

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6103-5]

RIN 2040-AC20

Effluent Guidelines Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed effluent guidelines plan.

SUMMARY: Today's document announces the Agency's proposed plans for developing new and revised effluent guidelines, which regulate industrial discharges to surface waters and to publicly owned treatment works. The document also describes EPA's revisions to its regulation development process, based on recommendations of the Effluent Guidelines Task Force. Section 304(m) of the Clean Water Act requires EPA to publish a biennial Effluent Guidelines Plan. The Agency requests comment on the proposal and will publish a final plan following the close of the comment period.

DATES: Comments must be received on or before July 27, 1998.

ADDRESSES: Submit comments in writing to: Water Docket Clerk (4101), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C.

20460. The public record for this notice is available for review in the EPA Water Docket, East Tower Basement, 401 M Street, S.W., Washington, D.C. For access to Docket materials, call (202) 260-3027 between 9 a.m. and 3 p.m. for an appointment. The EPA public information regulation (40 CFR part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Eric Strassler, EPA Engineering and Analysis Division, telephone 202-260-7150.

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I. Regulated Entities

Today's proposed plan does not contain regulatory requirements and does not provide specific definitions for each industrial category. Entities potentially affected by decisions regarding the final plan are listed below.

Category of entity	Examples of potentially affected entities
Industry/Commercial	Pulp, Paper and Paperboard; Oil and Gas Extraction; Centralized Waste Treatment; Pharmaceutical Manufacturing; Metal Products and Machinery (including electroplating, metal finishing); Landfills; Industrial Waste Combustors (Incinerators); Industrial Laundries; Transportation Equipment Cleaning (truck tanks, railroad tank cars, barge tanks); Iron and Steel Manufacturing; Coal Mining; Petroleum Refining; Textile Mills; Inorganic Chemicals; Steam Electric Power Generating; Photographic Processing; Chemical Formulating, Packaging and Repackaging; Airports.
Agriculture	Feedlots (swine, poultry, dairy and beef cattle); Fish Hatcheries and Farms (Aquaculture).
Federal Government	Metal Products and Machinery (including electroplating, metal finishing); Landfills; Airports.
State Government	Metal Products and Machinery (including electroplating, metal finishing); Municipal Separate Storm Sewer Systems (Urban Storm Water); Landfills; Airports.
Local Government	Metal Products and Machinery (including electroplating, metal finishing); Municipal Separate Storm Sewer Systems (Urban Storm Water); Landfills; Airports.

To determine whether your facility would be regulated, you should carefully examine the applicability criteria in the appropriate proposed rule (previously published or forthcoming). Not all of the categories listed in the above table have been selected for rulemaking. Citations for previously published proposed rules and schedules for forthcoming proposed rules are provided in Appendices A and B of today's document.

II. Legal Authority

Today's document is published under the authority of section 304(m) of the Clean Water Act, 33 U.S.C. 1314(m),

which requires EPA to publish a biennial Effluent Guidelines Plan, which sets a schedule for review and revision of existing regulations and identifies categories of dischargers to be covered by new regulations.

III. Introduction

A. Purpose of Today's Document

Today's document announces the Agency's proposed biennial plan pursuant to section 304(m). EPA invites the public to comment on the proposed plan, and following the close of the comment period the Agency will publish a final plan.

B. Overview of Today's Document

The Agency proposes to develop effluent limitation guidelines and standards ("effluent guidelines") as follows:

- 1. Continue development of nine rules listed in the 1996 Effluent Guidelines Plan (61 FR 52582, October 7, 1996) and the 1997 Update (62 FR 8726, February 26, 1997). The categories are: Pulp, Paper and Paperboard, Phases 2 and 3; Centralized Waste Treatment; Pharmaceutical Manufacturing; Metal Products and Machinery; Landfills; Industrial Waste Combustors (Incinerators); Industrial Laundries;

Transportation Equipment Cleaning; and Iron and Steel Manufacturing.

2. Continue development of 3 rules started by the Agency in 1997: Oil and Gas Extraction (Synthetic-Based Drilling Fluids); Coal Mining (Remining and Western subcategories); and Feedlots (Poultry and Swine subcategories).

3. Begin development of revised effluent guidelines for the Feedlots category (Beef and Dairy Cattle subcategories) and two additional categories (new or revised), by December 1998.

4. Complete preliminary studies on Feedlots, Urban Storm Water, and Airport Deicing.

5. Plan for development of two additional effluent guidelines, either new or revised. EPA's current plan is to begin development of two rules by December 1999.

IV. Effluent Guidelines Program Background

A. Statutory Framework

The Federal Water Pollution Control Act (FWPCA) of 1972 (Pub. L. 92-500, Oct. 18, 1972) (the "Act") established a program to restore and maintain the integrity of the nation's waters. To implement the Act, Congress directed EPA to issue effluent limitation guidelines, pretreatment standards, and new source performance standards for industrial dischargers. These regulations were to be based principally on the degree of effluent reduction attainable through the application of control technologies.

The 1977 amendments to the FWPCA, known as the Clean Water Act Amendments (Pub. L. 95-217, Dec. 27, 1977) (CWA), added an additional level of control for conventional pollutants such as biochemical oxygen demand (BOD) and total suspended solids (TSS), and stressed additional control of 65 toxic compounds or classes of compounds (from which EPA later developed a list of 126 specific "priority pollutants"). To further strengthen the toxics control program, section 304(e), added by the 1977 amendments, authorized the Administrator to establish management practices to control toxic and hazardous pollutants in plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage.

The effluent guidelines promulgated by EPA reflect the several levels of regulatory stringency specified in the Act, and they also focus on different types of pollutants. Section 301(b)(1)(A) directs the achievement of effluent limitations requiring application of best practicable control technology currently

available (BPT). In general, effluent limitations based on BPT represent the average of the best treatment technology performance for an industrial category. For conventional pollutants listed under section 304(a)(4), section 301(b)(2)(E) directs the achievement of effluent limitations based on the performance of best conventional pollutant control technology (BCT). The Act requires that BCT limitations be established in light of a two-part "cost-reasonableness" test. The test, which assesses the relative costs of conventional pollutant removals, is described in detail in the **Federal Register** notice promulgating the final BCT rule on July 9, 1986 (51 FR 24974).

Both BPT and BCT regulations apply only to direct dischargers, i.e., those facilities that discharge directly into waters of the United States. In general, regulations are not developed to control conventional pollutants discharged by indirect dischargers because the POTWs receiving those wastes normally provide adequate treatment of these types of pollutants or they can be adequately controlled through local pretreatment limits.

For the toxic pollutants listed in section 307(a), and for nonconventional pollutants, sections 301(b)(2)(A), (C), (D) and (F) direct the achievement of effluent limitations requiring application of best available technology economically achievable (BAT). Effluent limitations based on BAT are to represent at a minimum the best control technology performance in the industrial category that is technologically and economically achievable.

In addition to limitations for existing direct dischargers, EPA also establishes new source performance standards (NSPS) under section 306 of the Act, based on the best available demonstrated control technology, processes operating methods, or other alternatives. NSPS apply to new direct dischargers. Generally the NSPS limitations are to be as stringent as, or more stringent than, BAT limitations for existing sources within the category or subcategory.

Although the limitations are based on the performance capability of particular control technologies, including in some cases in-process controls, dischargers may meet their requirements using whatever combination of control methods they choose, such as manufacturing process or equipment changes, product substitution, and water re-use and recycling. The limitations and standards are implemented in permits issued through the National Pollutant Discharge

Elimination System (NPDES) pursuant to section 402 of the Act for point sources discharging directly to the waters of the United States.

Section 402 of the CWA provides for the issuance of permits to direct dischargers under NPDES. These permits, which are required by section 301, are issued either by EPA or by a State agency approved to administer the NPDES program. Individual NPDES permits must incorporate applicable technology-based limitations contained in guidelines and standards for the industrial category in question. Where EPA has not promulgated applicable technology-based effluent guidelines for a category, section 402(a)(1)(B) provides that the permit must incorporate such conditions as the Administrator determines are necessary to carry out the provisions of the Act. In other words, the permit writer uses best professional judgment (BPJ) to establish technology-based limitations for the dischargers.

Indirect dischargers are regulated by the general pretreatment regulations (40 CFR part 403), local discharge limits developed pursuant to part 403, and categorical pretreatment standards for new and existing sources (PSNS and PSES) covering specific industrial categories. These categorical standards under sections 307(b) and (c) apply to the discharge of pollutants from non-domestic sources which interfere with or pass through publicly owned treatment works (POTWs), and are enforced by POTWs or by State or Federal authorities. The categorical pretreatment standards for existing sources covering specific industries are generally analogous to the BAT limitations imposed on direct dischargers. The standards for new sources are generally analogous to NSPS.

To ensure that effluent guidelines remain current with the state of the industry and with available control technologies, section 304(b) of the Act provides that EPA shall revise the effluent guidelines at least annually if appropriate. In addition, section 301(d) provides that EPA shall review and if appropriate, revise any effluent limitation required by section 301(b)(2).

B. Components of an Effluent Guideline Regulation

The principal components of most effluent guideline regulations are numerical wastewater discharge limitations controlling specified pollutants for a given category. These are typically concentration-based limits (specified in units such as milligrams of pollutant per liter of water) or

production-based mass limits (specified in units such as milligrams of pollutant per unit of production). Numerical limits also cover parameters such as pH and temperature.

A guideline is often subcategorized based on differences in raw materials, manufacturing processes, characteristics of the wastewaters, or type of product manufactured; in some cases, non-water quality environmental impacts or other appropriate factors that justify the imposition of specialized requirements on the subcategorized facilities are used as a basis. EPA develops a set of effluent limitations for each category or subcategory at each level of control (BPT, BAT, etc.) that is addressed in the guideline.

A guideline also may prescribe Best Management Practices ("BMPs") in addition to or in lieu of numerical limits. BMPs may include, for example, requirements addressing the minimization or prevention of storm water runoff, plant maintenance schedules and requirements addressing the training of plant personnel. The recently promulgated Pulp, Paper and Paperboard rule requires mills to implement BMPs to prevent or otherwise contain leaks and spills of spent pulping liquor, soap, and turpentine and to control intentional diversions of those materials (40 CFR 430.03, 63 FR 18641, April 15, 1998).

C. Traditional Approach to Development of Effluent Guideline Regulations

EPA has accumulated substantial experience and expertise in the course of preparing 51 effluent guidelines. This section of the notice summarizes the various tasks which the Agency typically undertakes in an effluent guideline rulemaking.

Traditionally, EPA begins work on an effluent guideline rulemaking project by tentatively defining the scope and dimensions of the discharger category. The Agency determines the size of the category as it has been defined, using all available sources of information. Given the diversity of regulatory categories, no single source suffices to establish size. At various times, EPA has used one or more of the following sources: Standard published sources, information available through trade associations, data purchased from the Dun and Bradstreet, Inc. data base, other publicly available data bases, U.S. Census Bureau data, other U.S. Government information, and any available EPA data base. If a category is very large and/or diverse, the Agency will determine whether it can be broken down into appropriate categories or subcategories.

If more than one subcategory can be identified, the Agency may need to establish priorities for regulation.

EPA works with interested stakeholders early in the regulation development process. State and local regulatory officials familiar with the category are consulted, and business associations and citizen groups are also invited to share information.

Regulatory information about discharger categories has often been obtained by EPA through survey questionnaires, site visits and wastewater sampling. Survey questionnaires solicit detailed information necessary to assess the statutory rulemaking factors (particularly technological and economic achievability of available controls), water use, production processes, and wastewater treatment and disposal practices. A portion of the Agency's questionnaires also seek information necessary to assess the economic achievability of a prospective regulation.

Generally, the Agency uses on-site wastewater sampling and detailed monitoring data to characterize the pollutants found in discharges. Site visits are also used to assess manufacturing processes, wastewater generation, pollutant control technologies, pollution prevention opportunities (e.g., process changes), and potential non-water quality impacts of effluent guidelines (e.g., air emissions, sludge generation, energy usage).

In developing a list of pollutants of concern for a category, EPA initially will study wastewater samples for a broad range of pollutants that can be measured by recognized analytical methods. Currently over 457 pollutants or analytes can be measured by these methods. This includes the subset of 126 pollutants known as "priority" pollutants developed pursuant to CWA section 307(a). EPA will develop new analytical methods to cover additional pollutants as necessary. For example, the Agency has developed new methods for use in the Pesticides, Pulp and Paper, Pharmaceuticals, and Offshore Oil and Gas effluent guidelines. (EPA generally proposes any new methods for public comment concurrently with the proposed rule.)

Most of the effluent sampling and analysis that has been conducted specifically to support effluent guideline regulations promulgated to date has been conducted by EPA. On occasion, however, these activities have been pursued on a cooperative basis with discharging facilities. For example, EPA and numerous pulp and paper

manufacturers participated in cooperative efforts to sample and analyze effluent, wastewater treatment sludge, and pulp from domestic mills that bleach chemical pulp in their production processes.

EPA conducts engineering and statistical analyses of the technical data to develop control and treatment options for the pollutants of concern, and the projected costs for these options. The Agency considers the costing information and economic data gathered from the survey and other sources in its economic impact analysis, and then selects one or more of the options as the basis for a rulemaking proposal. It also develops assessments of the environmental impact of the category's discharges, and may conduct a benefit-cost analysis as well.

The Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Title III of Pub. L. 104-121, March 29, 1996), requires that EPA conduct regulatory flexibility analyses for rules which have a significant economic impact on a substantial number of small entities. These analyses are to assess the impact of the rule on small entities and consider alternative ways of reducing those impacts. Section 344 of SBREFA also requires EPA to organize a "small business advocacy review panel" for each rule where a regulatory flexibility analysis is required.

Prior to publishing a proposed rule, EPA usually conducts a public meeting to discuss the Agency's findings and describe the general outlines of the rule. Following publication, a hearing is conducted during the public comment period, and supplemental notices of new data may be published, if appropriate.

D. Recent Revisions to the Effluent Guidelines Planning Process and Recommendations of the Effluent Guidelines Task Force

EPA has recently revised the Effluent Guidelines planning process based on its discussions with the Effluent Guidelines Task Force, an advisory committee. The Task Force was established by EPA in 1992 to recommend improvements to the effluent guidelines program. The committee consists of members appointed by the Agency from industry, citizen groups, state and local government, the academic and scientific communities, and EPA's Office of Research and Development. The Task Force was created to offer advice to the EPA Administrator on the long-term strategy for the effluent guidelines

program, and particularly to provide recommendations on a process for expediting the promulgation of effluent guidelines. It is chartered as a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT), the external policy advisory board to the Administrator, pursuant to the Federal Advisory Committee Act (5 U.S.C. App. II, sec. 9(c)).

The Task Force has been focusing on alternative regulatory processes that would allow EPA to promulgate effluent guidelines more rapidly and at lower cost to the government. Several key aspects of the rulemaking process have been discussed, including determination of regulatory scope and data collection.

The Task Force has suggested that EPA consider making decisions on the scope of a regulation early in the rulemaking process. Task Force members generally believe that by focusing on the segment of an industry that is of greatest concern, EPA can reduce its data collection and analysis costs while achieving the majority of benefits that would be achieved by the more exhaustive examination currently given to industrial sectors. Several Task Force members have suggested that additional savings could be realized by limiting the examination of potential control technologies to one or two well-demonstrated technologies, rather than pursuing data on a larger range of technologies employed by good performers in the industry. Similarly, several Task Force members have suggested that by focusing on the known pollutants of greatest concern rather than conducting independent testing of over 400 pollutant parameters, both time and money could be saved. These approaches could lead to more focused regulations that are developed based on early presumptions regarding the most effective control technologies and key pollutant parameters to be controlled.

Key to the success of these approaches is the early involvement of a variety of stakeholders with knowledge of the industry, control technologies, and environmental impacts. Potential drawbacks include a reduced ability to identify pollution prevention opportunities for all or segments of the industry, and a reduced ability to quantify (and monetize) the full range of benefits that will result from the regulation. The Task Force acknowledged that decision-makers would be expected to accept greater risk and make decisions on less comprehensive data if the time and cost savings are to be realized.

The Task Force also suggested that the Agency could reduce both the time and costs for data collection by relying more on existing data sources and less on specially-designed questionnaires.

With respect to technical process and wastewater control data, the Agency could rely on assessments of the current baseline by industry, states, and local municipalities, and supplement those assessments with independent site and sampling episodes.

With respect to performance data, EPA could conduct fewer site visits and sampling episodes compared to previous rules and rely more on existing performance data that meets the Agency's quality control criteria. Since most existing data would be on conventional pollutants, with less data on a limited set of nonconventional and toxic pollutants, this shift to existing data is also linked with the concept of focusing on a limited number of pollutant parameters. Additional sampling for the effluent guideline could also be performed by stakeholders to supplement the Agency's independent efforts. For example, EPA worked with the Association of Metropolitan Sewerage Agencies (AMSA) to develop a sampling protocol which was used by the Hampton Roads Sanitary District, Virginia Beach, VA., to independently sample a facility that falls within the scope of the Metal Products and Machinery regulation. Other associations have expressed interest in conducting their own sampling episodes based on this protocol to further supplement the regulatory record.

With respect to financial and economic information, there is a subset of data that is publicly available for many of the larger, publicly-held entities. Economic impacts on smaller and privately-held entities that may be affected may be more difficult to assess. This difficulty may be offset by a focus on larger sources in the original scoping of the regulatory project.

Each of the three new effluent guideline projects started in late 1997 respond to the Task Force recommendations in one or more ways.

- EPA is developing a focused rule that will establish limitations for the use of synthetic-based drilling fluids (SBFs) in the Oil and Gas Extraction category (40 CFR part 435). Because of the extensive information collected in the previous two rulemakings covering the offshore and coastal subcategories, a limited amount of data collection activities are necessary. The Agency has already acquired data on the characteristics of SBFs and is developing other data in cooperation

with the industry and the Departments of Energy and Interior which will be useful in supporting an accelerated regulation development approach. Identifying appropriate toxicity tests, consisting of both aqueous and sediment phase test methods, analytical methods for use with synthetic rather than water-based drilling fluids and technologies for cleaning drill cuttings are in progress and are expected to give results that will be used in developing the proposed rule.

- EPA is developing a focused rule addressing coal reining operations, which are not covered by the existing Coal Mining Category (40 CFR part 434), and alkaline mining operations in the west, for which existing regulations based on sedimentation ponds may not be environmentally effective. Since promulgation in 1985, sediment control technologies have reportedly advanced in both number and sophistication. For this regulation, EPA is implementing a number of the Task Force recommendations. First, EPA is focusing on two segments for which controls have been identified that would result in environmental improvements. Second, the Agency has enlisted the support of the U.S. Office of Surface Mining and the Interstate Mining Compact Commission to assemble and analyze existing information. This information includes information on the current state of the industry that will allow EPA to assess the baseline and economic status. It also includes performance data on pollutant controls that will allow us to assess the effectiveness of technologies and management practices. Pollutants of concern will be determined from among those pollutants for which performance data exist.

- The revisions to the Feedlots category (40 CFR part 412) will also rely on the Task Force recommendations. First, the regulation will focus on specific industry segments, beginning with pork and poultry operations, and then looking at beef and dairy cattle operations. Second, EPA will rely, in part, on stakeholders for background information. For example, the Agency is working with the U.S. Department of Agriculture (USDA) and the major trade associations to develop models (both technical and economic) to depict the current baseline activities, and to assess costs and impacts of alternative controls. EPA has received a "framework" document from the Pork Producers Council which identifies their recommendations for controls of wastes generated at their member facilities. The poultry industry is embarking on a similar effort. The

environmental community has offered to provide their recommendations for regulatory controls for the feedlot industry as a whole. EPA expects to use each of these as well as expertise and research from USDA to evaluate control options.

These new projects are discussed further in section V.A.2 of today's document.

E. NRDC Litigation and Consent Decree

EPA has developed today's proposed Effluent Guidelines Plan pursuant to a consent decree in *NRDC et al v. Browner* (D.D.C. Civ. No. 89-2980, January 31, 1992, as modified). The Decree commits EPA to schedules for proposing and taking final action on effluent guidelines, and also for conducting

preliminary studies. Some of the categories to be regulated are specified in the Decree. For the remaining required rulemakings, EPA retains the discretion to select guidelines for development based on Agency priorities.

EPA will use the results of the preliminary studies and other information (such as public comments and recommendations from state and local governments) to select industries for future regulation. The Decree requires the Agency to study eleven industries.

The Decree also required EPA to establish the Effluent Guidelines Task Force to formulate recommendations for improvements to the effluent guidelines program. The Task Force has held

several public meetings and has submitted recommendations to the EPA Administrator.

Since 1992, EPA and NRDC have agreed to several modifications of the Decree consisting of deadline extensions for certain rules.

V. Today's Proposed Effluent Guidelines Plan

A. Effluent Guidelines Currently Under Development

1. Schedule for Ongoing Rulemaking

The Agency is currently in the process of developing new or revised effluent guidelines for 12 categories. The categories and actual or Consent Decree dates for proposal and final action are set forth in Table 1.

TABLE 1.—EFFLUENT GUIDELINES CURRENTLY UNDER DEVELOPMENT

Category	Proposal	Final action
	Consent decree or publication date	Consent decree
Pulp, Paper and Paperboard, Phases 2 & 3	¹ 12/17/93	¹ 2000–2002
Centralized Waste Treatment	1/27/95	³ 8/15/99
Pharmaceutical Manufacturing	5/2/95	7/98
Metal Products and Machinery	² 5/30/95	12/02
Industrial Laundries	10/00	
Landfills	2/17/97	6/99
Industrial Waste Combustors (Incinerators)	2/6/98	11/99
Industrial Waste Combustors (Incinerators)	2/6/98	11/99
Transportation Equipment Cleaning	5/15/98	6/15/00
Oil and Gas Extraction (Synthetic Drilling Fluids)	12/98	12/00
Iron and Steel Manufacturing	³ 12/98	³ 12/00
Coal Mining	12/99	12/01
Feedlots (Poultry and Swine Subcategories)	12/99	12/01

¹ The Pulp, Paper and Paperboard rulemaking is not covered by the January 31, 1992 consent decree and dates reflect projected dates for final promulgation of the 2 phases.

² 5/30/95 proposal covered Phase 1 MP&M facilities only. Proposal in 10/00 will cover Phase 1 and 2 facilities combined.

³ EPA is discussing extensions to consent decree dates with NRDC.

2. Rulemaking Projects Started in 1997

In 1997 EPA began to develop revised or new standards for portions of three categories: Oil and Gas Extraction, Coal Mining, and Feedlots. The rationale for selection and the tentative scope of rulemaking coverage are described below.

a. Oil and Gas Extraction. Oil and Gas Extraction is covered by existing effluent guidelines at 40 CFR part 435. The most recent amendments were promulgated for the Offshore Category (58 FR 12454, March 4, 1993) and the Coastal Subcategory (61 FR 66086, December 16, 1996). This regulatory development project will establish limitations for the use and discharge of synthetic-based drilling fluids (SBFs) where discharge of drilling fluids is permitted. SBFs are used in lieu of oil-based drilling fluids in certain high

performance drilling operations. SBFs are not adequately addressed by current effluent limitations for discharge of drilling fluids which were developed based on the use of oil and water-based fluids. Current information suggests that improvements in synthetic-based drilling fluids in recent years have reduced their aquatic toxicity, increased their biodegradability, and reduced the volume of drilling fluids and cuttings wastes generated. Use of synthetic-based drilling fluids instead of water-based drilling fluids in the geographic areas where discharge is allowed will provide additional environmental protection by reducing aquatic toxicity of discharges and reducing the amount of cuttings on the ocean floor.

EPA intends to issue a proposed rule by December 1998 and take final action by December 2000.

b. Coal Mining. Coal Mining activities are covered by existing effluent guidelines at 40 CFR part 434. The existing regulations, however, do not address remining operations, which improve effluent quality and quantity from abandoned mine lands while reclaiming them, and prevent disturbance of previously undisturbed lands. This regulatory project focuses, in part, on remining operations nationwide which will expedite permitting and provide a national standard of environmental performance for these activities.

The existing regulations do not differentiate between alkaline mining operations in the west and the acidic mining operations in other geographic regions. Advances in treatment technologies and Best Management Practices pertinent to alkaline coal

mines in the west show promise of being more protective of water quality than existing standards. Given concerns over the ability of existing regulations to achieve water quality standards established by Native American tribes, EPA intends to explore the development of a new subcategory for alkaline mining operations in the west.

EPA intends to issue a proposed rule by December 1999 and take final action by December 2001.

c. Feedlots (Swine and Poultry Subcategories). Feedlot operations are covered by existing effluent guidelines at 40 CFR part 412. These regulations, which require the largest confined animal feeding operations to achieve zero discharge of wastes to surface waters except under extreme storm events, have not been sufficient to resolve water quality impairment from feedlot operations. Waste spills and leaks from storage lagoons, runoff of wastes from land application, and the combined effect of allowable waste discharges from smaller facilities have led to a range of environmental and health problems ranging from fish kills and accelerated eutrophication of surface waters to contamination of drinking water and shell fish.

This regulatory project focuses on swine and poultry operations which have been identified as substantial contributors of nutrients in surface waters that have severe anoxia (low levels of dissolved oxygen) and problem algae blooms especially in estuarine waters.

EPA intends to issue a proposed rule for the Swine and Poultry Subcategories by December 1999 and take final action by December 2001.

B. Process for Selection of New Effluent Guideline Regulations

Section 304(m) does not specify criteria that the Agency should use to select categories for regulation by effluent guidelines. For the first Effluent Guidelines Plan, published January 2, 1990 (55 FR 80), EPA listed criteria it had used to select categories. The 1992 consent decree, while specifying some of the categories to be regulated, allows the Agency flexibility in selecting future categories for regulation, and does not specify selection criteria. EPA intends to continue to use selection criteria such as those listed in previous Effluent Guidelines Plans. Additionally, in light of recommendations from the Task Force, the Agency has considered the availability of technical data on a category's discharges (both within EPA, at other Federal agencies, and from States, local governments and industry) and the potential for developing a rule

on an expedited schedule in determining which projects are good candidates for early implementation of the Effluent Guidelines Task Force recommendations.

1. New Rulemaking Activities

The 1992 consent decree requires that EPA begin two rulemaking projects by December 1998, and begin two additional projects by December 1999. EPA plans to begin development of effluent guidelines for the Beef and Dairy Cattle subcategories of the Feedlots category this year. The Agency will select additional projects at a later date.

a. Feedlots (Beef and Dairy Cattle Subcategories). This regulatory project focuses on dairy and beef cattle operations which represent a large segment of the feedlot industry and have been identified as substantial contributors of nutrients in surface waters that have severe anoxia (low levels of dissolved oxygen) and affect drinking water sources in the western and central regions of the United States.

EPA intends to issue a proposed rule for the Dairy and Beef Cattle Subcategories by December 2000 and take final action by December 2002.

b. Other Rules. EPA has not yet selected additional rulemaking projects. EPA is not proposing specific industrial categories for selection in today's notice. However, based on the data sources listed above, the Agency may choose the next categories from the following list. A brief discussion of candidate categories is provided later in this section.

- Petroleum Refining
- Textile Mills
- Inorganic Chemicals
- Steam Electric Power Generating
- Photographic Processing
- Chemical Formulators and Packagers
- Urban Storm Water
- Airport Deicing
- Fish Hatcheries and Farms
- Other categories identified in public comments on today's proposed plan.

2. Candidates for Effluent Guidelines Rulemaking Projects

Candidate categories for rulemaking include both categories specifically studied by EPA and others about which the Agency has received information on wastewater and storm water discharges and adverse environmental impacts. The public is invited to comment on these categories, as well as recommending other categories for development of new or revised effluent guidelines.

a. Preliminary Studies. The purpose of a Preliminary Study is to describe the

nature of pollutant discharges from a category of facilities, and to provide a basis for comparison with other categories for purposes of assigning priorities for regulation. The results of a Preliminary Study for a category are published in a "Preliminary Data Summary." The Preliminary Data Summary presents a synopsis of recent technical and economic information on a category of dischargers. The Preliminary Data Summaries are not used directly as a basis for rulemaking, but are used in the Agency's determination of which categories most require preparation of new or revised effluent guidelines. (They also may be expanded to become guidance documents for NPDES permit writers and POTWs.)

A Preliminary Study typically collects data on the following:

- The products manufactured and/or services provided by a category;
- Number, types and geographic location of facilities;
- Destination of discharges (directly to surface waters, indirectly to POTWs, or both);
- Characterization of the wastewater discharges and identification of pollutants present in the waste streams (e.g., mean concentrations of pollutants, wastewater volumes, mass loadings);
- Sampling and analytical methods employed to ascertain the presence and concentration of pollutants in the wastewater;
- Source reduction, recycling and pollution control technologies in use and potentially applicable to the category;
- Non-water quality environmental impacts associated with wastewater treatment in the category (e.g., air emissions, wastewater treatment sludges, and other wastes including hazardous wastes);
- Cost of control technologies in place and cost estimates for additional controls;
- Cost-effectiveness of reduction of toxic and nonconventional pollutants;
- Estimates of water quality impacts of discharges within the subject category; and
- Economic assessment (current financial condition of facilities, expansion or reduction trends, size characterization of businesses or other organizations, impact of estimated treatment costs on representative facilities).

The type and level of detail of information varies among the Preliminary Data Summaries, depending on the data available to the Agency when each document is prepared and whether the category is covered by an

existing effluent guideline. For example, some of the Summaries have comprehensive, primary data on the number and location of the discharging facilities while others contain estimates drawn from secondary data sources. However, the Summaries represent the Agency's best characterization of industries at the time the summaries are compiled. As additional data are acquired, they are factored into the evaluation process. Consequently, the Preliminary Data Summaries are also subject to revision. The Agency has made the Summaries available to the public and has received comments on some of these studies. Comments are available for review in the record for today's proposed Plan.

b. Previously-Noticed Studies. Six of the completed studies were described in the 1996 Proposed Plan (61 FR 35048): Petroleum Refining; Metal Finishing; Textile Mills; Inorganic Chemicals; Steam Electric Power Generating; and Iron and Steel Manufacturing.

c. Photographic Processing. The Photographic regulations were promulgated in 1976 for BPT (direct dischargers) only, at 40 CFR part 459. Subsequent to promulgation of the BPT rule, EPA collected some additional information to support development of BAT, NSPS and pretreatment standards, but no additional rules were promulgated.

EPA completed a Preliminary Data Summary for the Photographic Processing Industry in 1996. The study found that about 100,000 establishments were listed in 1996 in Dun & Bradstreet data under the term "commercial photo processing." In addition, significant photo processing also occurs as an ancillary activity within the health care profession and at noncommercial facilities such as schools and police departments. Combining all types of facilities, it was estimated that photo processing operations occur at 350,000 to 500,000 locations in the United States. However, virtually none of these photo processing establishments have discharge permits based on the existing effluent guidelines because: (a) Most establishments are indirect dischargers, and no pretreatment standards were established; or (b) those that are direct dischargers do not meet the 1,600 square feet per day processing requirement for applicability under part 459.

The study estimated the water use in 1994 by the commercial sector (approximated to represent 44 percent of total photo processing volume) to be 2,250 million gallons. The major waste stream constituents of concern (with values for the commercial sector)

includes sulfates (2.8 million lbs.), ammonia (3 million lbs.), silver (190 thousand lbs.), thiosulfate, and cyanide. Several technologies are available and employed to either treat the wastestreams, or as common in this industry, recover the chemicals and metals in the wastewater for resale or reuse.

Local POTW limits vary from municipality to municipality, but are normally numeric and concentration-based. Frequently, the only pollutant monitored in the indirect discharge permit is silver. Many of the local limits are based on silver nitrate, a highly dissociated and toxic compound. While silver nitrate is used in the production of photographic film and paper, it is not a characteristic pollutant of photo processing wastewaters. Rather, silver in photo processing wastewaters is characteristically in the form of silver thiosulfate complex, which has been shown to be about 20,000 to 40,000 times less toxic, on a concentration basis, to acutely exposed fathead minnows. The local limits may be overly stringent with regard to concentration of silver discharged, while lax on total mass of silver or other pollutants, due to lack of technical expertise and resources available at the local level.

In an effort to provide more technical expertise to photo processing facilities and POTWs, AMSA and the Silver Council, an industry association, have developed a set of recommended silver management practices. They are currently evaluating the effectiveness of the management practices at a variety of sites nationwide.

d. Chemical Formulating, Packaging and Repackaging. EPA completed a Preliminary Data Summary for the Chemical Formulating, Packaging and Repackaging (CFPR) industry in 1996. The summary describes the size and demographics of the industry, CFPR operations and the typical wastewaters generated, as well as the extent to which pollution prevention (P2) techniques are used throughout the industry. In addition, the study compares the operations, P2 techniques and economic viability of the CFPR industry to the Pesticide Formulating, Packaging and Repackaging (PFPR) industry. For the purposes of the study, EPA included the following sectors in the CFPR industry: specialty cleaners, polishes, sanitation preparations, cosmetics, perfumes, personal products, soaps and detergents, adhesives and sealants, paints (non-solvent based), inks (non-solvent based), and water treatment chemicals (non-pesticide).

There are no existing effluent guidelines or categorical standards for the CFPR industry and their discharges are regulated largely through local POTW limitations. The facilities are not subject to general EPA reporting requirements pertaining to their production and wastewater generation and the Agency estimates that there may be as many as 12,800 facilities based on Dun and Bradstreet data. Much of the technical portion of the study discusses anecdotal information collected through contacts with POTWs, regional and state pretreatment coordinators, individual facilities, and trade associations representing several sectors of the CFPR industry. The study also includes information from EPA's Adhesives and Sealants Study ("Summary of Findings: Water and Waste Management for the Adhesives and Sealants Manufacturing Point Source Category," EPA Effluent Guidelines Division, draft report August 1984), the databases for the final PFPR effluent guidelines (40 CFR part 455, 61 FR 57518, November 6, 1996), as well as economic information from the U.S. Economic Census and the Census Bureau's Annual Survey of Manufactures.

The volume of a CFPR facility discharge is small—typically 10 million gallons per year—compared to those from chemical manufacturing facilities. CFPR discharges include surfactants and various organic chemicals. Overall, POTWs report having experienced very few treatment system upsets or pollutant pass-through incidents associated with their CFPR users. Some POTWs have reported foaming problems or high-concentration ("slug") discharges from CFPRs, but these problems have been corrected through a variety of methods available in the general pretreatment program.

e. Urban Storm Water. EPA is conducting a preliminary study of urban storm water discharges to explore how the Effluent Guidelines program can contribute to the Agency's efforts in implementing the national storm water program requirements under section 402(p) of the Clean Water Act. Discharges from municipal separate storm water sewer systems ("MS4") serving a population of 100,000 or more are subject to NPDES storm water permitting requirements at 40 CFR 122.21 and 122.26. The Agency recently published a proposed rule that would extend NPDES permit requirements to smaller MS4s in urbanized areas (63 FR 1536, January 9, 1998).

EPA is considering whether development of effluent guidelines regulations, or additional technical information and guidance on

characterizing storm water discharges and evaluating the efficacy of controls would be useful to discharging facilities in complying with permit requirements. Because the nature of the dischargers and discharges in urban storm water are somewhat different from the industrial discharges usually regulated by effluent guidelines, the study format will vary somewhat to accommodate other issues and concerns. EPA intends that the study will include a summary of existing storm water resources on best management practices (BMPs), a description of adverse environmental impacts from storm water discharges, a summary of available methods for estimating the relationship between storm event size and bacteriological impacts, descriptions of types of regionally-appropriate storm water BMPs (both structural and non-structural) and how to measure their performance, cost and economic impact considerations, and a description of measurable goals that could be used to evaluate the effectiveness of storm water management controls. The Agency will complete a preliminary data summary by December 1998.

f. Airport Deicing. EPA began the Airport Deicing study formally in January 1998, although some site visits were conducted as early as Summer 1997. Early data-gathering efforts for the study have been initiated. The Agency is conducting a literature search on pollution prevention practices related to aircraft deicing, including alternative and innovative deicing practices at airports in the United States, as well as in other countries. The Agency is reviewing previously-collected data as well as information gathered through contacts with the trade associations representing various segments of the industry, environmental groups, manufacturers of deicing chemicals and vendors of deicing-related equipment and treatment technologies. Also, the Agency is planning to review airport storm water monitoring data that is collected under the Multi-Sector General Permit requirements.

The Agency will be conducting site visits to airports of differing sizes and geographic locations. These visits will include airports that employ pollution prevention, on-site recycling or alternative deicing technologies. Specifically, the purposes of the site visits are:

- To gather basic information on a variety of deicing activities and to determine what factors affect deicing operations;
- To determine and evaluate the level of wastewater treatment for any collected deicing fluids;

- To gather information to characterize the raw, untreated effluent generated from any deicing operations in terms of pollutant concentrations, volumes and environmental impacts; and

- To gather information on new or innovative pollution prevention practices.

EPA will examine the effectiveness of the current storm water permitting system and the comparative effectiveness of an effluent guideline approach for airport deicing activities. The Agency will also evaluate the status and trends of de-icing chemical use at airports, including the costs and cost-minimization opportunities of deicing material management, and the development and use of prevention and treatment technologies will be evaluated. Wastewater characterization sampling visits are expected to be conducted next winter. The Agency will complete a preliminary data summary by December 1999.

g. Fish Hatcheries and Farms. EPA considered developing effluent guidelines for fish hatcheries and farms, also called aquaculture facilities, in 1977. A draft development document recommended issuance of BPT limitations, but regulations were not promulgated. ("Development Document for Recommended Effluent Limitations Guidelines and Standards of Performance for the Fish Hatcheries and Farms Point Source Category," EPA Effluent Guidelines Division, draft February 1977.) Aquaculture operations include ponds, tanks, raceways (a series of tanks), netpens, and cages. These operations generate manure, which can adversely affect water quality with BOD, suspended and settleable solids, nutrients, chemical additives (including pesticides), water temperature changes, and pathogens such as streptococcus. Uneaten fish food can also generate nutrient discharges.

Potential problems stemming from aquaculture discharges are described in a recent report by the Environmental Defense Fund ("Murky Waters: Environmental Effects of Aquaculture in the United States," Environmental Defense Fund, Washington, DC, 1997). The report provides an overview of the aquaculture industry and a description of water use, pollutants generated, and environmental impacts. Among the report's recommendations is a call for EPA to promulgate effluent guidelines for aquaculture operations.

EPA is also aware that reports developed by the U.S. Department of Agriculture, the Joint Subcommittee on Aquaculture (a Federal interagency advisory group), and other organizations

may address waste issues associated with aquaculture. The Agency invites submission of such reports and other data on aquaculture discharges.

3. Future Studies

EPA has nearly completed its Consent Decree requirements for developing eleven preliminary studies. However, the Agency may develop additional studies from time to time, and several study topics have been suggested. Among the categories that EPA may study are:

- Hospitals
- Ore Mining and Dressing (including Placer Mining)
- Glass Manufacturing
- Canmaking
- Organic Chemicals, Plastics and Synthetic Fibers
- Pulp, Paper and Paperboard (topics not addressed in recent or ongoing rule projects)
- Wood Chip Mills
- Metal Molding and Casting (Foundries)
- Generic Effluent Guideline Issues.

EPA invites submission of data and other comments on these categories and topics.

C. Other Rulemaking Actions

1. Pulp, Paper and Paperboard, Phases 2 & 3

In the Pulp and Paper effort, EPA intends to revise existing limitations in 10 of the 12 subcategories in 2 phases. Phase 2 includes: Unbleached Kraft; Semi-Chemical; Mechanical Pulp; Non-Wood Chemical Pulp; Secondary Fiber Deink; Secondary Fiber Non-Deink; Fine and Lightweight Papers from Purchased Pulp; and Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp. Phase 3 includes: Dissolving Kraft and Dissolving Sulfite. Guidelines and standards for these 10 subcategories were proposed as part of the Pulp and Paper Rule (also known as the "Cluster Rule") in December of 1993 but final action was deferred in the Phase I Rule promulgated April 15, 1998, based on public comment. The Agency intends to publish notices of data availability prior to taking final action on both phases.

2. Ore Mining and Dressing

EPA had proposed to exclude a waste stream from previously-promulgated effluent guidelines for the Copper, Lead, Zinc, Gold, Silver and Molybdenum Ores Subcategory of the Ore Mining and Dressing Category (40 CFR part 440, subpart J). The Agency published a proposed rule on February 12, 1996 (61 FR 5364). Dewatered tailings generated by the Alaska-Juneau (A-J) gold mine

project near Juneau, Alaska would have been affected by this proposal.

On January 14, 1997, Echo Bay Mines announced that it would terminate its development plans for the A-J mine project. EPA has concluded, in light of the closure of the A-J mine project and the lack of information about other mine sites exhibiting similarly extreme environmental conditions, that it is unnecessary to continue this rulemaking. The Agency published a document withdrawing the proposal on January 16, 1998 (63 FR 2646).

VI. Request for Comments

EPA invites public comment on its plans for development of effluent guidelines and preliminary studies. Comments will be accepted until July 27, 1998. In particular, the Agency is interested in data that would facilitate comparisons of discharger categories with regard to wastestream characteristics, treatment practices and effects on water quality. In addition to the categories discussed or listed in today's notice, EPA will consider information on other categories in developing Effluent Guidelines Plans.

VII. Economic Impact Assessment; Executive Order 12866

Today's document proposes a plan for the review and revision of existing effluent guidelines and for the selection of priority industries for new regulations. This document is not a "rule" subject to 5 U.S.C. 553 and does not establish any requirements; therefore, no economic impact assessment has been prepared. EPA will provide economic impact analyses, regulatory flexibility analyses or regulatory impact assessments, as appropriate, for all of the future effluent guideline rulemakings developed by the Agency.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review 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 plan is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

Dated: May 21, 1998.

Robert Perciasepe,
Assistant Administrator for Water.

Appendix A—Promulgated Effluent Guidelines

"Promulgation" refers to the date of promulgation of BAT controls unless otherwise noted. Minor amendments or corrections are not shown.

Category	40 CFR part	Promulgation	Revised rule (P: Proposal F: Final Action) or Study Completion (S)
Aluminum Forming	467	10/83	
Asbestos Manufacturing	427	2/74	
Battery Manufacturing	461	3/84	
Builder's Paper and Board Mills ¹	431	12/86 (BCT)	
Carbon Black Manufacturing	458	1/78	
Cement Manufacturing	411	8/79 (BCT)	
Coal Mining	434	10/82	P 12/99; F 12/01.
Coil Coating	465	12/82	
Canmaking Subcategory .....	.....	11/83	
Copper Forming	468	8/83	
Dairy Products Processing	405	6/86 (BCT)	
Electroplating	413	1/81 (PSES)	P 10/00; F 12/02 ² .
Electrical and Electronic Components	469	4/83	
Explosives Manufacturing	457	3/76	
Feedlots	412	2/74	S 1998. P 12/99; F 12/01 (Swine & Poultry). P 12/00; F 12/02 (Dairy & Beef Cattle).
Ferroalloy Manufacturing	424	7/86 (BCT)	
Fertilizer Manufacturing	418	8/79 (BCT)	
Fruits and Vegetables Processing	407	7/86 (BCT)	
Glass Manufacturing	426	7/86 (BCT)	
Grain Mills	406	7/86 (BCT)	
Gum and Wood Chemicals	454	5/76 (BPT)	
Hospitals	460	5/76 (BPT)	S 1989.
Ink Formulating	447	7/75	
Inorganic Chemicals	415	6/82	S 1994.
Iron and Steel Manufacturing	420	5/82	S 1995; P 12/98 ³ ; F 12/00 ³ .
Leather Tanning and Finishing	425	11/82	
Meat Products	432	7/76 (BCT)	
Metal Finishing	433	7/83	S 1994; P 10/00; F 12/02 ² .
Metal Molding and Casting (Foundries)	464	10/85	
Mineral Mining and Processing	436	7/77 (BPT)	
Nonferrous Metals Forming	471	8/85	
Nonferrous Metals Manufacturing	421	6/84	
Oil and Gas Extraction	435		P 12/98; F 12/00 (Synthetic-Based Fluids).

Category	40 CFR part	Promulgation	Revised rule (P: Proposal F: Final Action) or Study Completion (S)
Offshore Subcategory .....	.....	3/93	
Coastal Subcategory .....	.....	12/96	
Other Subcategories .....	.....	11/79 (BPT)	
Ore Mining and Dressing	440	12/82	
Gold Placer Mining Subcategory .....	.....	5/88	
Organic Chemicals, Plastics and Synthetic Fibers	414	11/87	
Paint Formulating	446	7/75	S 1989.
Paving and Roofing Materials	443	7/75	
Pesticide Chemicals	455		
Manufacturing .....	.....	9/93	
Formulating, Packaging, Repackaging .....	.....	11/96	
Petroleum Refining	419	10/82	S 1993.
Pharmaceutical Manufacturing	439	10/83	P 5/2/95; F 7/98.
Phosphate Manufacturing	422	6/76	
Photographic Processing	459	7/76 (BPT)	S 1996.
Plastics Molding and Forming	463	12/84	
Porcelain Enameling	466	11/82	
Pulp, Paper and Paperboard	430		
Subparts B & E (Phase 1 rule) .....	.....	4/98	
Other subparts .....	.....	12/86 (BCT)	P 12/93; F 2000–2002 (Phase 2 & 3 rules).
Rubber Manufacturing	428	2/74	
Seafood Processing	408	7/86 (BCT)	
Soap and Detergent Manufacturing	417	4/74	
Steam Electric Power Generating	423	11/82	S 1995.
Sugar Processing	409	7/86 (BCT)	
Textile Mills	410	9/82	S 1994.
Timber Products Processing	429	1/81	

¹ EPA proposed merging part 431 with part 430 in the proposed Pulp, Paper and Paperboard rule on 12/17/93. Part 431 will be deleted.
² The Electroplating and Metal Finishing categories will be modified by the new Metal Products and Machinery rule. See Appendix B for rule-making dates.
³ EPA is discussing extensions to Consent Decree dates with NRDC.

Appendix B—Current and Future Rulemaking Projects

Category	Proposed	Final
Pulp, Paper and Paperboard, Phases 2 & 3	12/17/93 ¹ (58 FR 66078)	2000–2002 ¹
Centralized Waste Treatment	1/27/95 (60 FR 5464)	8/99
Pharmaceutical Manufacturing	5/2/95 (60 FR 21592)	7/98
Metal Products and Machinery	5/30/95 ² (60 FR 28209) (Phase 1 only)	
Industrial Laundries	10/00 12/17/97 (62 FR 66182)	12/02 6/99
Landfills	2/6/98 (63 FR 6425)	11/99
Industrial Waste Combustors (Incinerators)	2/6/98 (63 FR 6391)	11/99
Transportation Equipment Cleaning	5/15/98	6/15/00
Oil and Gas Extraction	12/98	12/00
Iron and Steel Manufacturing	12/98 ³	12/00 ³
Coal Mining	12/99	12/01
Feedlots (Poultry & Swine subcategories)	12/99	12/01

¹ The Pulp, Paper and Paperboard rulemaking is not covered by the January 31, 1992 consent decree.
² 5/30/95 proposal covered Phase 1 MP&M facilities only. The proposal in 10/00 will cover Phase 1 and 2 facilities combined.
³ EPA is discussing extensions to Consent Decree dates with NRDC.

Appendix C—Preliminary Studies

Category	Complete	Category	Complete
Petroleum Refining	1993	Steam Electric Power Generat- ing	1995
Metal Finishing	1993	Iron and Steel Manufacturing ...	1995
Textile Mills	1994		
Inorganic Chemicals	1994		

Category	Complete
Photographic Processing	1996
Chemical Formulators and Packagers	1996
Feedlots	1998
Urban Storm Water	1998
Airport Deicing	1999

[FR Doc. 98-14156 Filed 5-27-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6103-6]

Notice of Open Meeting of the Environmental Financial Advisory Board on August 3-4, 1998

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency's (EPA) Environmental Financial Advisory Board (EFAB) will hold an open meeting of the full Board in San Francisco, California on August 3-4, 1998. The meeting will be held at the World Trade Center, Ferry Building, in the Coit Tower Room. The Monday, August 3 session will run from 9 a.m. to 5 p.m. and the August 4 session will begin at 8:30 a.m. and end at approximately 12:00 p.m.

EFAB is chartered with providing analysis and advice to the EPA Administrator on environmental finance. The purpose of this meeting is to discuss work products under EFAB's current strategic action agenda and to develop an action agenda to direct the Board's activities through 1999. Environmental financing topics expected to be discussed include: cost effective environmental management, community-based environmental protection, brownfields redevelopment, Drinking Water State Revolving funds, and small business access to capital.

The meeting will be open to the public, but seating is limited. For further information, please contact Alecia Crichlow, U.S. EPA on 202-564-5188, or Joanne Lynch, U.S. EPA on 202-564-4999.

Dated: May 20, 1998.

Michael W.S. Ryan,
Comptroller.

[FR Doc. 98-14155 Filed 5-27-98; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6103-4]

Amendment to Administrative Order on Consent Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as Amended by the Superfund Amendments and Reauthorization Act—Herriman, Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: Notice is hereby given of a proposed amendment to a settlement under sections 104(a) and 122(a) of the Comprehensive Environmental Response, and Liability Act, as amended, (CERCLA) concerning the Herriman Residential Soils Removal Action Site in Herriman, Utah (Site). Under the Amended Administrative Order on Consent (Order) Kennecott Utah Copper Corporation has agreed to perform certain response actions related to a removal action to be performed at the Site.

DATES: Comments must be submitted on or before June 29, 1998.

ADDRESSES: The Order is available for public inspection at the EPA Superfund Records Center, 999 18th Street, 5th Floor, North Tower, Denver, Colorado. Comments should be addressed to Paul J. Rogers, Enforcement Specialist, (8ENF-T), U.S. Environmental Protection Agency, 999 18 Street, Suite 500, Denver, Colorado, 80202-2405, and should reference the Herriman Residential Soils Removal Action Order, EPA Docket No. CERCLA-VIII-97-08.

FOR FURTHER INFORMATION CONTACT: Paul J. Rogers, Enforcement Specialist, at 303/312-6356.

SUPPLEMENTARY INFORMATION: Pursuant to sections 104(a) and 122(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, (CERCLA), EPA and Kennecott Utah Copper Corporation (Kennecott) entered into an Administrative Order on Consent (Order) concerning the Herriman Residential Soils Removal Action Site in Herriman, Utah (Site), effective July 9, 1997. This Order has been amended to provide for Kennecott's continued participation in response actions at the Site. The Amended Order requires Kennecott Utah Copper Corporation to provide transportation and disposal of no more than 60,000 cubic yards of lead and arsenic contaminated soils removed by EPA generally from the surface to 18

inches in depth and for Kennecott to provide 45,000 cubic yards of replacement soils as part of the Phase II response action. Upon completion of the action, EPA will covenant not to sue Kennecott for any failure to perform the work agreed to in the Order. EPA also proposes to provide Kennecott with contribution protection for matters addressed in this Order to the extent provided by section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2). Matters addressed are defined in the amended Order as response actions taken or to be taken by the EPA or any other person (as that term is defined by section 101(21) of CERCLA, 42 U.S.C. 9601(21)) and all response costs incurred and to be incurred by the EPA or any other person (as that term is defined by section 101(21) of CERCLA, 42 U.S.C. 9601(21)) at or in connection with Herriman Residential Soils Removal. Section 101(21) of CERCLA, 42 U.S.C. 9601(21) states that the term person means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body. For a period of thirty (30) days from the date of this publication, the public may submit comments to EPA relating to the contribution protection proposed to be conferred in this Order. A copy of the Order may be obtained from the Superfund Records Center, U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado, 80202-2405, 303/312-6473. Additional background information relating to the Order and the Site is also available for review at the Superfund Records Center at the address listed above and at the Riverton Public Library, 1830 West 12600 South, Riverton, UT 84065.

Dated: May 1, 1998.

Sharon Kercher,

*Acting Assistant Regional Administrator,
Office of Enforcement, Compliance and
Environmental Justice, Region VIII.*

[FR Doc. 98-14157 Filed 5-27-98; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) being Reviewed by the Federal Communications Commission

May 15, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden