

AUTHORITY: By telephone vote on January 16 and 20, 1987, the Board determined that pursuant to section 552b(c)(9)(B) of Title 5, United States Code, and § 7.3(i) of Title 19, Code of Federal Regulations, discussion of these matters is exempt from the open meeting requirements of the Government in the Sunshine Act because it is likely to disclose information, the premature

disclosure of which would likely significantly frustrate implementation of proposed actions of the Board.

In accordance with section 552b(f)(1) of Title 5, United States Code and § 7.6(a) of Title 39, Code of Federal Regulations, the General Counsel has certified that in his opinion the additional agenda items of the meeting

may properly be closed to the public for the reasons cited above.

CONTACT PERSON FOR MORE INFORMATION: David F. Harris, (202) 268-4800.

David F. Harris,
Secretary.

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Environmental Protection Agency

Thursday
January 22, 1987

Part II

Environmental Protection Agency

40 CFR Part 421

**Nonferrous Metals Manufacturing Point
Source Category Effluent Limitations
Guidelines, Pretreatment Standards and
New Source Performance Standards;
Proposed Rule**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 421

[OW-FRL-3098-5]

Nonferrous Metals Manufacturing Point Source Category Effluent Limitations Guidelines, Pretreatment Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing amendments to the regulation which limits effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works by existing and new sources that conduct primary tungsten operations. EPA agreed to propose this amendment in a settlement agreement which resolved the one lawsuit challenging the final nonferrous metals manufacturing phase I regulation for this subcategory. The regulation was promulgated by EPA on March 8, 1984, 49 FR 8742.

The proposed amendments include: (1) Certain modifications of the effluent limitations for "best practicable technology" (BPT), "best available technology economically achievable" (BAT), and "new source performance standards" (NSPS) for direct dischargers; and (2) certain modifications to the pretreatment standards for new and existing indirect dischargers (PSNS and PSES). After considering comments received in response to this proposal, EPA will promulgate a final rule.

DATE: Comments on this proposal must be submitted on or before February 23, 1987.

ADDRESS: Send comments to Ms. Eleanor J. Zimmerman, Industrial Technology Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Attention: ITD Docket Clerk, Proposed Nonferrous Metals Manufacturing Phase I Rule (WH-552).

The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) (EPA Library) 401 M Street, SW., Washington, DC. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice may be addressed to Ms. Eleanor Zimmerman at (202) 382-7126.

SUPPLEMENTARY INFORMATION:

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I. Legal Authority

The regulation described in this notice is proposed under authority of sections 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et seq., as amended by the Clean Water Act of 1977, Pub. L. 95-217).

II. Background

A. Rulemaking and Settlement Agreement

On February 17, 1983, EPA proposed a regulation to establish Best Practicable Control Technology Currently Available (BPT), Best Available Technology Economically Achievable (BAT), and Best Conventional Pollutant Control Technology (BCT) effluent limitations guidelines and New Source Performance Standards (NSPS), Pretreatment Standards for Existing Sources (PSES), and Pretreatment Standards for New Sources (PSNS) for the nonferrous metals manufacturing phase I point source category (48 FR 7032). EPA published the final nonferrous metals manufacturing phase I regulation on March 8, 1984 (49 FR 8742). Those regulations affected 80 direct dischargers and 85 indirect dischargers. The preambles to the proposed and final nonferrous metals manufacturing phase I regulation described the history of the rulemaking.

After publication of the nonferrous metals manufacturing phase I regulation, the Aluminum Association, Inc., Kaiser Aluminum and Chemical Corp., Reynolds Metals Company, the Aluminum Recycling Association, the American Mining Congress, Kennecott, Amax, St. Joe Minerals, ASARCO Inc., Mallinckrodt, Inc., NRC Inc., and the Secondary Lead Smelters Association filed petitions to review the regulation. These challenges were consolidated into one lawsuit by the United States Court of Appeals for the Fourth Circuit

(*Kennecott v. EPA*, 4th Cir. No. 84-1288 and Consolidated Cases). On December 26, 1985 the Fourth Circuit denied petitions to review the regulations for the primary lead, primary zinc, primary copper, metallurgical acid plants, secondary lead and the columbium-tantalum subcategories (780 F. 2d 445). The Supreme Court denied two petitions for a writ of certiorari on October 7, 1986.

Earlier in November of 1985 four aluminum parties in the consolidated lawsuits entered into two settlement agreements which resolved issues raised by the petitioners related to the primary aluminum and secondary aluminum regulations. In accordance with the Settlement Agreements, EPA published a notice of proposed rulemaking on May 20, 1986 and solicited comments regarding certain amendments to the final nonferrous metals manufacturing phase I regulation for these subcategories (50 FR 18530). EPA is in the process of reviewing the comments in preparation for issuance of a final rule.

Similarly, EPA entered into another agreement on June 26, 1986 with AMAX, Inc. and intervenor GTE Products Corp., two petitioners affected by the regulations for the Primary Tungsten Subcategory.

B. Effect of the Settlement Agreement for Primary Tungsten

As part of this latest Settlement Agreement, on June 26, 1986 the parties jointly requested the United States Court of Appeals for the Fourth Circuit to stay the effectiveness of those portions of 40 CFR Part 421 which EPA is proposing to amend, pending final action by EPA on the proposed amendments. The Court granted this request on July 9, 1986.

Copies of the Settlement Agreement have been sent to all EPA Regional Offices and to applicable State permitting authorities. All limitations and standards contained in the final nonferrous metals manufacturing phase I regulation published on March 8, 1984 which are not specifically listed in the attached proposed regulation are not affected by today's rulemaking.

III. Proposed Amendments to the Nonferrous Metals Manufacturing Phase I Regulation

Below are descriptions of the proposed amendments to the nonferrous metals manufacturing phase I regulation. The proposed amendments are based upon proper operation of the same technologies as those which formed the basis of the final regulation that was

promulgated on March 8, 1984. See the preamble to the regulation at 49 FR 8742, for the Agency's findings with respect to these technologies.

A. Subpart J—Primary Tungsten Subcategory

1. Treatment Effectiveness Concentration for Ammonia Steam Stripping of High Sulfate Wastewater

EPA is proposing amendments to the BPT and BAT limitations and NSPS, PSES and PSNS for ammonia in § 421.102(d), 421.103(d), 421.104(d), 421.105(d), and 421.106(d), when ammonia is treated under a specific set of circumstances. EPA promulgated treatment effectiveness concentration values for ammonia steam stripping that applied regardless of the composition of the influent being treated (49 FR 8812, March 8, 1984). The petitioners indicated that although they could meet these values for most of their streams, the wastestream from the ion-exchange raffinate process step could not be treated to this level because it contains unusually high concentrations of sulfates. Sulfates at such high concentrations, they stated, could interfere with steam stripping performance by plugging the stripper column.

As part of the settlement, EPA is proposing to suspend, under limited circumstances, the ammonia treatment effectiveness concentration value for the ion-exchange raffinate building block. These circumstances are: (a) Where influent (called "mother liquor") to or effluent (called "raffinate") from this process contains sulfates at concentrations exceeding 1000 ppm ("high sulfate influent or effluent"); (b) where the high sulfate influent or effluent is treated by ammonia steam stripping; and (c) where this high sulfate raffinate or mother liquor is not commingled with other wastestreams before treatment for steam stripping for ammonia removal.

In the event a plant satisfies these conditions, mass limitations would be established on a Best Professional Judgment ("BPJ") basis by a permit writer pursuant to 40 CFR 125.3(c) (2) and (3) using the regulatory flows used as the basis for the promulgated effluent limitation guidelines and standards established in this proceeding and treatment effectiveness concentration values determined by the permit writer.

EPA is proposing this action because of engineering concerns that the treatment effectiveness concentrations for ammonia may not be achievable for these high sulfate wastestreams in this subcategory. This is because sulfates

(particularly calcium sulfate) at this concentration could interfere with the ammonia steam stripper by plugging the column. This could necessitate more frequent column cleaning and downtime than the Agency anticipated in promulgating the rule, and prevent achieving the concentration values.

EPA lacks operating data on ammonia steam stripping of wastewater where sulfate concentrations exceed 700 ppm, and has been informed in the phase II nonferrous manufacturing rulemaking that sulfate plugging problems would interfere with steam stripper performance should sulfate concentrations exceed 1000 ppm. (Comments of Teledyne Wah Chang, Sept. 28, 1984, pg. 5). Petitioners in the phase I primary tungsten litigation made the same points to the Agency. Thus, at least on an interim basis, EPA believes that 1000 ppm sulfates is a reasonable level to differentiate high sulfate and low sulfate streams.

The only building block in the primary tungsten subcategory that contains these high sulfate concentrations is ion exchange raffinate. Thus, today's proposal is limited to that building block. In addition, since uncommingling this stream would dilute sulfates to levels which do not interfere with steam stripper performance, EPA is proposing to suspend the ammonia concentration value only for commingled ion-exchange raffinate wastewater.

Due to the absence of ammonia treatment data under these conditions, EPA is unable to propose an alternative concentration for ammonia at this time. Tungsten industry petitioners expressed their belief to the Agency that they could achieve a one-day maximum of 351.8 mg/l and a monthly average of 154.7 mg/l under these conditions. Based on these representations, this should be the outer bound of any BPJ limitation.

As part of the settlement agreement, the petitioners agreed that any of their primary tungsten facilities treating the ion-exchange raffinate wastestream or mother liquor to the ion-exchange process under these conditions will provide the Agency with one year of operating data (daily observations), beginning from the time the steam stripper is in full-scale, steady state operation. These data shall include at a minimum: (a) Sulfate and ammonia concentrations and pH levels in the feed to, and effluent from, the steam stripper unit; (b) the sulfate and ammonia concentrations and pH levels in the effluent from the ion exchange process if the mother liquor is being treated and not the raffinate; (c) the total suspended solids concentrations in the feed to and

the effluent from the steam stripper unit; (d) the wastewater feed rate to the steam stripper unit; (e) the steam rate of the steam stripper unit (pounds of process steam/gallon of wastewater processed); (f) steam flux through the column (pounds of steam on column only per gallon of feed); (g) steam stripper unit back pressure in the various column sections, and (h) date and time of operation including dates and times for disruption of operation for cleaning or repair. These companies will also monitor for total dissolved solids in the feed to and effluent from the steam stripper unit once a week for the first month and monthly thereafter for the following five months, and submit the data to EPA. If these companies elect to treat high sulfate mother liquor, they agreed that treatment effectiveness concentrations from such treatment can be applied when determining the ammonia mass allowance for the ion exchange raffinate building block.

The Agency notes that today's proposal is limited to situations where sulfates are present in high concentrations. The Agency is not proposing action for situations where other compounds (for instance phosphates, carbonates, or chlorides) are present.

2. Regulatory Flows for the Alkali Leach Condensate Building Block

EPA is proposing to add a new building block for this process. This building block was omitted in the promulgated rule because the Agency believed this condensate would be accounted for through other building blocks, primarily the raffinate building block. The petitioners indicated that the flow allowance for the raffinate building block does not represent long-term performance and as such is inadequate because alkali leach condensate is a discrete process stream. Today's proposal would regulate the same pollutants regulated in other primary tungsten building blocks. The flow basis for the proposal is the flow at the sole plant with this unit operation.

3. Change in Production Normalizing Parameter ("PNP")

EPA is proposing to modify the production basis for determining the amount of pollutant which may be discharged to the amount of the element tungsten produced or processed. In the final regulation, EPA used the chemical salt form of tungsten which was believed appropriate for the processing step or building block being regulated. However, the petitioners stated that the chemical formulas were incorrect and confusing. Using the element tungsten

produced or processed as a PNP rather than a chemical compound makes the production basis clear and unambiguous. This proposed change will affect all of the building blocks except for § 421.102(i) through (k), 421.103(i) through (k), 421.104(i) through (k), 421.105(i) through (k) and 421.106(i) through (k) which were already based on the amount of elemental tungsten produced.

IV. Environmental Impact of the Proposed Amendments to the Nonferrous Metals Manufacturing Phase I Regulation

The proposed amendments described above affect two facilities in the primary tungsten subcategory. These amendments would allow a greater discharge of ammonia, lead and zinc for these facilities than was allowed by the March 1984 regulation. EPA estimates that the increase above the promulgated limits in the amount of ammonia will be no greater than 11.3 kkg at these two facilities. Lead and zinc discharges would increase by approximately 18.6 kg/yr from the one affected facility. The proposed change in the .pa production basis for the regulation would not result in any increase in pollutants discharged.

V. Economic Impact of the Proposed Amendments

The proposed amendments do not alter the model technologies for complying with the nonferrous metals manufacturing phase I regulation. The Agency considered the economic impact of the regulation when the final regulation was promulgated (see 49 FR 8742). EPA concluded at that time that the regulation was economically achievable.

Since today's proposed amendments are based on the same model technologies, EPA's conclusions as to economic impact and achievability are unaffected.

VI. Solicitation of Comments

EPA invites public participation in this rulemaking and requests comments on the proposed amendments discussed or set out in this notice. The Agency asks that comments be as specific as possible and that suggested revisions or corrections be supported by data.

VII. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. Major rules are defined as rules that impose an annual cost to the economy of \$100 million or more, or meet other economic criteria. This

proposed regulation, which modestly reduces regulatory requirements, is not a major rule.

VIII. Regulatory Flexibility Analysis

Pub. L. 96-354 requires that EPA prepare a Regulatory Flexibility Analysis for regulations that have a significant impact on a substantial number of small entities. In the preamble to the March 8, 1984 final nonferrous metals manufacturing phase I regulation, the Agency concluded that there would not be a significant impact on a substantial number of small entities (49 FR 8775). For that reason, the Agency determined that a formal regulatory flexibility analysis was not required. That conclusion is equally applicable to these proposed amendments, since the amendments slightly reduce the regulatory requirements.

IX. OMB Review

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Room M2404, U.S. EPA, 401 M Street, SW., Washington, DC 20460 from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding Federal holidays.

List of Subjects in 40 CFR Part 421

Metals, nonferrous metals manufacturing. Water pollution control. Waste treatment and disposal.

Dated: January 7, 1987.

Lee M. Thomas,
Administrator.

For the reasons stated above, EPA proposes to amend 40 CFR Part 421 as follows:

PART 421—NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

1. The authority citation for Part 421 continues to read as follows:

Authority: Secs. 301, 304(b), (c), (e), and (g), 306(b) and (c), 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977) (the "Act") 33 U.S.C. 1311, 1314(b), (c), (e), and (g), 1316(b) and (c), 1317(b) and (c), and 1361; 86 Stat. 816, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217.

2. Section 40 CFR 421.102 is amended by revising paragraphs (a) through (l) and by adding new paragraphs (m) and (n) to read:

§ 421.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Subpart J—Tungstic Acid Rinse.

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic acid (as W) produced	
Lead.....	17.230	8.205
Zinc.....	59.900	25.030
Ammonia (as N).....	5,469.000	2,404.000
Total suspended solids....	1,682.000	800.000
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(b) Subpart J—Acid Leach Wet Air Pollution Control.

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic acid (as W) produced	
Lead.....	15.040	7.162
Zinc.....	52.280	21.840
Ammonia (as N).....	4,773.000	2,098.000
Total suspended solids....	1,468.000	698.300
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(c) Subpart J—Alkali Leach Wash.

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of sodium tungstate (as W) produced	
Lead.....	0.000	0.000
Zinc.....	.000	.000
Ammonia (as N).....	.000	.000
Total suspended solids....	.000	.000
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(d) Subpart J—Alkali Leach Wash Condensate.

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of sodium tungstate (as W) produced	
Lead.....	8.057	3.837
Zinc.....	28.011	11.700
Ammonia (as N).....	2,557.000	1,124.000
Total suspended solids.....	786.200	374.100
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(e) Subpart J—Ion Exchange Raffinate (Commingled With Other Process or Nonprocess Waters).

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of ammonium tungstate (as W) produced	
Lead.....	37.160	17.700
Zinc.....	129.200	53.970
Ammonia (as N).....	11,790.000	5,185.000
Total suspended solids.....	3,627.000	1,726.000
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(f) Subpart J—Ion Exchange Raffinate (Not Commingled With Other Process or Nonprocess Waters).

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of ammonium tungstate (as W) produced	
Lead.....	37.160	17.700
Zinc.....	129.200	53.970
Ammonia (as N) ²	11,790.000	5,185.000
Total suspended solids.....	3,627.000	1,726.000
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.² The effluent limitation guideline for this pollutant does not apply if (a) the mother liquor feed to the ion exchange process or the raffinate from the ion exchange process contains sulfates at concentrations exceeding

1000 mg/l; (b) this mother liquor or raffinate is treated by ammonia steam stripping; and (c) such mother liquor or raffinate is not commingled with any other process or nonprocess waters prior to steam stripping for ammonia removal.

(g) Subpart J—Calcium Tungstate Precipitate Wash.

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of calcium tungstate (as W) produced	
Lead.....	31.000	14.760
Zinc.....	107.800	45.020
Ammonia (as N).....	9,838.000	4,325.000
Total suspended solids.....	3,026.000	1,439.000
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(h) Subpart J—Crystallization and Drying of Ammonium Paratungstate.

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of ammonium paratungstate (as W) produced	
Lead.....	0.000	0.000
Zinc.....	.000	.000
Ammonia (as N).....	.000	.000
Total suspended solids.....	.000	.000
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(i) Subpart J—Ammonium Paratungstate Conversion to Oxides Wet Air Pollution Control.

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic oxide (as W) produced	
Lead.....	11.600	5.523
Zinc.....	40.320	16.850
Ammonia (as N).....	3,681.000	1,618.000
Total suspended solids.....	1,132.000	538.500
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(j) Subpart J—Ammonium Paratungstate Conversion to Oxides Water of Formation.

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic oxide (as W) produced	
Lead.....	0.026	0.013
Zinc.....	.092	.038
Ammonia (as N).....	8.398	3.692
Total suspended solids.....	2.583	1.229
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(k) Subpart J—Reduction to Tungsten Wet Air Pollution Control.

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead.....	12.940	6.161
Zinc.....	44.970	18.790
Ammonia (as N).....	4,106.000	1,805.000
Total suspended solids.....	1,263.000	600.700
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(l) Subpart J—Reduction to Tungsten Water of Formation.

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead.....	0.205	0.098
Zinc.....	.714	.298
Ammonia (as N).....	65.190	28.660
Total suspended solids.....	20.050	9.536
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(m) Subpart J—Tungsten Powder Acid Leach and Wash.

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead	1.008	0.48
Zinc	3.504	1.464
Ammonia (as N)	319.900	140.700
Total suspended solids	98.400	46.800
pH	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(n) Subpart J—Molybdenum Sulfide Precipitation Wet Air Pollution Control.

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead	0.000	0.000
Zinc .....	.000	.000
Ammonia (as N) .....	.000	.000
Total suspended solids .....	.000	.000
pH	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

3. Section 40 CFR 421.103 is amended by revising paragraphs (a) through (l) and by adding new paragraphs (m) and (n) to read:

§ 421.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

* * * * *

(a) Subpart J—Tungstic Acid Rinse.

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic acid (as W) produced	
Lead	11.490	5.333
Zinc	41.850	17.230
Ammonia (as N)	5,469.000	2,404.000

(b) Subpart J—Acid Leach Wet Air Pollution Control.

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic acid (as W) produced	
Lead	1.003	0.466
Zinc	3.653	1.504
Ammonia (as N)	477.400	209.900

(c) Subpart J—Alkali Leach Wash.

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of sodium tungstate (as W) produced	
Lead	0.000	0.000
Zinc .....	.000	.000
Ammonia (as N) .....	.000	.000

(d) Subpart J—Alkali Leach Wash Condensate.

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of sodium tungstate (as W) produced	
Lead	5.372	2.494
Zinc	19.570	8.057
Ammonia (as N)	2,557.000	1,124.000

(e) Subpart J—Ion Exchange Raffinate (Commingled With Other Process or Nonprocess Waters).

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of ammonium tungstate (as W) produced	
Lead	24.780	11.500

BAT EFFLUENT LIMITATIONS—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Zinc	90.240	37.160
Ammonia (as N)	11,790.000	5,185.000

(f) Subpart J—Ion Exchange Raffinate (Not Commingled With Other Process or Nonprocess Waters).

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of ammonium tungstate (as W) produced	
Lead	24.780	11.500
Zinc	90.240	37.160
Ammonia (as N)(¹)	11,790.000	5,185.000

¹ The effluent limitation for this pollutant does not apply if (a) the mother liquor feed to the ion exchange process or the raffinate from the ion exchange process contains sulfates at concentrations exceeding 1000 mg/l; (b) this mother liquor or raffinate is treated by ammonia steam stripping; and (c) such mother liquor or raffinate is not commingled with any other process or nonprocess waters prior to steam stripping for ammonia removal.

(g) Subpart J—Calcium Tungstate Precipitate Wash.

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of calcium tungstate (as W) produced	
Lead	20.670	9.594
Zinc	75.280	31.000
Ammonia (as N)	9,838.000	4,325.000

(h) Subpart J—Crystallization and Drying of Ammonium Paratungstate.

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of ammonium paratungstate (as W) produced	
Lead.....	0.000	0.000
Zinc.....	.000	.000
Ammonia (as N).....	.000	.000

(i) Subpart J—Ammonium Paratungstate Conversion to Oxides Wet Air Pollution Control.

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic oxide (as W) produced	
Lead.....	0.773	0.359
Zinc.....	2.817	1.160
Ammonia (as N).....	368.200	161.900

(j) Subpart J—Ammonium Paratungstate Conversion to Oxides Water of Formation.

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic oxide (as W) produced	
Lead.....	0.018	0.008
Zinc.....	.064	.026
Ammonia (as N).....	8.398	3.692

(k) Subpart J—Reduction to Tungsten Wet Air Pollution Control.

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of Tungsten metal produced	
Lead.....	0.862	0.400
Zinc.....	3.142	1.294
Ammonia (as N).....	410.600	180.500

(l) Subpart J—Reduction to Tungsten Water of Formation.

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead.....	0.137	0.064
Zinc.....	.499	.205
Ammonia (as N).....	65.190	28.660

(m) Subpart J—Tungsten Powder Acid Leach and Wash.

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead.....	0.672	0.312
Zinc.....	2.448	1.008
Ammonia (as N).....	319.900	140.700

(n) Subpart J—Molybdenum Sulfide Precipitation Wet Air Pollution Control.

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead.....	0.000	0.000
Zinc.....	.000	.000
Ammonia (as N).....	.000	.000

4. Section 40 CFR 421.104 is amended by revising paragraphs (a) through (l)

and by adding new paragraphs (m) and (n) to read:

§ 421.104 Standards of performance for new sources.

(a) Subpart J—Tungstic Acid Rinse.

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic acid (as W) produced	
Lead.....	11.490	5.333
Zinc.....	41.850	17.230
Ammonia (as N).....	5,469.000	2,404.000
Total suspended solids...	615.400	492.300
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(b) Subpart J—Acid Leach Wet Air Pollution Control.

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic acid (as W) produced	
Lead.....	1.003	0.466
Zinc.....	3.653	1.504
Ammonia (as N).....	477.400	209.900
Total suspended solids...	53.720	42.970
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(c) Subpart J—Alkali Leach Wash.

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of sodium tungstate (as W) produced	
Lead.....	0.000	0.000
Zinc.....	.000	.000
Ammonia (as N).....	.000	.000
Total suspended solids...	.000	.000
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(d) Subpart J—Alkali Leach Wash Condensate.

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of sodium tungstate (as W) produced	
Lead	5.372	2.494
Zinc	19.570	8.057
Ammonia (as N)	2,557.000	1,124.000
Total suspended solids	287.800	229.600
pH	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(e) Subpart J—Ion Exchange Raffinate (Commingled With Other Process or Nonprocess Waters).

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of ammonium tungstate (as W) produced	
Lead	24.780	11.500
Zinc	90.240	37.160
Ammonia (as N)	11,790.000	5,185.000
Total suspended solids	1,327.000	1,062.000
pH	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(f) Subpart J—Ion Exchange Raffinate (Not Commingled With Other Process or Nonprocess Waters).

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of ammonium tungstate (as W) produced	
Lead	24.780	11.500
Zinc	90.240	37.160
Ammonia (as N) ¹	11,790.000	5,185.000
Total suspended solids	1,327.000	1,062.000
pH	(²)	(²)

¹ The new source standard for this pollutant does not apply if (a) the mother liquor feed to the ion-exchange process or the raffinate from the ion exchange process contains sulfates at

concentrations exceeding 100 mg/l; (b) this mother liquor or raffinate is treated by ammonia steam stripping; and (c) such mother liquor or raffinate is not commingled with any other process or nonprocess waters prior to steam stripping for ammonia removal.

² Within the range of 7.0 to 10.0 at all times.

(g) Subpart J—Calcium Tungstate Precipitate Wash.

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of calcium tungstate (as W) produced	
Lead	20.670	9.594
Zinc	75.280	31.000
Ammonia (as N)	9,838.000	4,325.000
Total suspended solids	1,107.000	885.600
pH	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(h) Subpart J—Crystallization and Drying of Ammonium Paratungstate.

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of ammonium paratungstate (as W) produced	
Lead	0.000	0.000
Zinc .....	.000	.000
Ammonia (as N) .....	.000	.000
Total suspended solids .....	.000	.000
pH	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(i) Subpart J—Ammonium Paratungstate Conversion to Oxides Wet Air Pollution Control.

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic oxide (as W) produced	
Lead	0.773	0.359
Zinc	2.817	1.160
Ammonia (as N)	368.200	161.900
Total suspended solids	41.430	33.150

NSPS—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
pH	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(j) Subpart J—Ammonium Paratungstate Conversion to Oxides Water of Formation.

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic oxide (as W) produced	
Lead	0.018	0.008
Zinc .....	.064	.026
Ammonia (as N)	8.398	3.692
Total suspended solids .....	.945	.756
pH	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(k) Subpart J—Reduction to Tungsten Wet Air Pollution Control.

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead	0.862	0.400
Zinc	3.142	1.294
Ammonia (as N)	410.600	180.500
Total suspended solids	46.200	36.960
pH	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(l) Subpart J—Reduction to Tungsten Water of Formation.

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead	0.137	0.064
Zinc .....	.499	.205

NSPS—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Ammonia (as N).....	65.190	28.660
Total suspended solids...	7.335	5.868
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(m) Subpart J—Tungsten Powder Acid Leach and Wash.

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
mg/kg (lb/million lbs) of tungsten metal produced		
Lead.....	0.672	0.312
Zinc.....	2.448	1.008
Ammonia (as N).....	319.900	140.700
Total suspended.....	36.000	28.800
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

(n) Subpart J—Molybdenum Sulfide Precipitation Wet Air Pollution Control.

NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
mg/kg (lb/million lbs) of tungsten metal produced		
Lead.....	0.000	0.000
Zinc.....	.000	.000
Ammonia (as N).....	.000	.000
Total suspended solids...	.000	.000
pH.....	(¹)	(¹)

¹ Within the range of 7.0 to 10.0 at all times.

5. Section 40 CFR 421.105 is amended by revising paragraphs (a) through (l) and by adding new paragraphs (m) and (n) to read:

§ 421.105 Pretreatment standards for existing sources.

* * * * *

(a) Subpart J—Tungstic Acid Rinse.

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
mg/kg (lb/million lbs) of tungstic acid (as W) produced		
Lead.....	11.490	5.333
Zinc.....	41.850	17.230
Ammonia (as N).....	5,469.000	2,404.000

(b) Subpart J—Acid Leach Wet Air Pollution Control.

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
mg/kg (lb/million lbs) of tungstic acid (as W) produced		
Lead.....	1.003	0.466
Zinc.....	3.653	1.504
Ammonia (as N).....	477.400	209.900

(c) Subpart J—Alkali Leach Wash.

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
mg/kg (lb/million lbs) of sodium tungstate acid (as W) produced		
Lead.....	0.000	0.000
Zinc.....	.000	.000
Ammonia (as N).....	.000	.000

(d) Subpart J—Alkali Leach Wash Condensate.

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
mg/kg (lb/million lbs) of sodium tungstate (as W) produced		
Lead.....	5.372	2.494
Zinc.....	19.570	8.057
Ammonia (as N).....	2,557.000	1,124.000

(e) Subpart J—Ion Exchange Raffinate (Commingled With Other Process or Nonprocess Waters).

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
mg/kg (lb/million lbs) of ammonium tungstate (as W) produced		
Lead.....	24.780	11.500
Zinc.....	90.240	37.160
Ammonia (as N).....	11,790.000	5,185.000

(f) Subpart J—Ion Exchange Raffinate (Not Commingled With Other Process or Nonprocess Waters).

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
mg/kg (lb/million lbs) of ammonium tungstate (as W) produced		
Lead.....	24.780	11.500
Zinc.....	90.240	37.160
Ammonia (as N) ¹	11,790.000	5,185.000

¹ The pretreatment standard for this pollutant does not apply if (a) the mother liquor feed to the ion exchange process or the raffinate from the ion exchange process contains sulfates at concentrations exceeding 1000 mg/l; (b) this mother liquor or raffinate is treated by ammonia steam stripping; and (c) such mother liquor or raffinate is not commingled with any other process or nonprocess waters prior to steam stripping for ammonia removal.

(g) Subpart J—Calcium Tungstate Precipitate Wash.

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of calcium tungstate (as W) produced	
Lead	20.670	9.594
Zinc	75.280	31.000
Ammonia (as N)	9,838.000	4,325.000

(h) Subpart J—Crystallization and Drying of Ammonium Paratungstate.

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of ammonium paratungstate (as W) produced.	
Lead	0.000	0.000
Zinc .....	.000	.000
Ammonia (as N) .....	.000	.000

(i) Subpart J—Ammonium Paratungstate Conversion to Oxides Wet Air Pollution Control.

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic oxide (as W) produced	
Lead	0.773	0.359
Zinc	2.817	1.160
Ammonia (as N)	368.200	161.900

(j) Subpart J—Ammonium Paratungstate Conversion to Oxides Water of Formation.

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic oxide (as W) produced	
Lead	0.018	0.008
Zinc .....	.064	.026
Ammonia (as N)	8.398	3.692

(k) Subpart J—Reduction to Tungsten Wet Air Pollution Control.

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead	0.862	0.400
Zinc	3.142	1.294
Ammonia (as N)	410.600	180.500

(l) Subpart J—Reduction to Tungsten Water of Formation.

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead	0.137	0.064
Zinc .....	.499	.205
Ammonia (as N)	65.190	28.660

(m) Subpart J—Tungsten Powder Acid Leach and Wash.

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead	0.672	0.312
Zinc	2.448	1.008
Ammonia (as N)	319.900	140.700

(n) Subpart J—Molybdenum Sulfide Precipitation Wet Air Pollution Control.

PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead	0.000	0.000
Zinc .....	.000	.000
Ammonia (as N) .....	.000	.000

6. Section 40 CFR 421.106 is amended by revising paragraphs (a) through (l) and by adding new paragraphs (m) and (n) to read:

§ 421.106 Pretreatment standards for new sources.

* * * * *

(a) Subpart J—Tungstic Acid Rinse.

PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic acid (as W) produced	
Lead	11.490	5.333
Zinc	41.850	17.230
Ammonia (as N)	5,469.000	2,404.000

(b) Subpart J—Acid Leach Wet Air Pollution Control.

PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic acid (as W) produced	
Lead	1.003	0.466
Zinc	3.653	1.504
Ammonia (as N)	477.400	209.900

(c) Subpart J—Alkali Leach Wash.

PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of sodium tungstate (as W) produced	
Lead	0.000	0.000
Zinc .....	.000	.000
Ammonia (as N).....	.000	.000

(d) Subpart J—Alkali Leach Wash Condensate.

PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of sodium tungstate (as W) produced	
Lead	5.372	2.494
Zinc	19.570	8.057
Ammonia (as N).....	2,557.000	1,124.000

(e) Subpart J—Ion Exchange Raffinate (Commingled With Other Process or Nonprocess Waters).

PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of ammonium tungstate (as W) produced	
Lead	24.780	11.500
Zinc	90.240	37.160
Ammonia (as N).....	11,790.000	5,185.000

(f) Subpart J—Ion Exchange Raffinate (Not Commingled With Other Process or Nonprocess Waters).

PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of ammonium tungstate (as W) produced	
Lead	24.780	11.500
Zinc	90.240	37.160
Ammonia (as N) ¹	11,790.000	5,185.000

¹ The pretreatment standard for this pollutant does not apply if (a) the mother liquor feed to the ion exchange process or the raffinate from the ion exchange process contains sulfates at concentrations exceeding 1000 mg/l; (b) this mother liquor or raffinate is treated by ammonia steam stripping; and (c) such mother liquor or raffinate is not commingled with any other process or nonprocess waters prior to steam stripping for ammonia removal.

(g) Subpart J—Calcium Tungstate Precipitate Wash.

PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of calcium tungstate (as W) produced	
Lead	20.670	9.594
Zinc	75.280	31.000
Ammonia (as N).....	9,838.000	4,325.000

(h) Subpart J—Crystallization and Drying of Ammonium Paratungstate.

PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of ammonium paratungstate (as W) produced	
Lead	0.000	0.000
Zinc .....	.000	.000
Ammonia (as N).....	.000	.000

(i) Subpart J—Ammonium Paratungstate Conversion to Oxides Wet Air Pollution Control.

PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic oxide (as W) produced	
Lead	0.773	0.359
Zinc	2.817	1.160
Ammonia (as N).....	368.200	161.900

(j) Subpart J—Ammonium Paratungstate Conversion to Oxides Water of Formation.

PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungstic oxide (as W) produced	
Lead	0.018	0.008
Zinc .....	.064	.026
Ammonia (as N).....	8.398	3.692

(k) Subpart J—Reduction to Tungsten Wet Air Pollution Control.

PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead	0.862	0.400
Zinc	3.142	1.294
Ammonia (as N).....	410.600	180.500

(l) Subpart J—Reduction to Tungsten Water of Formation.

PSNS		
Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead	0.137	0.064
Zinc .....	.499	.205
Ammonia (as N)	65.190	28.660

(m) Subpart J—Tungsten Powder Acid Leach and Wash

PSNS		
Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead	0.672	0.312
Zinc	2.448	1.008
Ammonia (as N)	319.900	140.700

(n) Subpart J—Molybdenum Sulfide Precipitation Wet Air Pollution Control.

PSNS		
Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (lb/million lbs) of tungsten metal produced	
Lead	0.000	0.000
Zinc000	.000
Ammonia (as N)000	.000

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BILLING CODE 6560-50-M

Thursday
January 22, 1987

Part III

**Environmental
Protection Agency**

40 CFR Part 300

**Amendment to National Oil and
Hazardous Substances Contingency Plan;
the National Priorities List; Proposed
Rule**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[SW-FRL-3144-6]

Amendment to National Oil and Hazardous Substances Contingency Plan; the National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency ("EPA") is proposing the sixth update to the National Priorities List ("NPL"). This update contains 64 sites. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan ("NCP"), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") and Executive Order 12316. CERCLA requires that the NPL be revised at least annually. Today's notice proposes the sixth major revision to the NPL.

These sites are being proposed because they meet the eligibility requirements of the NPL. EPA has included on the NPL releases and threatened releases of designated hazardous substances, as well as "pollutants or contaminants" which may present an imminent and substantial danger to the public health or welfare. This notice provides the public with an opportunity to comment on placing these sites on the NPL.

DATES: Comments must be submitted on or before March 23, 1987.

ADDRESSES: Comments may be mailed to Russel H. Wyer, Director, Hazardous Site Control Division (Attn: NPL Staff), Office of Emergency and Remedial Response (WH-548E), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Addresses for the Headquarters and Regional dockets are provided below. For further details on what these dockets contain, see the Public Comment Section, Section IV, of the **SUPPLEMENTARY INFORMATION** portion of this preamble.

Denise Sines, Headquarters, U.S. EPA CERCLA Docket Office, Waterside Mall Subbasement, 401 M Street SW., Washington, DC 20460, 202/382-3046
Peg Nelson, Region 1, U.S. EPA Library, Room E121, John F. Kennedy Federal Bldg., Boston, MA 02203, 617/223-5791
Carole Petersen, Region 2, U.S. EPA, Site Investigation & Compliance Branch, 26 Federal Plaza, 7th Floor, Room 737, New York, NY 10278, 212/264-8677
Diane McCreary, Region 3, U.S. EPA Library, 5th Floor, 841 Chestnut Bldg.,

9th & Chestnut Streets, Philadelphia, PA 19107, 215/597-0580

Gayle Alston, Region 4, U.S. EPA Library, Room G-6, 345 Courtland Street NE., Atlanta GA 30365, 404/347-4216

Jeanne Griffin, Region 5, U.S. EPA, 230 South Dearborn Street, Chicago, IL 60604, 312/886-3007

Barry Nash, Region 6, U.S. EPA, InterFirst II Bldg., 1201 Elm Street, Dallas, TX 75270, 214/767-4075

Connie McKenzie, Region 7, U.S. EPA Library, 726 Minnesota Avenue, Kansas City, KS 66101, 913/236-2828

Dolores Eddy, Region 8, U.S. EPA Library, 999 18th Street, Suite 1300, Denver, CO 80202-2413, 303/293-1444

Jean Circiello, Region 9, U.S. EPA Library, 6th Floor, 215 Fremont Street, San Francisco, CA 94105, 415/974-8076

Joan Shafer, Region 10, U.S. EPA, 11th Floor, 1200 6th Avenue, Mail Stop 525, Seattle, WA 98101, 206/442-4903

FOR FURTHER INFORMATION CONTACT:

Ann B. Sarno, Hazardous Site Control Division, Office of Emergency and Remedial Response (WH-548E), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, Phone (800) 424-9346 (or 382-3000 in the Washington, DC, metropolitan area).

SUPPLEMENTARY INFORMATION:

Table of Contents

- I Introduction
- II Purpose of the NPL
- III NPL Update Process
- IV Public Comment Period
- V Eligibility
- VI Contents of the Proposed Sixth NPL Update
- VII Regulatory Impact Analysis
- VIII Regulatory Flexibility Act Analysis

I. Introduction

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. section 9601, *et seq.* ("CERCLA" or "the Act") in response to the dangers of uncontrolled hazardous waste sites. To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Contingency Plan, 40 CFR Part 300, on July 16, 1983 (47 FR 31180), pursuant to section 105 of CERCLA and Executive Order 12316 (46 FR 42237, August 20, 1981). The National Contingency Plan ("NCP"), further revised by EPA on September 16, 1985 (50 FR 37624) and November 20, 1985 (50 FR 47912), sets forth the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants under CERCLA.

Section 105(8)(A) of CERCLA requires that the NCP include criteria for determining priorities among releases or threatened releases for the purpose of taking remedial or removal action. Removal action involves cleanup or other actions that are taken in response to emergency conditions or on a short-term or temporary basis (CERCLA section 101(23)). Remedial action tends to be long-term in nature and involves response actions which are consistent with a permanent remedy for a release (CERCLA section 101(24)). These criteria are included in Appendix A of the NCP, *Uncontrolled Hazardous Waste Site Ranking System: A User's Manual* (the "Hazard Ranking System" or "HRS") (47 FR 31219, July 16, 1982).

Section 105(8)(B) of CERCLA requires that the statutory criteria described in the HRS be used to prepare a list of national priorities among the known releases or threatened releases throughout the United States. The list, which is Appendix B of the NCP, is the National Priorities List ("NPL").

Today, in this notice, EPA is proposing to add 64 sites to the NPL, bringing the number of proposed sites to 248.¹ The final NPL contains 703 sites. EPA is proposing to include on the NPL sites at which there are or have been releases or threatened releases of hazardous substances, or of "pollutants or contaminants." The discussion below may refer to "releases or threatened releases" simply as "releases," "facilities," or "sites".

II. Purpose of the NPL

The primary purpose of the NPL is stated in the legislative history of CERCLA (Report of the Committee on Environment and Public Works, Senate Report No. 96-848, 96th Cong., 2d. Sess. 60 (1980)):

The priority lists serve primarily informational purposes, identifying for the States and the public those facilities and sites or other releases which appear to warrant remedial actions. Inclusion of a facility or site on the list does not in itself reflect a judgment of the activities of its owner or operator, it does not require those persons to undertake any action, nor does it assign liability to any person. Subsequent government action in the form of remedial actions or enforcement actions will be necessary in order to do so, and these actions will be attended by all appropriate procedural safeguards.

¹ The total number of proposed sites reflects the removal of Silver Creek Tailings site from proposed status, as required by the Superfund Amendments and Reauthorization Act of 1986 (section 118(p)), effective October 17, 1986.

The primary purpose of the NPL, therefore, is to serve as an informational tool for use by EPA in identifying sites that appear to present a significant risk to public health or the environment. The initial identification of a site for the NPL is intended primarily to guide EPA in determining which sites warrant further investigation, to assess the nature and extent of the public health and environmental risks associated with the site, and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. Inclusion of a site on the NPL does not establish that EPA necessarily will undertake remedial actions. Moreover, listing does not require any action of any private party, nor does it determine the liability of any party for the cost of cleanup at the site. In addition, a site need not be on the NPL to be the subject of CERCLA-financed removal actions, remedial investigations/feasibility studies, or actions brought pursuant to sections 106 or 107(a)(4)(B) of CERCLA.

In addition, although the HRS scores used to place sites on the NPL may be helpful to the Agency in determining priorities for cleanup and other response activities, EPA does not rely on the scores as the sole means of determining such priorities. The information collected to develop HRS scores is not sufficient in itself to determine the appropriate remedy for a particular site. EPA relies on further, more detailed studies to determine what response, if any, is appropriate. These studies will take into account the extent and magnitude of the contaminants in the environment, the risk to affected populations, the cost to correct problems at the site, and the response actions that have been taken by potentially responsible parties or others. Decisions on the type and extent of action to be taken at these sites are made in accordance with the criteria contained in Subpart F of the NCP. After conducting these additional studies, EPA may conclude that it is not desirable to conduct response action at some sites on the NPL because of more pressing needs at other sites, or because an enforcement action may instigate or force private-party cleanup. Given the limited resources available in the Hazardous Substance Response Trust Fund established under CERCLA, the Agency must carefully balance the relative needs for response at the numerous sites it has studied. It is also possible that EPA will conclude after further analysis that the site does not warrant response action.

III. NPL Update Process

There are three mechanisms for placing sites on the NPL. The principal mechanism is the application of the HRS. The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to cause human health or safety problems, or ecological or environmental damage. The HRS takes into account "pathways" to human or environmental exposure in terms of numerical scores. Those sites that score 28.50 or greater on the HRS, and which are otherwise eligible, are proposed for listing.

The Superfund Amendments and Reauthorization Act (SARA), enacted on October 17, 1986, directs EPA to revise the HRS. The Agency will continue to use the existing HRS until the revised HRS becomes effective. Sites proposed for, or included on, the NPL prior to the effective date of the revised HRS will not be reevaluated.

In addition, States may designate a single site as the State top priority. In rare instances, EPA may utilize the listing provision promulgated as § 300.66(b)(4) of the NCP (50 FR 37624, September 16, 1985).

Section 300.66(b)(4) of the NCP allows certain sites with HRS scores below 28.50 to be eligible for the NPL. These sites may qualify for the NPL if all of the following occur:

- The Agency for Toxic Substances and Disease Registry of the U.S. Department of Health and Human Services has issued a health advisory which recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

States have the primary responsibility for identifying sites, computing HRS scores, and submitting candidate sites to the EPA Regional Offices. EPA Regional Offices conduct a quality control review of the States' candidate sites, and may assist in investigating, monitoring, and scoring sites. Regional Offices may consider candidate sites in addition to those submitted by States. EPA Headquarters conducts further quality assurance audits to ensure accuracy and consistency among the various EPA and State offices participating in the scoring. The Agency then proposes the new sites that meet the criteria for listing and solicits public comments on the proposal. Based on these comments and further EPA review, the Agency determines final scores and promulgates those sites that still qualify for listing.

An original NPL of 406 sites was promulgated on September 8, 1983 (48 FR 40658). The NPL has since been expanded (see 49 FR 19480, May 8, 1984; 49 FR 37070, September 21, 1984; 50 FR 6320, February 14, 1985; 50 FR 37630, September 16, 1985; and 51 FR 21054, June 10, 1986). On March 7, 1986 (51 FR 7935), EPA published a notice to delete eight sites from the NPL. As of June 10, 1986, the number of final NPL sites was 703. Another 184 sites from previous updates remain proposed for the NPL (see 49 FR 40320, October 15, 1984; 50 FR 14115, April 10, 1985; 50 FR 37950, September 18, 1985; and 51 FR 21099, June 10, 1986). With the 64 sites in proposed Update #6, 248 sites are now proposed for the NPL.

IV. Public Comment Period

This Federal Register notice proposing sites for NPL Update #6 opens the formal 60-day comment period. Comments may be mailed to Russel H. Wyer, Director, Hazardous Site Control Division (Attn: NPL staff), Office of Emergency and Remedial Response (WH-548E), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

The "ADDRESSES" portion of this notice contains information on where to obtain documents relating to the scoring of these proposed sites. Documents providing EPA's justification for proposing these sites are available to the public in both the Headquarters public docket and in the appropriate Regional Office's public docket.

The Headquarters public docket for NPL Update #6 contains: HRS score sheets for each proposed site; a Documentation Record for each site describing the technical rationale for the HRS scores; and a list of reference documents. The Headquarters public docket is located in EPA Headquarters, Waterside Mall Subbasement, 401 M Street SW., Washington, DC 20460, and is available for viewing by appointment only from 9:00 a.m. to 4:00 p.m., Monday through Friday excluding holidays. Requests for copies of the HRS documents may be directed to the EPA Headquarters docket office.

The Regional public dockets contain HRS score sheets, Documentation Records, and a list of reference documents for each site in that Region. These Regional dockets also contain documents referenced in the Documentation Record which contain the data EPA relied upon in calculating or evaluating the HRS scores. The reference documents are available only in the Regional public dockets. These reference documents may be viewed in

the appropriate Regional Office, and requests for copies of them may be directed to the appropriate Regional Superfund Branch Office. Documents with some relevance to the scoring of each site, but which were not used as references, are also available only in the appropriate EPA Regional office, and may be viewed and copied by arrangement with that office. An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of any of these documents.

EPA considers all comments received during this formal comment period. Comments received are placed into the Headquarters docket and, during the comment period, are available to the public only in the Headquarters docket. A complete set of comments pertaining to sites in a particular EPA Region will be available for viewing in the Regional Office docket approximately one week following the close of the formal comment period. Comments received after the close of the comment period will be available in the Headquarters docket and in the appropriate Regional Office docket on an "as received" basis. An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of these comments. After considering the relevant comments received during the comment period, EPA will add to the NPL all proposed sites that meet EPA's criteria for listing. In past NPL rulemakings, EPA has considered comments received after the close of the comment period. However, with the increased frequency of NPL rulemakings, EPA may no longer be able to consider late comments.

V. Eligibility

CERCLA restricts EPA's authority to respond to certain categories of releases and expressly excludes some substances from the definition of release. In addition, as a matter of policy, EPA may choose not to use CERCLA to respond to certain types of releases because other authorities can be used to achieve cleanup of these releases. Preambles to previous NPL rulemakings have discussed examples of these policies. (See, e.g., 48 FR 40658 (September 8, 1983); 49 FR 37070 (September 21, 1984); 49 FR 40320 (October 15, 1984); and 51 FR 21056 (June 10, 1986).) Sites proposed for the NPL in this update meet these past eligibility policies. The policies regarding Federal facilities and Resource Conservation and Recovery Act (RCRA) sites are relevant to this update and are discussed below.

Federal Facility Releases

CERCLA as amended by section 120(a) of SARA, requires that Federal facilities be subject to, and comply with, the Act in the same manner as any non-governmental entity. In addition, listing Federal facilities is consistent with the NPL's purpose of providing information to the public with respect to sites that present potential hazards. CERCLA section 111(e)(3), however, prohibits use of the Trust Fund for remedial actions at Federally-owned facilities.

For Update #6, the Agency is proposing one Federal facility (listed in Table 2) and requests comments on the scoring of this site. As of today, EPA has proposed 48 Federal facilities for the NPL.

Releases from Resource Conservation and Recovery Act (RCRA) Sites

On June 10, 1986 (51 FR 21057), EPA announced components of a final policy for placing sites on the NPL that are subject to the corrective action requirements of Subtitle C of RCRA. At the same time, the Agency requested comment on several proposed components of the RCRA/NPL policy (51 FR 21109). Under the final policy, sites not subject to RCRA Subtitle C corrective action requirements will remain eligible for the NPL. Examples of NPL-eligible sites include:

- Facilities that ceased treating, storing, or disposing of hazardous wastes prior to November 19, 1980 (the effective date of Phase I of the Subtitle C regulations).
- Sites at which only materials exempted from the statutory or regulatory definition of solid waste or hazardous waste are managed.
- Hazardous waste generators or transporters not required to have Interim Status or a final RCRA permit.

Sites with releases that can be addressed under the RCRA Subtitle C corrective action authorities generally will not be placed on the NPL. However, RCRA sites may be listed if they meet all of the other criteria for listing (e.g., an HRS score of 28.50 or greater), and if they fall within one of the following categories:

- (1) Facilities owned by persons who are bankrupt.
- (2) Facilities that have lost authorization to operate, and for which there are additional indications that the owner or operator will be unwilling to undertake corrective action.
- (3) Sites, analyzed on a case-by-case basis, whose owners or operators have shown an unwillingness to undertake corrective action.

EPA is reviewing comments submitted in response to the proposed components of the RCRA policy and is in the process

of developing a complete final RCRA policy. However, based on the application of the final components of the RCRA/NPL policy announced on June 10, 1986 (51 FR 21057), EPA is proposing four RCRA sites for the NPL. Three of these sites are bankrupt:

- Parsons Casket Hardware Co., Belvidere, Illinois
- Allied Plating, Inc., Portland, Oregon
- Palmetto Recycling, Inc., Columbia, South Carolina

EPA has determined that a fourth RCRA facility is eligible for the NPL because it has lost its RCRA authorization to operate and appears unwilling to undertake corrective action. This site is:

- Chem-Solv, Inc., Cheswold, Delaware

Chem-Solv lost authorization to operate in August 1985 when the State of Delaware denied its RCRA storage permit. In 1984 and 1985 the State issued two orders requiring Chem-Solv to begin remedial action at the site in order to address imminent hazards. Chem-Solv has refused to comply with these orders; the company has stated that it is financially unable to perform remedial action.

Documents supporting the decisions for these RCRA-related sites are contained in the appropriate Regional dockets and are available for public review.

VI. Contents of the Proposed Sixth NPL Update

All sites in today's proposed addition to the NPL received HRS scores of 28.50 or above.

Following this preamble is a list of the 64 sites proposed for addition to the NPL (Table 1 and 2). Each entry on the list contains the name of the facility, the State and city or county in which it is located, and the corresponding EPA Region. Each proposed site is placed by score in a group corresponding to groups of 50 sites presented within the final NPL. For example, sites in Group 8 of the proposed update have scores that fall within the range of scores covered by the eighth group of 50 sites on the final NPL. Each entry is accompanied by one or more notations reflecting the status of response and cleanup activities at the site at the time this list was prepared. Because this information may change periodically, these notations may become outdated.

Five response categories are used to designate the type of response underway. One or more categories may apply to each site. The categories are: Federal and/or State response (R),

Federal enforcement (F), State enforcement (S), Voluntary or negotiated response (V), and Category to be determined (D).

EPA also indicates the status of significant Fund-financed or private-party cleanup activities underway or completed at proposed and final NPL sites. There are three cleanup status codes; only one code is necessary to designate the status of cleanup activities at each site since the codes are mutually exclusive. The codes are: Implementation activities are underway for one or more operable units (I), Implementation activities are completed for one or more (but not all) operable units, but additional site cleanup actions are necessary (O), and Implementation activities are completed for all operable units (C).

These categories and codes are explained in detail in earlier rulemakings, the most recent on June 10, 1986 (51 FR 21075).

VII. Regulatory Impact Analysis

The costs of cleanup actions that may be taken at sites are not directly attributable to listing on the NPL, as explained below. Therefore, the Agency has determined that this rulemaking is not a "major" regulation under Executive Order 12291. EPA has conducted a preliminary analysis of the economic implications of today's proposal to add new sites. EPA believes that the kinds of economic effects associated with this revision are generally similar to those identified in the regulatory impact analysis (RIA) prepared in 1982 for the revisions to the NCP pursuant to section 105 of CERCLA (47 FR 31180, July 16, 1982) and the economic analysis prepared when the amendments to the NCP were proposed (50 FR 5882, February 12, 1985). The Agency believes the anticipated economic effects related to proposing the addition of these sites to the NPL can be characterized in terms of the conclusions of the earlier RIA and the most recent economic analysis.

Costs

EPA has determined that this proposed rulemaking is not a "major" regulation under Executive Order 12291 because inclusion of a site on the NPL does not itself impose any costs. It does not establish that EPA will necessarily undertake remedial action, nor does it require any action by a private party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Nonetheless, it is useful to consider the

costs associated with responding to all sites included in a proposed rulemaking. This action was submitted to the Office of Management and Budget for review.

The major events that generally follow the proposed listing of a site on the NPL are a search for responsible parties and a remedial investigation/feasibility study (RI/FS) to determine if remedial actions will be undertaken at a site. Design and construction of the selected remedial alternative follow completion of the RI/FS, and operation and maintenance (O&M) activities may continue after construction has been completed.

Costs associated with responsible party searches are initially borne by EPA. Responsible parties may bear some or all the costs of the RI/FS, design and construction, and O&M, or the costs may be shared by EPA and the States.

The State cost share for cleanup activities has been amended by section 104 of SARA. For privately-owned sites, EPA will pay for 100% of the costs of the RI/FS and remedial planning, and 90% of the costs associated with remedial action. The State will be responsible for 10% of the remedial action. Similarly, at publicly-owned but not publicly-operated sites, the cost share for remedial action is 90%:10%. At publicly-operated sites, however, the State cost share is at least 50% of all response costs. This includes the RI/FS, remedial design and construction, and O&M.

With regard to O&M for cleanup activities other than ground water or surface water, EPA will share, for up to 1 year, in the cost of that portion of O&M that is necessary to assure that a remedy is operational and functional. After that time, the State assumes full responsibility for O&M. SARA provides that EPA will share in the operational cost associated with ground water/surface water restoration for up to 10 years.

In previous NPL rulemakings, the Agency has provided estimates of the costs associated with these activities (RI/FS, remedial design, remedial action, and O&M) on an average per-site and total cost basis. At this time, however, there is insufficient information to determine what these costs will be as a result of the new requirements under SARA. Until such information is available, the Agency will provide cost estimates based on CERCLA prior to enactment of SARA; these estimates are presented below. EPA is unable to predict what portions of the total costs will be borne by responsible parties, since the distribution of costs depends on the extent of voluntary and negotiated

response and the success of any cost-recovery actions.

Cost category	Average total cost per site ¹
RI/FS.....	\$875,000
Remedial design.....	850,000
Remedial action	² 8,600,000
Net present value of O&M ³	² 3,770,000

¹ 1986 U.S. Dollars.

² Includes State cost-share.

³ Assumes cost of O&M over 30 years, \$400,000 for the first year and 10% discount rate.

SOURCE: "Extent of the Hazardous Release Problem and Future Funding Needs-CERCLA section 301(a)(1)(c) Study", December 1984, Office of Solid Waste and Emergency Response, U.S. EPA.

Costs to States associated with today's proposed amendment arise from the required State cost-share of: (1) 10% of remedial action and 10% of first-year O&M costs at privately-owned sites and sites which are publicly-owned but not publicly-operated; and (2) at least 50% of the remedial planning (RI/FS and remedial design), remedial action, and first-year O&M costs at publicly-operated sites. States will assume the cost for O&M after the first year. Using the assumptions developed in the 1982 RIA for the NCP, EPA has assumed that 90% of the 63 non-Federal sites proposed to be added to the NPL in this amendment will be privately-owned and 10% will be State- or locally-operated. Therefore, using the budget projections presented above, the cost to States of undertaking Federal remedial actions at all 63 non-Federal sites would be approximately \$294 million, of which approximately \$205 million is attributable to the State O&M cost. As a result of the changes to State cost share under SARA, however, the Agency believes that State O&M costs may actually decrease. When new cost information is available, it will be presented in future rulemakings.

Listing a hazardous waste site on the final NPL does not itself cause firms responsible for the site to bear costs. Nonetheless, a listing may induce firms to clean up the site voluntarily, or it may act as a potential trigger for subsequent enforcement or cost-recovery actions. Such actions may impose costs on firms, but the decisions to take such actions are discretionary and made on a case-by-case basis. Consequently, precise estimates of these effects cannot be made. EPA does not believe that every site will be cleaned up by a responsible party. EPA cannot project at this time

which firms or industry sectors will bear specific portions of response costs, but the Agency considers: the volume and nature of the wastes at the site, the parties' ability to pay, and other factors when deciding whether and how to proceed against potentially responsible parties.

Economy-wide effects of this proposed amendment are aggregations of effects on firms and State and local governments. Although effects could be felt by some individual firms and States, the total impact of this revision on output, prices, and employment is expected to be negligible at the national level, as was the case in the 1982 RIA.

Benefits

The Benefits associated with today's proposed amendment to list additional sites are increased health and environmental protection as a result of increased public awareness of potential hazards. In addition to the potential for more Federally-financed remedial actions, this proposed expansion of the NPL could accelerate privately-financed, voluntary cleanup efforts to avoid potential adverse publicity, private lawsuits, and/or Federal or State enforcement actions.

As a result of additional NPL remedies, there will be lower human exposure to high-risk chemicals, and higher-quality surface water, ground water, soil, and air. These benefits are expected to be significant, although difficult to estimate in advance of completing the RI/FS at these particular sites.

Associated with the costs or remedial actions are significant potential benefits and cost offsets. The distributional costs

to firms of financing NPL remedies have corresponding "benefits" in that funds expended for a response generate employment, directly or indirectly (through purchased materials).

VIII. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small governmental jurisdictions, and nonprofit organizations.

While proposed modifications to the NPL are considered revisions to the NCP, they are not typical regulatory changes since the revisions do not automatically impose costs. Proposing sites for the NPL does not in itself require any action by any private party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, it is hard to predict impacts on any group. A site's proposed inclusion on the NPL could increase the likelihood that adverse impacts to responsible parties (in the form of cleanup costs) will occur, but EPA cannot identify the potentially affected businesses at this time nor estimate the number of small businesses that might be affected.

The Agency does expect that certain industries and firms within industries that have caused a proportionately high percentage of waste site problems could be significantly affected by CERCLA actions. However, EPA does not expect the impacts from the proposed listing of

these sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would only occur through enforcement and cost-recovery actions, which are taken at EPA's discretion on a site-by-site basis. EPA considers many factors when determining what enforcement actions to take, including the firm's contribution to the problem and the firm's ability to pay. The impacts from cost recovery on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: January 15, 1987.

Jack W. McGraw,

Deputy Assistant Administrator, Office of Solid Waste and Emergency Response.

PART 300—[AMENDED]

It is proposed to amend 40 CFR Part 300 as follows:

1. The authority citation for Part 300 continues to read as follows:

Authority: 42 U.S.C. 9605(8)(B)/CERCLA 105(8)(B).

2. It is proposed to add the following sites by Group, to Appendix B of Part 300:

Note.—In proposed rules, the number in the left column corresponds to the Group number in Appendix B.

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National Priorities List,
Proposed Update 6 Sites (by Group)
January 1987

NPL Gr ₁	St	Site Name	City/County	Response Category ₂	Cleanup Status ₃
1	UT	Wasatch Chemical Co. (Lot 6)	Salt Lake City	V R F S	0
2	IL	Parsons Casket Hardware Co.	Belvidere		D
2	PA	Salford Quarry	Salford Township		D
2	VA	Saunders Supply Co.	Chuckatuck		D
3	CA	S. CA Edison (Visalia Poleyard)	Visalia		D
3	DE	E.I. Du Pont (Newport Plant Lf)	Newport		D
3	NC	Aberdeen Pesticide Dumps	Aberdeen	V R	0
3	NY	Jones Sanitation	Hyde Park		D
3	PA	Hellertown Manufacturing Co.	Hellertown		D
3	VA	Greenwood Chemical Co.	Newtown		D
4	MD	Woodlawn County Landfill	Woodlawn		D
5	NC	Charles Macon Lagoon & Drum Stor	Cordova	R	0
5	VA	C & R Battery Co., Inc.	Chesterfield County	R	I
6	CA	Watkins-Johnson Co. (Stewart Div)	Scotts Valley	S	I
6	CT	Nutmeg Valley Road	Wolcott		D
6	PA	River Road Lf (Waste Mngmnt, Inc)	Hermitage		D
6	WI	Spickler Landfill	Spencer		D
7	DE	Dover Gas Light Co.	Dover		D
7	MI	Barrels, Inc.	Lansing	R	I
7	PA	Avco Lycoming (Williamsport Div)	Williamsport	V S	I
7	PA	Commodore Semiconductor Group	Lower Providence Twp		D
7	PA	Novak Sanitary Landfill	South Whitehall Twp		D
8	OR	Allied Plating, Inc.	Portland		D
8	SC	Golden Strip Septic Tank Service	Simpsonville		D
8	TN	Arlington Blending & Packaging	Arlington	R	0
8	VA	H & H Inc., Burn Pit	Farrington		D
9	DE	Chem-Solv, Inc.	Cheswold	R	0
9	DE	Pigeon Point Landfill	New Castle		D
9	SC	Sangamo/Twelve-Mile/Hartwell PCB	Pickens	V F	

1: Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL

2: V - Voluntary or negotiated response R - Federal and State response
F - Federal enforcement S - State enforcement
D - Category to be determined

3: I - Implementation activity underway, one or more operable units
O - One or more operable units completed; others may be underway
C - Implementation activity completed for all operable units

NPL Gr ₁	St	Site Name	City/County	Response Category ₂	Cleanup Status ₃
10	GA	Diamond Shamrock Corp. Landfill	Cedartown	D	
10	IN	McCarty's Bald Knob Landfill	Mt. Vernon	D	
10	LA	Dutchtown Treatment Plant	Ascension Parish	D	
10	PA	Aladdin Plating	Scott Township	D	
10	PA	American Electronics Laboratories	Montgomeryville	D	
10	PA	Ametek, Inc. (Hunter Spring Div)	Hatfield	D	
10	PA	Gentle Cleaners/Granite Knitting	Souderton	D	
10	PA	J.W. Rex/Allied Paint/Keystone	Lansdale	D	
10	PA	Spra-Fin, Inc.	North Wales	D	
10	PA	William Dick Lagoons	West Caln Township	D	
11	MO	Kem-Pest Laboratories	Cape Girardeau	D	
11	NJ	Cosden Chemical Coatings Corp.	Beverly	D	
11	NJ	Curcio Scrap Metal, Inc.	Saddle Brook Twp	D	
11	VA	Dixie Caverns County Landfill	Salem	D	
12	KS	Obee Road	Hutchinson	D	
12	NC	Carolina Transformer Co.	Fayetteville	R F	0
12	NY	Islip Municipal Sanitary Landfill	Islip	D	
12	WI	Tomah Fairgrounds	Tomah	D	
13	GA	Mathis Bros Lf (S Marble Top Rd)	Kensington	D	
13	IL	Stauffer Chem (Chic Heights Plnt)	Chicago Heights	D	
13	MI	Ford Motor Co. (Sludge Lagoon)	Ypsilanti	D	
13	OK	Tenth Street Dump/Junkyard	Oklahoma City	R F	0
13	PA	Paoli Rail Yards	Paoli	V F	
13	VA	Rentokil, Inc. (VA Wood Pres Div)	Richmond	D	
13	WI	Tomah Armory	Tomah	D	
14	AR	Jacksonville Municipal Landfill	Jacksonville	D	
14	AR	Rogers Road Municipal Landfill	Jacksonville	D	
14	MI	Metal Working Shop	Lake Ann	D	
14	MN	Ritari Post & Pole	Sebekia	D	
14	MO	Wheeling Disposal Service Co. Lf	Amazonia	D	
14	NJ	Horstmann's Dump	East Hanover	D	
14	PA	Transicoil, Inc.	Worcester	D	
14	SC	Palmetto Recycling, Inc.	Columbia	S	0
14	TN	Mallory Capacitor Co.	Waynesboro	D	

Number of Sites Proposed for Listing: 63

National Priorities List,
Federal Proposed Update 6 Sites (by Group)
January 1987

NPL Gr ₁	St	Site Name	City/County	Response Category ₂	Cleanup Status ₃
12	MN	Twin Cities Air Force (SAR Lndfl)	Minneapolis	R	

Number of Federal Sites Proposed for Listing: 1

- 1: Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL
- 2: V - Voluntary or negotiated response R - Federal and State response
 F - Federal enforcement S - State enforcement
 D - Category to be determined
- 3: I - Implementation activity underway, one or more operable units
 O - One or more operable units completed; others may be underway
 C - Implementation activity completed for all operable units

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Federal Register

Thursday
January 22, 1987

Part IV

Department of Commerce

International Trade Administration

15 CFR Part 371, 373, 376, 379, 385 and
399

Extension of Foreign Policy Controls and
Removal of Restrictions on Exports of
Oil and Gas Equipment to the Soviet
Union; Final Rule

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371, 373, 376, 379, 385, and 399

[Docket No. 70111-7011]

Extension of Foreign Policy Controls and Removal of Restrictions on Exports of Oil and Gas Equipment to the Soviet Union

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule; notice of extension of foreign policy controls.

SUMMARY: On January 20, 1987, the Department of Commerce, with the concurrence of the Secretary of State and in consultation with other Departments and Agencies, submitted a report to the Congress extending foreign policy controls as required by section 6(f) of the Export Administration Act of 1979, as amended (the Act). Under the Act, foreign policy controls expire annually unless extended. With one exception, all foreign policy controls in effect as of January 20, 1987, were extended. Not included in the extension were the foreign policy-based controls on exports of non-strategic oil and gas equipment and related technical data to the Union of Soviet Socialist Republics. These controls, which were imposed in 1978, are being removed because they do not meet the criteria for extension established by the Congress, and they have resulted in harm to significant U.S. economic interests. Specifically, widespread foreign availability of oil and gas equipment and technology and the negative impact of the controls on the U.S. oil and gas industry have eroded the effectiveness of these controls. There is strong public support for the removal of the controls, as evidenced in comments recently received by the Department of Commerce in response to a request published in the *Federal Register* on October 15, 1986 (51 FR 36702), for comments on the effects of foreign policy-based export controls. The public record of these comments is maintained at the address listed below.

EFFECTIVE DATE: January 21, 1987.

ADDRESS: The public record of comments on the October 15, 1986 proposed rule is maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4104, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230. Information

about the inspection and copying of the public comments may be obtained from Patricia Mann, International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

FOR FURTHER INFORMATION CONTACT: Glenn Schroeder, Country Policy Branch, Export Administration, Department of Commerce, Washington, DC (Telephone: (202) 377-3160).

SUPPLEMENTARY INFORMATION:**Rulemaking Requirements**

1. Because this rule concerns a foreign affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign affairs function of the United States. Further, no other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Written comments (six copies) should be submitted to: Joan Maguire, Regulations Branch, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule involves collections of information subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* However, this rule reduces the regulatory burden on exporters because it eliminates the individual validated license requirement for exports of certain oil and gas equipment and related technical data to

the Soviet Union, as well as eliminating the written assurance requirement for exports of technical data related to oil and gas exploration and production. These collections were approved by the Office of Management and Budget under OMB control numbers 0625-0001 and 0625-0140.

List of Subjects**15 CFR Part 379**

Computer technology, Exports, Reporting and recordkeeping requirements, Science and technology, Union of Soviet Socialist Republics.

15 CFR Part 385

Communist countries, Exports, Union of Soviet Socialist Republics.

15 CFR Part 399

Exports, Reporting and recordkeeping requirements, Union of Soviet Socialist Republics.

Accordingly, Parts 379, 385, and 399 of the Export Administration Regulations (15 CFR Parts 368 through 399) are amended as follows:

1. The authority citation for Parts 379, 385, and 399 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981, and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223, 50 U.S.C. 1701 *et seq.*; E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985), as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 (October 2, 1986); E.O. 12571, October 27, 1986 (51 FR 39505, October 29, 1986).

PART 379—[AMENDED]

2. In § 379.4, the introductory text of paragraph (f)(1) is revised to read as follows and paragraph (f)(1)(i)(P) is removed and reserved.

§ 379.4 General License GTDR: Technical Data Under Restriction.

(f) *Written assurance requirements—*
(1) *Requirement of written assurance for certain data, services, and materials.* No export of technical data of the kind described in paragraphs (f)(1)(i) (A) through (Q) (not (R)) of this section may be made under the provisions of this General License GTDR until the exporter has received written assurance from the importer that neither the technical data nor the direct product¹⁹

¹⁹ The term "direct product," as used in this sentence and in this context only, is defined to

Continued

thereof is intended to be shipped, either directly or indirectly, to Country Group Q, S, W,²⁰ Y, or Z, or Afghanistan or the People's Republic of China, except as provided in paragraph (f)(1)(ii) of this section. No export of technical data of the kind described in paragraph (f)(1)(i)(R) of this section may be made under the provisions of this General License GTDR until the exporter has received written assurance from the importer that neither the technical data nor the direct product¹⁹ thereof is intended to be shipped, directly or indirectly, to the Kama River (Kama AZ) or ZIL truck plants in the U.S.S.R., except as provided in paragraph (f)(1)(ii) of this section. The required assurance may be in the form of a letter or other written communication from the importer evidencing such intention, or a licensing agreement that restricts disclosure of the technical data to use only in a country other than Country Group Q, S, W, Y, or Z, or Afghanistan or the People's Republic of China, and prohibits shipments of the direct product¹⁹ thereof by the licensee to Country Group Q, S, W, Y, or Z, or Afghanistan or the People's Republic of China, or for data of the kind described in paragraph (f)(1)(i)(R), to the Kama

River (Kama AZ) or ZIL truck plants in the U.S.S.R. An assurance included in a licensing agreement will be acceptable for all exports made during the life of the agreement. If such assurance is not received, this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained. In addition, this general license is not applicable to any export of technical data of the kind described in paragraphs (f)(1)(i) (A) through (Q) (not (R)) of this section if, at the time of export of the technical data from the United States, the exporter knows or has reason to believe that the direct product to be manufactured abroad by use of the technical data is intended to be exported or reexported, directly or indirectly, to Country Group Q, S, W, Y, or Z, or Afghanistan or the People's Republic of China, or, for data of the kind described in paragraph (f)(1)(i)(R), to the Kama River (Kama AZ) or ZIL truck plants in the U.S.S.R.

PART 385—[AMENDED]

§ 385.2 [Amended]

3. In § 385.2, paragraph (c) is removed and reserved.

§ 385.4 [Amended]

4. In § 385.4, paragraph (f) is amended by removing the last two sentences of the paragraph.

PART 399—[AMENDED]

§ 399.1 [Amended]

5. Supplement No. 1 to § 399.1 (the Commodity Control List) is amended as follows:

A. In Commodity Group 0 (Metal-Working Machinery), Export Control Commodity Number (ECCN) 6098F is removed;

B. In Commodity Group 1 (Chemical and Petroleum Equipment), ECCN 6191F is removed;

C. In Commodity Group 3 (General Industrial Equipment), ECCNs 6390F, 6391F, and 6392F are removed;

D. In Commodity Group 5 (Electronics and Precision Instruments), ECCN 6598F is removed; and

E. In Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), ECCN 6779F is removed.

§ 399.2 [Amended]

6. Supplement No. 1 to § 399.2 is amended as follows:

A. Under Interpretation 24, in the list entitled "Plastic Materials and Artificial Resins as Follows" the footnote reading "A validated license is required for export of these commodities to the U.S.S.R., Estonia, Latvia, and Lithuania" is removed from the entry for "Carboxy vinyl polymers, water soluble".

B. Under Interpretation 24, in the list entitled "Chemical Preparations and Compounds, Miscellaneous Related Materials and Products, n.e.s., as Follows," the footnote reading "A validated license is required for export of these commodities to the U.S.S.R., Estonia, Latvia, and Lithuania" is removed from the following entries:

Flocculating agents, n.e.s.
Oil field demulsifying agents

C. Under Interpretation 29, in the list entitled "General Industrial Equipment" the footnote reading "A validated license is required for export to the U.S.S.R., Estonia, Latvia, Lithuania, and Afghanistan of any equipment specially designed or modified for use in the exploration or production of petroleum or natural gas, and specially designed parts, components, or accessories therefor" is removed from the following entries:

Excavating, leveling, mining, oil well drilling, well drilling, construction, and maintenance equipment, n.e.s.
Gas or liquid supply meters, n.e.s.
Line-travelling coating and wrapping for pipes and tubes
Oil field wire line and downhole equipment

Special purpose vehicles, n.e.s., non-military, e.g., cement mixers, street and airfield cleaning equipment, asphalt mixers, mine shuttle vehicles, trucks with derrick assemblies, and similar equipment mounted integral to the truck frame, seismograph thumper/vibrator mounted trucks and oil/gas well drilling rigs.

Dated: January 20, 1987.

Paul Freedenberg,

Assistant Secretary for Trade Administration
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¹⁹ mean the immediate product (including processes and services) produced directly by use of the technical data, except that petroleum or chemical products other than molecular sieves or catalysts are not included in this definition. The coverage of the term does not extend to the results of the use of such "direct product." An example of the direct product of technical data is reforming process equipment designed and constructed by use of the technical data exported, but the aromatics produced by the reforming process equipment are not immediate or direct products of these technical data. However, if the technical data are a formula for producing aromatics, the aromatics, although they are immediate products of the data, are not included in this definition of direct product, since they are petroleum products. Conversely, if the technical data are a formula for producing either molecular sieves or catalysts, the foreign-produced molecular sieves and catalysts are included in the definition of direct product.

²⁰ Effective April 26, 1971, Country Group W no longer included Romania. Assurances executed prior to April 26, 1971, and referring to Country Group W continue to apply to Romania as well as Poland. Effective June 2, 1980, Hungary was added to Country Group W, which at that time included only Poland. Assurances executed prior to June 2, 1980, and referring to Country Group Y continue to apply to Hungary. Assurances executed on or after June 2, 1980, and referring to Country Group W apply to Hungary as well as Poland.