PLAINTIFF'S EXHIBIT

CAP-1498

A/C Pipe
Producers Association

Internal Correspondence

TO: Public Affairs Committee
International Affairs Committee

FROM: J. F. Welch
J. F. Welch, Vice President

DATE: November 16, 1981

SUBJECT: EPA - Regulations of Interest to the A/C Pipe Industry

REF: (1) JFW correspondence, same title, July 2, 1981
(2) JFW correspondence, same title, December 4, 1980.

**ACTION REQUIRED: Review for information**

On October 30, 1981, the Environmental Protection Agency (EPA) published its semi-annual Regulatory Agenda which summarized new and existing regulations that EPA is reviewing or revising. This is an adjunct to the Calendar of Federal Regulations published by the Regulatory Information Service Center.

The enclosures summarize regulations relevant to the A/C pipe industry.

If you have any questions, please do not hesitate to call.

JFW/ajb

Enclosures

cc: A. Kahn, Esq.
N. Rahn, Esq.
N. Battle
Special Counsel (7)
Asbestos Institute
W. E. Smith, M.D.
Brian Commins

copies to:

| Public Affairs Committee | International Affairs Committee |
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Federal Register

Friday
October 30, 1981

Part VI

# Environmental Protection Agency

Regulatory Agenda

CAPCO JEN 0012911

## EPA REGULATIONS UNDER CONSIDERATION

| Title | Summary | Contact | Timetable |
|---|---|---|---|
| **TOXIC SUBSTANCES CONTROL ACT** | | | |
| *PCB Manufacture and Distribution*<br>SAN No. 1709<br>Docket No. OPTS-62014 | Description. EPA is revising earlier regulations on the use of PCBs in electrical equipment, based on a ruling of the D.C. Circuit. EPA is reviewing its earlier determination that PCB-containing transformers, capacitors, and electromagnets are "totally enclosed." Under EPA's definition, the requirement of TSCA 6(e) that containers of PCB be totally enclosed to prevent significant exposure means that there must be no detectable exposure from any such container.<br>Classification: Other<br>Statutory Authority: TSCA 6(e) / 15 USC 2605(e)<br>CFR: 40 CFR 761<br>Small Entity: Not yet determined | Bill Gunter<br>EPA (TS-794)<br>Washington, D.C. 20460<br>FTS: 8-426-2510<br>COMM: 202-426-2510 | ANPRM: 46FR16090 (03/10/81)<br>NPRM: 03/00/82<br>FR: 07/00/82 |
| *Amendment to the Use Authorization for PCB Railroad Transformers* | Description: 40 CFR 761 authorizes the use of polychlorinated biphenyls (PCBs) in railroad transformers until July 1, 1984. Two of the restrictions on this use of PCBs are that these transformers must contain dielectric fluids with a PCB concentration not exceeding 60,000 parts per million (ppm) (6 percent) after January 1, 1982, and not exceeding 1000 ppm (0.1 percent) after January 1, 1984. Several railroad organizations have been unable to select an acceptable PCB substitute for use in these transformers in time to comply with the 60,000 ppm requirement. EPA is therefore proposing to extend the time for compliance with the 60,000 ppm requirement to a date not later than October 1, 1983, and requesting comments on whether there should be any change in the 1000 ppm requirement.<br>Classification: Other<br>Statutory Authority: TSCA 6(e) / 15 USC 2605(e)<br>CFR: 40 CFR 61 – Revision<br>Small Entity: Unlikely | James Huemmer<br>EPA (TS-794)<br>Washington, DC 20460<br>FTS: 8-426-9458<br>COMM: 202-426-9458 | NPRM: 11/00/81 |
| *Fully Halogenated Chlorofluoroalkanes: Essential Use Exemption for Spinnerette Release Agents*<br>Docket No. OPTS-66005c | Description: EPA promulgated a rule published in the Federal Register of January 21, 1981, (46 FR 5981) revoking the exemption of the chlorofluorocarbon (CFC) rule (43 FR 13318) for spinnerette release agents. EPA is now proposing to reinstate the exemption. In taking this action, EPA is responding to new information that adequate substitutes do not exist and cannot be developed and adopted for all applications and all man-made fiber producer by March 1, 1982, the effective date of the revocation.<br>Classification: Other<br>Statutory Authority: TSCA 6 / 15 USC 2605<br>CFR: 40 CFR 762 – Revision<br>Small Entity: Unlikely | George Semeniuk<br>EPA (TS-794)<br>Washington, DC 20460<br>FTS: 8-755-1150<br>COMM: 202-755-1150 | NPRM: 46FR42880 (08/25/81)<br>FR: 12/00/81 |
| *Rules Restricting the Commercial and Industrial Use of Asbestos Fibers*<br>SAN No. 1627 | Description: The Agency is investigating regulation of the commercial and industrial use of asbestos. Among the options under consideration are: (1) prohibiting the non-essential uses of asbestos; (2) establishing quotas for the use of asbestos; and (3) requiring the labeling of asbestos and asbestos-containing products.<br>Classification: Major<br>Statutory Authority: TSCA 6 / 15 USC 2605<br>CFR: 40 CFR 763<br>Analysis: RIA<br>Small Entity: Not yet determined | Albert Colli<br>EPA (TS-794)<br>Washington, DC 20460<br>FTS: 8-755-1150<br>COMM: 202-755-1150 | ANPRM: 44FR60056 (10/17/79)<br>NPRM: Undetermined |
| *Asbestos-Containing Materials in School Buildings – Identification and Notification*<br>SAN No. 1519A<br>Docket No. OPTS-61004 | Description: The purpose of this regulation is to protect school children and employees from unreasonable risks of exposure to asbestos. It will require local education agencies for some 109,000 public and private school buildings to inspect and identify friable asbestos-containing materials in their buildings and notify employees and parent-teacher associations of the presence of such materials. The Agency was considering a second phase requiring corrective action, but now has concluded that identifying hazards will provide local school districts with enough information to take corrective action on their own.<br>Classification: Other<br>Statutory Authority: TSCA 6(a)(3) / 15 USC 2605<br>CFR: 40 CFR 763<br>Small Entity: Unlikely | Terry Longanecker<br>EPA (TS-794)<br>Washington, DC 20460<br>FTS: 8-755-1397<br>COMM: 202-755-1397 | ANPRM: 44FR54676 (09/20/79)<br>NPRM: 45FR61966 (08/17/80)<br>FR: Undetermined |

CAPCO JEN 0012912

# EPA REGULATIONS UNDER CONSIDERATION

## TOXIC SUBSTANCES CONTROL ACT

| Title | Summary | Contact | Timetable |
|---|---|---|---|
| *EDC (1, 2-dichloroethane) Dispersive Uses Reporting Rule*<br>SAN No. 1675 | Description: EDC is a very high volume chemical that is used as a raw material and as a feedstock in other products. It is a volatile liquid that is not very soluble in water. Human exposure can be high. EPA is considering reporting requirements to evaluate whether the non-feedstock uses of EDC may pose an unreasonable risk that warrant regulatory action. This rule will require certain producers of EDC to identify themselves, report the quantities of EDC obtained and used in their product, and describe the intended uses of their EDC-containing products.<br>Classification: Other<br>Statutory Authority: TSCA 8(a) / 15 USC 2607(a)<br>CFR:40 CFR 704<br>Small Entity:Likely | Suzanne Rudzinski<br>EPA (TS-778)<br>Washington, DC 20460<br>FTS:8-755-6660<br>COMM:202-755-6660 | NPRM:Undetermined |
| *Preliminary Assessment Information Reporting*<br>SAN No. 1137<br>Docket No. OTS-082004 | Description: This rule is designed to obtain information for pre-regulatory assessment of chemical substances. The rule would apply to manufacturers and importers and would require them to fill out a short form on general production, use and exposure. EPA will use this information to rank potentially important chemicals for investigation and preliminary risk assessment.<br>Classification: Other<br>Statutory Authority: TSCA 8(a) / 15 USC 2607(a)<br>CFR:40 CFR 712<br>Analysis: IIA<br>Small Entity:Unlikely | Barbara Ostrow<br>EPA (TS-778)<br>Washington, DC 20460<br>FTS:8-755-6660<br>COMM:202-755-6660 | ANPRM: 44FR37517 (06/27/79)<br>NPRM: 45FR13646 (02/29/80)<br>FR:Undetermined |
| *Standards for Excluding Small Manufacturers and Processors from TSCA 8(a)*<br>SAN No. 1529<br>Docket No. OPTS-8011 | Description: Under Section 8(a) of TSCA, EPA can minimize burdens on small businesses by exempting small manufacturers and processors from reporting requirements, unless the chemical manufactured or processed is subject to certain Agency actions. This rule will establish a generic standard to determine who may qualify as "small" for the purpose of these exemptions.<br>Classification: Other<br>Statutory Authority: TSCA 8(a) / 15 USC 2607(a)<br>CFR:40 CFR 712.<br>Analysis: RFA<br>Small Entity:Likely | Barbara Ostrow<br>EPA (TS-778)<br>Washington, DC 20460<br>FTS:8-755-6660<br>COMM:202-755-6660 | ANPRM: 45FR66180 (09/08/80)<br>NPRM: 02/00/82<br>FR: 04/00/83 |
| *Asbestos Use and Substitutes Reporting*<br>SAN No. 1552<br>Docket No. OPTS 84004 | Description: This rule will use the reporting authority of Section 8(a) to obtain information on the industrial and commercial uses of asbestos fiber. EPA will use this information to determine whether action should be taken to control asbestos under TSCA or other Federal laws. The rule will require information on quantities of asbestos used in various processes, employee exposure and monitoring, and waste disposal and pollution control. It will apply to asbestos manufacturers, importers, and processors. Firms of 10 or fewer employees are exempt.<br>Classification: Other<br>Statutory Authority: TSCA 8(a) / 15 USC 2607(a)<br>CFR 40 CFR 763<br>Analysis: IIA<br>Small Entity Unlikely | Suzanne Rudzinski<br>EPA (TS-778)<br>Washington DC 20460<br>FTS.8-755-6660<br>COMM:202-755-6660 | ANPRM: 44FR60061 (10/17/79)<br>NPRM: 46FR8200 (01/26/81)<br>FR: Undetermined |
| *Health and Safety Study Reporting*<br>SAN No. 1139<br>Docket No. OTS-084003 | Description: This rule would require chemical manufacturers, processors, distributors, and others who possess health and safety studies on specifically listed chemicals to submit them to EPA. EPA will use these studies to assess the health and environmental effects of the chemicals and to determine what kind of testing is needed on certain priority existing chemicals. EPA will amend this rule from time to time by adding to the list of chemicals subject to this rule.<br>Classification: Other<br>Statutory Authority: TSCA 8(d) / 15 USC 2607(d)<br>CFR 40 CFR 716<br>Analysis: IIA<br>Small Entity.Unlikely | Suzanne Rudzinski<br>EPA (TS-778)<br>Washington DC 20460<br>FTS 8-755-6660<br>COMM.202-755-6660 | ANPRM: 42FR56686 (03/11/77)<br>NPRM: 43FR77470 (12/31/79)<br>FR:Undetermined |

CAPCO JEN 0012913

# EPA REGULATIONS UNDER CONSIDERATION

| Title | Summary | Contact | Timetable |
|---|---|---|---|
| **TOXIC SUBSTANCES CONTROL ACT** | | | |
| *Records and Reports of Allegations of Significant Adverse Reactions to Health or the Environment*<br>SAN No. 1138<br>Docket No. OPTS-083001 | Description: This regulation implements Section 8(a) of TSCA, which requires that any person who manufactures a chemical substance or mixture keep records of significant adverse reactions to health or the environment alleged to have been caused by the substance or mixture. Companies must keep employee allegations for thirty years, and all others for five years. This will enable EPA to find patterns of adverse effects and identify previously unknown chemical hazards.<br>Classification: Other<br>Statutory Authority: TSCA 8(c) / 15 USC 2607(c)<br>CFR: 40 CFR 717<br>Analysis: IIA<br>Small Entity: Likely | Suzanne Rudzinski<br>EPA (TS-778)<br>Washington, DC 20460<br>FTS: 8-755-6660<br>COMM: 202-755-6660 | ANPRM: 42FR56686 (03/11/77)<br>NPRM: 45FR47008 (07/11/80)<br>FR: Undetermined |
| **CLEAN WATER ACT** | | | |
| The goal of the Clean Water Act is to achieve fishable and swimmable water quality in the Nation's waters by 1983. The Act defines two major strategies for reaching this goal: 1) limitations on effluent discharges from industrial and municipal sources and 2) adoption by the States of water quality standards for specific bodies of water. EPA is presently working on regulations which involve both strategies. Under Sections 301, 304, 306, and 307 of the Act, the Agency is developing regulations to control the discharge of toxic and other substances from different industries. Under Sections 303 and 304, the Agency is revising the program under which States adopt water quality standards.<br>In addition, the Act requires that EPA address spills of oil and hazardous substances under Section 311, that it develop guidelines for permissable dumping of dredged and fill material under Section 404, and that it develop guidelines for land disposal of sewage sludge under Section 405.<br>Section 402 requires dischargers to apply for permits from the State or EPA before they can discharge pollutants. EPA has set up the National Pollutant Discharge Elimination System (NPDES) in order to fulfill this requirement. NPDES permits are the main enforcement mechanism provided for in the Act.<br>The basic structure of the Act was created by the Federal Water Pollution Control Act of 1972. The 1977 amendments changed the name to the Clean Water Act and supplied the impetus for most of the regulations now under development. | | |
| *NPDES Special Permit Program for Coal Mines*<br>SAN No. 1643 | Description: This regulation will implement a Memorandum of Understanding between EPA and the Department of Interior regarding joint permitting of coal mines under the NPDES program.<br>Classification: Other<br>Statutory Authority: CWA 101, 103(e), 104(h) / 33 USC 1251, 1253(e), 1254(h)<br>CFR: 40 CFR 122<br>Small Entity: Unlikely | Dan Schramm<br>EPA (EN-336)<br>Washington, DC 20460<br>FTS: 8-426-7010<br>COMM: 202-426-7010 | NPRM: 03/00/82<br>FR: 09/00/82 |
| *Simplifying Construction Grants Regulations*<br>SAN No. 1722 | Description: These proposed revisions will simplify the requirements of the existing construction grants regulations and will provide more flexibility in meeting the requirements. Rather than mandating how grantees must meet the goals of the regulations, this revision will allow grantees to choose the most cost-effective ways to achieve these goals.<br>Classification: Other<br>Statutory Authority: CWA 201, 501 / 33 USC 1361<br>CFR: 40 CFR 35 - Revision<br>Small Entity: Unlikely. | Jane MaGee<br>EPA (WH-546)<br>Washington, DC 20460<br>FTS: 8-426-2517<br>COMM: 202-426-2517 | IFR: 11/00/81 |
| *NPDES New Source Application Form*<br>SAN No. 1725 | Description: The purpose of this action is to develop an NPDES application form for new manufacturing, commercial, mining, and silvicultural operations. It will become a part of the EPA Consolidated Permit Application Form. Besides obtaining information necessary for setting effluent discharge limitations, it will also help permit writers determine whether the facility is a new source and whether an EIS is necessary.<br>Classification: Other<br>Statutory Authority: CWA 301 / 33 USC 1311<br>CFR: 40 CFR 122<br>Analysis: IIA<br>Small Entity: Unlikely | Robert April<br>EPA (EN-336)<br>Washington, DC 20460<br>FTS: 8-426-7035<br>COMM: 202-426-7035 | NPRM: 01/00/82<br>FR: 10/00/82 |
| *Requirements for Application for 301(c) Variances*<br>SAN No. 1404 | Description: Section 301(c) of the Clean Water Act provides for waivers on economic grounds of the strict requirements of BAT controls for non-toxic, non-conventional pollutants. This regulation will establish application ground rules and national criteria for granting variances from BAT requirements. It will allow variances for firms that cannot afford BAT controls for nonconventional pollutants.<br>Classification: Other<br>Statutory Authority: CWA 301(c) / 33 USC 1311(c)<br>CFR: 40 CFR 125<br>Small Entity: Unlikely | Tom Laverty<br>EPA (EN-336)<br>Washington, DC 20460<br>FTS: 8-426-7010<br>COMM: 202-426-7010 | NPRM: 03/00/82<br>FR: 01/00/83 |

CAPCO JEN 0012914

# EPA REGULATIONS UNDER CONSIDERATION

| Title | Summary | Contact | Timetable |
|---|---|---|---|
| **ATOMIC ENERGY ACT** | | | |
| *Remedial Action Standards for Inactive Uranium Processing Sites*<br>SAN No 1166<br>Docket No. A-79-25 | Description: This regulation defines standards for the clean-up and disposal of uranium mill tailings from inactive sites. Based on the EPA standards, the Department of Energy will take remedial action.<br>Classification: Other<br>Statutory Authority: UMTRCA 206, AEA 275 / 42 USC 2022<br>CFR:40 CFR 192.<br>Analysis: EIS<br>Small Entity:Unlikely | Stan Lichtman<br>EPA (ANR-460)<br>Washington, DC 20460<br>FTS:8-557-8927<br>COMM:703-557-8927 | NPRM: 45FR27370 (04/22/80)<br>NPRM: 46FR2556 (01/19/81)<br>IFR: 45FR27366 (04/22/80)<br>FR: 03/00/82 |
| *Environmental Standards for Active Uranium Mill Processing Sites*<br>SAN No. 1166A | Description: The Administrator is required to issue generally applicable standards for protecting the public health and safety, and the environment, from certain radiological and nonradiological hazards of uranium. These are the hazards associated with processing, keeping, transfering and disposing of uranium byproduct material at sites which either (a) process the uranium ore primarily for its source material content or (b) dispose of the uranium byproduct material.<br>Classification: Other<br>Statutory Authority: UMTRCA 206, AEA 275(b) / 42 USC 2022(b)<br>CFR:40 CFR 192<br>Small Entity:Unlikely | John Russell<br>EPA (ANR-460)<br>Washington DC 20460<br>FTS:8-557-8927<br>COMM:703-557-8927 | NPRM: 09/00/82<br>FR: 09/00/83 |
| **SAFE DRINKING WATER ACT** | | | |
| The Safe Drinking Water Act of 1974 requires EPA to establish primary and secondary drinking water regulations to assure safe drinking water supplies for the public. Primary regulations are aimed at protecting public health. They establish maximum allowable contaminent levels in drinking water and provide for water treatment technologies and general criteria for water supply system operation. Secondary regulations are designed to protect public welfare and deal with taste, odor, and appearance of drinking water. | | | |
| *Definition of Small Water Supply Entities in Support of Regulatory Flexibility Analysis* | Description: This notice will propose a definition which EPA will use when analyzing the economic impacts its actions may have on the water supply industry.<br>Classification: Other<br>Statutory Authority: SDWA 1412, RFA 601 / 42 USC 300g-1, 5 USC 601<br>CFR:Not applicable<br>Small Entity:Unlikely | Dale Ruhter<br>EPA (WH-550)<br>Washington, DC 20460<br>FTS:8-426-8877<br>COMM:202-426-8877 | NPRM: 12/00/81<br>FR: 08/00/82 |
| *Maximum Contaminant Levels for Volatile Organic Chemicals Found in Drinking Water*<br>SAN No. 1567 | Description: EPA is considering establishing Maximum Contaminant Levels (MCL) for certain organic chemicals that are most commonly found in drinking water drawn from groundwater sources and that may have adverse effects on human health. These chemicals include such compounds as trichloroethylene, tetrachloroethylene, and vinyl chloride. Aeration and granular activated carbon (GAC) systems are treatment technologies that can reduce these contaminants to a low level. Preliminary estimates show that average residential monthly bills could rise from $1-$14, depending on the size of the drinking water system and the type of technology selected.<br>Classification: Not yet determined<br>Statutory Authority: SDWA 1412 / 42 USC 300g-1<br>CFR:40 CFR 141<br>Analysis: RFA, IIA, UCIA<br>Small Entity:Not yet determined | Craig Vogt<br>EPA (WH-550)<br>Washington DC 20460<br>FTS:8-472-5030<br>COMM:202-472-5030 | ANPRM: 41FR23991 (07/14/76)<br>ANPRM 11/00/81<br>NPRM 10/00/82 |
| *Revised Primary Drinking Water Regulations* | Description: The monitoring requirements and MCLs in the National Interim Primary Drink Water Regulations will be comprehensively reviewed for inorganic and organic compounds, microbiological contaminants and turbidity and radionuclides. EPA will conduct an assessment of exposure, analytical methods, potential health effects, and the performance and costs of treatment technologies.<br>Classification: Other<br>Statutory Authority: SDWA 1412 / 42 USC 300g-1<br>CFR:40 CFR 141 - Revision<br>Analysis: RFA, IIA<br>Small Entity:Likely. | Joseph Cotruvo<br>EPA (WH-550)<br>Washington, D.C 20460<br>FTS:8-472-5016<br>COMM 202-472-5016 | ANPRM 04/00/82<br>NPRM 06/00/83 |

CAPCO JEN 0012915

## EPA REGULATIONS UNDER CONSIDERATION

### CLEAN AIR ACT

| Title | Summary | Contact | Timetable |
|---|---|---|---|
| *NESHAPS Listing of Acrylonitrile*<br>SAN No. 1617 | Description: EPA is conducting a health risk assessment of acrylonitrile emissions. If the Agency determines that these emissions are hazardous, it will list them under Section 112 and will propose emission standards.<br>Classification: Other<br>Statutory Authority: CAA 112/42 USC 7412<br>CFR: 40 CFR 61<br>Small Entity: Unlikely | David Patrick<br>EPA (MD-13)<br>Research Triangle Park<br>NC 27711<br>FTS: 8-629-5645<br>COMM: 919-541-5645 | Listing 04/00/82 |
| *Amendments to NESHAPS General Provisions*<br>SAN No. 1681<br>Docket No. A-130 | Description: This action proposes amendments to the General Provisions of the National Emission Standards for Hazardous Air Pollutants. It will eliminate repetition in the subparts, and add procedures and criteria for determining if proposed source changes constitute modification or reconstruction; also whether equipment and/or a procedure meets the relevant standard. These amendments relate to emission testing, monitoring and recordkeeping.<br>Classification: Other.<br>Statutory Authority: CAA 112/42 USC 7412<br>CFR: 40 CFR 61 A<br>Small Entity: Likely | Susan Wyatt<br>EPA (MD-13)<br>Research Triangle Park<br>NC 27711<br>FTS: 8-629-5578<br>COMM: 919-541-5578 | NPRM: 03/00/82 |
| *NESHAPS: Arsenic from Smelters*<br>SAN No. 1684 | Description: This regulation will control inorganic arsenic emissions from the one remaining non-ferrous smelter in the U.S. which processes high-arsenic concentrates. High efficiency particulate controls operated at optimum temperature for arsenic condensation will be required for process gas streams. The standard requires effective capture systems and high efficiency particulate controls for several sources of fugitive emissions. The smelter has agreed to install efficiency central system; consequently the Agency is reviewing the need for the standard.<br>Classification: Other<br>Statutory Authority: CAA 112/42 USC 7412<br>CFR: 40 CFR 61<br>Analysis: EIS<br>Small Entity: Unlikely | Gene Smith<br>EPA (MD-13)<br>Research Triangle Park<br>NC 27711<br>FTS: 8-629-5624<br>COMM. 919-541-5624 | NPRM Undetermined |
| *NESHAPS: Benzene in Coke Ovens/By Products Plants*<br>SAN No. 1685 | Description: This regulation will control benzene emissions generated by the storage of benzene and the processing of gaseous and liquid streams at by-product plants. Inspection and maintenance procedures, operating practices, floating roof tanks, and exhaust gas treatment may be required.<br>Classification: Other<br>Statutory Authority: CAA 112/42 USC 7412<br>CFR: 40 CFR 61<br>Analysis: EIS<br>Small Entity: Not yet determined. | Susan Wyatt<br>EPA (MD-13)<br>Research Triangle Park<br>NC 27711<br>FTS: 8-629-5578<br>COMM. 919-541-5578 | NPRM: 04/00/82<br>FR: 05/00/83 |
| *NESHAPS: Asbestos*<br>SAN No. 1714 | Description: This rulemaking will reinstate the asbestos design, equipment, work practice, and operational standards which EPA promulgated on April 6, 1973 at 38FR8826 and subsequently amended. Section 112(e)(1) of the 1977 amendments to the Clean Air Act grants EPA the authority to develop design or equipment standards. This regulation will apply to asbestos emissions from asbestos mills, surfacing of roadways with asbestos tailings, manufacturing operations, fabricating operations, the use of molded insulating materials, waste disposal operations, and waste disposal sites.<br>Classification: Other<br>Statutory Authority: CAA 112/42 USC 7412<br>CFR: 40 CFR 61 B – Revision<br>Analysis: RFA<br>Small Entity: Likely. | Gene Smith<br>EPA (MD-13)<br>Research Triangle Park<br>NC 27711<br>FTS: 8-629-5624<br>COMM. 919-541-5624 | RPRM: 12/00/82 |

CAPCO JEN 0012916

## EPA REGULATIONS UNDER CONSIDERATION

| Title | Summary | Contact | Timetable |
|---|---|---|---|
| **CLEAN AIR ACT** | | | |
| *Policy and Procedures for Airborne Carcinogens*<br>SAN No. 1596<br>Docket No. OAQPS-79-14 | Description: This is a policy statement to establish the procedures the Agency uses in identifying, assessing, and regulating substances in the air which increase the risk of cancer to the general population. The policy is to: (1) identify and assess potential airborne carcinogens; (2) evaluate the need for regulation under CAA 112 or other appropriate authorities; and where regulation under 112 is indicated; (3) assign regulatory priorities to emitting categories of sources; (4) determine Best Available Technology (BAT) for new and existing sources; and (5) evaluate residual risks to determine if further control is warranted. EPA is presently reconsidering the need to issue a final policy statement.<br>Classification: Other<br>Statutory Authority: CAA 112/42 USC 7412<br>CFR:40 CFR 61<br>Small Entity:Unlikely | David Patrick<br>EPA (MD-12)<br>Research Triangle Park<br>NC 27711<br>FTS:8-629-5645<br>COMM:919-541-5645 | ANPRM: 44FR58682<br>(10/10/79)<br>NPRM: 44FR61620<br>(10/26/79)<br>FR:Undetermined |
| *Stack Height Regulations*<br>SAN No. 1303<br>Docket No. A-79-01 | Description: This regulation will determine the conditions under which State Implementation Plans can use stack height in determining emission requirements for individual firms. The agency will use the standard of "Good Engineering Practices" (GEP) to determine the maximum acceptable stack height.<br>Classification: Other<br>Statutory Authority: CAA 123/42 USC 7423<br>CFR 40 CFR 51<br>Analysis:EIS<br>Small Entity:Unlikely | David Stonefield<br>EPA (MD-15)<br>Research Triangle Park<br>NC 27711<br>FTS:8-629-5551<br>COMM:919-541-5551 | NPRM: 44FR2808<br>(01/12/79)<br>RPRM: (10/08/81)<br>FR: 01/00/82 |

CAPCO JEN 0012917

# EPA REGULATIONS UNDER CONSIDERATION

| Title | Summary | Contact | Timtable |
|---|---|---|---|
| **SUPERFUND** | | | |
| | The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, more popularly known as "Superfund," authorizes the federal government to respond to multi-media (e.g. air, water) releases of hazardous materials and other pollutants from hazardous waste sites and other facilities. It sets up a Hazardous Waste Response Fund to pay for clean up of releases and to respond to claims for natural resource damages. It also provides for liability of persons responsible for releases of hazardous substances. By Executive Order, EPA has been assigned responsibility to develop the following regulations. | | |
| *Designation of Hazardous Substances*<br>SAN No. 1642A | Description: Section 102 of the Act requires EPA to designate hazardous substances which may present substantial danger to the public health or welfare or the environment if released into the environment. EPA is developing this regulation to supplement the lists of hazardous substances already developed under CWA 307, 311, RCRA 3001, CAA 112, and TSCA 7<br>Classification: Other<br>Statutory Authority: CERCLA 102 / 42 USC 9602<br>CFR: 40 CFR 302<br>Small Entity: Unlikely | Jack Kooyoomjian<br>EPA (WH-548)<br>Washington, D.C. 20460<br>FTS: 8-245-3057<br>COMM: 202-245-3057 | ANPRM: 12/00/81<br>ANPRM: 06/00/82<br>NPRM: 04/00/83<br>FR: 10/00/83 |
| *Notification of Release of Hazardous Substances and Determination of Reportable Quantities*<br>SAN No. 1642B | Description: Section 103(a) requires that persons notify the National Response Center of releases of hazardous substances. EPA is developing reportable quantities for hazardous substances under Section 102 that will trigger the requirements in Section 103.<br>Classification: Other<br>Statutory Authority: CERCLA 102 / 42 USC 9602<br>CFR: 40 CFR 303<br>Small Entity: Unlikely | Jack Kooyoomjian<br>EPA (WH-548)<br>Washington, D.C. 20460<br>FTS: 8-245-3057<br>COMM: 202-245-3057 | ANPRM: 12/00/81<br>ANPRM: 06/00/82<br>NPRM: 04/00/83<br>FR: 10/00/83 |
| *Claims Procedures*<br>SAN No. 1642D | Description: This action prescribes the procedures and circumstances under which claims may be presented to the fund to recover costs of cleanup. Allowable claims are necessary response costs incurred by a party other than the government in carrying out the National Contingency Plan and (2) for injury to or destruction or loss of natural resources.<br>Classification: Other<br>Statutory Authority: CERCLA 111, 112 / 42 USC 9611<br>CFR: 40 CFR 306<br>Small Entity: Unlikely | William Ross<br>EPA (WH-548D)<br>Washington, D.C. 20460<br>FTS: 8-382-2184<br>COMM: 202-382-2184 | ANPRM: 12/00/81<br>NPRM: 05/00/82<br>FR: 12/00/82 |
| *Confidentiality of Business Records*<br>SAN No. 1642E | Description: This regulation will amend existing EPA regulations (40 CFR Part 2) to include procedures for the treatment of confidential business information submitted to EPA under CERCLA.<br>Classification: Other<br>Statutory Authority: CERCLA 104 / 42 USC 9604<br>CFR: 40 CFR 2<br>Small Entity: Unlikely | Tom Darner<br>EPA (A-134)<br>Washington, D.C. 20460<br>FTS: 8-755-0774<br>COMM: 202-755-0774 | NPRM: 12/00/81<br>FR: 04/00/82 |
| *Revisions to National Contingency Plan*<br>SAN No. 1642F | Description: This action will amend the National Contingency Plan (NCP) to establish procedures and policies for responding to hazardous waste sites and spills of hazardous substances under Superfund. Responsibility for promulgating the revised Plan has been transfered from CEQ to EPA by Executive Order 12316 (46FR44237, 8/20/81).<br>Classification: Major<br>Statutory Authority: CERCLA 105 / 42 USC 9605<br>CFR: 40 CFR 300<br>Analysis: RIA<br>Small Entity: Unlikely | Sylvia Lowrence<br>EPA (WH-548)<br>Washington, DC 20460<br>FTS: 8-382-2186<br>COMM: 202-382-2186 | NPRM: 12/00/81<br>FR: 07/00/82 |
| **GENERAL** | | | |
| *Implementing the Equal Access to Justice Act*<br>SAN No. 1737 | Description: The Equal Access to Justice Act provides for award of attorney fees and other expenses to parties who prevail over the Federal government in certain administrative and court proceedings. This regulation will implement the Act for EPA.<br>Classification: Other<br>Statutory Authority: 5 USC 504<br>CFR: 40 CFR 17<br>Small Entity: Likely. | James Clark<br>EPA (A-133)<br>Washington, DC 20460<br>FTS: 8-755-0796<br>COMM: 202-755-0796 | NPRM: 11/00/81 |

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