

ENVIRONMENTAL UPDATE

M. L. Ameling
C. M. Babka
Z. G. Bell
C. P. Blahous
W. T. Branthoover
D. C. Cannon
L. A. Carothers
F. C. Dehn
J. C. Delgado
J. T. Destefano
T. J. Durbin
K. J. Fay
H. E. Gilbert
W. B. Graybill
L. W. Keller
A. J. Kolarsky
S. G. Kuis
R. L. Miller
C. B. Myers
J. W. Osheka
G. E. Palchak
M. Petroccia
P. N. Pulizzi
R. L. Rubino
~~R. L. Samek~~
L. N. Streff
A. J. Tolmsoff

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Environmental Affairs

ENVIRONMENTAL UPDATE

August 26, 1985

Air

EPA has announced its intent to regulate carbon tetrachloride and methylene chloride as toxic air pollutants under §112 of the Clean Air Act. EPA also indicated that it did not intend to so regulate manganese, chlorinated benzenes and vinylidene chloride.

Congressman Guy Molinari released a study (which has since been challenged) concluding that a higher rate of respiratory cancer was found in 124 out of 133 counties downwind of petrochemical plants.

EPA announced a federal initiative for responding to accidental releases of air toxics which focuses particularly on acute hazards.

EPA also released a study of the air toxics problem in the U. S. A summary of the study has been circulated by Mal Petroccia.

A federal court has ordered EPA to require within nine months major reductions in SO₂ emissions pursuant to §115 of the Clean Air Act which deals with international air pollution. EPA and the utilities are considering whether to appeal.

Water

The U. S. has passed the Clean Water Act Reauthorization Bill, HR 8, and sent it to Conference Committee. The Senate previously passed S 1128.

EPA issued its Report to Congress on the Nation's Water Quality Inventory--its fifth such report since 1970. The report concluded that most of the severe water pollution problems have been cleaned up although some problems remain. 73 percent of the 326,000 miles of rivers and streams in 40 states are clean enough for fishing and swimming, and 78 percent for 9.6 million acres of lakes and reservoirs. A copy of the report has been requested.

EPA intends to set RMCL's for volatile organic compounds above the proposed zero level. The proposal, under review at OMB, is expected to be issued soon. The text of the EPA action memo is set forth in Inside EPA for August 9, page 11.

EPA intends to issue two new stormwater proposals, the first to extend the deadlines to December 31, 1985 for Group I and June 30, 1986 for Group II. The second proposal will address the application data requirements.

Solid Waste

EPA has decided to withhold new funds for 57 waste cleanup projects in order to conserve funds as the September 30 taxing authority deadline approaches.

SL 080141

Dave Cannon has circulated memos summarizing EPA's RCRA codification rule.

EPA issued a proposed rule (FR, Aug. 1, Part II) dealing with small quantity generators (100 to 1,000 kg/mo). Comments are due by September 30, 1985. Group input is requested.

Chemical Waste Management has filed suit against 17 of its clients to fund cleanup of a site which CWM "owned" for a short time. The agreement of sale was annulled but EPA looked to CWM for cleanup. CWM in turn sought relief from those generators involved at the time. EPA also proposed to fine CWM \$700,000 for 100 waste handling violations at Chem Security, an Oregon-based subsidiary.

FMC, Armco, IBM and AT&T have agreed to assume responsibility for a \$12 million cleanup of Conservation Chemical in Kansas City, Missouri. The four firms have filed suit against 250 firms for contribution to the cleanup fund.

A U. S. District Court in New Jersey held that a town can exercise the powers of a state under CERCLA. Town of Boonton v. Drew Chemical dealt with the recovery of natural resource damages.

An August 7 Wall Street Journal article reported on a possible trend in state legislation to require cleanup of closed plant sites.

A conference on solid waste management in Ohio will be sponsored by the Ohio Alliance for the Environment on November 13-14 at the Harley Hotel in Columbus.

Right to Know - Toxic Substances

Pennsylvania Right-to-Know officials visited Springdale to review the hazardous materials training program. They may also visit the Carlisle plant in the near future. Comments were filed on the proposed regulations on the state right-to-know law. The Department also published in final form the list of hazardous substances under that law which the regulations will cover.

Two trade association groups have filed suit to have the Pennsylvania law thrown out in light of the preemption decision in the Third Circuit case. Pending a judicial determination, however, state personnel are proceeding to implement the act.

OSHA released field directives on the hazard communication standard but excluded the portion on trade secrets pending review of the Third Circuit decision.

EPA is preparing a draft rule requiring a standard set of data on all chemicals to assist in the assessment of chemicals under TSCA. Full text of the proposal is in Chemical Regulation Reporter, page 405, July 19, 1985.

EPA inspectors are checking all federal buildings for PCB's after a PCB leak at the White House and EPA ordered the Smithsonian Institute to repair leaks in three of its museums. There is no indication of any fines, etc. for failure to mark, test, etc.

EPA issued a final rule on the use of PCB's in electrical transformers containing more than 500 ppm PCB's, FR, July 17, 1985.

General

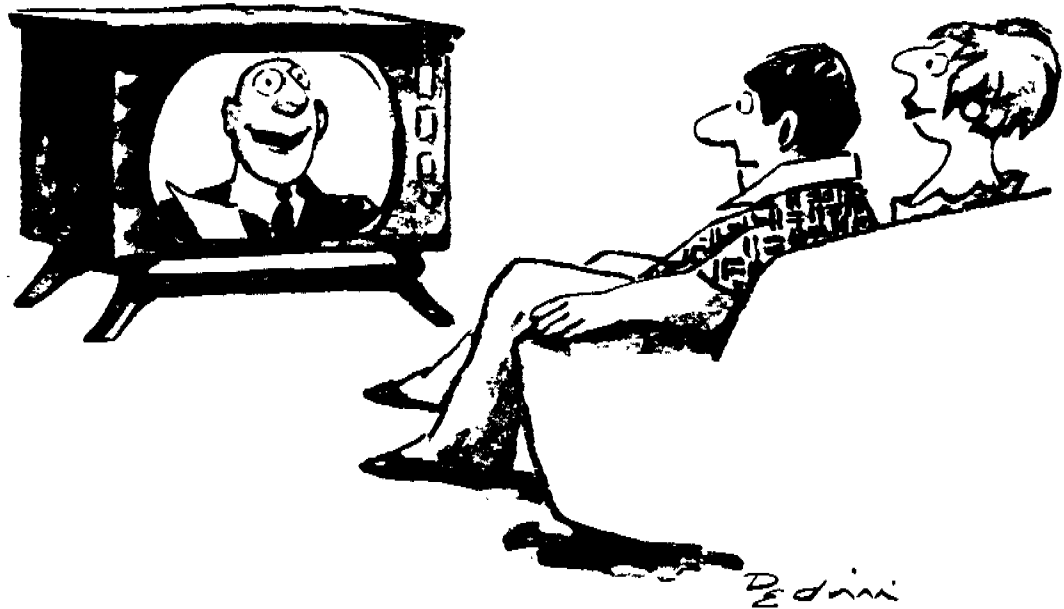
EPA reshuffled senior agency officials to promote multi media expertise and broaden management perspectives. Details are attached.

The United Nations Center on Transnational Corporations is exploring the possibility of a world conference on environmental management and process safety in November in Switzerland. Attendance will be by invitation only (sorry).

A University of Illinois professor was awarded Patent No. 4535061 for microbes that can eat toxic materials in the environment including PCB's and Agent Orange.

~~The agenda and proposed attendance list for the September 30 workshop~~ are attached. Comments and suggestions are still welcome.

A final note on the weather . . .



"Polycyclic aromatic hydrocarbons are falling upstate, while simple showers of sulfur and nitrogen are blanketing the central counties. Toxic air pollutants will be prevalent in all areas and may endanger some lower forms of aquatic life. For the rest of us, enjoy the sun and the weekend."

Paul M. King

PMK/mr

SL 080142

AGENCY NEWSEPA Personnel Changes

EPA has announced a number of high-level personnel changes described by Administrator Lee Thomas as "senior executive shifts." Mr. Thomas explained that he is "convinced that both manager's careers and the organization they serve are enriched by periodic changes in assignments." He also indicated that as the Agency begins to deal with the new generation of environmental problems, he firmly believes that "exchanging expertise across program lines will help bring valuable cross-media perspectives " to the Agency's decision-making. Among the key changes which will take place between August 1 and November 1 are:

- o Ron Brand, former Director of the Office of Management Systems and Evaluation, Office of Policy, Planning and Evaluation, will become Director of EPA's new Office of Underground Storage Tanks in the Office of Solid Waste and Emergency Response.
- o Tom Ingersoll has been named Acting Director of the Office of Management Systems and Evaluation.
- o Marcia Williams, Deputy Assistant Administrator for Pesticides and Toxic Substances, will become Director of the Office of Solid Waste.
- o Susan Vogt, currently Director, Asbestos in Schools Program, will serve as Acting Deputy Assistant Administrator for Pesticides and Toxic Substances.
- o John Skinner, Director, Office of Solid Waste, assumes duties as Director of the Office of Environmental Engineering and Technology, Office of Research and Development.
- o Henry Longest, Deputy Assistant Administrator, Water, will become Director of the Office of Emergency and Remedial Response.
- o Bill Hedeman, Director, Office of Emergency and Remedial Response, will take over as Deputy Administrator for Water.
- o Vic Kimm, Director, Office of Drinking Water, will become Deputy Administrator for Pesticides and Toxic Substances.
- o Mike Cook, Deputy Director, Office of Solid Waste, will become Director of the Office of Drinking Water.