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, 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-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-

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[6] Detailed 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.

[7] Detailed responses to these comments on ethylene glycol are included in Section I.B 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.

[8] In 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.

[9] Machado, 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 Toicity to Fathead Minnow (*Pimephales promelas*) Under Flow-Through Conditions. Springborn Laboratories, Wareham, Massachusetts.