

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 117, 302, and 355**

[SW H-FRL-5214-3]

RIN 2050-AD33

Reportable Quantity Adjustments**AGENCY:** U.S. Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) today is taking final action on changes proposed on October 22, 1993 to reportable quantities (RQs) for hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act. The person in charge of a facility or vessel from which a hazardous substance is released in excess of its RQs must notify appropriate authorities, who can then evaluate whether a response is needed. This rule revises the table of hazardous substances to add 47 individual Clean Air Act hazardous air pollutants; adjust their statutory one-pound RQs; add five other Clean Air Act hazardous air pollutants that are categories of substances and assign no RQ to the categories; and adjust RQs for 11 Resource Conservation and Recovery Act hazardous wastes. EPA also is making conforming changes to the Clean Water Act table of hazardous substances and the Emergency Planning and Community Right-to-Know Act tables of extremely hazardous substances.

EPA thoroughly evaluated the intrinsic properties of these substances to determine appropriate levels for the adjusted RQs; thus, this rule reflects a sound, scientific approach. The RQ adjustments are consistent with the Agency's common sense goals in that the rule will minimize net reporting and recordkeeping burdens. The rule results in an estimated net cost savings to industry and government of approximately \$500,000 annually.

EFFECTIVE DATE: July 12, 1995.**ADDRESSES:**

Docket: Copies of materials relevant to this rulemaking are contained in the U.S. Environmental Protection Agency CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202 [Docket Number 102 RQ-CAA]. The docket is available for inspection between the hours of 9 a.m. and 4 p.m., Monday through Friday, excluding Federal holidays. Appointments to review the docket can be made by calling 703/603-8917. The public may copy a maximum

of 266 pages from any regulatory docket at no cost. If the number of pages copied exceeds 266, however, an administrative fee of \$25 and a charge of \$0.15 per page for each page after page 266 will be incurred. The docket will mail copies of materials to requestors who are outside the Washington, DC metropolitan area.

Release Notification: The toll-free telephone number of the National Response Center is 800/424-8802; in the Washington, DC metropolitan area, the number is 202/267-2675. The facsimile number for the National Response Center is 202/267-2165 and the telex number is 892427.

FOR FURTHER INFORMATION CONTACT: The RCRA/UST, Superfund, and EPCRA Hotline at 800/424-9346 (in the Washington, DC metropolitan area, contact 703/412-9810). The Telecommunications Device for the Deaf (TDD) Hotline number is 800/553-7672 (in the Washington, DC metropolitan area, contact 703/486-3323); or Ms. Gerain H. Perry, Response Standards and Criteria Branch, Emergency Response Division (5202G), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, or at 703/603-8760.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

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I. Introduction**A. Statutory Authority**

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (Pub. L. 96-510), 42 U.S.C. 9601 et seq., as amended, established broad Federal authority to respond to releases or threats of releases of hazardous substances from vessels and facilities. The term "hazardous substance" is defined in section 101(14) of CERCLA chiefly by reference to various Federal environmental statutes. For example, the term includes "any hazardous air pollutant listed under section 112 of the Clean Air Act" (CAA), and "any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act * * *," also known as the Resource Conservation and Recovery Act (RCRA). Under CERCLA section 102(a), any substance that, when released into the environment, may present substantial danger to public health or welfare or the environment may be designated as a CERCLA hazardous substance.

Section 102(b) of CERCLA establishes RQs for releases of CERCLA hazardous substances at one pound, unless a substance has a different RQ established under section 311(b)(4) of the Clean Water Act (CWA). Section 102(a) of CERCLA authorizes EPA to adjust these RQs by regulation.

The person in charge of a vessel or facility from which a CERCLA hazardous substance has been released in a quantity that equals or exceeds its RQ must, under CERCLA section 103(a), immediately notify the National Response Center (see 40 CFR 302.6). The owner or operator of a facility from which an RQ or more of a CERCLA hazardous substance has been released must immediately notify State and local response authorities, as required by section 304 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (Pub. L. 99-499), 42 U.S.C. 11001 et seq. (see 40 CFR 355.40).

B. Background of This Rulemaking

The CERCLA list is being changed in today's final rule because: (1) Amendments to the CAA, signed into law on November 15, 1990 (Pub. L. 101-549), incorporated additional substances into the CERCLA list; and (2) RCRA listing rules and the rule revising the RCRA toxicity characteristics also incorporated substances into the CERCLA list.

Under section 112 of the CAA, as amended, 190 specific substances or broad generic categories of substances are listed as hazardous air pollutants; 52 of these (47 individual substances and five broad generic categories of substances) did not previously appear individually on the list of CERCLA hazardous substances at 40 CFR 302.4. The substances not previously listed became hazardous substances pursuant to CERCLA section 101(14) upon enactment of the 1990 CAA Amendments and were assigned a one-pound statutory RQ under CERCLA section 102(b).

In an October 22, 1993 Notice of Proposed Rulemaking (NPRM) (58 FR 54836), EPA proposed to add the 47 hazardous air pollutants to the regulatory list of CERCLA hazardous substances at 40 CFR 302.4, and adjust their RQs. For the five CAA hazardous air pollutants that are broad generic categories, EPA requested public comment on five options for reporting that could potentially apply.¹

The October 22, 1993 NPRM also proposed to adjust the RQs for certain hazardous wastes listed under RCRA. In today's final rule, the Agency is adjusting the RQs for four hazardous wastes (F025, K088, K090, and K091) included in the October 22, 1993 NPRM from their statutory one-pound levels. As proposed in the October 22, 1993 NPRM, EPA is readjusting the RQs for five additional RCRA wastes (F004, D023, D024, D025, and D026) that already have been designated as hazardous and assigned adjusted RQs. RQ adjustments for the two remaining RCRA wastes that are included in this final rule, F037 and F038, were proposed prior to the October 22, 1993 NPRM. On March 27, 1991, EPA evaluated F037 and F038 under the RQ adjustment methodology and proposed one-pound adjusted RQs for these wastes (56 FR 12826); the Agency is promulgating the one-pound RQs for F037 and F038 in this final rule.

C. Reportable Quantity Adjustment Methodology

In today's rule, EPA is promulgating adjusted RQs for the individual hazardous air pollutants based upon specific scientific and technical criteria that relate to the possibility of harm from the release of a CERCLA hazardous substance in certain amounts.² EPA's methodology for adjusting the RQs of individual hazardous substances begins

with an evaluation of the intrinsic physical, chemical, and toxicological properties of each hazardous substance. The intrinsic properties examined—called "primary criteria"—are aquatic toxicity, mammalian toxicity (oral, dermal, and inhalation), ignitability, reactivity, chronic toxicity, and potential carcinogenicity.³

Generally, for each intrinsic property, EPA ranks hazardous substances on a scale, associating a specific range of values on each scale with an RQ value of 1, 10, 100, 1,000, or 5,000 pounds. The data for each hazardous substance are evaluated using various primary criteria; each hazardous substance may receive several tentative RQ values based on its particular intrinsic properties. The lowest of the tentative RQs becomes the "primary criteria RQ" for that substance.

After the primary criteria RQs are assigned, substances are further evaluated for their susceptibility to certain degradative processes, which are used as secondary adjustment criteria.

These natural degradative processes are biodegradation, hydrolysis, and photolysis (BHP).⁴ If a hazardous substance, when released into the environment, degrades relatively rapidly to a less hazardous form by one or more of the BHP processes, its RQ (as determined by the primary RQ adjustment criteria), is generally raised one level.⁵ Conversely, if a hazardous substance degrades to a more hazardous product after its release, the original substance is assigned an RQ equal to the RQ for the more hazardous substance, which may be one or more levels lower than the RQ for the original substance.

EPA indicated in an August 30, 1989 proposed rule (54 FR 35988) that substances could be further evaluated by applying the methodology for developing threshold planning quantities (TPQs) pursuant to EPCRA

³ For further information on assigning adjusted RQs to hazardous substances under the primary criteria, see the Technical Background Document to Support Rulemaking Pursuant to CERCLA Section 102, Volume 2, August 1986 (for chronic toxicity), Volume 3, July 1989 (for potential carcinogenicity), and Volume 1, March 1985 (for the four other primary criteria), available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

⁴ For further information on the methodology for applying BHP, see the Technical Background Document to Support Rulemaking Pursuant to CERCLA Section 102, Volume 1, March 1985, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

⁵ No RQ level increase based on BHP occurs if the primary criteria RQ is already at its highest possible level (100 pounds for potential carcinogens and 5,000 pounds for other types of hazardous substances). BHP is not applied to radionuclides.

section 302, but has not yet incorporated the TPQ methodology as part of the RQ adjustment methodology in any final rule.

EPA currently is evaluating the RQ adjustment methodology to identify ways in which the methodology could be improved; for example, the Agency is considering whether the application of BHP to developmental toxicants should be limited. EPA is interested in receiving other suggestions for refining or improving the existing RQ adjustment methodology. It is important to note, however, that the Agency does not intend to formally respond as part of the rulemaking to suggestions provided by the public for changes to the RQ adjustment methodology.

D. Summary of Changes From the Proposed Rule

EPA has made the following changes from the October 22, 1993 NPRM. Each change is discussed in the preamble section noted (if applicable).

- Six RCRA hazardous wastes (K119, K120, K121, U354, U355, and U357) with RQ adjustments proposed in the October 22, 1993 NPRM are not included in today's final rule. These six wastes are proposed, but not yet finalized, as RCRA hazardous wastes and, thus, are not yet CERCLA hazardous substances, as defined by CERCLA section 101(14)(C).

- The Agency is promulgating one-pound final RQs for two RCRA wastes, F037 and F038, that did not appear in the October 22, 1993 NPRM (see Section II.B.6).

- In the October 22, 1993 NPRM, EPA proposed to add m-xylene, one of the 47 hazardous air pollutants, to Table 302.4 and to adjust its statutory one-pound RQ to 100 pounds. After reviewing data recently submitted by the commenters, however, EPA has decided to promulgate a 1,000-pound final RQ for m-xylene (see Section II.B.1).

- The Agency also proposed in the October 22, 1993 NPRM to add dimethylformamide, another hazardous air pollutant, to Table 302.4 and to adjust its statutory one-pound RQ to 10 pounds. After evaluating data submitted by the commenters, the Agency has decided in this final rule to promulgate a 100-pound final RQ for dimethylformamide (see Section II.B.2).

- Similarly, after reviewing comments submitted on the 100-pound RQ proposed for titanium tetrachloride in the October 22, 1993 NPRM, the Agency has decided to promulgate a 1,000-pound RQ for this substance in today's final rule (see Section II.B.3).

- EPA requested public comments on five options for assigning RQs to the

¹ For a list of these options, see Section II.C.1 of today's preamble.

² See Section II.C.1 of this preamble for a discussion of RQ adjustments for the five broad generic categories.

CAA broad generic categories in the October 22, 1993 NPRM. In today's final rule, EPA is promulgating one of the scenarios described in Option 5, namely, the Agency is assigning no RQs to the categories, but will evaluate certain substances within the categories to determine whether they should be individually listed in Table 302.4 of 40 CFR 302.4, and be assigned RQs (see Section II.C.1).

II. Response to Comments

A. Support for Proposed RQ Adjustments

1. Methylene Diphenyl Diisocyanate

The proposed RQ adjustment for methylene diphenyl diisocyanate (MDI) from the statutory one-pound level to 5,000 pounds was supported by all of the 84 commenters who submitted comments regarding this substance.⁶ The Agency agrees with commenters that the 5,000-pound adjusted RQ for MDI will reduce the number of reports of releases that are unlikely to pose a threat to public health or welfare or the environment, thereby reducing the reporting burden on industry and allowing EPA to focus its resources on those releases that are more likely to pose such threats.

The Agency is continuing to evaluate data on the chronic toxicity and potential carcinogenicity of MDI, as well as the potential carcinogenicity of p-phenylenediamine, another hazardous air pollutant included in today's final rule. Because these evaluations have not been completed, EPA is promulgating a 5,000-pound RQ for both MDI and p-phenylenediamine in today's final rule, as proposed. If, however, as a result of the potential carcinogenicity and chronic toxicity evaluations, the Agency determines that a change in the 5,000-pound RQ for either of these substances is warranted, EPA will propose to readjust the RQ for MDI and/or p-phenylenediamine in a separate rulemaking.

2. Ethylene Glycol

The proposed adjustment of the RQ for ethylene glycol from the statutory one-pound level to 5,000 pounds was supported by 75 of the 76 commenters who submitted comments on this substance.⁷ It is important to note,

⁶Detailed responses to these comments on MDI are included in Section I.A of the responses to comments document for this rulemaking, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

⁷Detailed responses to these comments on ethylene glycol are included in Section I.B of the responses to comments document for this

however, that releases of ethylene glycol equal to or exceeding 5,000 pounds during a 24-hour period (e.g., from airplane de-icing operations) are reportable under CERCLA. If such a release is not federally permitted and, thus, is not exempt from CERCLA reporting and liability provisions, notification to the NRC under CERCLA and to the appropriate State emergency response commissions (SERCs) and local emergency planning committees (LEPCs) under EPCRA is required. The Agency anticipated that releases in excess of 5,000 pounds may occur and noted in the preamble to the October 22, 1993 NPRM that releases of ethylene glycol in de-icing operations equal to or exceeding the 5,000-pound RQ may qualify for reduced reporting as "continuous releases."⁸

B. Opposition to Proposed RQ Adjustments

1. Xylenes

In addition to RQ adjustments for the 47 individual CAA hazardous air pollutants, EPA also proposed an RQ adjustment for the hazardous substance category, "xylene (mixed)." This category is already listed in Table 302.4 as a CERCLA hazardous substance and represents a mixture of the three xylene isomers, m-xylene, o-xylene, and p-xylene, in any proportion. In 1990, the CAA Amendments added the three xylene isomers individually to the CAA section 112 list of hazardous air pollutants. In today's final rule, EPA is adding these three isomers as three separate entries in the 40 CFR 302.4 list of CERCLA hazardous substances.

In the October 22, 1993 NPRM, the Agency proposed to adjust the RQs for m-xylene and p-xylene to 100 pounds, and the RQ for o-xylene to 1,000 pounds. Because there are three substances within the xylenes category and EPA had sufficient data to assign RQs to each of these substances, the Agency also proposed to assign the lowest RQ of the individual member substances to the category. Specifically, EPA proposed to adjust the RQ for the "xylene (mixed)" category from 1,000 pounds to 100 pounds to be consistent with the data used to develop the 100-

rulemaking, available at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

⁸In addition to MDI and ethylene glycol, the Agency received a number of comments in support of RQs proposed for other individual hazardous air pollutants. Detailed responses to these comments are included in Section I.C of the responses to comments document for this rulemaking, available at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

pound proposed RQs for the m- and p-xylene isomers. In today's final rule, the Agency is promulgating the 100-pound proposed RQ for "xylene (mixed)," as described below in Section II.B.1.a of the preamble.

It is important to note that the preceding paragraph only describes the Agency's adjustment of the RQ for the "xylenes (mixed)" category. This discussion does not address whether particular releases of mixed xylenes are reportable under various scenarios. The person in charge of a facility from which a release of mixed xylenes occurs should apply the mixture rule (as described in Section II.B.6 of today's preamble) on a case-by-case basis to determine if a particular release of mixed xylenes must be reported under CERCLA section 103 and EPCRA section 304. Essentially, the Agency's mixture rule provides that, if the quantity of each of the xylene isomers in a particular mixture of xylenes is known (and there are no other hazardous constituents in the xylenes mixture), reporting is required only when an RQ or more of m-, o-, or p-xylene is released. If, however, the quantity of one or more of the xylene isomers is unknown, reporting is required when 100 pounds or more of the total mixture of xylenes is released.

a. *Aquatic Toxicity.* Nine commenters favored promulgation of 1,000-pound adjusted RQs for m- and p-xylene and for the "xylene (mixed)" category, rather than the 100-pound RQs proposed for these substances. Six of the nine commenters asserted that the Agency had incorrectly assigned 100-pound primary criteria RQs to these substances. As correctly noted by these commenters, the 100-pound RQ adjustments proposed for m- and p-xylene were based on studies of fish species other than the standard species (i.e., fathead minnow or bluegill) preferred for assigning RQs based on aquatic toxicity. As stated in previous technical background documents to support RQ adjustment rulemakings, aquatic toxicity studies from other fish species may be used by the Agency to establish RQs when data on standard species are not available.

Several commenters performed and submitted additional studies (Springborn Laboratories (1994a and 1994b))⁹ on the aquatic toxicity of m-

⁹Machado, M. 1994a. para-Xylene - Acute Toxicity to Fathead Minnow (*Pimephales promelas*) Under Flow-Through Conditions. Springborn Laboratories, Wareham, Massachusetts; and Machado, M. 1994b. meta-Xylene—Acute Toxicity to Fathead Minnow (*Pimephales promelas*) Under Flow-Through Conditions. Springborn Laboratories, Wareham, Massachusetts.

and p-xylene using standard species. EPA has reviewed these and other standard species studies (Geiger et al. (1986, 1990))¹⁰ submitted by the commenters on the xylene isomers.

Fathead minnow data on m-xylene in both the Geiger et al. (1990) and Springborn Laboratories (1994b) studies support the assignment of a 1,000-pound RQ for this substance.¹¹ In today's final rule, therefore, EPA is not promulgating the 100-pound RQ for m-xylene as proposed; rather, the Agency is promulgating a 1,000-pound RQ for this substance based, in part, on the aquatic toxicity data reported in Geiger et al. (1990) and Springborn Laboratories (1994b). (Chronic toxicity and ignitability data also support a 1,000-pound RQ for m-xylene.)

Fathead minnow data on p-xylene, however, as reported in both the Geiger et al. (1986) and Springborn Laboratories (1994a) studies, support the 100-pound RQ proposed for p-xylene in the October 22, 1993 proposed rule.¹² Therefore, EPA is finalizing a 100-pound adjusted RQ for p-xylene based on the standard aquatic toxicity data provided in Geiger et al. (1986) and Springborn Laboratories (1994a), and supported by the non-standard aquatic toxicity data used by EPA in the October 22, 1993 NPRM as the basis for the 100-pound RQ proposed for this substance.

With regard to the comments recommending a 1,000-pound RQ for the "xylenes (mixed)" category, although EPA appreciates the aquatic toxicity data provided by the commenters, the Agency is not using these data to determine an RQ for this hazardous substance category in the final rule. As noted previously, because there are three xylene isomers within the "xylenes (mixed)" category and EPA

has sufficient data to assign RQs to each of these three substances, the Agency is assigning the lowest RQ of the individual member substances to the category. Thus, EPA is readjusting the 1,000-pound RQ for xylenes (mixed) to 100 pounds, as proposed, to be consistent with the 100-pound RQ for one of its member substances, p-xylene. Assigning a 100-pound RQ to the "xylenes (mixed)" category is consistent with other instances (e.g., cyanides) in which the Agency has assigned the lowest RQ of the individual member substances to a hazardous substance category, because the category contains only a limited number of substances and EPA has sufficient data to assign RQs to all of these substances in the category.

b. *Application of BHP.* Eight commenters contended that EPA did not properly evaluate xylenes for their susceptibility to degradation in the environment in proposing adjusted RQs for these substances in the October 22, 1993 NPRM. The Agency disagrees. EPA conducted a comprehensive search for data on both the primary RQ adjustment criteria and the secondary criteria of BHP, and was unable to locate any convincing degradation data indicating that application of BHP to raise the RQs of xylenes was warranted.¹³ In addition, EPA applies the secondary RQ adjustment criteria of BHP to raise the RQ of a hazardous substance only when the reaction products are less hazardous than the parent substance. Data submitted on the xylenes indicate that the degradation products of xylenes in the atmosphere include 2,4-dimethylphenol and formaldehyde, each of which is a CERCLA hazardous substance with a 100-pound RQ. Because the RQs of these two degradative products are 100 pounds, application of the secondary criteria of BHP to the xylenes could not be used to raise the 1,000-pound RQs for m- and o-xylene or the 100-pound RQs for p-xylene and xylenes (mixed).

2. Dimethylformamide

One commenter opposed the 10-pound RQ proposed for dimethylformamide and asserted that a 100-pound RQ is more appropriate for this substance. To support this assertion, the commenter submitted data from a number of epidemiology and animal toxicity studies the commenter

had used to challenge the Agency's classification of dimethylformamide as a probable human carcinogen. As the commenter correctly noted, the Agency proposed in the October 22, 1993 NPRM to adjust the RQ for dimethylformamide to 10 pounds, based on an evaluation of its potential carcinogenicity. Based on data reviewed at that time indicating limited evidence of carcinogenic effects in humans and inadequate evidence in animals, EPA classified dimethylformamide as a weight-of-evidence Group B1, probable human carcinogen. Combining this weight-of-evidence classification with a potency Group 2 classification resulted in a hazard ranking of "medium" and a proposed adjusted RQ of 10 pounds.

Since publication of the October 22, 1993 NPRM, however, the Agency has completed its own internal review of data on the potential carcinogenicity of dimethylformamide, including relevant data submitted by the commenter. As a result of this review, EPA agrees with the commenter that the weight of evidence is not currently sufficient to classify dimethylformamide as a Group B1, probable human carcinogen. For this reason, EPA has not relied on the potential carcinogenicity criterion as a basis for the RQ adjustment for dimethylformamide; rather, in today's final rule, the Agency is promulgating a 100-pound RQ for this substance based on chronic toxicity.

3. Titanium Tetrachloride

Two commenters asserted that a 1,000-pound primary criteria RQ is scientifically justified for titanium tetrachloride based on toxicity and, thus, more appropriate than the 100-pound RQ proposed for this substance. Although EPA continues to believe that a primary criteria RQ of 100 pounds is warranted for titanium tetrachloride,¹⁴ the Agency has decided to promulgate an adjusted RQ of 1,000 pounds for this substance based on a re-evaluation of titanium tetrachloride under the secondary RQ adjustment criterion of hydrolysis. As noted in Section II.B.1.b of this preamble, one-level upward RQ adjustments based on hydrolysis are warranted only when the secondary products of the reaction are less toxic than the parent compound. The most prevalent secondary product of the titanium tetrachloride hydrolysis reaction is hydrochloric acid (or

¹⁰ Geiger, D.L., S.H. Poirier, L.T. Brooke, D.J. Call, Eds. 1986. Acute Toxicities of Organic Chemicals to Fathead Minnows (*Pimephales promelas*). Vol III, Center for Lake Superior Environmental Studies, University of Wisconsin-Superior; and Geiger, D.L., S.H. Poirier, L.T. Brooke, D.J. Call, Eds. 1990. Acute Toxicities of Organic Chemicals to Fathead Minnows (*Pimephales promelas*). Vol V, Center for Lake Superior Environmental Studies, University of Wisconsin-Superior.

¹¹ For a detailed discussion of the studies on m-xylene, see Response Numbers II.A.3 and II.A.6 in Section II of the responses to comments document for this rulemaking, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

¹² The Agency disagrees with one commenter's assertion that data from Geiger et al. (1986) are unacceptable because of certain deviations from standard test conditions. For a detailed discussion of the studies on p-xylene, see Response Numbers II.A.3, II.A.4, and II.A.5 in Section II of the responses to comments document for this rulemaking, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

¹³ For detailed responses to comments regarding the degradation of xylenes and application of BHP to these substances, see Response Numbers II.A.10 and II.A.11 in Section II of the responses to comments document for this rulemaking, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

¹⁴ For further discussion of the chronic toxicity primary criterion RQ for titanium tetrachloride, see Response Number II.B.17 in Section II of the responses to comments document for this rulemaking, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

hydrogen chloride gas), which is a CERCLA hazardous substance with a 5,000-pound RQ. In an August 30, 1989 rule (54 FR 35988), the Agency proposed to adjust the 5,000-pound RQ for hydrochloric acid to 100 pounds, based on application of the TPQ methodology (see Section I.C of today's preamble) as part of the RQ adjustment methodology. Because the proposed 100-pound RQ for hydrochloric acid (the reaction product) from the 1989 rule was no higher than the 100-pound primary criteria RQ for titanium tetrachloride (the parent compound), the Agency did not apply the secondary RQ adjustment criteria to raise the RQ for titanium tetrachloride in the October 22, 1993 NPRM.

As of today's final rule, however, EPA has not yet promulgated the 100-pound RQ for hydrochloric acid that was proposed in the August 30, 1989 rule and has not yet included the TPQ methodology as part of the RQ adjustment methodology in any final rule; thus, the current 5,000-pound RQ for hydrochloric acid still applies. This 5,000-pound RQ for hydrochloric acid is higher than the 100-pound RQ for titanium tetrachloride (i.e., the secondary product of the hydrolysis reaction is less toxic than the parent compound). Therefore, the Agency is applying the secondary RQ adjustment criterion of hydrolysis in today's final rule to raise the 100-pound primary criteria RQ for titanium tetrachloride one level to 1,000 pounds.¹⁵

4. Other Individual CAA Hazardous Air Pollutants

a. *Biphenyl*. Four commenters supported a 1,000-pound adjusted RQ for biphenyl, rather than the 100-pound RQ adjustment proposed in the October 22, 1993 NPRM. One of these commenters submitted data on the biodegradation of biphenyl and concluded that these data support a 1,000-pound RQ. After reviewing the data submitted by this commenter, the Agency disagrees with the commenter's conclusions. The data on biphenyl provided by the commenter do not meet several conditions necessary for adjustment based on biodegradation, including: (1) The substance must have a five-day biochemical oxygen demand (BOD₅) equal to or greater than 50% in "unadapted" media, which have not been previously exposed to the substance; and (2) the substance must be in a form that is available to

¹⁵ If EPA incorporates the TPQ methodology as part of the RQ adjustment methodology and adjusts the RQ for hydrochloric acid in a final rule, the RQ for titanium tetrachloride will be readjusted accordingly.

microorganisms responsible for biodegradation.¹⁶ Therefore, the Agency is promulgating an adjusted RQ of 100 pounds for biphenyl based on the chronic toxicity criterion, with no upward adjustment based on BHP.

b. *1,3-Butadiene*. Two commenters opposed the 10-pound proposed RQ for 1,3-butadiene. These commenters submitted potential carcinogenicity data to support the assertion that the potency factor calculated for 1,3-butadiene by the Agency in the proposed rule was "at least an order of magnitude too high." According to the commenters, the Agency should recalculate a more accurate (and lower) value for the potency of 1,3-butadiene and should promulgate a 100-pound RQ for this substance, rather than the 10-pound proposed RQ.

Pending completion of its review of new epidemiology data on 1,3-butadiene submitted by the commenters, as well as data on the appropriate model for conducting quantitative risk assessments on this substance, the Agency will retain its current estimates, including a potency factor calculation of 8.4 (mg/kg/day)⁻¹ for RQ adjustment purposes.¹⁷ This potency factor, coupled with a weight-of-evidence Group B2 classification, results in a final RQ of 10 pounds for 1,3-butadiene in today's final rule. EPA is continuing its comprehensive review of the potential carcinogenicity data on 1,3-butadiene to determine if a change in the Agency's potency factor estimate is necessary. The Agency will readjust the RQ for 1,3-butadiene in a separate rulemaking if its review results in an RQ other than 10 pounds for this substance.

c. *Cresols*. The Agency also proposed in the October 22, 1993 NPRM to adjust the RQ for another hazardous substance category, "cresol(s)," which, similar to "xylene (mixed)," is already listed in Table 302.4. This listing for the hazardous substance cresols represents a mixture of the three cresol isomers (m-cresol, o-cresol, and p-cresol) in any proportion. In 1990, the CAA Amendments added the three cresol isomers individually to the CAA section

¹⁶ For detailed responses to comments on the biodegradation of biphenyl, see Response Numbers II.B.4 and II.B.5 in Section II of the responses to comments document for this rulemaking, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

¹⁷ For detailed responses to comments on the potential carcinogenicity of 1,3-butadiene, and EPA's basis for using its current estimates to adjust the RQ for this substance, see Response Numbers II.B.7 and II.B.8 in the responses to comments document for this rulemaking, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

112 list of hazardous air pollutants. In today's final rule, EPA is adding these three isomers as three separate entries in the 40 CFR 302.4 list of CERCLA hazardous substances.

In the October 22, 1993 NPRM, the Agency proposed adjustments to the statutory one-pound RQs for the three cresol isomers. EPA proposed to adjust each of the RQs for m-, o-, and p-cresol to 100 pounds based on studies published since the final rule designating the category cresols as a hazardous substance and assigning it a 1,000-pound RQ (see 51 FR 34561, September 29, 1986). Because there are three substances within the cresols category and EPA had sufficient data to assign 100-pound RQs to each of these substances, the Agency proposed to adjust the RQ for the "cresol(s)" category from 1,000 pounds to 100 pounds to be consistent with the data used to develop the 100-pound RQs for the m-, o-, and p-cresol isomers.

One commenter opposed the 100-pound RQ for the cresol isomers and asserted that the recent reclassification of cresols in the IRIS data base as a weight-of-evidence Group C, possible human carcinogen, was based on studies of doubtful validity. Based on data submitted to support its assertion, the commenter requested that EPA retain the 1,000-pound RQ for cresols, pending the outcome of EPA's decision on this matter.

EPA disagrees with the commenter that the 1,000-pound RQ for cresols should be retained. Hazardous substances are classified in weight-of-evidence Group C when the Agency determines that there is "limited" evidence of carcinogenicity in animals, in the absence of human data. According to EPA guidelines,¹⁸ limited evidence of carcinogenicity in animals can be indicated by a wide variety of effects, including: (1) Malignant tumor responses in a single, well-conducted experiment that does not meet conditions for "sufficient" evidence; (2) tumor responses of marginal statistical significance in studies having inadequate design or reporting; (3) benign tumors (without malignant tumors) from an agent showing no response in a variety of short-term tests for mutagenicity; and (4) responses of marginal statistical significance in a tissue known to have a high or variable background rate of cancer.

EPA has carefully reviewed the data submitted by the commenter. As a result

¹⁸ U.S. EPA 1988. Methodology for Evaluating Potential Carcinogenicity in Support of Reportable Quantity Adjustments Pursuant to CERCLA Section 102. Office of Health and Environmental Assessment, Washington, DC.

of this review, EPA has decided to retain its classification of each of the cresol isomers (m-, o-, and p-cresol) in weight-of-evidence Group C, possible human carcinogen. The deficiencies noted by the commenter regarding the in vitro and in vivo studies relied on by the Agency are reasons for the Agency's decision not to classify the evidence of carcinogenicity as "sufficient."¹⁹ Reviewed together, however, these studies do provide limited evidence of animal carcinogenicity and, thus, justify classification of the cresol isomers in weight-of-evidence Group C. The Agency, therefore, will retain its original decision to adjust the RQ for cresols from 1,000 to 100 pounds, and to establish final RQs of 100 pounds for each of the cresol isomers.²⁰

d. Diethanolamine. Three commenters opposed the 100-pound proposed RQ for diethanolamine based on the chronic toxicity criterion. The commenters asserted that a primary criteria RQ of 1,000 pounds is more appropriate for this substance, and that application of the secondary RQ adjustment criterion of biodegradation should be applied to raise the final RQ to 5,000 pounds.

Under the methodology for developing primary criterion RQs based on chronic toxicity, a substance is first assigned two rating values, one based on the dose that causes a particular effect, and one based on the severity of the effect. The dose rating value (RV_d) ranges from one to 10, with 10 representing the most toxic substances. The effect rating value (RV_e) also ranges from one to 10, with 10 representing the most severe effect. The product of the RV_d and RV_e for a substance yields a composite score between one and 100. Tentative chronic toxicity RQs are then assigned on the basis of the composite score.²¹

¹⁹ For further information on the data and findings of the in vitro and in vivo studies, see Section 3 of the Technical Background Document to Support Rulemaking Pursuant to CERCLA Section 102, Volume 7, available for inspection as part of the public docket for this rulemaking at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

²⁰ For detailed responses to the comments on the carcinogenicity of cresols, see Response Numbers I.B.10 and I.B.11 in Section II of the responses to comments document for this rulemaking, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

²¹ For further information on the relationship of composite scores to tentative chronic toxicity RQs, see the Technical Background Document to Support Rulemaking Pursuant to CERCLA Section 102, Volume 2, available for inspection as part of the public docket for this rulemaking at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

Because no chronic toxicity studies have been reported for diethanolamine, both EPA and the commenters used data from a 13-week subchronic study (Melnick (1992)²² to develop their respective conclusions. Based on a different interpretation of these same data, the commenters supported use of an RV_e of 5, rather than the RV_e of 7 used by EPA to assign a 100-pound primary criterion RQ for diethanolamine. The commenters generally agreed with the Agency on an RV_d of 3.8 for the substance.

In supporting an RV_e of 5 for diethanolamine, one of the commenters asserted that increased blood urea nitrogen (BUN) is incorrectly listed as an effect and that reported kidney changes do not identify impairment of kidney function. EPA disagrees; upward trends in relative kidney weight and BUN have been observed together, suggesting that kidney function (i.e., removal of excess urea) in the exposed animals is impaired, resulting in increased kidney weight. The Agency, therefore, considers it appropriate to place diethanolamine in RV_e category 7 because of the observed "necrosis * * * with a detectable decrement of organ function." This results in a composite score of 26.6 (i.e., $3.8 RV_d \times 7 RV_e$) and a corresponding chronic toxicity primary criterion RQ of 100 pounds.

This commenter also supported raising the primary criterion RQ for diethanolamine one level, based on the secondary criterion of biodegradation. Two (Bridie et al. (1979) and Gannon et al. (1978))²³ of the eight studies submitted by the commenter on the biodegradation of diethanolamine reported BOD₅ values equal to or greater than the standard for upward RQ adjustment on the basis of biodegradation. These experiments, however, were conducted using "adapted" sewage sludge (see previous discussion on biphenyl), rather than under conditions normally found in the environment. One (Bridie et al. (1979)) of these two studies also evaluated diethanolamine using unadapted sewage sludge, but the result was a BOD₅ of only two percent.

Because the data provided by the commenter do not justify application of the secondary RQ adjustment criterion

²² Melnick, R.L., 1992. NTP Technical Report on the Toxicity Studies of Diethanolamine (CAS No. 111-42-2) Administered Topically and in Drinking Water to F344/N Rats and B6C3F1 Mice. National Toxicology Program. NIH Publication No. 92-3343.

²³ Bridie, A.L. et al., 1979. Biochemical Oxygen Demand and Chemical Oxygen Demand of Some Petrochemicals. *Water Research* 13:627-30; and Gannon, J.E. et al., 1978. Microbial Degradation of Diethanolamine and Related Compounds. *Microbios*. 23:7-18.

of biodegradation to diethanolamine, the Agency has promulgated a final RQ of 100 pounds (as proposed) based on chronic toxicity.

e. Ethylene Glycol. One commenter stated that, based on the incidence of pet and wildlife poisonings due to ingestion of ethylene glycol antifreeze, the 5,000-pound proposed RQ for ethylene glycol is inappropriate. The commenter asserted that, by raising the RQ to 5,000 pounds, EPA would be sending the false message that ethylene glycol is not dangerous. According to the commenter, such a message would result in reduced attention to all but the largest releases of this substance. For this reason, the commenter urges EPA to retain a one-pound RQ for ethylene glycol.

While EPA shares the concerns expressed by the commenter regarding acute exposures to ethylene glycol, the Agency believes that a lower RQ for ethylene glycol would not necessarily prevent accidental poisonings to humans, pets, and wildlife. RQs under CERCLA serve only to notify the Federal, State, and local governments of the release so that authorities can determine whether a response is necessary under the particular circumstances of the release.

In addition, the technical data supplied by the commenter do not support assignment of an RQ for ethylene glycol below 5,000 pounds. Under EPA's RQ adjustment methodology, an acute mammalian toxicity RQ for oral exposure to a hazardous substance (e.g., ethylene glycol) is determined based on the dose that is lethal to 50 percent of the animal population tested (known as the LD₅₀ value). For the oral exposure route, LD₅₀s of between 100 and 499 milligrams per kilogram (mg/kg) define the range that results in a 5,000-pound RQ based on acute mammalian toxicity. LD₅₀ values above 499 mg/kg also result in RQs at the maximum 5,000-pound level; LD₅₀s below 100 mg/kg result in RQs between one and 1,000 pounds.

The commenter supplied several pieces of information to support the position that ethylene glycol should be assigned a one-pound RQ. This information included studies on the toxicity of ethylene glycol, a table showing regulation of ethylene glycol under Federal environmental statutes (e.g., the CAA and CERCLA), and newspaper articles describing accidental poisonings. EPA has carefully reviewed these materials. None of the data submitted by the commenter support an RQ of one-pound; in fact, all of these data are well above the upper bound of the range of acute mammalian toxicity

data (499 mg/kg) that define a 5,000-pound RQ.²⁴

The commenter also provided a table showing that ethylene glycol, unlike propylene glycol, is regulated under various environmental statutes. The commenter appears to be using the table to suggest that ethylene glycol is the more toxic of the two substances. Regardless of whether this assertion is correct, listing of ethylene glycol (i.e., under the CAA and CERCLA) indicates only that an RQ must be assigned to this CERCLA hazardous substance, but does not provide the technical data needed to support a particular RQ. The newspaper articles submitted by the commenter do not provide any data that can be used to adjust the RQ for ethylene glycol.

As noted above, all of the data from the studies submitted by the commenter are above the range of acute mammalian toxicity data that result in a 5,000-pound RQ. In fact, EPA has assigned a lower primary criteria RQ based on chronic toxicity (1,000 pounds) than indicated based on mammalian toxicity (5,000 pounds). The Agency then applied the secondary RQ adjustment criteria of BHP, which resulted in an upward adjustment of the 1,000-pound chronic toxicity RQ to 5,000 pounds based on ethylene glycol's susceptibility to biodegradation in the environment.

Thus, EPA does not have sufficient technical justification to establish a one-pound adjusted RQ for ethylene glycol, as requested by the commenter. Nevertheless, the Agency encourages users of ethylene glycol to exercise greater precautions to help prevent accidental poisonings. In addition, EPA would like to clarify that the 5,000-pound final RQ for ethylene glycol should not be interpreted as a determination that smaller releases are safe under all possible release scenarios.

5. K088

To assign an RQ to a hazardous waste stream, the Agency first identifies the substances that are constituents of the waste stream (as listed in 40 CFR part 261, Appendix VII) and determines the RQs for these constituents. The lowest of the constituent RQs becomes the RQ for the waste stream. In the case of spent potliner wastes (K088), the only hazardous constituent is cyanide, which is a CERCLA hazardous substance with a final RQ of 10 pounds (50 FR 13456, April 4, 1985). For this reason, EPA

proposed an RQ of 10 pounds for waste stream K088 in the October 22, 1993 NPRM.

One commenter requested that the proposed 10-pound RQ for K088 be raised to 1,000 pounds based on the cyanide content of this waste stream. The Agency notes, however, that the RQ adjustment methodology does not consider the "content" or concentration of a constituent in the waste stream in determining an RQ for that waste stream. Therefore, EPA is promulgating a 10-pound RQ for K088 in today's final rule.

6. F037 and F038

As noted in Section I.B., the Agency has decided to promulgate final RQs for two hazardous waste streams (F037 and F038) for which RQs were proposed on March 27, 1991 (56 FR 12862). For this reason, EPA is addressing the two comments submitted on this previous proposal in today's final rule.

The two commenters supported EPA's methodology of applying the Agency's "mixture rule" in determining whether CERCLA notification for F037 and F038 is required, but opposed an RQ of one pound for F037 and F038 when constituent quantities of the waste are unknown.

Under the mixture rule, as set forth in 40 CFR 302.6(b), if the quantity of each of the constituents of a waste is known, reporting is required only when an RQ or more of any of the individual hazardous constituents is released. Knowledge that the average quantities of hazardous constituents in several waste streams with the same identification number (e.g., F037) are below their respective hazardous constituent RQs is not a sufficient basis for applying this provision of the mixture rule to all waste streams with that identification number.

The Agency's mixture rule also provides that, if the quantity of one or more of the hazardous constituents is unknown, reporting is required when an RQ or more of the waste itself is released. Thus, if the quantity of one or more of the constituents of F037 or F038 was unknown, reporting would be required when the amount of the waste stream released is one pound or more.

EPA believes that the one-pound adjusted RQs for waste streams F037 and F038 are necessary to fulfill the Agency's CERCLA mandate to protect public health and welfare and the environment from releases of these waste streams that may contain concentrations of hazardous constituents greater than those

considered "typical" by the commenter.²⁵

C. Reporting Requirements for CAA Broad Generic Categories

1. Options for Assigning RQs

Of the broad generic categories of chemicals listed as hazardous air pollutants by the CAA Amendments, five categories—cobalt compounds, glycol ethers, manganese compounds, fine mineral fibers, and polycyclic organic matter—were not previously on the CERCLA list.

In the October 22, 1993 NPRM, EPA requested public comments on the following five options for addressing the CERCLA reporting requirements for these broad categories:

- (1) Assign no RQ level to the CAA broad generic categories;
- (2) Retain a one-pound RQ for these categories (i.e., the lowest RQ EPA assigns to individual hazardous substances);
- (3) Assign an RQ to each category that reflects either the average RQ or the lowest RQ of the substances within each category;
- (4) Assign a 5,000-pound RQ to each category (i.e., the highest RQ EPA assigns to individual hazardous substances); or
- (5) Identify and assign an RQ to certain substances within each category. For the remaining substances within each of the five categories not assigned a specific RQ, assign no RQ, retain a one-pound RQ, assign an average or lowest RQ, or assign a 5,000-pound RQ.

In the preamble to the proposed rule, EPA described a variety of factors that it would consider in choosing an option that protects public health and welfare and the environment. These factors included: the length of time EPA would need to evaluate a large number of compounds individually; the need to have meaningful information reported to the National Response Center (i.e., avoiding either too much or too little information); and the need to avoid unnecessary and costly reporting burdens. After careful evaluation of these factors and consideration of all public comments on the five options, the Agency believes that, as suggested by 34 of the 44 commenters who addressed the options, the most effective balance of these factors would be to implement one of the reporting scenarios described in Option 5. Under

²⁴ For a detailed response to this comment on ethylene glycol, see Response Number II.B.16 in Section II of the responses to comments document for this rulemaking, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

²⁵ For a detailed discussion of these responses to comments on F037 and F038, see Response Numbers V.1 and V.2 in Section V of the responses to comments document for this rulemaking, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

the selected option, the Agency is assigning no RQ level to the five CAA broad generic categories, but will evaluate and may individually list in Table 302.4 of 40 CFR 302.4 certain substances within the categories, and assign RQs to these substances.

In response to five commenters' requests to accelerate promulgation of the RQ adjustments for the hazardous air pollutants proposed in the October 22, 1993 NPRM, the Agency expedited the schedule for today's final rule; for this reason, the Agency has not yet implemented the portion of Option 5 that involves identifying additional substances within the categories to determine if individual listing in Table 302.4 is warranted, but will do so at a later date.

The remainder of Section II.C first provides an overview of EPA's evaluation of each of the five options using the factors presented in the proposed rule. This overview also includes the number of commenters that favored each option. The public comments are then summarized and responses provided by the following topic areas: (1) Definition and scope of the categories; and (2) other issues.

Selecting Option 1 (assigning no RQ to the five CAA broad generic categories) would eliminate the time needed for EPA to evaluate member substances individually. Option 1 also would be the least costly and burdensome of the options because reporting of such member substances would not be required (except for those that are already listed separately). The major disadvantage of Option 1 is that it does not contain any provisions for individually listing and assigning RQs to specific substances in future rulemakings. EPA believes that upon further identification and analysis of the substances within the categories, there may be certain individual substances that merit separate listing and reporting requirements to protect adequately public health and welfare and the environment. Eight commenters favored Option 1.

The Agency decided that Option 2 (retaining a one-pound RQ for the category) would be infeasible for a variety of reasons. As correctly noted by several commenters, a one-pound RQ would not take into consideration the varying characteristics of all of the specific compounds in the categories. Thus, Option 2 would result in a large burden on the regulated community for reporting small releases of thousands of substances whose inherent chemical characteristics do not warrant reporting at such low release levels. In addition, the large number of reports of small

releases would hinder the National Response Center's ability to receive and process meaningful information and, therefore, the government's ability to respond to releases that are much more likely to pose a threat to public health or welfare or the environment. No commenters favored Option 2.

Similarly, the Agency determined that Option 3 (assign an RQ to each category that reflects either the average RQ or the lowest RQ of the substances within the category) would be infeasible. Assigning an average RQ to the categories, in addition to the disadvantages of Option 2, would be extremely time- and resource-intensive because EPA would need to evaluate all known individual substances within each category to determine an RQ for each so that an average RQ for the category could be calculated. Assigning the lowest RQ of the member substances to the category, similar to Option 2, would result in reporting of a large number of small releases that would hinder government response capabilities. This portion of Option 3 also would be time- and resource-intensive because EPA would need to evaluate the substances within the categories to determine the lowest RQ of the member substances. No commenters favored Option 3.

Option 4 (assign a 5,000-pound RQ to each category) would be less burdensome than Options 2 and 3, but also would be technically inappropriate for certain substances that may pose greater hazards. Only two commenters favored Option 4.

Option 5 involves identifying and assigning RQs to certain substances within each category, but contains several possible variations on how to treat the remaining substances (i.e., assign no RQ, assign a one-pound RQ, assign an average or lowest RQ, or assign a 5,000-pound RQ). These variations correspond to the previous four options. A total of 34 commenters favored Option 5 as an acceptable variation of Option 1.

EPA has concluded that Option 5 is preferable to the other four options because it allows the Agency greater flexibility to achieve the appropriate balance between reporting burdens, the amount of time needed for EPA to evaluate individual member substances, and protection of public health and welfare and the environment. In particular, EPA has chosen the variation of Option 5 under which the Agency assigns no RQ to the category but identifies, designates, and assigns RQs to certain individual substances within the category at a later date. Thus, reporting will be required for these substances, but not for other substances

within the categories that do not merit separate CERCLA listing. This process of identifying member substances and assigning RQs will require a considerable amount of time and Agency resources, which will vary depending on the number of substances designated. The major advantage of this variation of Option 5 is that reports to the National Response Center will be limited to information that specifically applies to substances that have been evaluated and for which a determination has been made that they should be individually listed in Table 302.4 of 40 CFR part 302.

It is important to note that CERCLA liability continues to apply to releases of all compounds within each category, even if these compounds are not listed separately in Table 302.4 and, therefore, RQs have not been assigned. Parties responsible for releases of hazardous substances that fall under any of the five CAA broad generic categories are liable for the costs associated with cleanup and any natural resource damages resulting from the release.

2. Definition and Scope of the Categories

Five commenters noted that certain footnotes from the CAA Amendments of 1990 that apply to three of the five CAA broad generic categories (glycol ethers, fine mineral fibers, and polycyclic organic matter) were not included in the October 22, 1993 NPRM. The commenters asserted that, without these footnotes, the listings for these three categories in Table 302.4 of 40 CFR 302.4 would be unclear and subject to different interpretations. For this reason, the commenters urged EPA to include the footnotes to these three CAA categories in the regulatory list of CERCLA hazardous substances (i.e., Table 302.4).

In the October 22, 1993 NPRM, the Agency intended that the proposed listings in Table 302.4 of 40 CFR 302.4 for these hazardous air pollutants (including the five CAA broad generic categories) be the same as the listings for these substances in the CAA Amendments (subject to clarification by regulations implementing these amendments). As the commenters correctly note, footnotes 2, 3, and 4 in the CAA Amendments that limit the CAA section 112 listings of "glycol ethers," "fine mineral fibers," and "polycyclic organic matter," respectively, also apply to these same listings in Table 302.4. To clarify this issue in today's final rule, EPA is revising the three category listings (glycol ethers,² fine mineral fibers,³ and polycyclic organic matter⁴) proposed in

the October 22, 1993 NPRM to add the applicable footnotes from the CAA Amendments of 1990:

² Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol $R-(OCH_2CH_2)_n-OR'$ where

$n = 1, 2, \text{ or } 3$

$R = \text{alkyl or aryl groups}$

$R' = R, H, \text{ or groups which, when removed, yield glycol ethers with the structure: } R-(OCH_2CH_2)_n-OH.$ ²⁶ Polymers are excluded from the glycol category.

³ Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

⁴ Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100 °C. (42 U.S.C.A. 7412 (b)(1))

EPA believes that such clarification will assist persons in charge of vessels and facilities in determining whether a release contains a substance within these three CAA categories and, thus, a CERCLA hazardous substance subject to liability, response, and abatement provisions under CERCLA.

Some commenters asserted that, even with the inclusion of these footnotes from the CAA Amendments of 1990, the definitions of the glycol ethers, fine mineral fibers, and polycyclic organic matter categories are overly broad. The Agency agrees that, although the categories have been partially limited in definition and scope by the footnotes noted above, the categories remain broad. The only action EPA is taking in this rulemaking is to codify the listings of polycyclic organic matter, glycol ethers, and fine mineral fibers on the regulatory list of hazardous substances in Table 302.4 of 40 CFR 302.4. Any further clarification of the definitions of these categories would more appropriately be addressed under regulations implementing CAA section 112.²⁷

Four commenters concluded that, because of the footnote limiting the definition of the category fine mineral fibers, refractory ceramic fibers (RCF) and other manmade vitreous fibers

(MMVF) are not within the scope of the category and, thus, are not CERCLA hazardous substances. Provided RCF and other MMVF have an average diameter larger than one micrometer, the Agency agrees that these substances would not fall within the fine mineral fibers category under CERCLA and, thus, would not be subject to release reporting and liability requirements. Should RCF or other MMVF, however, have an average diameter of one micrometer or less, these substances would be considered hazardous substances and, therefore, would be subject to CERCLA requirements.

One of these four commenters requested that any CERCLA listing of MMVF, including RCF, apply only to air emissions and should not include releases to water or land. The commenter stated that EPA's CERCLA listing for asbestos appears to provide a precedent for its recommended approach. EPA disagrees with the commenter's recommendation because CERCLA regulates releases of hazardous substances to all environmental media. For example, the listing of asbestos as a CERCLA hazardous substance encompasses all forms of this substance; it is only the reporting requirement that is limited to releases of "friable" forms of asbestos. Nevertheless, releases of "friable" asbestos to environmental media other than air remain subject to CERCLA reporting requirements and any releases of asbestos remain subject to the liability scheme under CERCLA. Similarly, releases of fine mineral fibers that are listed individually in Table 302.4 into any environmental medium are subject to reporting and releases of any fine mineral fibers that fall within the CAA fiber-size limitation (one micrometer or less) to any environmental medium are subject to CERCLA's liability scheme.

Owners and operators of underground storage tanks containing substances that may fall within the five CAA broad generic categories have requested guidance regarding the scope of these categories to assist them in determining whether they are regulated under RCRA Subtitle I. For an underground storage tank to fall under the regulatory jurisdiction of RCRA Subtitle I, the tank must store a "regulated substance." The term regulated substance is defined as petroleum and CERCLA hazardous substances, as defined in CERCLA section 101(14) (excluding RCRA hazardous wastes) (see 40 CFR 280.12). To assist in determining whether particular substances stored are members of the CAA categories and, therefore, are CERCLA hazardous substances subject to the RCRA Subtitle

I underground storage tank regulations, owners and operators may refer to the definitions of these categories in section 112 of the CAA. Appropriate Agency offices will coordinate to develop a process to further assist owners and operators in making this determination.

3. Other Issues

Three commenters requested that EPA identify by Chemical Abstract Service Registry Number (CASRN) the substances within the CAA broad generic categories for which releases must be reported. EPA's choice of Option 5 satisfies this request. Because EPA is assigning no RQ to these five categories, only releases of substances individually listed with an RQ and CASRN in Table 302.4 require CERCLA notification. Therefore, in effect, EPA already has identified by CASRN in Table 302.4 the CERCLA hazardous substances for which releases must be reported.

Another commenter suggested that, because categories may not be identical in potential hazard, different reporting options may be suitable for different categories. The Agency does not agree that implementing differing approaches to reporting requirements for the different broad generic categories is warranted. The main similarity among the categories is that each contains hundreds or thousands of substances with varying toxicities. Based on this similarity, and on a variety of other factors considered by the Agency (see Section II.C.1 for a discussion of these factors), EPA decided that assigning a single RQ to a particular category is inappropriate for all five categories. Thus, for each of the five CAA categories, the Agency is assigning no RQ.

A different commenter suggested that overreporting would result if EPA were to assign an RQ for only a few specific compounds within a category. EPA disagrees with this assertion. In an April 4, 1985 final rule (50 FR 13456), and in several subsequent final rules, the Agency assigned adjusted RQs to specific substances that are listed individually in Table 302.4 and that also fall within the broad generic categories listed under CWA section 307(a). Adjusted RQs for some of these individually listed CWA substances have been in place for nearly 10 years. Based on the number of releases of these individually listed CWA substances that have been reported to the National Response Center, there is no indication that overreporting has resulted in the case of the CWA broad generic categories. Similarly, EPA does not believe that overreporting would occur

²⁶The Agency would like to note that a typographical error has been made in the second mention of the chemical formula for glycol ethers in footnote 2 from the CAA Amendments. This formula appears in the CAA Amendments as "R-(OCH₂CH₂)_n-OH." In Table 302.4 of today's final rule, an additional "2" has been added within the parentheses; thus, the formula in the regulation will read "R-(OCH₂CH₂)_n-OH," rather than the way it appears in the CAA Amendments.

²⁷For detailed responses to specific comments on the scope of these five CAA categories, see Section III.A of the responses to comments document for this rulemaking, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

for the CAA broad generic categories if the Agency, as a result of its evaluation of the CAA categories, chooses to list specific substances within the categories and assign RQs to these substances.

The same commenter asserted that, if EPA assigned an RQ to only one compound within a CAA broad generic category, a facility could be out of compliance if it chose not to report a release of that compound. In fact, each of the five CAA broad generic categories in today's final rule contains at least one substance that already is individually listed as a CERCLA hazardous substance with an RQ in Table 302.4. Examples of separately listed CERCLA hazardous substances that are members of the categories include cobaltous bromide (cobalt compounds), 2-ethoxyethanol (glycol ethers), potassium permanganate (manganese compounds), asbestos (fine mineral fibers), and benzo[a]pyrene (polycyclic organic matter). Under CERCLA section 103, releases equal to or greater than the RQs for these hazardous substances must be reported to the National Response Center as soon as the person in charge has knowledge of the release. Thus, EPA agrees with the commenter's assessment that a facility would be out of compliance if it failed to report a release of an RQ or more of an individually listed substance within any of the CAA broad generic categories.

In addition, the same commenter noted that, if a facility has no knowledge of the specific compounds released, then only the CAA broad generic category reporting requirement (i.e., no RQ for the category) would apply. This assertion, however, is inaccurate with respect to releases of hazardous substances that are within one of the generic listings and that also are individually listed in Table 302.4 with corresponding RQs.

Under CERCLA section 103(a), notification must occur when the person in charge of a facility has knowledge of a release of such a hazardous substance in an amount that equals or exceeds an RQ. This includes individually listed hazardous substances within the CAA broad generic categories. The determination of whether the person in charge has knowledge depends on the actions that a person in that position could reasonably be expected to take under the circumstances. In evaluating possible enforcement proceedings for failure to comply with the CERCLA section 103 reporting requirement, the Agency's determination whether the person in charge had knowledge will be made on a case-by-case basis. EPA believes that the most prudent course of action for the person in charge would be

to identify the substance(s) being released and to determine if the amount of the substance(s) released equals or exceeds an RQ. The Agency believes that this approach on the part of persons in charge would also help to avoid overreporting.

A different commenter expressed confusion because EPA failed to mention, in the October 22, 1993 NPRM, the commenter's 1992 petition to designate and assign RQs to about 20 ethylene glycol ethers within the larger CAA category of glycol ethers.²⁸ When the proposed rule was published, however, the Agency was still evaluating various options for applying reporting requirements to the five CAA broad generic categories, including "glycol ethers." Only after receiving and evaluating comments on the five options presented in the October 22, 1993 NPRM, did the Agency decide to select Option 5. EPA believes that responding to the commenter's petition to adjust RQs of substances within the glycol ethers category, prior to an Agency decision on the appropriate reporting requirements for the category, would have been premature and might have led to confusion within the regulated community about what reporting requirements apply to the CAA category of glycol ethers. Following promulgation of today's final rule, however, EPA will begin to evaluate the data submitted by the commenter to determine whether individual listing in Table 302.4 and RQ adjustment of specific ethylene glycol ethers is warranted under the selected Option 5.

Two commenters suggested that EPA could establish subcategories within the CAA broad generic categories, and assign separate RQs to the subcategories. For example, one commenter suggested that EPA assign a low RQ to the subcategory of carcinogenic polynuclear aromatic hydrocarbons (PAHs) within the larger CAA category of polycyclic organic matter, and a higher RQ for non-carcinogenic PAHs. EPA appreciates the commenters' suggestion and may consider using these subcategories in any future determination of whether individual listing in Table 302.4 and RQ adjustment of specific PAHs (or subcategories of PAHs) is warranted.

One commenter claimed that only individual chemicals listed under CAA section 112 are CERCLA hazardous substances, and that CAA category members not otherwise listed under CERCLA need not be reported at the

one-pound level. The Agency disagrees with the commenter's assertion that the one-pound statutory RQs did not require reporting of substances (other than those listed separately in Table 302.4) within the CAA categories prior to this final rule. CERCLA section 101(14)(E) states that the term "hazardous substance" includes "any hazardous air pollutant listed under section 112 of the Clean Air Act." Thus, the CAA categories automatically became hazardous substances by virtue of their listing as hazardous air pollutants under CAA section 112. CERCLA section 102(b) provides that an RQ of one pound applies to hazardous substances (which include the CAA hazardous air pollutants) until this RQ is adjusted by regulation. All substances within the categories, as well as the categories themselves, are CERCLA hazardous substances. Therefore, during the period beginning with the signing of the CAA Amendments of 1990 and ending with the effective date of today's final rule, the one-pound statutory RQs for the categories have applied to all substances within the categories.

One commenter requested that the Agency consider a low-percentage threshold for the CAA categories below which a component of a mixture may be excluded from regulation. Unless permitted or exempted, the release of an RQ or more of a hazardous substance must be reported, regardless of the concentration of the substance released. Notification of releases of hazardous substances that equal or exceed an RQ, even those with relatively low concentrations, is mandated by CERCLA and EPA believes that such reports are essential to allow government personnel to decide whether a response action is necessary to protect public health or welfare or the environment.²⁹

D. Delisting Petition for Caprolactam

Two commenters requested that EPA respond to a delisting petition for caprolactam submitted on July 19, 1993. One of the commenters asserted that, "upon the removal of caprolactam from the [CAA section 112] list of 'hazardous air pollutants,' caprolactam will no longer be a CERCLA 'hazardous substance' under CERCLA § 101(14)

* * *

This assertion, however, is not a complete characterization of the CERCLA authority for listing

²⁸ Petition to Adjust the Reportable Quantity for Glycol Ethers under CERCLA Section 102. July 8, 1992. From Gordon D. Strickland, Chemical Manufacturers Association to Barbara Hostage, Emergency Response Division, U.S. EPA.

²⁹ For detailed responses to comments on other issues related to the five CAA broad generic categories, see Section III.C of the responses to comments document for this rulemaking, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

caprolactam as a hazardous substance. As the commenter correctly notes, caprolactam is included in the definition of "hazardous substance" because it has been listed as a hazardous air pollutant under the CAA, and CERCLA section 101(14)(E) incorporates by reference any hazardous air pollutant listed under section 112 of the CAA. The commenter has failed to mention, however, that under CERCLA section 101(14)(B), the term "hazardous substance" also includes "* * * any element, compound, mixture, solution, or substance designated pursuant to section 102 of [CERCLA] * * *." CERCLA section 102(a) authorizes EPA to designate as hazardous and assign RQs to those substances which, when released into the environment, may present substantial danger to the public health or welfare or the environment.

Furthermore, the regulations governing designation of hazardous substances (40 CFR 302.4(a)) provide that "[t]he elements and compounds and hazardous wastes appearing in Table 302.4 are designated as hazardous substances under section 102(a) of [CERCLA]." Thus, once a hazardous substance listed under any of the statutes referred to in CERCLA section 101(14) is added to the regulatory list at 40 CFR 302.4, that substance automatically is also designated as a hazardous substance under CERCLA section 102(a). As the commenter acknowledges, caprolactam has been proposed to be added to the list at 40 CFR 302.4; therefore, upon the effective date of this final rule, caprolactam is also designated as a hazardous substance under CERCLA section 102(a), not only under section 101(14)(E).

If the commenter is correct that its petition to delist caprolactam under CAA section 112 will be granted,³⁰ then EPA would evaluate caprolactam to determine whether there is any independent basis for retaining this substance as hazardous under section 102(a) of CERCLA and 40 CFR 302.4(a). If EPA determines that there is no independent basis for retaining caprolactam in Table 302.4, it may be possible to delete caprolactam from the CERCLA list of hazardous substances

simultaneously with delisting under the CAA.

In addition, the commenter cited a May 25, 1983 proposed rule (48 FR 23554), in which EPA suggested that changes to lists of substances under statutes incorporated in the CERCLA definition of a hazardous substance (CERCLA section 101(14)) would be reflected simultaneously on the CERCLA list of hazardous substances in Table 302.4 at 40 CFR 302.4. In the April 4, 1985 final rule (50 FR 13456), however, EPA modified this previous policy by providing that all hazardous substances in Table 302.4 are also designated under CERCLA section 102(a) (see 40 CFR 302.4(a)). Thus, even if substances are removed from lists under other statutes referred to in CERCLA section 101(14), these substances may remain in Table 302.4 by virtue of their designation under CERCLA section 102(a). Because of the CERCLA section 102(a) designation reflected in 40 CFR 302.4(a), the Agency does not believe that changes to lists of substances under statutes listed in CERCLA section 101(14) necessarily require simultaneous changes to Table 302.4.

III. Changes to List of Hazardous Substances and Their RQs

To show more clearly the two types of changes to the list of CERCLA hazardous substances resulting from the addition of the CAA Amendments hazardous air pollutants and the RCRA hazardous wastes, EPA proposed in the October 22, 1993 NPRM, and is promulgating in today's final rule two sets of revisions to Table 302.4 of 40 CFR 302.4. One set of revisions contains the new listings for the CAA Amendments hazardous air pollutants (including the revised cresols and xylenes entries) and the RCRA hazardous wastes, including final RQs for these substances. The other set of revisions adds a new statutory source code for certain hazardous substances that were already on the CERCLA list (e.g., acetaldehyde and acetonitrile) to indicate that, as a result of their listing as hazardous air pollutants in the CAA Amendments, an additional statutory source for designation of these hazardous substances is CAA section 112.

IV. Changes to 40 CFR Parts 355 and 117

Appendices A and B of 40 CFR part 355, which list extremely hazardous substances (EHSs) and their threshold planning quantities (TPQs) under EPCRA, also show the RQs for EHSs. Five of the new CAA hazardous air

pollutants whose RQs are adjusted today are also EHSs. These substances are chloroacetic acid, hydroquinone, beta-propiolactone, titanium tetrachloride, and o-cresol. This rule promulgates 100-pound RQ adjustments for chloroacetic acid, hydroquinone, and o-cresol, a 10-pound RQ adjustment for beta-propiolactone, and a 1,000-pound RQ adjustment for titanium tetrachloride. Therefore, to reflect fully the RQ adjustments for these five substances, EPA today is revising Appendices A and B of 40 CFR part 355 to include these new adjusted RQs.

EPA also is amending the RQs for "cresol" and "xylene (mixed)" in Table 117.3 of 40 CFR part 117 to be consistent with the CERCLA RQs. Table 117.3, the list of CWA hazardous substances and their RQs, currently contains listings for "cresol" and "xylene (mixed)," each with an RQ of 1,000 pounds. "Cresol" and "xylene (mixed)" are included in Table 117.3 because they were originally listed as hazardous substances under CWA section 311(b)(4).

V. Regulatory Analyses

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and, therefore, subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this final rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review. An economic analysis performed by EPA³¹ shows that this

³⁰ CAA section 112(b)(3)(C) requires delisting of a hazardous air pollutant if EPA finds "that there is adequate data on the health and environmental effects [of the substance] to determine that emissions, ambient concentrations, bioaccumulation or deposition of the substance may not reasonably be anticipated to cause any adverse effects to the human health or adverse environmental effects." EPA has not yet issued a final determination whether the petition to delist caprolactam meets the CAA delisting criteria.

³¹ See the Economic Impact Analysis of Reportable Quantity Adjustments for CAA

final rule will result in a net cost savings of approximately \$500,000 annually, and does not result in any of the other effects that define a significant regulatory action. In this final rule, RQs for 44 of the 47 individual hazardous air pollutants and three of the 11 RCRA wastes are raised. In addition, as noted in Section II.C.1 of this preamble, EPA is assigning no RQ level to the five broad generic categories of hazardous air pollutants. The RQs of the cresols and xylenes categories and the five hazardous wastes with RQs based on the RQ for cresols are being lowered from previously adjusted levels. The estimated net effect of these changes will be to reduce by approximately 1,300 the number of reportable releases for these hazardous substances each year (see the economic analysis mentioned above). The estimated \$500,000 net cost savings reflects only those effects of the RQ adjustments that are readily quantifiable in dollars and are associated with the release notification requirements under section 103 of CERCLA and section 304 of EPCRA (including the associated activities of recordkeeping, notification processing, monitoring, and response).

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires that a Regulatory Flexibility Analysis be performed for all rules that are likely to have a "significant impact on a substantial number of small entities." If this criterion is met, the Agency must conduct a Regulatory Flexibility Analysis to examine ways its regulation could be modified to mitigate these adverse impacts. A Regulatory Flexibility Analysis is not necessary for this final rule, because the upper-bound total cost of compliance to small firms is negligible.³² In fact, as noted in Section V.A. of today's preamble, the Agency anticipates that raising most of the statutory one-pound RQs for the hazardous air pollutants, as well as assigning no RQ to the five CAA categories in this rule, will result in a net cost savings. Therefore, EPA hereby certifies that today's final rule is not likely to have a significant impact on a substantial number of small entities. As

Hazardous Air Pollutants and RCRA Hazardous Wastes, Volume VI, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

³² See the Regulatory Impact Analysis of Reportable Quantity Adjustments Under Sections 102 and 103 of the Comprehensive Environmental Response, Compensation, and Liability Act, Volume I, March 1985, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

a result, no Regulatory Flexibility Analysis is necessary.

C. Paperwork Reduction Act

The information collection requirements contained in this final rule have been approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., and have been assigned OMB control number 2050-0046. The public reporting burden for the collection of information pursuant to CERCLA section 103 is estimated to take, on average, 4.1 hours per response. This estimate includes the determination whether a release requires a report to the National Response Center, the time required to make the call, and the time required to maintain a log of any calls made to government organizations.

Because the RQs for almost all of the substances included in today's final rule are being raised, the net reporting and recordkeeping burden associated with reporting releases of these substances under CERCLA section 103 is expected to decrease. As noted in the economic impact analysis supporting today's final rule, EPA estimates that the annual reporting and recordkeeping burdens associated with reports to the National Response Center will be reduced by more than 5,300 hours as a result of these RQ adjustments.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, Mail Code 2136, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

D. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a statement to accompany any rule in which the estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, will be \$100 million or more in any one year. Under section 205 of this Act, EPA must select the most cost-effective and least-burdensome alternative that achieves the objective of the rule and that is consistent with statutory requirements. Section 203 of the Act requires EPA to establish a plan for informing and advising any small governments that may be significantly impacted by the rule.

EPA has determined that this final rule does not include a Federal mandate

that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

List of Subjects

40 CFR Part 117

Environmental protection, Hazardous substances, Penalties, Reporting and recordkeeping requirements, Water pollution control.

40 CFR Part 302

Air pollution control, Chemicals, Emergency Planning and Community Right-to-Know Act, Extremely hazardous substances, Hazardous chemicals, Hazardous materials, Hazardous materials transportation, Hazardous substances, Hazardous wastes, Intergovernmental relations, Natural resources, Pesticides and pests, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

40 CFR Part 355

Air pollution control, Chemical accident prevention, Chemical emergency preparedness, Chemicals, Community emergency response plan, Community right-to-know, Contingency planning, Disaster assistance, Emergency Planning and Community Right-to-Know Act, Extremely hazardous substances, Hazardous substances, Intergovernmental relations, Natural resources, Penalties, Reporting and recordkeeping requirements, Superfund Amendments and Reauthorization Act, Threshold planning quantity, Water pollution control, Water supply.

Dated: May 23, 1995.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, Chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 117—DETERMINATION OF REPORTABLE QUANTITIES FOR HAZARDOUS SUBSTANCES

1. The authority citation for part 117 continues to read as follows:

Authority: Secs. 311 and 501(a), Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), ("the Act") and Executive Order 11735, superseded by Executive Order 12777, 56 FR 54757.

2. Section 117.3 is amended by revising the entries in the "category" column and in the "RQ in pounds (kilograms)" column for "cresol" and "xylene (mixed)" in Table 117.3 from

“C” to “B” and from “1,000 (454)” to “100 (45.4),” respectively, as set forth below:

§ 117.3 Determination of Reportable Quantities.

* * * * *

TABLE 117.3.—REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES DESIGNATED PURSUANT TO SECTION 311 OF THE CLEAN WATER ACT

Material	Category	RQ in pounds (kilograms)
Cresol	B	100 (45.4)
Xylene (mixed).	B	100 (45.4)

* * * * *

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

3. The authority citation for part 302 continues to read as follows:

Authority: 42 U.S.C. 9602, 9603, 9604; 33 U.S.C. 1321 and 1361.

4. Section 302.4 is amended by adding the following new entries to Table 302.4 and its Appendix A, and by adding footnotes “a” and “b” to Table 302.4 as set forth below:

§ 302.4 Designation of hazardous substances.

* * * * *

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
Acetamide	60355		1*	3		B	100 (45.4)
4-Aminobiophenyl	92671		1*	3		X	1 (0.454)
o-Anisidine	90040		1*	3		B	100 (45.4)
Benzene ^a							(*)
Benzene, dimethyl-	1330207	Xylene, Xylene (mixed), Xylenes (isomers and mixture).	1000	1,3,4	U239	B	100 (45.4)
Benzene, m-dimethyl-	108383	m-Xylene	1*	3		C	1000 (454)
Benzene, o-dimethyl-	95476	o-Xylene	1*	3		C	1000 (454)
Benzene, p-dimethyl-	106423	p-Xylene	1*	3		B	100 (45.4)
Biphenyl	92524		1*	3		B	100 (45.4)
1,3-Butadiene	106990		1*	3		A	10 (4.54)
Calcium cyanamide	156627		1*	3		C	1000 (454)
Caprolactam	105602		1*	3		D	5000 (2270)
Carbonyl sulfide	463581		1*	3		B	100 (45.4)
Catechol	120809		1*	3		B	100 (45.4)
Chloramben	133904		1*	3		B	100 (45.4)
Chloroacetic acid	79118		1*	3		B	100 (45.4)
2-Chloroacetophenone	532274		1*	3		B	100 (45.4)
Chloroprene	126998		1*	3		B	100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
Cobalt compounds	N.A.	.....	1*	3			(**)
Cresols (isomers and mixture).	1319773	Cresylic acid (isomers and mixture) Phenol, methyl.	1000	1,3,4	U052	B	100 (45.4)
m-Cresol	108394	m-Cresylic acid	1*	3		B	100 (45.4)
o-Cresol	95487	o-Cresylic acid	1*	3		B	100 (45.4)
p-Cresol	106445	p-Cresylic acid	1*	3		B	100 (45.4)
Cresylic acid (isomers and mixture).	1319773	Cresols (isomers and mixture) Phenol, methyl.	1000	1,3,4	U052	B	100 (45.4)
m-Cresylic acid	108394	m-Cresol	1*	3		B	100 (45.4)
o-Cresylic acid	95487	o-Cresol	1*	3		B	100 (45.4)
p-Cresylic acid	106445	p-Cresol	1*	3		B	100 (45.4)
DDET ^b	3547044	.....	1*	3		D	5000 (2270)
Diazomethane	334883	.....	1*	3		B	100 (45.4)
Dibenzofuran	132649	.....	1*	3		B	100 (45.4)
Diethanolamine	111422	.....	1*	3		B	100 (45.4)
N,N-Diethylaniline	91667	.....	1*	3		C	1000 (454)
Diethyl sulfate	64675	.....	1*	3		A	10 (4.54)
N,N-Dimethylaniline	121697	.....	1*	3		B	100 (45.4)
Dimethylformamide	68122	.....	1*	3		B	100 (45.4)
1,2-Epoxybutane	106887	.....	1*	3		B	100 (45.4)
Ethylene glycol	107211	.....	1*	3		D	5000 (2270)
Fine mineral fibers ^c	N.A.	.....	1*	3			(**)
Glycol ethers ^d	N.A.	.....	1*	3			(**)
Hexamethylene-1,6-diisocyanate.	822060	.....	1*	3		B	100 (45.4)
Hexamethylphosphoramide.	680319	.....	1*	3		X	1 (0.454)
Hexane	110543	.....	1*	3		D	5000 (2270)
Hydroquinone	123319	.....	1*	3		B	100 (45.4)
Manganese Compounds	N.A.	.....	1*	3			(**)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
* MDI	* 101688	* Methylene diphenyl diisocyanate.	* 1*	* 3		* D	* 5000 (2270)
* 4,4'-Methylenedianiline ...	* 101779	*	* 1*	* 3		* A	* 10 (4.54)
* Methylene diphenyl diisocyanate.	* 101688	* MDI	* 1*	* 3		* D	* 5000 (2270)
* Methyl tert-butyl ether	* 1634044	*	* 1*	* 3		* C	* 1000 (454)
* 4-Nitrobiphenyl	* 92933	*	* 1*	* 3		* A	* 10 (4.54)
* N-Nitrosomorpholine	* 59892	*	* 1*	* 3		* X	* 1 (0.454)
* Phenol, methyl-	* 1319773	* Cresols (isomers and mixture) Cresylic acid (isomers and mixture).	* 1000	* 1,3,4	* U052	* B	* 100 (45.4)
* p-Phenylenediamine	* 106503	*	* 1*	* 3		* D	* 5000 (2270)
* Polycyclic Organic Matter ^c .	* N.A.	*	* 1*	* 3		*	* (**)
* beta-Propiolactone	* 57578	*	* 1*	* 3		* A	* 10 (4.54)
* Propionaldehyde	* 123386	*	* 1*	* 3		* C	* 1000 (454)
* Propoxur (Baygon)	* 114261	*	* 1*	* 3		* B	* 100 (45.4)
* Styrene oxide	* 96093	*	* 1*	* 3		* B	* 100 (45.4)
* Titanium tetrachloride	* 7550450	*	* 1*	* 3		* C	* 1000 (454)
* Trifluralin	* 1582098	*	* 1*	* 3		* A	* 10 (4.54)
* 2,2,4-Trimethylpentane ...	* 540841	*	* 1*	* 3		* C	* 1000 (454)
* Unlisted Hazardous Wastes Characteristics: Characteristics of Toxicity:	* N.A.	*	* 1*	* 4		*	*
* o-Cresol (D023)	* N.A.	*	* 1*	* 4	* D023	* B	* 100 (45.4)
* m-Cresol (D024)	* N.A.	*	* 1*	* 4	* D024	* B	* 100 (45.4)
* p-Cresol (D025)	* N.A.	*	* 1*	* 4	* D025	* B	* 100 (45.4)
* Cresol (D026)	* N.A.	*	* 1*	* 4	* D026	* B	* 100 (45.4)
* Vinyl bromide	* 593602	*	* 1*	* 3		* B	* 100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
*	*	*	*	*		*	*
Xylene	1330207	Benzene, dimethyl-Xylene (mixed), Xylenes (isomers and mixture).	1000	1,3,4	U239	B	100 (45.4)
m-Xylene	108383	Benzene, m-dimethyl-	1*	3		C	1000 (454)
o-Xylene	95476	Benzene, o-dimethyl-	1*	3		C	1000 (454)
p-Xylene	106423	Benzene, p-dimethyl-	1*	3		B	100 (45.4)
Xylene (mixed)	1330207	Benzene, dimethyl-Xylene Xylenes (isomers and mixture).	1000	1,3,4	U239	B	100 (45.4)
Xylenes (isomers and mixture).	1330207	Benzene, dimethyl-Xylene Xylene (mixed).	1000	1,3,4	U239	B	100 (45.4)
F004			1*	4	F004	B	100(45.4)
The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:							
(a) Cresols/Cresylic acid.	1319773	.....	1000	1,3,4	U052	B	100(45.4)
(b) Nitrobenzene	98953	.....	1000	1,2,4	U169	C	1000(454)
*	*	*	*	*		*	*
F025			1*	4	F025	X	1(0.454)
Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution							
*	*	*	*	*		*	*
F037			1*	4	F037	X	1(0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued
 [NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ		
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)	
Petroleum refinery primary oil/water/solids separation sludge— Any sludge generated from the gravitational separation of oil/water/ solids during the storage or treatment of process wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in § 261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing								
F038	1*	4	F038	X		1(0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ		
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)	
Petroleum refinery secondary (emulsified) oil/water/solids separation sludge—Any sludge and/or float generated from the physical and/or chemical separation of oil/watersolids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air flotation (IAF) units; tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from once-through non-contact cooling waters segregated for treatment from other process or oil cooling wastes, sludges and floats generated in aggressive biological treatment units as defined in § 261.31(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are not included in this listing								
* K088	*	*	*	1*	4	K088	A	* 10 (4.54)
Spent potliners from primary aluminum reduction								
* K090	*	*	*	1*	4	K090	A	* 10 (4.54)
Emission control dust or sludge from ferrochromiumsilicon production								
* K091	*	*	*	1*	4	K091	A	* 10 (4.54)
Emission control dust or sludge from ferrochromium production								
* * * * *	*	*	*	*	*	*	*	*

†Indicates the statutory source as defined by 1, 2, 3, and 4 below.

1- Indicates that the statutory source for designation of this hazardous substance under CERCLA is CWA section 311(b)(4).
 2- Indicates that the statutory source for designation of this hazardous substance under CERCLA is CWA section 307(a).

3- Indicates that the statutory source for designation of this hazardous substance under CERCLA is CAA section 112.
 4- Indicates that the statutory source for designation of this hazardous substance under CERCLA is RCRA section 3001.
 1* Indicates that 1-pound RQ is CERCLA is statutory RQ.

** Indicates that no RQ is being assigned to the generic or broad class.

^a Benzene was already a CERCLA hazardous substance prior to the CAA Amendments of 1990 and received an adjusted 10-pound RQ based on potential carcinogenicity in an August 14, 1989, final rule (54 FR 33418). The CAA Amendments specify that "benzene (including benzene from gasoline)" is a hazardous air pollutant and, thus, a CERCLA hazardous substance.

^b The CAA Amendments of 1990 list DDE (3547-04-4) as a CAA hazardous air pollutant. The CAS number, 3547-04-4, is for the chemical, p,p'-dichlorodiphenylethane. DDE or p,p'-dichlorodiphenyldichloroethylene, CAS number 72-55-9, is already listed in Table 302.4 with a final RQ of 1 pound. The substance identified by the CAS number 3547-04-4 has been evaluated and listed as DDE to be consistent with the CAA section 112 listing, as amended.

^c Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

^d Includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH2CH2)_n-OR' where n=1, 2, or 3

R=alkyl or aryl groups

R'=R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH2CH2)_nOH. Polymers are excluded from the glycol category.

^e Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100 °C.

5. Section 302.4 is also amended by revising the following existing entries in Table 302.4 to add note "3" to the statutory code column and to add the following regulatory synonyms as set forth below. In addition, Appendix A to Table 302.4 is amended by revising the following entries as set forth below:

§ 302.4 Designation of hazardous substances.

* * * * *

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
Acetaldehyde	75070	Ethanal	1000	1,3,4	U001	C	1000 (454)
*	*	*	*	*		*	*
Acetamide, N-9H-fluoren-2-yl-.	53963	2-Acetylaminofluorene ...	1*	3,4	U005	X	1 (0.454)
*	*	*	*	*		*	*
Acetic acid (2,4-dichlorophenoxy)-, salts & esters.	94757	2,4-D Acid, 2,4-D,salts and esters	100	1,3,4	U240	B	100 (45.4)
*	*	*	*	*		*	*
Acetonitrile	75058	.....	1*	3,4	U003	D	5000 (2270)
Acetophenone	98862	Ethanone, 1-phenyl-	1*	3,4	U004	D	5000 (2270)
2-Acetylaminofluorene	53963	Acetamide, N-9H-fluoren-2-yl-.	1*	3,4	U005	X	1 (0.454)
*	*	*	*	*		*	*
Acrolein	107028	2-Propenal	1	1,2,3,4	P003	X	1 (0.454)
Acrylamide	79061	2-Propenamamide	1*	3,4	U007	D	5000 (2270)
Acrylic acid	79107	2-Propenoic acid	1*	3,4	U008	D	5000 (2270)
Acrylonitrile	107131	2-Propenenitrile	100	1,2,3,4	U009	B	100 (45.4)
*	*	*	*	*		*	*
Allyl chloride	107051	.....	1000	1,3		C	1000 (454)
*	*	*	*	*		*	*
Aniline	62533	Benzenamine	1000	1,3,4	U012	D	5000 (2270)
*	*	*	*	*		*	*
ANTIMONY AND COMPOUNDS.	N.A.	Antimony Compounds ...	1*	2,3			**
Antimony Compounds	N.A.	ANTIMONY AND COMPOUNDS.	1*	2,3			**
*	*	*	*	*		*	*
Aroclor 1016	12674112	Aroclors	10	1,2,3		X	1 (0.454)
		PCBs POLYCHLORINATED BIPHENYLS					

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
Aroclor 1221	11104282	Aroclors PCBs POLYCHLORINATED BIPHENYLS	10	1,2,3		X	1 (0.454)
Aroclor 1232	11141165	..... PCBs POLYCHLORINATED BIPHENYLS	10	1,2,3		X	1 (0.454)
Aroclor 1242	53469219	Aroclors PCBs POLYCHLORINATED BIPHENYLS	10	1,2,3		X	1 (0.454)
Aroclor 1248	12672296	Aroclors PCBs POLYCHLORINATED BIPHENYLS	10	1,2,3		X	1 (0.454)
Aroclor 1254	11097691	Aroclors PCBs POLYCHLORINATED BIPHENYLS	10	1,2,3		X	1 (0.454)
Aroclor 1260	11096825	Aroclors PCBs POLYCHLORINATED BIPHENYLS	10	1,2,3		X	1 (0.454)
Aroclors	1336363	PCBs POLYCHLORINATED BIPHENYLS	10	1,2,3		X	1 (0.454)
Aroclor 1016	12674112	.....	10	1,2,3		X	1 (0.454)
Aroclor 1221	11104282	.....	10	1,2,3		X	1 (0.454)
Aroclor 1232	11141165	.....	10	1,2,3		X	1 (0.454)
Aroclor 1242	53469219	.....	10	1,2,3		X	1 (0.454)
Aroclor 1248	12672296	.....	10	1,2,3		X	1 (0.454)
Aroclor 1254	11097691	.....	10	1,2,3		X	1 (0.454)
Aroclor 1260	11096825	.....	10	1,2,3		X	1 (0.454)
*	*	*	*	*		*	*
ARSENIC AND COM- POUNDS.	N.A.	Arsenic Compounds (in- organic including ar- sine).	1*	2,3			**
Arsenic Compounds (in- organic including ar- sine).	N.A.	ARSENIC AND COM- POUNDS.	1*	2,3			**
*	*	*	*	*		*	*
Aziridine	151564	Ethyleneimine	1*	3,4	P054	X	1 (0.454)
Aziridine, 2-methyl-	75558	2-Methyl aziridine 1,2- Propylenimine.	1*	3,4	P067	X	1 (0.454)
*	*	*	*	*		*	*
Benzenamine	62533	Aniline	1000	1,3,4	U012	D	5000 (2270)
*	*	*	*	*		*	*
Benzenamine, N,N-di- methyl-4-(phenylazo-).	60117	Dimethyl aminoazobenzene.	1*	3,4	U093	A	10 (4.54)
Benzenamine, 2-methyl- .	95534	o-Toluidine	1*	3,4	U328	B	100 (45.4)
*	*	*	*	*		*	*
Benzenamine, 4,4'- methylenebis(2-chloro-.	101144	4,4'-Methylenebis(2- chloroaniline).	1*	3,4	U158	A	10 (4.54)
*	*	*	*	*		*	*
Benzeneacetic acid, 4- chloro- α -(4- chlorophenyl)- α - hydroxy-, ethyl ester.	510156	Chlorobenzilate	1*	3,4	U038	A	10 (4.54)
*	*	*	*	*		*	*
Benzene, chloro-	108907	Chlorobenzene	100	1,2,3,4	U037	B	100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
Benzene, chloromethyl- .. Benzenediamine, ar- methyl-.	100447	Benzyl chloride	100	1,3,4	P028	B	100 (45.4)
	95807	Toluenediamine	1*	3,4	U221	A	10 (4.54)
	496720	2,4-Toluene diamine .....	.....	.....	.....	.....	.....
	823405	.....	.....	.....	.....	.....	.....
1,2-Benzenedicarboxylic acid, dibutyl ester.	25376458	.....	.....	.....	.....	.....	.....
	84742	n-Butyl phthalate	100	1,2,3,4	U069	A	10 (4.54)
1,2-Benzenedicarboxylic acid, dimethyl ester.	131113	Dibutyl phthalate	1*	2,3,4	U102	D	5000 (2270)
		Di-n-butyl phthalate					
1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester.	117817	Dimethyl phthalate	1*	2,3,4	U028	B	100 (45.4)
		Bis(2-ethylhexyl)phthalate. DEHP Diethylhexyl phthalate					
Benzene, 1,4-dichloro- ...	106467	.....	100	1,2,3,4	U072	B	100 (45.4)
		p-Dichlorobenzene					
Benzene, 1,3- diisocyanatomethyl-.	91087	1,4-Dichlorobenzene	1*	3,4	U223	B	100 (45.4)
		Toluene diisocyanate					
Benzene, hexachloro-	118741	2,4-Toluene diisocyanate	1*	2,3,4	U127	A	10 (4.54)
						
Benzene, hydroxy-	108952	Hexachlorobenzene	1000	1,2,3,4	U188	C	1000 (454)
	108883	.....	1000	1,2,3,4	U220	C	1000 (454)
	121142	Toluene	1000	1,2,3,4	U105	A	10 (4.54)
Benzene, (1-methylethyl)- Benzene, nitro-	98828	2,4-Dinitrotoluene	1*	3,4	U055	D	5000 (2270)
	98953	Cumene	1000	1,2,3,4	U169	C	1000 (454)
Benzene, pentachloronitro-.	82688	Nitrobenzene	1*	3,4	U185	B	100 (45.4)
		PCNB					
Benzene, 1,1'-(2,2,2- trichloroethylidene) bis[4-methoxy- Benzene, (trichloromethyl)-.	72435	Pentachloronitrobenzene	1	1,3,4	U247	X	1 (0.454)
		Quintobenzene					
Benzidine	92875	Methoxychlor	1*	3,4	U023	A	10 (4.54)
		[1,1'-Biphenyl]-4,4'- diamine.					
p-Benzoquinone	106514	.....	1*	3,4	U197	A	10 (4.54)
		2,5-Cyclohexadiene-1,4- dione Quinone.					
Benzotrichloride	98077	.....	1*	3,4	U023	A	10 (4.54)
		Benzene, (trichloromethyl)-.					
Benzyl chloride	100447	Benzene, chloromethyl- ..	100	1,3,4	P028	B	100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
* BERYLLIUM AND COM- POUNDS.	* N.A.	* Beryllium Compounds	* 1*	* 2,3		* X	* (**)
Beryllium Compounds	N.A.	BERYLLIUM AND COM- POUNDS.	1*	2,3			(**)
* γ-BHC	* 58899	* Cyclohexane, 1,2,3,4,5,6-hexa chloro- (1α, 2α, 3β,4α,5α,6β)-.	* 1	* 1,2,3,4	* U129	* X	* 1 (0.454)
* 2-Butanone	* 78933	* MEK	* 1*	* 3,4	* U159	* D	* 5000 (2270)
* η-Butyl phthalate	* 84742	* 1,2-Benzenedicarboxylic acid, dibutyl ester. Dibutyl phthalate Di-n-butyl phthalate	* 100	* 1,2,3,4	* U069	* A	* 10 (4.54)
* CADMIUM AND COM- POUNDS.	* N.A.	* Cadmium Compounds ...	* 1*	* 2,3		* X	* (**)
Cadmium Compounds	N.A.	CADMIUM AND COM- POUNDS.	1*	2,3			(**)
* Camphene, octachloro- ..	* 8001352	* Chlorinated camphene Toxaphene.	* 1	* 1,2,3,4	* P123	* X	* 1 (0.454)
* Captan	* 133062	*	* 10	* 1,3		* A	* 10 (4.54)
* Carbamic acid, ethyl ester.	* 51796	* Ethyl carbamate Ure- thane.	* 1*	* 3,4	* U238	* B	* 100 (45.4)
* Carbamic chloride, dimethyl-.	* 79447	* Dimethylcarbamoyl chlo- ride.	* 1*	* 3,4	* U097	* X	* 1 (0.454)
* Carbaryl	* 63252	*	* 100	* 1,3		* B	* 100 (45.4)
* Carbon disulfide	* 75150	*	* 5000	* 1,3,4	* P022	* B	* 100 (45.4)
* Carbonic dichloride	* 75445	* Phosgene	* 5000	* 1,3,4	* P095	* A	* 10 (4.54)
* Carbon tetrachloride	* 56235	* Methane, tetrachloro-	* 5000	* 1,2,3,4	* U211	* A	* 10 (4.54)
* Chlordane	* 57749	* Chlordane, alpha & gamma isomers. CHLORDANE (TECH- NICAL MIXTURE AND METABOLITES) 4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8- octachloro- 2,3,3a,4,7,7a- hexahydro-.	* 1	* 1,2,3,4	* U036	* X	* 1 (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
* Chlordane, alpha & gamma isomers.	* 57749	* Chlordane CHLORDANE (TECHNICAL MIXTURE AND METABOLITES) 1,4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	* 1	* 1,2,3,4	* U036	* X	* 1 (0.454)
* CHLORDANE (TECHNICAL MIXTURE AND METABOLITES).	* 57749	* Chlordane, alpha & gamma isomers. Chlordane, alpha & gamma isomers 4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	* 1	* 1,2,3,4	* U036	* X	* 1 (0.454)
* Chlorinated camphene ...	* 8001352	* Camphene, octachloro-Toxaphene.	* 1	* 1,2,3,4	* P123	* X	* 1 (0.454)
* Chlorine	* 7782505	*	* 10	* 1,3		* A	* 10 (4.54)
* Chlorobenzene	* 108907	* Benzene, chloro-	* 100	* 1,2,3,4	* U037	* B	* 100 (45.4)
* Chlorobenzilate	* 510156	* Benzeneacetic acid, 4-chloro- α -(4-chlorophenyl)- α -hydroxy-, ethyl ester.	* 1*	* 3,4	* U038	* A	* 10 (4.54)
* 1-Chloro-2,3-epoxypropane.	* 106898	* Epichlorohydrin Oxirane, (chloromethyl)-.	* 1000	* 1,3,4	* U041	* B	* 100 (45.4)
* Chloroethane	* 75003	* Ethyl chloride	* 1*	* 2,3		* B	* 100 (45.4)
* Chloroform	* 67663	* Methane, trichloro-	* 5000	* 1,2,3,4	* U044	* A	* 10 (4.54)
* Chloromethane	* 74873	* Methane, chloro-Methyl chloride.	* 1*	* 2,3,4	* U045	* B	* 100 (45.4)
* Chloromethyl methyl ether.	* 107302	* Methane, chloromethoxy-.	* 1*	* 3,4	* U046	* A	* 10 (4.54)
* CHROMIUM AND COMPOUNDS.	* N.A.	* Chromium Compounds ..	* 1*	* 2,3		* *	* (**)
* Chromium Compounds ...	* N.A.	* CHROMIUM AND COMPOUNDS.	* 1*	* 2,3		* *	* (**)
* Cumene	* 98828	* Benzene, (1-methylethyl)-.	* 1*	* 3,4	* U055	* D	* 5000 (2270)
* Cyanide Compounds	* N.A.	* CYANIDES	* 1*	* 2,3		* *	* (**)
* CYANIDES	* N.A.	* Cyanide Compounds	* 1*	* 2,3		* *	* (**)
* 2,5-Cyclohexadiene-1,4-dione.	* 106514	* p-Benzoquinone Quinone.	* 1*	* 3,4	* U197	* A	* 10 (4.54)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
* Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 β ,4 α ,5 α ,6 β)-.	* 58899	* γ -BHC Hexachlorocyclohexane (gamma isomer) Lindane Lindane (all isomers).	* 1	* 1,2,3,4	* U129	* X	* 1 (0.454)
* 1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-.	* 77474	* Hexachlorocyclopentadiene.	* 1	* 1,2,3,4	* U130	* A	* 10 (4.54)
* 2,4-D Acid	* 94757	* Acetic acid, (2,4-dichlorophenoxy)-, salts & esters. 2,4-D, salts and esters	* 100	* 1,3,4	* U240	* B	* 100 (45.4)
* 2,4-D salts and esters	* 94757	* Acetic acid, (2,4-dichlorophenoxy)-, salts & esters. 2,4-D Acid	* 100	* 1,3,4	* U240	* B	* 100 (45.4)
* DDE	* 72559	* 4,4'-DDE	* 1*	* 2,3	* X	* X	* 1 (0.454)
* 4,4'-DDE	* 72559	* DDE	* 1*	* 2,3	* X	* X	* 1 (0.454)
* DEHP	* 117817	* 1,2-Benzenedicarboxylic acid, bis(2-ethyl-hexyl) ester. Bis(2-ethylhexyl)phthalate Diethylhexyl phthalate	* 1*	* 2,3,4	* U028	* B	* 100 (45.4)
* 1,2-Dibromo-3-chloropropane.	* 96128	* Propane, 1,2-dibromo-3-chloro-.	* 1*	* 3,4	* U066	* X	* 1 (0.454)
* Dibromoethane	* 106934	* Ethane, 1,2-dibromo-Ethylene dibromide.	* 1000	* 1,3,4	* U067	* X	* 1 (0.454)
* Dibutyl phthalate	* 84742	* 1,2-Benzenedicarboxylic acid, dibutyl ester. n-Butyl phthalate Di-n-butyl phthalate	* 100	* 1,2,3,4	* U069	* A	* 10 (4.54)
* Di-n-butyl phthalate	* 84742	* 1,2-Benzenedicarboxylic acid, dibutyl ester. n-Butyl phthalate Dibutyl phthalate	* 100	* 1,2,3,4	* U069	* A	* 10 (4.54)
* 1,4-Dichlorobenzene	* 106467	* Benzene, 1,4-dichloro- ... p-Dichlorobenzene	* 100	* 1,2,3,4	* U072	* B	* 100 (45.4)
* p-Dichlorobenzene	* 106467	* Benzene, 1,4-dichloro- ... 1,4-Dichlorobenzene	* 100	* 1,2,3,4	* U072	* B	* 100 (45.4)
* 3,3'-Dichlorobenzidine	* 91941	* [1,1'-Biphenyl]-4,4'-diamine,3,3'-dichloro-.	* 1*	* 2,3,4	* U073	* X	* 1 (0.454)
* 1,1-Dichloroethane	* 75343	* Ethane, 1,1-dichloro- Ethylidene dichloride	* 1*	* 2,3,4	* U076	* C	* 1000 (454)
* 1,2-Dichloroethane	* 107062	* Ethane, 1,2-dichloro- Ethylene dichloride	* 5000	* 1,2,3,4	* U077	* B	* 100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
1,1-Dichloroethylene	75354	Ethene, 1,1-dichloro-	5000	1,2,3,4	U078	B	100 (45.4)
Dichloroethyl ether	111444	Vinylidene chloride Bis(2-chloroethyl) ether ..	1*	2,3,4	U025	A	10 (4.54)
* Dichloromethyl ether	* 542881	* Bis(chloromethyl) ether .. Methane, oxybis(chloro-	* 1	* 3,4	* P016	* A	* 10 (4.54)
* Dichloromethane	* 75092	* Methane, dichoro-	* 1	* 2,3,4	* U080	* C	* 1000 (454)
* 1,2-Dichloropropane	* 78875	* Methylene chloride Propane, 1,2-dichloro- ... Propylene dichloride	* 5000	* 1,2,3,4,	* U083	* C	* 1000 (454)
* 1,3-Dichloropropane	* 542756	* 1-Propene, 1,3-dichloro-	* 5000	* 1,2,3,4	* U084	* B	* 100 (45.4)
* Dichlorvos	* 62737	*	* 10	* 1,3	*	* A	* 10 (4.54)
* 1,4-Diethyleneoxide	* 123911	* 1,4-Dioxane	* 1	* 3,4	* U108	* B	* 100 (45.4)
* 1,4-Diethylenedioxiide	* 123911	* 1,4-Diethylenedioxiide 1,4-Diethyleneoxide	* 1	* 3,4	* U108	* B	* 100 (45.4)
* Diethylhexyl phthalate	* 117817	* 1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester. Bis(2-ethylhexyl)phthalate DEHP	* 1	* 2,3,4	* U028	* B	* 100 (45.4)
* 3,3'-Dimethoxybenzidine	* 119904	* [1,1'-Biphenyl]-4,4'- diamine,3,3'- dimethoxy-.	* 1	* 3,4	* U091	* B	* 100 (45.4)
* Dimethyl aminoazobenzene.	* 60117	* Benzenamine, N,N-di- methyl-4-(phenylazo)-. P- Dimethylaminoazoben- zene	* 1	* 3,4	* U093	* A	* 10 (4.54)
* p- Dimethylaminoazoben- zene.	* 60117	* Benzenamine, N,N-di- methyl-4-(phenylazo)-. Dimethyl aminoazobenzene	* 1	* 3,4	* U093	* A	* 10 (4.54)
* 3,3'-Dimethylbenzidine ...	* 119937	* [1,1'-Biphenyl]-4,4'- diamine,3,3'-dimethyl-.	* 1	* 3,4	* U095	* A	* 10 (4.54)
* Dimethylcarbamoyl chlo- ride.	* 79447	* Carbamic chloride, dimethyl-.	* 1	* 3,4	* U097	* X	* 1 (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
1,1-Dimethylhydrazine	57147	Hydrazine, 1,1-dimethyl-	1	3,4	U098	A	10 (4.54)
Dimethyl phthalate	131113	1,2-Benzenedicarboxylic acid, dimethyl ester.	1	2,3,4	U102	D	5000 (2270)
Dimethyl sulfate	77781	Sulfuric acid, dimethyl ester.	1	3,4	U103	B	100 (45.4)
4,6-Dinitro-o-cresol, and salts.	534521	Phenol, 2-methyl-4,6-dinitro-, & salts.	1	2,3,4	P047	A	10 (4.54)
2,4-Dinitrophenol	51285	Phenol, 2,4-dinitro-	1000	1,2,3,4,	P048	A	10 (4.54)
2,4-Dinitrotoluene	121142	Benzene, 1-methyl-2,4-dinitro-.	1000	1,2,3,4	U105	A	10 (4.54)
1,4-Dioxane	123911	1,4-Diethyleneoxide 1,4-Diethylenedioxiide	1	3,4	U108	B	100 (45.4)
1,2-Diphenylhydrazine	122667	Hydrazine, 1,2-diphenyl-	1*	2,3,4	U109	A	10(4.54)
Epichlorohydrin	106898	1-Chloro-2,3-epoxypropane. Oxirane, (chloromethyl)-	1000	1,3,4	U041	B	100(45.4)
Ethanal	75070	Acetaldehyde	1000	1,3,4	U001	C	1000(454)
Ethane, 1,2-dibromo	106934	Dibromoethane	1000	1,3,4	U067	X	1(0.454)
Ethane, 1,1-dichloro	75343	Ethylene dibromide 1,1-Dichloroethane	1*	2,3,4	U076	C	1000(454)
Ethane, 1,2-dichloro	107062	Ethylidene dichloride 1,2-Dichloroethane	5000	1,2,3,4	U077	B	100(45.4)
Ethane, hexachloro-	67721	Hexachloroethane	1*	2,3,4	U131	B	100(45.4)
Ethane, 1,1'-oxybis[2-chloro-.	111444	Bis(2-chloroethyl) ether .. Dichloroethyl ether	1*	2,3,4	U025	A	10(4.54)
Ethane, 1,1,2,2-tetrachloro-.	79345	1,1,2,2-Tetra-chloroethane	1*	2,3,4	U209	B	100(45.4)
Ethane, 1,1,1-trichloro- ...	71556	Methyl chloroform	1*	2,3,4	U226	C	1000(454)
Ethane, 1,1,2-trichloro- ...	79005	1,1,1-Trichloroethane 1,1,2-Trichloroethane	1*	2,3,4	U227	B	100(45.4)
Ethanone, 1-phenyl-	98862	Acetophenone	1*	3,4	U004	D	5000(2270)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
Ethene, 1,1-dichloro-	75354	1,1-Dichloroethylene Vinylidene chloride	5000	1,2,3,4	U078	B	100(45.4)
Ethene, tetrachloro-	127184	Perchloroethylene Tetrachloroethene Tetrachloroethylene	1*	2,3,4	U210	B	100(45.4)
Ethene, trichloro-	79016	Trichloroethene Trichloroethylene	1000	1,2,3,4	U228	B	100(45.4)
Ethyl acrylate	140885	2-Propenoic acid, ethyl ester.	1*	3,4	U113	C	1000(454)
Ethylbenzene	100414	.....	1000	1,2,3		C	1000(454)
Ethyl carbamate	51796	Carbamic acid, ethyl ester. Urethane	1*	3,4	U238	B	100(45.4)
Ethyl chloride	75003	Chloroethane	1*	2,3		B	100(45.4)
Ethylene dibromide	106934	Dibromoethane Ethane, 1,2-dibromo-	1000	1,3,4	U067	X	1(0.454)
Ethylene dichloride	107062	1,2-Dichloroethane Ethane, 1,2-dichloro-	5000	1,2,3,4	U077	B	100(45.4)
Ethyleneimine	151564	Aziridine	1*	3,4	P054	X	1(0.454)
Ethylene oxide	75218	Oxirane	1*	3,4	U115	A	10(4.54)
Ethylenethiourea	96457	2-Imidazolidinethione	1*	3,4	U116	A	10(4.54)
Ethylidene dichloride	75343	1,1-Dichloroethane Ethane, 1,1-dichloro-	*	2,3,4	U076	C	1000 (454)
Formaldehyde	50000	.....	1000	1,3,4	U122	B	100 (45.4)
2,5-Furandione	108316	Malleic anhydride	5000	1,3,4	U147	D	5000 (2270)
Heptachlor	76448	4,7-Methano-1H-indene, 1,4,5,6,7,8,8- heptachloro-3a,4,7,7a- tetrahydro-	1	1,2,3,4	P059	X	1, (0.454)
Hexachlorobenzene	118741	Benzene, hexachloro-	1*	2,3,4	U127	A	10 (4.54)
Hexachlorobutadiene	87683	1,3-Butadiene 1,1,2,3,4,4-hexachloro-	1*	2,3,4	U128	X	1 (0.454)
Hexachlorocyclohexane (gamma isomer).	58899	γ-BHC Chclohexane, 1,2,3,4,5,6- hexachloro- (1α,2α,3β,4α, 5α,6β)- Lindane Lindane (all isomers)	1	1,2,3,4	U129	X	1 (0.454)
Hexachlorocyclopentadie- ne.	77474	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	1	1,2,3,4	U130	A	10 (4.54)
Hexachloroethane	67721	Ethane, hexachloro-	1*	2,3,4	U131	B	100 (45.4)
Hexone	108101	Methyl isobutyl ketone ... 4-Methyl-2-pentanone	1*	3,4	U161	D	5000 (2270)
Hydrazine	302012	.....	1*	3,4	U133	X	1 (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
* Hydrazine, 1,1-dimethyl-	* 57147	* 1,1-Dimethylhydra- zine	* 1*	* 3,4	* U098	* A	* 10 (4.54)
* Hydrazine, 1,2-diphenyl-	* 122667	* 1,2-Diphenylhydra- zine	* 1*	* 2,3,4	* U109	* A	* 10 (4.54)
* Hydrazine, methyl-	* 60344	* Methyl hydrazine	* 1*	* 3,4	* P068	* A	* 10 (4.54)
* Hydrochloric acid	* 7647010	* Hydrogen chloride	* 5000	* 1,3		* D	* 5000 (2270)
* Hydrofluoric acid	* 7664393	* Hydrogen fluoride	* 5000	* 1,3,4	* U134	* B	* 100 (45.4)
* Hydrogen chloride	* 7647010	* Hydrochloric acid	* 5000	* 1,3		* D	* 5000 (2270)
* Hydrogen fluoride	* 7664393	* Hydrofluoric acid	* 5000	* 1,3,4	* U134	* B	* 100 (45.4)
* Hydrogen phosphide	* 7803512	* Phosphine	* 1*	* 3,4	* P096	* B	* 100 (45.4)
* 2-Imidazolidinethione	* 96457	* Ethylenethiourea	* 1*	* 3,4	* U116	* A	* 10 (4.54)
* Iodomethane	* 74884	* Methane, iodo- Methyl iodide	* 1*	* 3,4	* U138	* B	* 100 (45.4)
* 1,3-Isobenzofurandione	* 85449	* Phthalic anhydride	* 1*	* 3,4	* U190	* D	* 5000 (2270)
* Isophorone	* 78591	*	* 1*	* 2,3		* D	* 5000 (2270)
* LEAD AND COM- POUNDS.	* N.A.	* Lead Compounds	* 1*	* 2,3		* *	* (*)
* Lead Compounds	* N.A.	* LEAD AND COM- POUNDS.	* 1*	* 2,3		* *	* (**)
* Lindane	* 58899	* γ-BHC Cyclohexane, 1,2,3,4,5,6-hexachloro- (1α,2α, 3β,4α,5α,6β)-, Hexachlorocyclo- hexane (gamma iso- mer) Lindane (all isomers)	* 1	* 1,2,3,4	* U129	* X	* 1 (0.454)
* Lindane (all isomers)	* 58899	* γ-BHC Cyclohexane, 1,2,3,4,5,6-hexachloro- (1α,2α,3β,4α,5α,6β)-, Hexachlorocyclo- hexane (gamma iso- mer) Lindane	* 1	* 1,2,3,4	* U129	* X	* 1 (0.454)
* Maleic anhydride	* 108316	* 2,5-Furandione	* 5000	* 1,3,4	* U147	* D	* 5000 (2270)
* MEK	* 78933	* 2-Butanone Methyl ethyl ketone	* 1*	* 3,4	* U159	* D	* 5000 (2270)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
MERCURY AND COMPOUNDS.	N.A.	Mercury Compounds	1*	2,3			(**)
Mercury Compounds	N.A.	MERCURY AND COMPOUNDS.	1*	2,3			(**)
Methanamine, N-methyl-N-nitroso-	62759	N-Nitrosodimethylamine .	1*	2,3,4	P082	A	10 (4.54)
Methane, bromo-	74839	Bromomethane Methyl bromide	1*	2,3,4	U029	C	1000 (454)
Methane, chloro-	74873	Chloromethane	1*	2,3,4	U045	B	100 (45.4)
Methane, chloromethoxy-	107302	Chloromethyl methyl ether.	1*	3,4	U046	A	10 (4.54)
Methane, dichloro-	75092	Methylene chloride Dichloromethane	1*	2,3,4	U080	C	1000 (454)
Methane, iodo-	74884	Iodomethane Methyl iodide	1*	3,4	U138	B	100 (45.4)
Methane, oxybis(chloro- .	542881	Bis(chloromethyl)ether ... Dichloromethyl ether	1*	3,4	P016	A	10 (4.54)
Methane, tetrachloro-	56235	Carbon tetrachloride	5000	1,2,3,4	U211	A	10 (4.54)
Methane, tribromo-	75252	Bromoform	1*	2,3,4	U225	B	100 (45.4)
Methane, trichloro-	67663	Chloroform	5000	1,2,3,4	U044	A	10 (4.54)
4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76448	Heptachlor	1*	1,2,3,4	P059	X	1 (0.454)
4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57749	Chlordane Chlordane, alpha & gamma isomers CHLORDANE (TECHNICAL MIXTURE AND METABOLITES)	1	1,2,3,4	U036	X	1 (0.454)
Methanol	67561	Methyl alcohol	1*	3,4	U154	D	5000 (2270)
Methoxychlor	72435	Benzene, 1,1'-(2,2,2-trichloroethyl- idene)bis[4-methoxy-	1	1,3,4	U247	X	1 (0.454)
Methyl alcohol	67561	Methanol	1*	3,4	U154	D	5000 (2270)
2-Methyl aziridine	75558	Aziridine, 2-methyl- 1,2-Propylenimine	1*	3,4	P067	X	1 (0.454)
Methyl bromide	74839	Bromomethane Methane, bromo-	1*	2,3,4	U029	C	1000 (454)
Methyl chloride	74873	Chloromethane Methane, chloro-	1*	2,3,4	U045	B	100 (45.4)
Methyl chloroform	71556	Ethane, 1,1,1,-trichloro- 1,1,1-Trichloroethane	1*	2,3,4	U226	C	1000 (454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
*	*	*	*	*	*	*	*
4,4'-Methylenebis(2-chloroaniline).	101144	Benzenamine, 4,4'-methylene-bis(2-chloro-	1*	3,4	U158	A	10 (4.54)
*	*	*	*	*	*	*	*
Methylene chloride	75092	Dichloromethane	1*	2,3,4	U080	C	1000 (454)
Methyl ethyl ketone	78933	Methane, dichloro- 2-Butanone	1*	3,4	U159	D	5000 (2270)
		MEK					
*	*	*	*	*	*	*	*
Methyl hydrazine	60344	Hydrazine, methyl-	1*	3,4	P068	A	10 (4.54)
Methyl iodide	74884	Iodomethane	1*	3,4	U138	B	100 (45.4)
		Methane, iodo-					
Methyl isobutyl ketone	108101	Hexone	1*	3,4	U161	D	5000 (2270)
		4-Methyl-2-pentanone					
*	*	*	*	*	*	*	*
Methyl methacrylate	80626	2-Propenoic acid, 2-methyl-, methyl ester.	5000	1,3,4	U162	C	1000 (454)
*	*	*	*	*	*	*	*
4-Methyl-2-pentanone	108101	Hexone	1*	3,4	U161	D	5000 (2270)
		Methyl isobutyl ketone					
*	*	*	*	*	*	*	*
Naphthalene	91203	.....	5000	1,2,3,4	U165	B	100 (45.4)
*	*	*	*	*	*	*	*
NICKEL AND COMPOUNDS.	N.A.	Nickel Compounds	1*	2,3			(**)
Nickel Compounds	N.A.	NICKEL AND COMPOUNDS.	1*	2,3			(**)
Nitrobenzene	98953	Benzene, nitro-	1000	1,2,3,4	U169	C	1000 (454)
*	*	*	*	*	*	*	*
p-Nitrophenol	100027	4-Nitrophenol	1000	1,2,3,4	U170	B	100 (45.4)
		Phenol, 4-nitro-					
*	*	*	*	*	*	*	*
4-Nitrophenol	100027	p-Nitrophenol	1000	1,2,3,4	U170	B	100 (45.4)
		Phenol, 4-nitro-					
*	*	*	*	*	*	*	*
2-Nitropropane	79469	Propane, 2-nitro	1*	3,4	U171	A	10 (4.54)
*	*	*	*	*	*	*	*
N-Nitrosodimethylamine .	62759	Methanamine, N-methyl-N-nitroso-	1*	2,3,4	P082	A	10 (4.54)
*	*	*	*	*	*	*	*
N-Nitroso-N-methylurea ..	684935	Urea, N-methyl-N-nitroso	1*	3,4	U177	X	1 (0.454)
*	*	*	*	*	*	*	*
1,2-Oxathiolane, 2,2-dioxide.	1120714	1,3-Propane sultone	1*	3,4	U193	A	10 (4.54)
*	*	*	*	*	*	*	*
Oxirane	75218	Ethylene oxide	1*	3,4	U115	A	10 (4.54)
*	*	*	*	*	*	*	*
Oxirane, (chloromethyl)- .	106898	1-Chloro-2,3-epoxypropane. Epichlorohydrin	1000	1,3,4	U041	B	100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
* Parathion	* 56382	* Phosphorothioic acid, O,O-diethyl O-(4- nitrophenyl) ester	* 1	* 1,3,4	* P089	* A	* 10 (4.54)
* PCBs	* 1336363	* Aroclors	* 10	* 1,2,3		* X	* 1 (0.454)
		POLYCHLORINATED BIPHENYLS					
Aroclor 1016	12674112	.....	10	1,2,3		X	1 (0.454)
Aroclor 1221	11104282	.....	10	1,2,3		X	1 (0.454)
Aroclor 1232	11141165	.....	10	1,2,3		X	1 (0.454)
Aroclor 1242	53469219	.....	10	1,2,3		X	1 (0.454)
Aroclor 1248	12672296	.....	10	1,2,3		X	1 (0.454)
Aroclor 1254	11097691	.....	10	1,2,3		X	1 (0.454)
Aroclor 1260	11096825	.....	10	1,2,3		X	1 (0.454)
* PCNB	* 82688	* Benzene, pentachloronitro- Pentachloronitro- benzene	* 1*	* 3,4	* U185	* B	* 100 (45.4)
		Quintobenzene.					
Pentachloronitrobenzene	82688	Benzene, pentachloronitro- PCNB Quintobenzene.	1*	3,4	U185	B	100 (45.4)
Pentachlorophenol	87865	Phenol, pentachloro-	10	1,2,3,4	U242	A	10 (4.54)
* Perchloroethylene	* 127184	* Ethene, tetrachloro-	* 1*	* 2,3,4	* U210	* B	* 100 (45.4)
		Tetrachloroethene Tetrachloroethylene					
* Phenol	* 108952	* Benzene, hydroxy-	* 1000	* 1,2,3,4	* U188	* C	* 1000 (454)
* Phenol, 2,4-dinitro-	* 51285	* 2,4-Dinitrophenol	* 1000	* 1,2,3,4	* P048	* A	* 10 (4.54)
* Phenol, 2-methyl-4,6- dinitro-, & salts.	* 534521	* 4,6-Dinitro-o-cresol, and salts.	* 1*	* 2,3,4	* P047	* A	* 10 (4.54)
* Phenol, 4-nitro-	* 100027	* p-Nitrophenol	* 1000	* 1,2,3,4	* U170	* B	* 100 (45.4)
		4-Nitrophenol					
Phenol, pentachloro	87865	Pentachlorophenol	10	1,2,3,4	U242	A	10 (4.54)
* Phenol, 2,4,5-trichloro- ...	* 95954	* 2-4,5-Trichlorophenol	* 10	* 1,3,4	* U230	* A	* 10 (4.54)
Phenol, 2,4,6-trichloro- ...	88062	2,4,6-Trichlorophenol	10	1,2,3,4	U231	A	10 (4.54)
* Phosgene	* 75445	* Carbonic dichloride	* 5000	* 1,3,4	* P095	* A	* 10 (4.54)
Phosphine	7803512	Hydrogen phosphide	1*	3,4	P096	B	100 (45.4)
* Phosphorothioic acid, O,O-diethyl O-(4- nitrophenyl) ester.	* 56382	* Parathion	* 1	* 1,3,4	* UP089	* A	* 10 (4.54)
* Phosphorus	* 7723140	*	* 1	* 1,3		* X	* 1 (0.454)
* Phthalic anhydride	* 85449	* 1,3-Isobenzofurandione .	* 1*	* 3,4	* U190	* D	* 5000 (2270)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
* POLYCHLORINATED BIPHENYLS.	* 1336363	* Aroclors PCBs	* 10	* 1,2,3		* X	* 1 (0.454)
Aroclor 1016	12674112	.....	10	1,2,3		X	1 (0.454)
Aroclor 1221	11104282	.....	10	1,2,3		X	1 (0.454)
Aroclor 1232	11141165	.....	10	1,2,3		X	1 (0.454)
Aroclor 1242	53469219	.....	10	1,2,3		X	1 (0.454)
Aroclor 1248	12672296	.....	10	1,2,3		X	1 (0.454)
Aroclor 1254	11097691	.....	10	1,2,3		X	1 (0.454)
Aroclor 1260	11096825	.....	10	1,2,3		X	1 (0.454)
* Propane, 1,2-dibromo-3- chloro.	* 96128	* 1,2-Dibromo-3- chloropropane.	* 1*	* 3,4	U066	* X	* 1 (0.454)
Propane, 1,2-dichloro-	78875	1,2-Dichloropropane Propylene dichloride	5000	1,2,3,4	U083	C	1000 (454)
* Propane, 2-nitro	* 79469	* 2-Nitropropane	* 1*	* 3,4	U171	* A	* 10 (4.54)
1,3-Propane sultone	1120714	1,2-Oxathiolane, 2,2-di- oxide.	1*	3,4	U193	A	10 (4.54)
* 2-Propenal	* 107028	* Acrolein	* 1	* 1,2,3,4	P003	* X	* 1 (0.454)
2-Propenamide	79061	Acrylamide	1*	3,4	U007	D	5000 (2270)
* 1-Propene, 1,3-dichloro- .	* 542756	* 1,3-Dichloropropene	* 5000	* 1,2,3,4	U084	* B	* 100 (45.4)
2-Propenenitrile	107131	Acrylonitrile	100	1,2,3,4	U009	B	100 (4.54)
* 2-Propenoic acid	* 79107	* Acrylic acid	* 1*	* 3,4	U008	* D	* 5000 (2270)
2-Propenoic acid, ethyl ester.	140885	Ethyl acrylate	1*	3,4	U113	C	1000 (454)
* 2-Propenoic acid, 2- methyl-, methyl ester.	* 80626	* Methyl Methacrylate	* 5000	* 1,3,4	U162	* C	* 1000 (454)
* Propylene dichloride	* 78875	* 1,2-Dichloropropane Propane, 1,2-dichloro-.	* 5000	* 1,2,3,4	U083	* C	* 1000 (454)
Propylene oxide	75569	.....	5000	1,3		B	100 (45.4)
1,2-Propylenimine	75558	Aziridine, 2-methyl- 2-Methyl aziridine	1*	3,4	P067	X	1 (0.454)
* Quinoline	* 91225	*	* 1000	* 1,3		* D	* 5000 (2270)
Quinone	106514	p-Benzoquinone 2,5-Cyclohexadiene-1,4- dione.	1*	3,4	U197	A	10 (4.54)
Quintobenzene	82688	Benzene, pentachloronitro. PCNB Pentachloronitro- benzene.	1*	3,4	U185	B	100(45.4)
Radionuclides (including radon).	N.A.	.....	1*	3			(§)
* SELENIUM AND COM- POUNDS.	* N.A.	* Selenium Compounds ...	* 1*	* 2,3		* *	* (**)
Selenium Compounds	N.A.	SELENIUM COM- POUNDS.	1*	2,3			(**)
* Styrene	* 100425	*	* 1000	* 1,3		* C	* 1000(454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
* Sulfuric acid, dimethyl ester.	* 77781	* Dimethyl sulfate	* 1*	* 3,4	* U103	* B	* 100(45.4)
* TCDD	* 1746016	* 2,3,7,8,- Tetrachlorodibenzo-p-dioxin.	* 1*	* 2,3		* X	* 1(0.454)
* 2,3,7,8-Tetrachlorodibenzo-p-dioxin.	* 1746016	* TCDD	* 1*	* 2,3		* X	* 1(0.454)
* 1,1,2,2,-Tetrachloroethane.	* 79345	* Ethane, 1,1,2,2,-tetrachloro-	* 1*	* 2,3,4	* U209	* B	* 100(45.4)
* Tetrachloroethene	* 127184	* Ethene, tetrachloro-Perchloroethylene Tetrachloroethylene	* 1*	* 2,3,4	* U210	* B	* 100(45.4)
* Tetrachloroethylene	* 127184	* Ethene, tetrachloro-Perchloroethylene Tetrachloroethylene	* 1*	* 2,3,4	* U210	* B	* 100(45.4)
* Toluene	* 108883	* Benzene, methyl	* 1000	* 1,2,3,4	* U220	* C	* 1000(454)
* Toluenediamine	* 95807 496720 823405 25376458	* Benzenediamine, ar-methyl- 2,4-Toluene diamine	* 1*	* 3,4	* U221	* A	* 10(4,54)
* 2,4-Toluene diamine	* 95807 496710 823405 25376458	* Benzenediamine, ar-methyl- Toluenediamine	* 1*	* 3,4	* U221	* A	* 10(4.54)
* Toluene diisocyanate	* 91087 5848349 26471625	* Benzene, 1,3-diisocyanato methyl- 2,4-Toluene diisocyanate-	* 1*	* 3,4	* U223	* B	* 100 (45.5)
* 2,4-Toluene diisocyanate	* 91087 5848349 26471625	* Benzene, 1,3-diisocyanatomethyl- Toluene diisocyanate.	* 1*	* 3,4	* U223	* B	* 100 (45.5)
* o-Toluidine	* 95534	* Benzenamine, 2-methyl-	* 1*	* 3,4	* U328	* B	* 100(45.4)
* Toxaphene	* 8001352	* Camphene, octachloro- Chlorinated camphene	* 1*	* 1,2,3,4	* P123	* X	* 1 (0.454)
* 1,2,4-Trichlorobenzene ...	* 120821	*	* 1*	* 2,3		* B	* 100 (45.5)
* 1,1,1-Trichloroethane	* 71556	* Ethane, 1,1,1-trichloro- Methyl. chloroform	* 1*	* 2,3,4	* U226	* C	* 1000 (454)
* 1,1,2-Trichloroethane	* 79005	* Ethane, 1,1,2-trichloro ...	* 1*	* 2,3,4	* U227	* B	* 100 (45.4)
* Trichloroethene	* 79016	* Ethene, trichloro- Trichloroethylene.	* 1000	* 1,2,3,4	* U228	* B	* 100 (45.4)
* Trichloroethylene	* 79016	* Ethene, trichloro	* 1000	* 1,2,3,4	* U228	* B	* 100 (45.4)
* 2,4,5-Trichlorophenol	* 95954	* Phenol, 2,4,5-trichloro- ..	* 10	* 1,3,4	* U230	* A	* 10 (4.54)
* 2,4,6-Trichlorophenol	* 88062	* Phenol, 2,4,6-trichloro- ..	* 10	* 1,2,3,4	* U231	* A	* 10 (4.54)
* Triethylamine	* 121448	*	* 5000	* 1,3		* D	* 5000 (2270)
* Urea, N-menthyl-N-nitroso.	* 684935	* N-Nitroso-N-methylurea .	* 1*	* 3,4	* U177	* X	* 1 (0.454)
* Urethane	* 51796	* Carbamic acid, ethyl ester. Ethyl carbamate	* 1*	* 3,4	* U238	* B	* 100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[NOTE: All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA waste No.	Category	Pounds (Kg)
* Vinyl acetate	* 108054	* Vinyl acetate monomer ..	* 1000	* 1,3		* D	* 5000 (2270)
* Vinyl acetate monomer ...	* 108054	* Vinyl acetate	* 1000	* 1,3	* D		* 5000 (2270)
* Vinylidene chloride	* 75354	* 1,1-Dichloroethylene Ethene, 1,1-dichloro-	* 5000	* 1,2,3,4	* U078	* B	* 100 (45.4)
*	*	*	*	*	*	*	*

† Indicates the statutory source as defined by 1,2,3, and 4 below.

1- Indicates that the statutory source for designation of this hazardous substance under CERCLA is CWA section 311(b)(4).

2- Indicates that the statutory source for designation of this hazardous substance under CERCLA is CWA section 307(a).

3- Indicates that the statutory source for designation of this hazardous substance under CERCLA is CAA section 112.

4- Indicates that the statutory source for designation of this hazardous substance under CERCLA is RCRA section 3001.

* Indicates that the 1-pound RQ is a CERCLA statutory RQ.

**Indicates that no RQ is being assigned to the generic or broad class.

APPENDIX A TO § 302.4.—SEQUENTIAL CAS REGISTRY NUMBER LIST OF CERCLA HAZARDOUS SUBSTANCES

CASRN	Hazardous substance
* 51796	* Carbamic acid, ethyl ester Ethyl carbamate Urethane.
* 57749	* Chlordane Chlordane, alpha & gamma isomers CHLORDANE (TECHNICAL MIXTURE AND METABOLITES) 4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8- octachloro-2,3,3a,4,7,7a-hexahydro-.
* 58899	* γ-BHC Cyclohexane, 1,2,3,4,5,6-hexachloro (1α,2α,3β,4α,5α,6β)- Hexachlorocyclohexane (gamma isomer) Lindane Lindane (all isomers).
* 60117	* Benzenamine, N,N-dimethyl-4-(phenylazo-) Dimethyl aminoazobenzene p-Dimethylaminoazobenzene.
* 72559	* DDE 4,4'-DDE.
* 74839	* Bromomethane Methane, bromo- Methyl bromide.
* 74873	* Chloromethane Methane, chloro- Methyl chloride.
* 74884	* Iodomethane Methane, iodo- Methyl iodide.
* 75003	* Chloroethane Ethyl chloride.
* 75092	* Dichloromethane Methane, dichloro- Methylene chloride.
* 75252	* Bromoform Methane, tribromo-.
* 75558	* Aziridine, 2-methyl- 2-Methyl aziridine 1,2-Propylenimine.
* 78933	* 2-Butanone MEK Methyl ethyl ketone.
* 82688	* Benzene, pentachloronitro- PCNB Pentachloronitrobenzene Quintobenzene.

APPENDIX A TO § 302.4.—SEQUENTIAL CAS REGISTRY NUMBER LIST OF CERCLA HAZARDOUS SUBSTANCES—
Continued

CASRN	Hazardous substance
* * * * *	
91087	Benzene, 1,3-diisocyanatomethyl- Toluene diisocyanate 2,4-Toluene diisocyanate.
* * * * *	
92875	Benzidine [1,1'-Biphenyl]-4,4'diamine.
* * * * *	
94757	Acetic acid (2,4-dichlorophenoxy)-, salts & esters 2,4-D Acid 2,4-D, salts and esters.
* * * * *	
95807	Benzenediamine, ar-methyl- Toluenediamine 2,4-Toluene diamine.
* * * * *	
98828	Benzene, (1-methylethyl)- Cumene.
* * * * *	
106514	p-Benzoquinone 2,5-Cyclohexadiene-1,4-dione Quinone.
* * * * *	
106898	1-Chloro-2,3-epoxypropane Epichlorohydrin Oxirane, (chloromethyl)-.
* * * * *	
106934	Dibromoethane Ethane, 1,2-dibromo- Ethylene, dibromide.
* * * * *	
117817	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester Bis(2-ethylhexyl)phthalate DEHP Diethylhexyl phthalate.
* * * * *	
123911	1,4-Diethyleneoxide 1,4-Diethylenedioxiide 1,4-Dioxane.
* * * * *	
131113	Dimethyl phthalate 1,2-Benzenedicarboxylic acid, dimethyl ester.
* * * * *	
151564	Aziridine Ethyleneimine.
* * * * *	
496720	Benzenediamine, ar-methyl- Toluenediamine 2,4-Toluene diamine.
* * * * *	
510156	Benzeneacetic acid, 4-chloro- α - (4-chlorophenyl)- α -hydroxy-, ethyl ester Chlorobenzilate.
* * * * *	
534521	4,6-Dinitro-o-cresol, and salts Phenol, 2-methyl-4,6-dinitro-, & salts.
* * * * *	
542881	Bis(chloromethyl)ether Dichloromethyl ether Methane, oxybis(chloro)-.
* * * * *	
584849	Benzene, 1,3-diisocyanatomethyl- Toluene diisocyanate 2,4-Toluene diisocyanate.
* * * * *	
823405	Benzenediamine, ar-methyl- Toluenediamine 2,4-Toluene diamine.
* * * * *	
1336363	Aroclors PCBs POLYCHLORINATED BIPHENYLS.
* * * * *	
1746016	TCDD 2,3,7,8-Tetrachlorodibenzo-p-dioxin.
* * * * *	
7803512	Hydrogen phosphide Phosphine.
* * * * *	
8001352	Camphene, octachloro- Chlorinated camphene Toxaphene.
* * * * *	
11096825	Aroclor 1260 Aroclors PCBs POLYCHLORINATED BIPHENYLS.
* * * * *	
11097691	Aroclor 1254 Aroclors PCBs POLYCHLORINATED BIPHENYLS.

APPENDIX A TO § 302.4.—SEQUENTIAL CAS REGISTRY NUMBER LIST OF CERCLA HAZARDOUS SUBSTANCES—
Continued

CASRN	Hazardous substance
11104282	Aroclor 1221 Aroclors PCBs POLYCHLORINATED BIPHENYLS.
11141165	Aroclor 1232 Aroclors PCBs POLYCHLORINATED BIPHENYLS.
12672296	Aroclor 1248 Aroclors PCBs POLYCHLORINATED BIPHENYLS.
12674112	Aroclor 1016 Aroclors PCBs POLYCHLORINATED BIPHENYLS.
25376458	Benzenediamine, ar-methyl- Toluenediamine 2,4-Toluene diamine.
26471625	Benzene, 1,3-diisocyanatomethyl- Toluene diisocyanate 2,4-Toluene diisocyanate.
53469219	Aroclor 1242 Aroclors PCBs POLYCHLORINATED BIPHENYLS.

PART 355—EMERGENCY PLANNING AND NOTIFICATION

Authority: 42 U.S.C. 11002, 11004, and 11048.

7. Part 355 is amended by revising the following entries in Appendices A and B, to read as set forth below:

6. The authority citation for part 355 continues to read as follows:

* * * * *

APPENDIX A TO PART 355.—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES
[Alphabetical order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
79-11-8	Chloroacetic Acid		100	100/10,000
95-48-7	Cresol, o-		100	1,000/10,000
123-31-9	Hydroquinone .....	|	100	500/10,000
57-57-8	Propiolactone, Beta-		10	500
7550-45-0	Titanium Tetrachloride		1,000	100

* Only the statutory or final RQ is shown. For more information, see 40 CFR table 302.4.

Notes:

Chemicals on the original list that do not meet toxicity criteria but because of their high production volume and recognized toxicity are considered chemicals of concern ("Other chemicals").

* * * * *

APPENDIX B TO PART 355.—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES
 [CAS number order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
* 57-57-8	* Propiolactone, Beta-	*	* 10	* 500
* 79-11-8	* Chloroacetic Acid	*	* 100	* 100/10,000
* 95-48-7	* Cresol, o-	*	* 100	* 1,000/10,000
* 123-31-9	* Hydroquinone .....	* |	* 100	* 500/10,000
* 7550-45-0	* Titanium Tetrachloride	*	* 1,000	* 100

*Only the statutory or final RQ is shown. For more information, see 40 CFR table 302.4.

Notes:

* Chemicals on the original list that do not meet toxicity criteria but because of their high production volume and recognized toxicity are considered chemicals of concern ("Other chemicals").

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