

requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

Dated: August 28, 1998.

**Bruce R. Weddle,**

*Acting Director, Office of Compliance.*

[FR Doc. 98-23890 Filed 9-3-98; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6156-7]

RIN 2040-AC20

### Effluent Guidelines Plan

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of effluent guidelines plan.

**SUMMARY:** Today's notice announces the Agency's plans for developing new and revised effluent guidelines, which regulate industrial discharges to surface waters and to publicly owned treatment works. Section 304(m) of the Clean Water Act (CWA) requires EPA to

publish a biennial Effluent Guidelines Plan. The Agency published a proposed plan on May 28, 1998, and public comments on the proposed plan are discussed in today's notice.

**EFFECTIVE DATE:** October 5, 1998.

**ADDRESSES:** The public record for this notice is available for review in the EPA Water Docket, 401 M Street, S.W., Washington, D.C. For access to Docket materials, call (202) 260-3027 between 9 a.m. and 3 p.m. for an appointment. The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Eric Strassler, Engineering and Analysis Division (4303), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460; telephone 202-260-7150.

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Appendix A—Effluent Guidelines

Rulemaking Projects and Preliminary Studies

### I. Regulated Entities

Today's plan does not contain regulatory requirements and does not provide specific definitions for each industrial category. Entities potentially affected by decisions regarding the plan are listed below.

Category of entity	Examples of potentially affected entities
Industry/Commercial .....	Pulp, Paper and Paperboard; Oil and Gas Extraction; Centralized Waste Treatment; Pharmaceutical Manufacturing; Metal Products and Machinery (including electroplating, metal finishing); Landfills; Industrial Waste Combustors (Incinerators); Industrial Laundries; Transportation Equipment Cleaning (tank trucks, railroad tank cars, barge tanks); Iron and Steel Manufacturing; Coal Mining; Petroleum Refining; Textile Mills; Inorganic Chemicals; Steam Electric Power Generating; Photographic Processing; Chemical Formulating, Packaging and Repackaging; Airports.
Agriculture .....	Feedlots (swine, poultry, dairy and beef cattle); Fish Hatcheries and Farms (Aquaculture).
Federal Government .....	Metal Products and Machinery (including electroplating, metal finishing); Landfills; Airports.
State Government .....	Metal Products and Machinery (including electroplating, metal finishing); Municipal Separate Storm Sewer Systems (Urban Storm Water); Landfills; Airports.
Local Government .....	Metal Products and Machinery (including electroplating, metal finishing); Municipal Separate Storm Sewer Systems (Urban Storm Water); Landfills; Airports.

To determine whether your facility would be regulated, you should carefully examine the applicability criteria in the appropriate proposed rule (previously published or forthcoming). Not all of the categories listed in the above table have been selected for rulemaking. Citations for previously published proposed rules and schedules for forthcoming proposed rules are provided in Appendix A of today's notice.

### II. Legal Authority

Today's notice is published under the authority of Section 304(m) of the Clean Water Act, 33 U.S.C. 1314(m).

### III. Introduction

#### A. Purpose of Today's Notice

Today's notice announces the Agency's fourth biennial plan for developing new and revised effluent guidelines pursuant to Section 304(m) of the CWA.

EPA published a proposed Effluent Guidelines Plan (the "Proposed Plan") on May 28, 1998 (63 FR 29203). The Agency accepted comment on the notice until July 27, 1998. Today's notice summarizes and addresses the major comments the Agency received.

#### B. Overview of Today's Notice

The Agency intends to develop effluent limitation guidelines and standards ("effluent guidelines") as follows:

1. Continue development of eleven rules listed in the Proposed Plan. The categories are: Pulp, Paper and Paperboard, Phases 2 and 3; Centralized Waste Treatment; Metal Products and Machinery; Landfills; Industrial Waste Combustors (Incinerators); Industrial Laundries; Transportation Equipment Cleaning; Iron and Steel Manufacturing; Oil and Gas Extraction (Synthetic-Based Drilling Fluids); Coal Mining (Remining and Western subcategories); and Feedlots (Poultry and Swine subcategories).

2. Begin development of rules for two additional categories (new or revised) by December 1998, one of which is currently planned to be Feedlots (Beef and Dairy Cattle).

3. Complete preliminary studies on Feedlots, Urban Storm Water, and Airport Deicing.

4. Plan for development of two additional effluent guidelines, either new or revised. EPA's current plan is to begin development of two rules by December 1999.

#### IV. 1998 Proposed Effluent Guidelines Plan

In the Proposed Plan, EPA described its intent to continue development of ongoing rulemakings, develop additional rules, and conduct

preliminary studies. The Proposed Plan set forth EPA's rationale for the selection of particular industries as candidates for new or revised effluent guidelines. The Proposed Plan also described the relevant statutory framework, the components and process for development of an effluent guidelines regulation, and other background information. The principal elements of the Proposed Plan were designed to implement Section 304(m) and a Consent Decree in *Natural Resources Defense Council et al. v. Browner* (D.D.C. 89-2980, January 31,

1992, as modified) (the "Consent Decree"). See 63 FR 29204-29207.

#### V. 1998 Effluent Guidelines Plan

EPA's 1998 Effluent Guidelines Plan is set forth below. Today's Plan is substantively identical to the Proposed Plan.

##### A. Regulations

##### 1. Ongoing Rulemakings

The Agency is currently in the process of developing new or revised effluent guidelines for the categories are set forth in Table 1.

TABLE 1.—EFFLUENT GUIDELINES CURRENTLY UNDER DEVELOPMENT

Category	Proposal	Final action
	Consent decree or publication date	Consent decree
Pulp, Paper and Paperboard, Phases 2 & 3 .....	12/17/93 .....	<sup>1</sup> 2000-2002
Centralized Waste Treatment .....	<sup>4</sup> 1/27/95, Fall 1998 .....	<sup>3</sup> 8/15/99
Metal Products and Machinery .....	<sup>2</sup> 5/30/95, 10/00 .....	12/02
Industrial Laundries .....	12/17/97 .....	6/99
Landfills .....	2/6/98 .....	11/99
Industrial Waste Combustors (Incinerators) .....	2/6/98 .....	11/99
Transportation Equipment Cleaning .....	6/25/98 .....	6/15/00
Oil and Gas Extraction (Synthetic Drilling Fluids) .....	12/98 .....	12/00
Iron and Steel Manufacturing .....	<sup>3</sup> 12/98 .....	<sup>3</sup> 12/00
Coal Mining .....	12/99 .....	12/01
Feedlots (Poultry and Swine Subcategories) .....	12/99 .....	12/01

<sup>1</sup> The Pulp, Paper and Paperboard rulemaking is not covered by the January 31, 1992, consent decree and dates reflect projected dates for final promulgation of the 2 phases.

<sup>2</sup> 5/30/95 proposal covered Phase 1 MP&M facilities only. Proposal in 10/00 will cover Phase 1 and 2 facilities combined.

<sup>3</sup> EPA is discussing extensions to consent decree dates with plaintiff Natural Resources Defense Council (NRDC).

<sup>4</sup> A re-proposal for the Centralized Waste Treatment category is planned for Fall 1998. This action is not in the consent decree.

##### 2. Future Regulations

EPA is scheduled to begin work later in 1998 on revised effluent guidelines for the Beef and Dairy Cattle subcategories of the Feedlots category, 40 CFR Part 412. The Decree requires that EPA develop additional rules. Based on the selection process discussed in the Proposed Plan (63 FR 29208), the Agency may choose the next rulemaking projects from the following list of categories:

- Petroleum Refining.
- Textile Mills.
- Inorganic Chemicals.
- Steam Electric Power Generating.
- Photographic Processing.
- Chemical Formulators and

Packagers.

- Urban Storm Water.
- Airport Deicing.
- Aquaculture (Fish Hatcheries and Farms).

Completed, ongoing or potential preliminary studies on these categories were discussed in the Proposed Plan (63 FR 29208-29210). The Agency may consider other categories for rulemaking as it receives additional data. The Consent Decree deadlines for the

additional rules are part of the Agency's ongoing negotiations with NRDC.

##### B. Preliminary Studies

In the Proposed Plan EPA described preliminary studies either completed or underway. The studies assist the Agency in selecting industries to be subject to future effluent guidelines rulemaking. The Agency is continuing work on three studies: Feedlots, Urban Storm Water, and Airport Deicing. The Agency may conduct additional studies from time to time.

##### C. Summary of Changes From the Proposed Plan

Today's Effluent Guidelines Plan is substantively identical to the Proposed Plan. However, some clarifications are provided below in Section IV in response to several comments the Agency received on the proposal.

##### D. Updates on Rulemaking Activities

##### 1. Transportation Equipment Cleaning

EPA published a proposed rule for the Transportation Equipment Cleaning

Category on June 25, 1998 (63 FR 34685).

##### 2. Pharmaceutical Manufacturing

The Administrator signed a final rule for the Pharmaceutical Manufacturing Category on June 30, 1998. The rule will be published shortly in the **Federal Register**.

##### 3. Pulp, Paper and Paperboard

EPA published a notice on August 7, 1998 (63 FR 42238) to correct errors in the final Phase 1 rule for the Pulp, Paper and Paperboard category, which was published on April 15, 1998 (63 FR 18504).

##### 4. Centralized Waste Treatment

EPA published a proposed rule for the Centralized Waste Treatment category on January 27, 1995 (60 FR 5464) and a Notice of Data Availability on September 16, 1996 (61 FR 48805). Based on data received and subsequent Agency analysis, EPA is planning a re-proposal for Fall 1998.

## VI. Public Comments

EPA accepted public comment on the Proposed Plan until July 27, 1998. The Agency received comments that covered approximately 15 topics from a variety of commenters including industry and agriculture, environmental groups, local governments, States, and engineering consulting firms. The summary in this section highlights the significant comments submitted. The administrative record for today's notice includes a complete text of the comments and the Agency's responses. EPA has not yet selected additional categories for rulemaking, but will consider the comments submitted as it makes its decisions.

### A. Ongoing Rulemaking Projects and Studies

Several comments addressed the scope of coverage and other issues pertaining to specific ongoing effluent guidelines rulemaking projects and preliminary studies. EPA will forward these comments to the dockets or records for the appropriate rules and studies, and will consider the comments as these projects continue. The Agency has not made final decisions about the scope and applicability of the rules addressed in these comments.

### B. Aquaculture

In the Proposed Plan, EPA asked for public comment on the need for effluent guidelines for aquaculture facilities, also called fish hatcheries and farms. The notice made reference to a recent report by the Environmental Defense Fund, which recommended promulgation of effluent guidelines for aquaculture (63 FR 29210). The Agency received comments arguing either that pollutant discharges are adequately addressed by National Pollutant Discharge Elimination System (NPDES) permits and that effluent guidelines are not needed, or that the permits issued by the various state programs are inconsistent and inadequate. Some comments also provided additional information such as explanations of how aquaculture facilities are regulated under existing permits, comparisons of state permitting policies, and technical papers describing the pollutants generated and treatment processes used in the industry. EPA needs additional information to determine whether the existing NPDES permit process is adequate to address these discharges. The Agency has not yet made a decision on whether national effluent guidelines will be developed for some or all parts of the industry. The Agency may conduct a preliminary study to obtain

additional information and evaluate all of the information received.

### C. Metal Molding and Casting (Foundries)

The Agency received comments recommending revisions to the Metal Molding and Casting (Foundries) regulations at 40 CFR Part 464. The commenters argue, among other things, that the effluent limits were based on faulty, incomplete and non-representative data, and that the treatment technologies used as the basis for best practicable control technology (BPT) effluent limitations do not work and do not represent actual BPT. None of the comments provided current data on individual plant processes, descriptions of fluids used, waste streams, costs, etc. The Agency is considering these comments and may contact some facilities to obtain data, but has not determined whether revisions to Part 464 will be made.

### D. Ore Mining

The Agency received comments recommending revisions to the Ore Mining regulations at 40 CFR Part 440. The proposed changes are related to ongoing EPA actions to modify and/or clarify a recent Agency interpretation of the Part 440 regulations associated with the Storm Water Multi-Sector General Permit for Industrial Activities. The Agency published the proposed clarification and accompanying permit modifications at 62 FR 54949 (Oct. 22, 1997) and took final action at 63 FR 42533 (Aug. 7, 1998). Commenters suggest that EPA could conduct a "focused" rulemaking, to address discharges from waste rock piles, overburden piles and other sources of water pollution at mine sites which are not currently covered by part 440. The Agency is considering these comments but has not determined whether to revise the part 440 regulations. Over the next few years, the mine operators claiming coverage under the recently modified EPA-issued general permit for storm water will be providing monitoring data to EPA according to the permit terms. The Agency will review these data for usefulness in revising the effluent guidelines, for example, to determine the effluent variability associated with these discharges and to evaluate the performance and effectiveness of the permit controls (primarily "best management practices") at reducing pollutants. Additionally, EPA may conduct a preliminary study to gather other relevant data (such as cost data) on mining processes. Based on the results of these data and analyses, EPA may

consider revisions to Part 440 in an upcoming effluent guidelines plan.

### E. Plan for Future Activities

EPA received comments suggesting that the Agency has an ongoing obligation under Section 304(m) to identify all future industries in need of a new or revised effluent guideline and establish a schedule to promulgate such guidelines. In EPA's view, the current plan is consistent with the terms of the Decree. Under paragraph 7(b) of the Decree, an Effluent Guidelines Plan that is consistent with the Decree also satisfies the terms of Section 304(m), at least through 2003. EPA has not yet begun to plan for effluent guideline activities after that, but will address them in future 304(m) plans.

## VII. Economic Impact Assessment

Today's notice proposes a plan for the review and revision of existing effluent guidelines and for the selection of priority industries for new regulations. This notice does not establish any requirements; therefore, no economic impact assessment has been prepared. EPA will provide economic impact analyses or other regulatory analyses, as appropriate, for all of the future effluent guideline rulemakings developed by the Agency.

## VIII. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order

12866 and is therefore not subject to OMB review.

Dated: August 28, 1998.  
**J. Charles Fox,**  
*Acting Assistant Administrator.*

**APPENDIX A.—EFFLUENT GUIDELINES RULEMAKING PROJECTS AND PRELIMINARY STUDIES EFFLUENT GUIDELINES  
 CURRENT AND FUTURE RULEMAKING PROJECTS**

Category	Proposed	Final
Pulp, Paper and Paperboard, Phases 2 & 3 .....	12/17/93 <sup>1</sup> (58 FR 66078) .....	<sup>1</sup> 2000–2002
Centralized Waste Treatment .....	1/27/95 (60 FR 5464) .....	<sup>3</sup> 8/15/99
	Fall 1998 <sup>4</sup> (Re-proposal) .....	<sup>3</sup> 8/15/99
Metal Products and Machinery .....	5/30/95 <sup>2</sup> (60 FR 28209) (Phase 1 only) .....	.....
	10/00 .....	12/02
Industrial Laundries .....	12/17/97 (62 FR 66182) .....	6/99
Landfills .....	2/6/98 (63 FR 6425) .....	11/99
Industrial Waste Combustors (Incinerators) .....	2/6/98 (63 FR 6391) .....	11/99
Transportation Equipment Cleaning .....	6/25/98 (63 FR 34685) .....	6/15/00
Oil and Gas Extraction (Synthetic-based drilling fluids) .....	12/98 .....	12/00
Iron and Steel Manufacturing .....	12/98 <sup>3</sup> .....	<sup>3</sup> 12/00
Coal Mining .....	12/99 .....	12/01
Feedlots (Poultry and Swine subcategories) .....	12/99 .....	12/01
Feedlots (Beef and Dairy Cattle) .....	12/00 .....	12/02
Category to be selected .....	12/00 .....	12/02
Category to be selected .....	12/01 .....	12/03

**Notes:**

<sup>1</sup> The Pulp, Paper and Paperboard rulemaking is not covered by the January 31, 1992 consent decree.

<sup>2</sup> 5/30/95 proposal covered Phase 1 MP&M facilities only. The proposal in 10/00 will cover Phase 1 and 2 facilities combined.

<sup>3</sup> EPA is discussing extensions to Consent Decree dates with NRDC.

<sup>4</sup> A re-proposal for the Centralized Waste Treatment category is planned for Fall 1998. This action is not in the consent decree.

**CURRENT PRELIMINARY STUDIES**

Category	Complete
Feedlots .....	1998
Urban Storm Water .....	1998
Airport Deicing .....	1999

[FR Doc. 98–23891 Filed 9–3–98; 8:45 am]  
 BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION  
 AGENCY**

[ER–FRL–5495–1]

**Environmental Impact Statements;  
 Notice of Availability**

*Responsible Agency:* Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements  
 Filed August 24, 1998 Through August 28, 1998

Pursuant to 40 CFR 1506.9.

EIS No. 980330, DRAFT SUPPLEMENT, NOA, CA, Coastal Pelagic Species Fishery Management Plan Amendment 8, (Formerly Known as Northern Anchovy Fishery Management Plan), Approval and Implementation, WA, CA and OR, Due: October 19, 1998, Contact: Jim Morgan (562) 980–4026.

EIS No. 980331, FINAL EIS, FRC, ND, IA, MN, IL, Alliance Natural Gas Pipeline Project, Construction and

Operation, Funding, NPDES Permit, COE Section 10 and 404 Permit, ND, MN, IA and IL, Due: October 05, 1998, Contact: Lauren O'Donnell (202) 208–0325.

EIS No. 980332, DRAFT EIS, FHW, TX, US–190 Corridor from FM2657 to the East City Limits of Copperas Cove, Transportation Improvements, Major Investment Study, Coryell and Lampasas Counties, TX, Due: October 19, 1998, Contact: Walter C. Waidelich (512) 916–5988.

EIS No. 980333, DRAFT EIS, AFS, CA, Lucerne Valley to Big Bear Valley Transmission Line/Substation Project, Construction and Operation of Three Electrical Power Facilities: 115 kV Line between the Cottonwood Substation in Lucerne Valley; Goldhill Substation and a new Bear Valley Substation, Special-Use-Permit and Right-of-Way Permit, San Bernardino County, CA, Due: October 22, 1998, Contact: Gene Zimmerman (619) 233–0952.

EIS No. 980334, DRAFT SUPPLEMENT, EDA, PA, Lackawanna County New Business Park, Development and Operation, Additional Information, Funding Support from Economic

Development Administration (EDA) under Title I, Site Lies Within Moosic Mountain Range, Straddling Jessup and Olyphant Boroughs, Lackawanna County, PA, Due: October 19, 1998, Contact: Edward L. Hummel (215) 597–6767.

EIS No. 980335, FINAL EIS, USA, AL, Fort McClellan (Main Post) Disposal and Reuse, Implementation, Calhoun, Cleburne, Randolph, Clay, Talledega, St. Clair, Etowah and Cherokee Counties, AL, Due: October 05, 1998, Contact: Carla K. Coulson (703) 697–0225.

EIS No. 980336, FINAL EIS, AFS, WA, White Pass Ski Area Expansion, Special-Use-Permit, Pigtail Basin and Hogback Basin, Wenatchee and Gifford Pinchot National Forests, Yakima and Lewis Counties, WA, Due: October 05, 1998, Contact: Jim Pence (509) 653–2205.

EIS No. 980337, DRAFT EIS, AFS, UT, South Spruce Ecosystem Rehabilitation Project, Implementation, Dixie National Forest, Cedar City Ranger District, Iron and Kane Counties, UT, Due: October 19, 1998, Contact: Phil Eisenhower (801) 865–3200.