Sunshine Act Meetings

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Tuesday, June 2, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"Federal Register" **CITATION OF PREVIOUS ANNOUNCEMENT:** To be published June 1, 1987.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 pm (Eastern Time) Monday, June 9, 1987.

CORRECTION: 2:00 pm (Eastern Time) Tuesday, June 9, 1987.

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat at (202) 634–6748.

Dated: May 29, 1987.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

This Notice Issued May 29, 1987.

[FR Doc. 87–12601 Filed 5–29–87; 2:36 pm]

BILLING CODE 6750–06–M

FARM CREDIT ADMINISTRATION

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Admiistration Board (Board). The regular meeting of the Board is scheduled for June 2, 1987.

DATE AND TIME: The meeting is scheduled to be held at the offices of the Farm Credit Administration in McLean, Virginia, on June 2, 1987, from 10:00 a.m. until such time as the Board may conclude its business.

FOR FURTHER INFORMATION CONTACT: William A. Sanders, Jr., Secretary to the Farm Credit Admiistration Board, 1501 Farm Credit Drive, McLean, Virginia 22102–5090, (703–883–4010).

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will open to the public (limited space available), and parts of the meeting will be closed to the public. The matters to be considered at the meeting are:

1. Aproval of Minutes.
2. Loan Documentation Related to Borrower Financial Statements.

[1] 3. Review of Financial Condition of Farm Credit System Institutions and Consideration of Certifying to the Treasury That the System is Need of Finanical Assistance.

[1] 4. Examination and Enforcement Matters.

Dated: May 28, 1987.

William A. Sanders, Jr.,

Secretary Farm Credit Administration.

[1] Session closed to the public-exempt pursuant to 5 U.S.C. 552b(c)(4), (8) and (9).

[FR Doc. 87–12514 Filed 5–28–87; 4:47 pm]

BILLING CODE 6705–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:05 p.m. on Tuesday, May 26, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider matters relating to the possible failure of certain insured banks: Names and locations of banks authorized to be exempt from disclosure pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

At that same meeting, the Board also considered the application of Torrey Pines Bank, Solana Beach, California, an insured State nonmember bank, for consent to purchase assets of and assume liability to pay deposits made in the Rancho Santa Fe Branch of Glendale Federal Savings and Loan Association, Glendale, California, a non-FDIC-insured institution, and for consent to relocate its existing Rancho Sante Fe Branch from 6024 Paseo Delicias, Rancho Santa Fe, California, to 6009 Paseo Delicias, Rancho Sante Fe, California, the current location of the Rancho Santa Fe Branch of Glendale Federal Savings and Loan Association.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Chairman L. William Seidman, concurred in by Mr. Dean S. Marriott, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public; interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: May 28, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87–12589 Filed 5–29–87; 1:04 pm]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 10:00 a.m. on Thursday, May 28, 1987, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C. C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Barnett Bank of Pinellas County, a proposed new bank to be located at 1901 Central Avenue, St. Petersburg, Florida, for Federal deposit insurance, for consent to merge, under its charter and title, with Barnett Bank of Pinellas County, National Association, Clearwater, Florida, and for consent to establish twenty-one existing and one approved, but unopened, offices of Barnett Bank of Pinellas County, National Association as branches of Barnett Bank of Pinellas County.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: May 28, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87–12590 Filed 5–29–87; 1:04 pm]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 10:30 a.m. on Thursday, May 28, 1987, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director, C. C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum regarding the Corporation's purchase of microcomputers.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsection (c)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2)).

Dated: May 28, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-12591 Filed 5-29-87; 1:04 pm]

BILLING CODE 6714-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

May 28, 1987.

TIME AND PLACE: 10:00 a.m., June 4, 1987.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Quinland Coal Company*, Docket No. WEVA 85-169. (Issues include whether the judge's findings of violation are supported by substantial evidence whether the judge properly admitted certain evidence, and whether the judge erred in failing to address the issued of unwarrantable failure.)

Any person intending to attend this hearing who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 20 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFO: Jean Ellen, (202) 653-5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 87-12593 Filed 5-29-87; 1:18 pm]

BILLING CODE 6735-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, June 8, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Street, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 29, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-12625 Filed 5-29-87; 3:34 pm]

BILLING CODE 6210-01-M

UNITED STATES INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Wednesday, June 3, 1987 at 10:00 a.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and Complaints.
5. Inv. 731-TA-377 (P) (Internal combustion engine fork-lift trucks from Japan)—briefing and vote.
6. Inv. 731-TA-347, (F) (Certain malleable cast-iron pipe fittings from Japan)—briefing and vote.
7. Any item left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

Kenneth R. Mason,

Secretary.

May 22, 1987.

[FR Doc. 87-12624 Filed 5-29-87; 3:34 pm]

BILLING CODE 7020-02-M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Tuesday, June 9, 1987.

PLACE: NTSB Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: The first three items will be open to the public. The last three items will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. Pipeline Accident Report: Williams Pipe Line Company's Liquid Pipeline Rupture and Fire, Mounds View, Minnesota, July 8, 1986.
2. Briefs of Accidents/Incidents with Probable Air Traffic Control Involvement.
3. Recommendation to FAA re Defective Carburetor Float and Automotive Gasoline.
4. Order: Administrator v. Chirino, Docket SE-7883; disposition of respondent's petition for reconsideration.
5. Opinion and Order: Administrator v. Brasher, Docket SE-7485; disposition of the Administrator's appeal.
6. Administrator v. Larson and Gelineau, Dockets SE-7491 and SE-7492.

FOR MORE INFORMATION, CONTACT: Bea Hardesty, Staff Assistant, (202) 382-6525.

May 29, 1987.

[FR Doc. 87-12626 Filed 5-29-87; 3:58 pm]

BILLING CODE 7533-01-M

federal register

Tuesday
June 2, 1987

Part II

Environmental Protection Agency

40 CFR Parts 141, 142, and 144

Water Pollution Control; National Primary Drinking Water Regulations; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141, 142, and 144

[FRL 3138-3]

Water Pollution Control; National Primary Drinking Water Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On June 19, 1986, the President signed into law the Safe Drinking Water Act Amendments of 1986. These amendments make changes to EPA's drinking water program. The purpose of this rule is to amend EPA's drinking water regulations so they are consistent with the statutory amendments and to incorporate those statutory provisions that have immediate or near-term effects on the regulated community.

EFFECTIVE DATE: This rule is effective June 2, 1987.

ADDRESSES: Additional information may be obtained at the EPA Headquarters, Office of Drinking Water, 401 M St. SW., Washington, DC 20460 and at the Drinking Water Supply Branches in EPA's Regional Offices. ("See **SUPPLEMENTARY INFORMATION** below.")

FOR FURTHER INFORMATION CONTACT: Susan MacMullin, Office of Drinking Water (WH-550D), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, Phone: (202) 475-8049.

SUPPLEMENTARY INFORMATION:

Table of Contents

EPA Regional Offices

I. JFK Federal Bldg., Room 2203, Boston, MA 02203, Phone: (617) 565-3715, Jerome Healey

II. 26 Federal Plaza, Room 824, New York, NY 10278, Phone: (212) 264-1800, Walter Andrews

III. 841 Chestnut St. Philadelphia, PA 19107, Phone: (215) 597-9873, John Capacausa

IV. 345 Courtland Street, Atlanta, GA 30365, Phone: (404) 257-4450, Robert Jourdan

V. 230 S. Dearborn St., Chicago, IL 60604, Phone: (312) 353-2650, Joseph Harrison

VI. 1201 Elm St., Dallas, TX 75270, Phone: (214) 729-2656, James Graham

VII. 726 Minnesota Ave., Kansas City, KS 66101, Phone: (913) 236-2815, Gerald R. Foree

VIII. One Denver Place, 999 18th St., Suite 3000 Denver, CO 80202-2413, Phone: (303) 293-1424, Marc Alston

IX. 215 Fremont St., San Francisco, CA 94105, Phone: (415) 974-8076, William Thurston

X. 1200 Sixth Ave., Seattle, WA 98101, Phone: (206) 442-1225, Jerry Opatz

I. Authority

These regulations are issued under the authority of sections 1401, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1421, 1422, 1423, 1431, and 1450 of the Safe Drinking Water Act, 42 U.S.C. 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300h, 300h-1, 300h-2, 300i, and 300j-9 as amended by the Safe Drinking Water Act Amendments of 1986 (Pub. L. 99-339, 100 Stat. 642 (1986)).

II. Background

The Safe Drinking Water Act ("SDWA") or "Act" (42 U.S.C. 300f, *et seq.*), enacted in 1974, requires EPA to establish primary drinking water regulations for public water systems. The SDWA includes provisions for interim and revised regulations with monitoring, reporting, and public notification requirements. The SDWA also has provisions for state primary enforcement responsibility, and variances and exemptions.

The Act also provides for an underground injection control (UIC) program designed to protect underground sources of drinking water from endangerment by the subsurface emplacement of fluids. EPA is to establish regulations that define effective State UIC programs. States may apply to assume primacy enforcement responsibility for such programs. If a State does not assume primacy, EPA must promulgate and administer the program in that State. The Act provides an alternative mechanism whereby States may assume primacy for the oil and gas portion of their UIC programs, and sets certain limitations on the requirements imposed on injection of fluid brought to the surface in connection with oil and natural gas production or natural gas storage operations.

III. Safe Drinking Water Act Amendments of 1986

The SDWA Amendments ("Amendments") were enacted on June 19, 1986. The Amendments change the procedures for establishing primary drinking water standards and set forth a schedule for EPA to follow in setting these standards for specified contaminants. In addition, the Amendments require EPA to establish criteria to determine which surface water supplies must install filtration and to promulgate a treatment technique regulation for disinfection. The Amendments also provide for monitoring of unregulated contaminants and modify the requirements for public notification of violations and the procedures for issuance of variances and exemptions.

Other significant features of the Amendments relate to enforcement; for example, the Administrator may issue an administrative order to require compliance with a regulation (only civil lawsuits were available before). The Amendments also prohibit the use of lead pipes, solder, and flux in public water systems and plumbing, which provide for human consumption, unless the pipes, solder, and flux are "lead free" as defined in the Act.

IV. Purpose of Today's Rule

Because of the Amendments, some of the current drinking water regulations no longer conform to the law. The purpose of this rule is to amend the regulations so that they are consistent with the statute and to incorporate certain requirements that are effective immediately or in the near term. By modifying the current EPA regulations to reflect the new statutory amendments, this notice serves to clarify the effect of the amendments on the responsibilities of the regulated community and indicates which parts of the existing regulations have been superseded by new requirements. This effort to bring EPA's regulations into line with the new statutory provisions also benefits the Agency's enforcement efforts. An important aspect of any effective enforcement program is to inform the regulated community of its responsibilities under the law. EPA is making these modifications to the existing rules through an interpretive rule. Interpretive rules are issued by an agency to advise the public of the agency's administration of the statutes for which it has authority. As an interpretive rule, this rule is not required to undergo notice and comment. Therefore, EPA is making these changes effective immediately. See the Administrative Procedures Act, 5 U.S.C. 553(b)(3)(A); *Citizens to Save Spencer County V. EPA*, 600 F.2d 844, 875 (D.C. Cir. 1979).

V. Codification of the Regulations

The following is a brief explanation of each of the sections which are codified in the regulations.

A. Public Water System Supervision Program

Part 141—National Primary Drinking Water Regulations

Section 141.2 Definitions. Section 1412(a)(2) of the Act, as amended, states that each "recommended maximum contaminant level" ("RMCL") published before June 19, 1986, shall be treated as a "maximum contaminant level goal" ("MCLG"). This notice substitutes the new term for the old term in the definitions section, and throughout 40 CFR Part 141.

Section 141.43 Prohibition on use of lead pipes, solder, and flux and public notice. This is a new section which sets out the ban on the use of lead pipes, solder, and flux found in section 1417 of the Act. This notice codifies the general prohibition, including the deadline for state enforcement, penalties available against a State for failure to enforce the requirements of section 1417, and the Act's definition of "lead free." "Lead-free" materials are solders and flux containing not more than 0.2 percent lead, and pipes and pipe fittings containing not more than 8.0 percent lead. The public notification requirements for lead are not included in this notice. EPA proposed these requirements (to be codified in 40 CFR 141.34) as part of the amendments to the general public notification requirements (40 CFR 141.32) (52 FR 10972, April 6, 1987).

Part 142—National Interim Primary Drinking Water Regulations Implementation

The title of Part 142 is being revised to delete the word "Interim".

Section 142.10. Requirements for a determination of primary enforcement responsibility. The SDWA Amendments revised sections 1412 (a) and (b) to change the terminology for primary drinking water regulations (from "interim" and "revised" to "national") and set schedules for promulgating those regulations. Section 1413(a) of the Act, which sets out the requirements for a State to obtain primary enforcement responsibility for public water systems (i.e., "primacy"), was also amended to reflect the changes in terminology. This notice revises § 142.10(a) to reflect this change.

Section 142.30 Failure by State to assure enforcement. Paragraphs (c), (d), and (e) which describe certain steps the Administrator must take before bringing an enforcement action have been removed because they are no longer required by the Act. EPA intends to propose and promulgate new regulations regarding enforcement of the Act, which implement the new enforcement provisions of the Amendments, at a later date.

Section 142.31 Federal action. This section explains when EPA may bring a civil enforcement action against a public water system. Many of the restrictions in this section no longer apply under the amended Act. Therefore, EPA is removing this section and reserving it until it promulgated new enforcement regulations.

Section 142.41 Variance request. The only change to this section is the insertion of the word "additional" before "interim control measures" to reflect this same change in section 1415(a)(1)(A)(ii) of the Act.

Section 142.42 Consideration of a variance request. Section 1415(a)(1)(A) of the SDWA has been amended to state that "[a] variance may only be issued to a system after the system's application of the best technology, treatment techniques, or other means, which the Administrator finds are available (taking costs into consideration)." This notice amends § 142.42 to reflect this change.

Section 142.43 Disposition of a variance request. This notice corrects an incorrect citation in § 142.43(b)(1); in the last sentence "§ 141.44" has been changed to "§ 142.44". This rule inserts the word "additional" before "control measures" in paragraph (c)(2) and before "interim control measures" in paragraph (f) to reflect the same change in section 1415(a)(1)(A)(ii). In addition, this rule revises paragraph (g). Section 1415(a)(1) of the Act previously required that the primacy agent issue a schedule for compliance and implementation of interim control measures within one year after issuing a variance. This section was amended to require that the primacy agent issue the variance and schedule at the same time. Paragraph (g), as revised, incorporates this change.

Section 142.44 Public hearings on variances and schedules. The only change to this section is the substitution of "and" between "variance" and "schedule" instead of "or." This notice amends § 142.44 to reflect the requirement that EPA must prescribe the schedule of compliance at the same time it grants a variance as specified in section 1415(a)(2), as amended.

Section 142.45 Action after hearing. Same as § 142.44, above.

Section 142.53 Disposition of an exemption request. This notice revises § 142.53 to reflect the requirement in section 1416(b)(1) of the Act, as amended, that a schedule for compliance and implementation of control measures be issued at the same time that an exemption is granted.

Section 142.54 Public hearings on exemption schedules. Section 142.54(d) has been changed to correct an error. In the last sentence of the paragraph, 5 days has been changed to 15 days.

Section 142.55 Final schedule. As noted above Congress amended section 1416(b) of the Act to require that issuance of an exemption from a maximum contaminant level (MCL) or treatment technique requirement be accompanied by a schedule for compliance with the MCL or treatment technique requirement. In the case of an exemption granted with respect to an MCL or treatment technique requirement promulgated under section 1412(a) (i.e., national interim and revised primary drinking water regulations), the schedule must require compliance by June 19, 1987. In the case of an exemption granted with respect to an MCL or treatment technique requirement prescribed by any other national primary drinking water regulation, the schedule must require compliance within 12 months after date of issuance of the exemption. This notice revises § 142.55 to reflect these deadlines.

Section 142.56 Extension of compliance date. Under section 1416(b)(2)(B) of the Act, the final date for compliance may be extended provided that the public water system makes certain showings. In the case of a system which does not serve more than 500 service connections and which needs financial assistance to make the necessary improvements, section 1416(b)(2)(C) allows the compliance deadline to be extended for one or more additional two-year periods provided that the system establishes that it is taking all practicable steps to meet the requirements listed in section 1416(b)(2)(B). This notice adds a new section, § 142.56, to reflect this change.

B. Underground Injection Control Program

Part 144 Underground Injection Control Program

Section 144.1 Purpose and scope of Part 144. This notice amends paragraph (d)(4) to clarify that emergency action may be taken to prevent contamination of underground sources of drinking water. This reflects the amendments to section 1431 of the Act.

Section 144.3. The definition of the SDWA has been amended.

Section 144.6 Classification of wells. This notice amends paragraph (b)(1) to reflect the amendments to section 1421(b)(2)(A) which clarify that wells which inject fluids which are brought to the surface in connection with natural gas storage operations are Class II wells.

Section 144.12 Prohibition of movement of fluid into underground sources of water. This notice adds a sentence to the end of paragraphs (b) and (c)(2) to clarify that orders issued under this section are only authorized under the appropriate provisions of the SDWA. In addition, paragraph (e), the emergency action provision, has been revised for compatibility with the new language in section 1431 of the SDWA by adding the phrase "or underground source of drinking water," and has also been revised to explain the conditions under which EPA may take emergency action.

VI. Rulemaking Requirements

A. Executive Order 12291: Regulatory Impact Analysis

Executive Order 12291 requires each Federal agency to determine if a regulation is a "major" rule as defined by the Order, and, "to the extent permitted by law," to prepare and consider a Regulatory Impact Analysis (RIA) in connection with every major rule. This action is not a "major" regulatory action as defined by the executive order. Therefore, EPA has not prepared an RIA. This rule was submitted to OMB for review. EPA received no written comments.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires EPA to explicitly consider the effect of proposed regulations on small entities. If there is a significant impact on a substantial number of small systems, the RFA states that means should be sought to minimize the effects.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, I certify that this rule will not have a significant impact on a substantial number of small entities.

C. Paperwork Reduction Act

The Paperwork Reduction Act is intended to minimize the reporting burden on the regulated community as well as minimize the cost of Federal information collection and dissemination. There are no information collection requirements in this rule.

List of Subjects

40 CFR Part 141

Chemicals, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

40 CFR Part 142

Administrative practices and procedure, Chemicals, Radiation protection, Reporting and recordkeeping requirements, Intergovernmental relations, Water supply.

40 CFR Part 144

Classification of wells, Order authority, Emergency provision.

Dated: May 21, 1987.

Lee M. Thomas,

Administrator.

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

1. The authority citation for Part 141 is revised to read as follows:

(Authority: 42 U.S.C. 300g–1, 300g–3, 300g–6, 300j–4, and 300j–9.)

2. Section 141.2 is amended by revising paragraph (u) to read as follows:

§ 141.2 Definitions.

* * * * *

(u) "Maximum contaminant level goal" or "MCLG" means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health or persons would occur, and which allows an adequate margin of safety. Maximum contaminant level goals are nonenforceable health goals.

* * * * *

3. Subpart E is amended by revising the title and adding §141.43 to read as follows:

Subpart E—Special Regulations, Including Monitoring Regulations and Prohibition on Lead Use.

* * * * *

§ 141.43 Prohibition on use of lead pipes, solder, and flux.

(a) *In general*—(1) *Prohibition.* Any pipe, solder, or flux, which is used after June 19, 1986, in the installation or repair of—

(i) Any public water system, or

(ii) Any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a public water system shall be lead free as defined by paragraph (d) of this section. This paragraph (a)(1) shall not apply to leaded joints necessary for the repair of cast iron pipes.

(2) Each public water system shall identify and provide notice to persons that may be affected by lead contamination of their drinking water where such contamination results from either or both of the following:

(i) The lead content in the construction materials of the public water distribution system,

(ii) Corrosivity of the water supply sufficient to cause leaching of lead.

Notice shall be provided notwithstanding the absence of a violation of any national drinking water standard. The manner and form of notice are specified in § 141.34 of this part.

(b) *State enforcement*—(1) *Enforcement of prohibition.* The requirements of paragraph (a)(1) of this section shall be enforced in all States effective June 19, 1988. States shall enforce such requirements through State or local plumbing codes, or such other means of enforcement as the State may determine to be appropriate.

(2) *Enforcement of public notice requirements.* The requirements of paragraph (a)(2) of this section, shall apply in all States effective June 19, 1988.

(c) *Penalties.* If the Administrator determines that a State is not enforcing the requirements of paragraph (a) of this section, as required pursuant to paragraph (b) of this section, the Administrator may withhold up to 5 percent of Federal funds available to that State for State program grants under section 1443(a) of the Act.

(d) *Definition of lead free.* For purposes of this section, the term "lead free"

(1) When used with respect to solders and flux refers to solders and flux containing not more than 0.2 percent lead, and

(2) When used with respect to pipes and pipe fittings refers to pipes and pipe fittings containing not more than 8.0 percent lead.

4. In addition to the amendments set forth above, in 40 CFR Part 141 remove the words "recommended maximum contaminant level(s)" and add, in their place, the words "maximum contaminant level goal(s)", and remove the term "RMCL" and add, in its place, the term "MCLG".

PART 142—NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION

1. The authority citation for Part 142 is revised to read as follows:

Authority: 42 U.S.C. 300g–2, 300g–3, 300g–4, 300g–4, 300g–5, 300j–4, and 300j–9.

2. The title of Part 142 is revised to read "National Primary Drinking Water Regulations Implementation".

3. Section 142.10 is amended to revise paragraph (a) to read as follows:

§ 142.10 Requirements for a determination of primary enforcement responsibility.

* * * * *

(a) Has adopted drinking water regulations which are no less stringent than the national primary drinking water regulations in effect under sections 1412(a) and 1412(b) of the Safe Drinking Water Act;

* * * * *

§ 142.30 [Amended]

4. Section 142.30 is amended by removing paragraphs (c), (d) and (e).

§ 142.31 [Removed and Reserved]

5. Section 142.31 is removed and reserved.

6. Section 142.41 is amended by revising paragraph (c)(6) to read as follows:

§ 142.41 Variance request.

* * * * *

(c) * * *

(6) A plan for additional interim control measures during the effective period of variance.

7. In § 142.42, paragraph (c) is redesignated (d) and a new paragraph (c) is added to read as follows:

* * * * *

(c) A variance may only be issued to a system after the system's application of the best technology, treatment techniques, or other means, which the Administrator finds are available (taking costs into consideration).

* * * * *

8. Section 142.43 is amended by revising paragraphs (b)(1), (c)(2), (f), and (g) to read as follows:

§ 142.43 Disposition of a variance request.

* * * * *

(b) * * *

(1) For the type of variance specified in § 142.40(a) such notice shall provide that the variance will be terminated when the system comes into compliance with the applicable regulation, and may be terminated upon a finding by the Administrator that the system has failed to comply with any requirements of a final schedule issued pursuant to § 142.44.

(c) * * *

(2) Implementation by the public water system of such additional control measures as the Administrator may require for each contaminant covered by the variance.

* * * * *

(f) The proposed schedule for implementation of additional interim control measures during the period of variance shall specify interim treatment techniques, methods and equipment, and dates by which steps toward meeting the additional interim control measures are to be met.

(g) The schedule shall be prescribed by the Administrator at the time of granting of the variance, subsequent to provision of opportunity for hearing pursuant to § 142.44.

9. Section 142.44 is amended by revising paragraphs (a), (b) introductory text, (b)(3), (c)(2), and (f) to read as follows:

§ 142.44 Public hearings on variances and schedules.

(a) Before a variance and schedule proposed by the Administrator pursuant to § 142.43 may take effect, the Administrator shall provide notice and opportunity for public hearing on the variance and schedule. A notice given pursuant to the preceding sentence may cover the granting of more than one variance and a hearing held pursuant to such notice shall include each of the variances covered by the notice.

(b) Public notice of an opportunity for hearing on a variance and schedule shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed variance and schedule, and shall include at least the following:

* * * * *

(3) Such notice shall include a summary of the proposed variance and schedule and shall inform interested persons that they may request a public hearing on the proposed variance and schedule.

* * * * *

(c) * * *

(2) A brief statement of the interest of the person making the request in the proposed variance and schedule, and of information that the requester intends to submit at such hearing;

(f) The variance and schedule shall become effective 30 days after notice of opportunity for hearing is given pursuant to paragraph (b) of this section if no timely request for hearing is submitted and the Administrator does not determine to hold a public hearing on his own motion.

10. Section 142.45 is revised to read as follows:

§ 142.45 Action after hearing.

Within 30 days after the termination of the public hearing held pursuant to § 142.44, the Administrator shall, taking into consideration information obtained during such hearing and relevant information, confirm, revise or rescind the proposed variance and schedule.

11. Section 142.53 is amended by revising paragraph (d) to read as follows:

§ 142.53 Disposition of an exemption request.

* * * * *

(d) The schedule shall be prescribed by the Administrator at the time the exemption is granted, subsequent to provision of opportunity for hearing pursuant to § 142.54.

12. Section 142.54 is amended by revising paragraph (d) to read as follows:

§ 142.54 Public hearings on exemption schedules.

* * * * *

(d) The Administrator shall give notice in the manner set forth in paragraph (b) of this section of any hearing to be held pursuant to a request submitted by an interested person or on his own motion. Notice of the hearing shall also be sent to the person requesting the hearing, if any. Notice of the hearing shall include a statement of the purpose of the hearing, information regarding the time and location of the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing. At least one hearing location specified in the public notice shall be within the involved State. Notice of the hearing shall be given not less than 15 days prior to the time scheduled for the hearing.

* * * * *

13. Section 142.55 is amended by revising paragraph (b) to read as follows:

§ 142.55 Final schedule.

* * * * *

(b) Such schedule must require compliance as follows:

(1) In the case of an exemption granted with respect to a contaminant level or treatment technique requirement prescribed by the national primary drinking water regulations promulgated under section 1421(a) of the Safe Drinking Water Act, not later than June 19, 1987, and

(2) In the case of an exemption granted with respect to a contaminant level or treatment technique requirement prescribed by national primary drinking water regulations, other than a regulation referred to in section 1412(a), 12 months after the issuance of the exemption.

* * * * *

14. Section 142.56 is added to read as follows:

§ 142.56 Extension of date for compliance.

(a) The final date for compliance provided in any schedule in the case of any exemption may be extended by the State (in the case of a State which has primary enforcement responsibility) or by the Administrator (in any other case) for a period not to exceed 3 years after the date of the issuance of the exemption if the public water system establishes that:

(1) The system cannot meet the standard without capital improvements which cannot be completed within the period of such exemption;

(2) In the case of a system which needs financial assistance for the necessary improvements, the system has entered into an agreement to obtain such financial assistance; or

(3) The system has entered into an enforceable agreement to become a part of a regional public water system; and the system is taking all practicable steps to meet the standard.

(b) In the case of a system which does not serve more than 500 service connections and which needs financial assistance for the necessary improvements, an exemption granted under paragraph (a) (1) or (2) may be renewed for one or more additional 2-year periods if the system establishes that it is taking all practicable steps to meet the requirements of paragraph (a) of this section.

PART 144—UNDERGROUND INJECTION CONTROL PROGRAM

1. The authority citation for Part 144 is revised to read as follows:

Authority: Pub. L. 93–523, as amended by Pub. L. 95–190, Pub. L. 96–63, Pub. L. 96–502, and Pub. L. 99–339, 42 U.S.C. 300f *et seq.*

2. Section 144.1 is amended by revising paragraphs (a) and (d)(4) to read as follows:

§ 144.1 Purpose and scope of Part 144.

(a) *Contents of Part 144.* The regulations in this part set forth requirements for the Underground Injection Control (UIC) program promulgated under Part C of the Safe Drinking Water Act (SDWA) (Pub. L. 93–523, as amended; 42 U.S.C. 300f *et seq.*) and, to the extent that they deal with hazardous waste, the Resource Conservation and Recovery Act (RCRA) (Pub. L. 94–580 as amended; 42 U.S.C. 6901 *et seq.).*

* * * * *

(d) * * *

(4) Section 1431 authorizes the Administrator to take action to protect the health of persons when a contaminant which is present in or may enter a public water system or underground source of drinking water may present an imminent and substantial endangerment to the health of persons.

* * * * *

3. Section 144.3 is amended by revising the definition of SDWA to read as follows:

§ 144.3 Definitions.

* * * * *

SDWA means the Safe Drinking Water Act (Pub. L. 93–523, as amended; 42 U.S.C. 300f *et seq.*).

* * * * *

4. Section 144.6 is amended by revising paragraph (b)(1) to read as follows:

§ 144.6 Classification of wells.

* * * * *

(b) * * *

(1) Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an intergral part of production operations, unless those waters are classified as a hazardous waste at the time of injection.

* * * * *

5. Section 144.12 is amended by revising paragraphs (b), (c)(2) and (e) to read as follows:

§ 144.12 Prohibition of movement of fluid into underground sources of drinking water.

* * * * *

(b) For Class I, II and III wells, if any water quality monitoring of an underground source of drinking water indicates the movement of any contaminant into the underground source of drinking water, except as authorized under Part 146, the Director shall prescribe such additional requirements for construction, corrective action, operation, monitoring, or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit in accordance with § 144.39, or the permit may be terminated under § 144.40 if cause exists, or appropriate enforcement action may be taken if the permit has been violated. In the case of wells authorized by rule, see §§ 144.21 through 144.24. For EPA administered programs, such enforcement action shall be taken in accordance with appropriate sections of the SDWA.

(c) * * *

(2) Order the injector to take such actions (including, where required, closure of the injection well) as may be necessary to prevent the violation. For EPA administered programs, such orders shall be issued in accordance with the appropriate provisions of the SDWA; or

* * * * *

(e) Notwithstanding any other provision of this section, the Director may take emergency action upon receipt of information that a contaminant which is present in or likely to enter a public water system or underground source of drinking water may present an imminent and substantial endangerment to the health of persons. If the Director is an EPA official, he must first determine that the appropriate State and local authorities have not taken appropriate action to protect the health of such persons, before taking emergency action.

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