

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.