5-10 percent of total direct PM_{2.5} emissions. Importantly, without future controls, by 2020 mobile sources are expected to be as much as 50 percent of the inventories of these pollutants for some individual urban areas. EPA has estimated that light-duty vehicles will contribute about half of the 2030 inventory of air toxic emissions from all mobile sources. The most recent National-Scale Air Toxics Assessment showed that in 2005, mobile sources were responsible for over 50 percent of cancer risk and noncancer hazard. The Tier 3 rule would result in significant reductions in pollutants such as ozone, particulate matter, and air toxics across the country, and help state and local agencies in their efforts to attain and maintain health-based National Ambient Air Quality Standards (NAAQS). These proposed vehicle standards are intended to harmonize with California's Low Emission Vehicle program, thus creating a federal vehicle emissions program that would allow automakers to sell the same vehicles in all 50 states. The vehicle standards would also coordinate with the light-duty vehicle greenhouse gas standards for model years 2017-2025, creating a nationwide alignment of vehicle programs for criteria pollutant and greenhouse gases.

Timetable: NPRM: 03/13, FRM: 12/13

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

Yes (see below).

Scientific questions to be addressed and approach:

The emissions and fuel standards for motor vehicles proposed in this action are based on understanding the emissions performance of vehicles and fuels as a system, and the feasibility and effectiveness of changes that would reduce emissions. Data were collected from vehicle certification programs and emissions test programs to characterize exhaust and evaporative emissions associated with motor vehicle technology and fuel properties such as sulfur content.

Actions in the 12/21/12 Semi-Annual Regulatory Agenda Identified for the SAB to Evaluate for Additional Consideration

Plans for scientific analyses and peer review:

For some of the proposed standards in this action, new data were needed to characterize exhaust and evaporative emissions of existing technologies, as well as the emissions impacts of the proposed standards. The science underlying collection and analysis of vehicle emissions data is generally well-defined. We identified new data collection and or analysis efforts that fell under the category of Influential Scientific Information (ISI) and followed the guidelines in EPA's Peer Review Handbook for peer-review of this work. Work under the following research areas was peer-reviewed according to guidelines for ISI: characterizing the emissions impacts of lowering the sulfur content of gasoline; characterizing evaporative emissions from motor vehicles with evaporative system leaks; modeling of diurnal evaporative emission data to improve emissions modeling; and refinery modeling.

Actions in the 12/21/12 Semi-Annual Regulatory Agenda Identified for the SAB to Evaluate for Additional Consideration

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	X	
Is the action an extension of an existing initiative?		X

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency		X	
Addresses areas of substantial uncertainties		X	
Involves major environmental risks	X		
Relates to emerging environmental issues	X		
Exhibits a long-term outlook	X		

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This action should receive consideration for SAB review. This action will be a highly significant and influential rule making, addressing a source categories that is complex in terms of variation among vehicle type, technology, fuel type, and other factors, and that will have significant implications for reducing exposure and risk. This action has implications for multipollutant air quality management and prospects for broader attainment of National Ambient Air Quality Standards. The agency argues that the science for collecting and analyzing vehicle emissions data is generally well-defined, but these techniques are evolving and in many cases require careful interpretation. The agency has provided information on letter peer review for some individual science components supporting the rule. Given the large scope and implications of this rule, it merits consideration for possible review by SAB.

Actions in the 12/21/12 Semi-Annual Regulatory Agenda Identified for the SAB to Evaluate for Additional Consideration

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Effluent Guidelines and Standards for Unconventional Oil and Gas Extraction Including Coalbed Methane and Shale Gas Extraction

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"		X
Is the action an extension of an existing initiative?		X

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency		X	
Addresses areas of substantial uncertainties	X		
Involves major environmental risks	X		
Relates to emerging environmental issues	X		
Exhibits a long-term outlook	X		

Please recommend whether the SAB should or should not consider this action for review and comment on the adequacy of the supporting science and provide a rationale.

This Notice of Action deals with an emerging and controversial issue. The environmental and health risks at issue are potentially significant. There is likely to be a great deal of public scrutiny regarding effluent guidelines. Even though the main focus of the initiative is to "collect information" and the focus is on "developing regulatory options" (vs. a focus on a single option), it would benefit – on the science and stakeholder perception sides – from a more rigorous scientific review process. Therefore, the SAB should evaluate the underlying science.

Actions in the 12/21/12 Semi-Annual Regulatory Agenda Identified for the SAB to Evaluate for Additional Consideration

Name of action: Revised Regulation for Environmental Radiation Protection Standard for Nuclear Power Operations

RIN number: 2060-AR12

EPA Office originating action: OAR

Brief description of action and statement of need for the action:

EPA issued "Environmental Radiation Protection Standards for Nuclear Power Operations" in 1977. Since issuance of the standards, the understanding of radiation risk and dose to humans has advanced and new methodologies have been developed to calculate radiation doses. In view of the developments over the past decades, EPA is evaluating how to update the Environmental Radiation Protection Standards for Nuclear Power Operations in 40 CFR part 190. EPA is planning to issue this ANPRM to solicit public input on general questions and approaches on how the rule should be updated.

Timetable: ANPRM published in FR: 08/13

Does the action rely on science that meets the EPA *Peer Review Handbook* definition of "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"

Not applicable at this time. The purpose of the ANPRM is to solicit input from the public and ideas on how the Agency should address various issues in a potential update of the existing regulation. Since the ANPRM has not yet been published, there has not been any response to the action. We have not identified whether to go forward with a regulation or what the science needs will be. Therefore, it is premature to make decisions about science needs at this time.

Scientific questions to be addressed and approach:

None.

Plans for scientific analyses and peer review:

None required.

Actions in the 12/21/12 Semi-Annual Regulatory Agenda Identified for the SAB to Evaluate for Additional Consideration

Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Revised Regulation for Environmental Radiation Protection Standard for Nuclear Power Operations

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	X	
Is the action an extension of an existing initiative?	X*	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency	X		
Addresses areas of substantial uncertainties		X	
Involves major environmental risks	X		
Relates to emerging environmental issues		X	
Exhibits a long-term outlook	X		

For actions you recommend the SAB evaluate for additional consideration of the underlying science, please provide a brief (two-three sentence) rationale.

*The EPA issued its rule regarding Environmental Radiation Protection Standards for Nuclear Power Operations in 1977. The revised rule would build upon this earlier initiative. The statement from the EPA indicates that an updated rule would draw on *updated* science and would seek to clarify how safety should be demonstrated. At the present time, EPA is in an early stage of issuing an advanced notice of proposed rulemaking to solicit public input on general questions and approaches on what aspects of the rule should be updated.

It's not clear how much would be learned from just public input at this early stage. Further, public input is important but should not take the place of a science-based assessment of the current rule, as well as a forward looking assessment of modifications that may be necessary (especially since updated science and application to new technology is necessary). Such a review is within the purview of the SAB.

Actions in the 12/21/12 Semi-Annual Regulatory Agenda Identified for the SAB to Evaluate for Additional Consideration

Name of action(s)¹: Residual Risk and Technology Review Amendments to the Phosphoric Acid and Phosphate Fertilizer Production National Emissions Standards for Hazardous Air Pollutants (NESHAP); National Emission Standards for Aerospace Manufacturing and Rework Facilities Risk and Technology Review; National Emission Standards for Hazardous Air Pollutants (NESHAP) From Offsite Waste and Recovery Operations RTR; Petroleum Refinery Sector Risk and Technology Review and NSPS

EPA Office originating action: OAR

Brief Description of action and statement of need for the action: Hazardous air pollutants (i.e., “air toxics”) are emitted from numerous industrial and other sources exposing residents downwind and, in some cases, through multimedia transfer. The Clean Air Act (CAA) requires that EPA evaluate emissions and resulting risks from these sources (by category) to determine whether exposure levels are such as to provide an “ample margin of safety” and to evaluate whether technology changes over time provide an opportunity for cost-effective emission reductions.

The RTR rules are a combined effort to evaluate both risk and technology as required by the CAA after the application of maximum achievable control technology (MACT) standards. CAA section 112(f)(2) directs EPA to conduct risk assessments on each source category subject to MACT standards within 8 years of promulgation of the MACT standards, and to determine if additional standards are needed to reduce residual risks. Section 112(d)(6) of the CAA requires EPA to review and revise any standards issued under Section 112, as necessary, taking into account developments in practices, processes, and control technologies. Technology reviews are required at least every 8 years after promulgation of MACT standards. The RTR rules fulfill the requirements of both of these sections, and the upcoming proposals include phosphoric acid and phosphate fertilizer production, aerospace manufacturing and rework facilities, offsite waste recovery operations and petroleum refineries. The petroleum refineries project also will include some technical corrections to the petroleum refineries NSPS.

Timetable:

See Table 1 for list of rules and associated schedules. Most of these schedules were established by the Court under a consent decree.

Does action rely on science that meets the EPA *Peer Review Handbook* definition of “an influential scientific or technical work product” that “has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?”

Yes, the residual risk assessment methodology relies on science that meets the EPA *Peer Review Handbook* definition as specified. As noted below, the Science Advisory Board (SAB) has reviewed this methodology.

Scientific questions to be addressed and approach:

These rules require the assessment of risks resulting from emissions from designated sources with a particular focus on the most highly exposed populations. The methodology for conducting the risk assessments is described in “Risk and Technology Review (RTR) Risk Assessment Methodologies: For

¹ The originating office provided a single summary that provides a description of all four Residual Risk and Technology Reviews in the semiannual regulatory agenda reviewed by the SAB workgroup.

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Review by the EPA’s Science Advisory Board with Case Studies – MACT I Petroleum Refining Sources and Portland Cement Manufacturing (EPA-452/R-09-006).” The SAB reviewed this document in July 2009 and the final report of the review panel is available at ([SAB website](#)). The technology review focuses on identifying and evaluating cost-effective emission reduction technologies that may have come into use since the associated MACT rule was finalized. This analysis relies on publically available information and information from affected industry and other stakeholders.

Plans for scientific analyses and peer review:

As described above, the methodology for conducting the risk assessment was peer reviewed by the SAB. The need for additional peer review is evaluated on a case by case basis (e.g, for unique scientific issues that may arise in a particular assessment).

Table 1. List of RTR Rules and Associated Schedules

RIN	Title	Proposal Date	Final Rule Date	Court-ordered?
2060-AQ75	Petroleum Refinery Sector Risk and Technology Review and NSPS	12/00/13	12/00/14	Yes ²
2060-AQ20	Residual Risk and Technology Review Amendments to the Phosphoric Acid and Phosphate Fertilizer Production National Emissions Standards for Hazardous Air Pollutants (NESHAP)	11/14/2013	8/15/2014	Yes
2060-AR47	National Emission Standards for Hazardous Air Pollutants (NESHAP) From Offsite Waste and Recovery Operations RTR	12/11/2013	9/16/2014	Yes
2060-AQ99	National Emission Standards for Aerospace Manufacturing and Rework Facilities Risk and Technology Review	3/15/2014	1/15/2015	Yes

² Dates for Petroleum Refineries are approximate. Consent decree currently under negotiation.

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Recommendation from the SAB Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science

Name of planned action: Petroleum Refinery Sector Risk and Technology Review and NSPS

Please respond to the following questions based on the short description EPA provided for the planned action.

	Yes	No
Is the action planned or under review by the SAB? If not, has EPA identified other high-level external peer review (i.e., by the NAS, CASAC, or FIFRA SAP)?		X
Is the action primarily administrative (i.e., involve reporting or record keeping)?		X
Has EPA characterized the action as one that has "an influential scientific or technical work product" that "has a major impact, involves precedential, novel, and/or controversial issues, or the Agency has a legal and/or statutory obligation to conduct a peer review?"	X	
Is the action an extension of an existing initiative?	X	

Please indicate whether the action merits a high, medium or low level of interest regarding the following historical SAB science- and problem-driven criteria, based on the short description EPA provided for the planned action.

	High	Medium	Low
Involves scientific approaches that are new to the agency		X	
Addresses areas of substantial uncertainties	X		
Involves major environmental risks	X		
Relates to emerging environmental issues	X		
Exhibits a long-term outlook		X	

The Clean Air Act (CAA) requires risk assessments on each source category subject to Maximum Achievable Control Technology (MACT) standards within 8 years of MACT standard promulgation. This is to determine if additional standards are needed to reduce residual risks. There is also a requirement for a technology review to consider new developments in practices, processes, and control technologies. The Risk and Technology Review (RTR) meets both requirements. The RTR Risk Assessment Methodologies were reviewed by the SAB in 2009. The New Source Reporting Standards are also required under the CAA and stationary sources must demonstrate compliance.

This action is recommended for SAB consideration for future review for the following reasons:

- 1) Two MACT values are amended and new control technologies have been developed.
- 2) The American Petroleum Institute has petitioned EPA over these rules.

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- 3) The rule signed in 2009 was subsequently withdrawn because it inadequately characterized the risks of petroleum production emissions.
- 4) In 2010 EPA received additional data from the regulated industry and the new rule making will use these data.
- 5) This is an important industry because there is a considerably large exposed population, the facilities are complex and difficult to regulate, and there are many pollutants generated at high levels.
- 6) This is an important environmental justice issue with considerable disparity in the exposed vs. unexposed population.