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 matter 4) proposed in