

Dated: April 13, 1995.
Joseph K. Alexander,
Acting Assistant Administrator for Research and Development.
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[FRL-5195-4]

Clean Air Act; Acid Rain Provisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of the 1995 EPA SO₂ allowance auctions results.

SUMMARY: Pursuant to Title IV of the Clean Air Act and 40 CFR part 73, the EPA is responsible for implementing a program to reduce emissions of sulfur dioxide (SO₂), a precursor of acid rain. The centerpiece of the SO₂ control program is the allocation of transferable allowances, or authorizations to emit SO₂, which are distributed in limited quantities to existing utility units and which eventually must be held by virtually all utility units to cover their SO₂ emissions. These allowances may be transferred among polluting sources and others, so that market forces may govern their ultimate use and distribution, resulting in the most cost-effective sharing of the emissions control burden. EPA is directed under section 416 of the Act to conduct annual sales and auctions of a small portion of allowances (2.8%) withheld from the total allowances allocated to utilities each year. Sales and auctions are expected to stimulate and support the allowance market and to provide a public source of allowances, particularly to new units for which no allowances are allocated. In the Fall of 1992, EPA delegated the administration of the EPA allowance auctions and sales to the Chicago Board of Trade (CBOT). Today, the Acid Rain Division is giving notice of the results of the third annual

SO₂ allowance auctions that were conducted by the CBOT on March 27, 1995.

For rules governing the conduct of the auctions and sales see 40 CFR Part 73, Subpart E.

I. Offers

A. Total Allowances Available for Auction

In the spot auction (year 1995 allowances sold), a total of 58,306 allowances were offered for sale: 50,000 that were withheld from the utilities and an additional 8,306 that were voluntarily contributed from utilities. In the 6-year advance auction (year 2001 allowances sold), a total of 32,000 allowances were offered for sale: 25,000 that were unsold from the 1994 direct sale and an additional 7,000 that were contributed from utilities. In the 7-year advance auction (year 2002 allowances sold), a total of 107,000 allowances were offered for sale: 100,000 that were withheld from the utilities and an additional 7,000 that were contributed. The minimum prices that utilities would accept for their contributed allowances are listed in Table 1.

TABLE 1.—OFFER DATA FOR THE 1995 AUCTIONS SPOT AUCTION OFFERS (1995)

Minimum price	Quantity	Cumulative total
* * * *	* 600	600
\$135.00	102	702
\$140.00	102	804
\$145.00	102	906
\$145.00	600	1,506
\$150.00	2,500	4,006
\$155.00	2,500	6,506
\$160.00	600	7,106
\$170.00	600	7,706
\$180.00	600	8,306

* 600 allowances, with offer prices equal to or less than \$130.00, were sold at \$130.00.

TABLE 2.—SPOT AUCTION BIDS (1995)

Bid	Quantity	Bidder's name	Cumulative total
\$350.00	1	New England School of Law Environmental Law Society	1
\$210.00	1	Environmental Law Students Association	2
\$200.00	1	Environmental Law Students Association	3
\$200.00	1	Thomas M. Cooley Environmental Law Society	4
\$200.00	5	University of Michigan Environmental Law Society	9
\$180.00	1	Hamline University School of Law	10
\$176.00	1	Duke University School of the Environment	11
\$170.00	1	Hamline University School of Law	12
\$170.00	1	Michael S. Hamilton	13
\$160.00	1	Pollution Retirement Center	14
\$153.00	1	L.J. O'Callaghan, Sr.	15
\$151.00	21	IN.H.A.L.E./Glens Falls, NY Middle School	36
\$150.00	2	Electric Software Products/David Gloski	38
\$150.00	2	Electric Software Products/Alexander Long	40
\$150.00	1	University of Maryland School of Law	41

6-YEAR ALLOWANCE AUCTION OFFERS (2001)

Minimum price	Quantity	Cumulative total
* * * *	* 400	400
\$140.00	400	800
\$160.00	400	1,200
\$180.00	400	1,600
\$199.00	2,000	3,600
\$200.00	400	4,000
\$299.00	2,000	6,000
\$399.00	1,000	7,000

* Three allowances, with offer prices equal to or less than \$129.00, were sold at \$129.00 and 397 allowances, with offer prices equal to or less than \$128.00, were sold at \$128.00.

7-YEAR ALLOWANCE AUCTION OFFERS (2002)

Minimum price	Quantity cumulative	Total
* * * *	* 400	400
\$135.00	* 400	800
\$155.00	400	1,200
\$175.00	400	1,600
\$195.00	2,000	2,000
\$199.00	2,000	4,000
\$299.00	1,000	6,000
\$399.00	6,200	7,000

* 400 allowances, with offer prices equal to or less than \$126.00, were sold at \$126.00.

II. Bids

A. Spot Auction Results

CBOT received 89 bids requesting 255,371 year 1995 allowances. There were 46 successful bids and 50,600 allowances were sold (50,000 withheld and 600 contributed). Spot auction proceeds totaled \$6,676,386.

Per EPA regulations, unsuccessful bidders' names are not revealed.

TABLE 2.—SPOT AUCTION BIDS (1995)—Continued

Bid	Quantity	Bidder's name	Cumulative total
\$146.00	5	National Healthy Air License Exchange	46
\$142.00	10	National Healthy Air License Exchange	56
\$141.00	50	Sam Peltzman Revocable Trust	106
\$140.00	15	National Healthy Air License Exchange	121
\$137.00	30	National Healthy Air License Exchange	151
\$136.00	500	Hoosier Energy REC, Inc./Frank E. Ratts Plant Unit 1SG1	651
\$136.00	500	Hoosier Energy REC, Inc./Frank E. Ratts Plant Unit 2SG1	1,151
\$136.00	1,000	PECO Energy Company	2,151
\$136.00	2,000	Virginia Power	4,151
\$135.00	500	Marine Coal Sales Company	4,651
\$135.00	30	National Healthy Air License Exchange	4,681
\$135.00	1,000	PECO Energy Company	5,681
\$134.00	1,000	PECO Energy Company	6,681
\$133.00	5,000	Cantor Fitzgerald Brokerage, L.P.	11,681
\$133.00	4,000	Duke Power Company	15,681
\$133.00	30	National Healthy Air License Exchange	15,711
\$133.00	1,000	PECO Energy Company	16,711
\$133.00	2,000	Virginia Power	18,711
\$132.00	12	CATEX Vitol Electric Inc.	18,723
\$132.00	4,250	Duke Power Company	22,973
\$132.00	1,000	PECO Energy Company	23,973
\$131.00	3,000	Cantor Fitzgerald Brokerage, L.P.	26,973
\$131.00	2,952	Detroit Edison Company	29,925
\$131.00	4,500	Duke Power Company	34,425
\$131.00	1,000	PECO Energy Company	35,425
\$131.00	2,000	Virginia Power	37,425
*\$130.00	15	National Healthy Air License Exchange	37,440
*\$130.00	4,000	Canterbury Coal Company	41,440
*\$130.00	2,000	PECO Energy Company	43,440
*\$130.00	5,000	Duke Power Company	48,440
*\$130.00	**25,000	Allowance Holdings Corporation	73,440
*\$130.00	5,000	.....	78,440
*\$130.00	500	.....	78,940
\$129.00	6,000	.....	84,940
\$129.00	2,000	.....	86,940
\$128.00	8,000	.....	94,940
\$128.00	5,000	.....	99,940
\$128.00	2,000	.....	101,940
\$128.00	2,000	.....	103,940
\$127.00	10,500	.....	114,440
\$127.00	10	.....	114,450
\$127.00	5,000	.....	119,450
\$127.00	1,000	.....	120,450
\$126.00	7,750	.....	128,200
\$126.00	8,000	.....	136,200
\$126.00	2,000	.....	138,200
\$125.00	15,000	.....	153,200
\$125.00	120	.....	153,320
\$125.00	500	.....	153,820
\$125.00	1,250	.....	155,070
\$125.00	50	.....	155,120
\$125.00	1,000	.....	156,120
\$124.00	1,000	.....	157,120
\$123.00	5,000	.....	162,120
\$123.00	1,000	.....	163,120
\$122.00	1,000	.....	164,120
\$121.00	10,000	.....	174,120
\$121.00	3,000	.....	177,120
\$121.00	2,000	.....	179,120
\$121.00	1,000	.....	180,120
\$120.00	2,000	.....	182,120
\$120.00	1,000	.....	183,120
\$119.00	10,000	.....	193,120
\$118.00	1,250	.....	194,370
\$118.00	5,000	.....	199,370
\$117.00	10,000	.....	209,370
\$115.00	2,000	.....	211,370
\$115.00	10,000	.....	221,370
\$115.00	1,200	.....	222,570
\$112.00	15,000	.....	237,570
\$111.00	1,250	.....	238,820

TABLE 2.—SPOT AUCTION BIDS (1995)—Continued

Bid	Quantity	Bidder's name	Cumulative total
\$100.00	4,800	.....	243,620
\$50.00	11,750	.....	255,370
\$1.00	1	.....	255,371

* Per EPA auction regulations on breaking ties, bids at the same price that exceed the number of remaining allowances are awarded allowances by lottery, the result of which is reflected in the table.

** Awarded a partial fill of 2,160 out of 25,000 (1,560 allowances from the EPA reserve and 600 offered allowances).

B. 6-Year Advance Auction Results

CBOT received 24 bids requesting 70,286 year 2001 allowances. Nine bids were successful and 25,400 allowances were sold (25,000 withheld and 400 contributed). 6-Year advance auction proceeds totaled \$3,319,026.

TABLE 3.—6-YEAR ADVANCE AUCTION BIDS (2001)

Bid	Quantity	Bidder's name	Cumulative total
\$160.00	1	University of Maryland School of Law	1
\$150.00	1	University of Maryland School of Law	2
\$150.00	1	Hamline University School of Law	3
\$133.00	4,000	Duke Power Company	4,003
\$132.00	4,250	Duke Power Company	8,253
\$131.00	4,500	Duke Power Company	12,753
\$130.00	5,000	Duke Power Company	17,753
\$129.00	7,250*	Duke Power Company	25,003
\$128.00	2,500**	Virginia Power	27,503
\$126.00	656	.....	28,159
\$126.00	1,260	.....	29,419
\$126.00	2,500	.....	31,919
\$124.00	2,500	.....	34,419
\$123.00	718	.....	35,137
\$121.00	1,677	.....	36,814
\$120.00	2,500	.....	39,314
\$116.00	1,883	.....	41,197
\$111.00	2,089	.....	43,286
\$70.00	1,000	.....	44,286
\$67.00	10,000	.....	54,286
\$66.00	5,000	.....	59,286
\$65.00	5,000	.....	64,286
\$64.00	5,000	.....	69,286
\$63.00	1,000	.....	70,286

*This bid was awarded 7,247 allowances from the EPA reserve and 3 offered allowances.

**Awarded a partial fill of 397 offered allowances.

C. 7-Year Advance Auction Results

CBOT received 37 bids requesting 236,928 year 2002 allowances. Seventeen bids were successful and 100,400 allowances were sold (100,000 withheld and 400 contributed). 7-Year advance auction proceeds totaled \$12,839,884.

TABLE 4.—7-YEAR ADVANCE AUCTION BIDS (2002)

Bid	Quantity	Bidder's name	Cumulative total
\$160.00	1	University of Maryland School of Law	1
\$143.00	350	Paul Wedel	351
\$133.00	4,000	Duke Power Company	4,351
\$132.00	4,250	Duke Power Company	8,601
\$131.00	4,500	Duke Power Company	13,101
\$130.00	5,000	Duke Power Company	18,101
\$129.00	1,000	United Power Association	19,101
\$129.00	6,000	Duke Power Company	25,101
\$128.00	8,000	Duke Power Company	33,101
\$128.00	5,000	Virginia Power	38,101
\$127.00	10,500	Duke Power Company	48,601
\$127.00	30,000	Allowance Holdings Corporation	78,601
\$126.00*	5,000	Virginia Power	83,601
\$126.00*	1,000	United Power Association	84,601
\$126.00*	5,041	Carolina Power & Light Company	89,642
\$126.00*	2,625	Carolina Power & Light Company	92,267
\$126.00*	11,000**	Duke Power Company	103,267

TABLE 4.—7-YEAR ADVANCE AUCTION BIDS (2002)—Continued

Bid	Quantity	Bidder's name	Cumulative total
\$125.00	10,500	.....	113,767
\$124.00	8,000	.....	121,767
\$124.00	5,000	.....	126,767
\$123.00	6,000	.....	132,767
\$123.00	2,873	.....	135,640
\$122.00	5,000	.....	140,640
\$121.00	900	.....	141,540
\$121.00	4,500	.....	146,040
\$121.00	6,710	.....	152,750
\$120.00	10,538	.....	163,288
\$120.00	4,250	.....	167,538
\$120.00	5,000	.....	172,538
\$119.00	4,250	.....	176,788
\$118.00	4,250	.....	181,038
\$116.00	7,535	.....	188,573
\$111.00	8,355	.....	196,928
\$61.00	10,000	.....	206,928
\$60.00	10,000	.....	216,928
\$59.00	10,000	.....	226,928
\$58.00	10,000	.....	236,928

*Per EPA auction regulations on breaking ties, bids at the same price that exceed the number of remaining allowances are awarded allowances by lottery, the result of which is reflected in the table.

*Awarded a partial fill of 8,133 (7,733 allowances from the EPA reserve and 400 offered allowances).

Proceeds from all three auctions totaled \$22,835,296, all of which will be returned to the utilities from which allowances were withheld or offered, per EPA regulations.

FOR FURTHER INFORMATION CONTACT: Eugene Casey, EPA/OAP/Acid Rain Division (6204J), 401 M Street SW., Washington, DC 20460 (202) 233-9194.

Dated: April 13, 1995.

Brian J. McLean,

Director, Acid Rain Division.

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[FRL-5195-6]

Public Water System Supervision Program Revision for the State of Colorado

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Public notice is hereby given in accordance with the provisions of section 1413 the Safe Drinking Water Act as amended, 42 U.S.C. 300g-2, and 40 CFR Part 142, Subpart B-Primary Enforcement Responsibility, that the State of Colorado has revised its Public Water System Supervision (PWSS) Primacy Program. Colorado's PWSS program, administered by the Drinking Water Section of the Colorado Department of Public Health and Environment, has adopted regulations for surface water treatment, Phase II (7 inorganic and 26 organic chemicals), Phase IIb (1 inorganic and 4 organic chemicals), Phase V (5 inorganic and 18 organic chemicals), and lead and copper that correspond to the National Primary Drinking Water Regulations (NPDWR) in 40 CFR Part 141 for surface water

treatment (54 FR 27486-27541 published on June 29, 1989), Phase II 56 FR 3526-3597 published on January 30, 1991), Phase IIb (56 FR 30266-30281 published on July 1, 1991), Phase V (**Federal Register** Vol. 57, No. 138, July 17, 1992, Pg. 31776-31849), and lead and copper (56 FR 26460-26564 published on June 7, 1991). The Environmental Protection Agency (EPA) has completed its review of Colorado's primacy revisions and has determined that they are no less stringent than the NPDWRs. EPA therefore approves Colorado's primacy revisions for Surface Water Treatment, Phase II, IIb, V, and Lead and Copper Rules. This determination shall become effective May 24, 1995.

Any interested parties are invited to submit written comments on this determination, and may request a public hearing on or before May 24, 1995. If a public hearing is requested and granted, this determination shall not become effective until such time following the hearing that the Regional Administrator issues an order affirming or rescinding this action.

Requests for a public hearing should be addressed to: William P. Yellowtail,

Regional Administrator, c/o Marty Swickard (8WM-DW), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, CO 80202-2466.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request is made within thirty (30) days after this notice, a public hearing will be held.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of the responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the Regional Administrator in the **Federal Register**