

- Carrollton to Marshall, Funding, COE Section 404 Permit and US Coast Guard Permit, Carroll, Lafayette and Saline Counties, MO, Due: April 08, 1996, Contact: Don Neumann (573) 636-7104.
- EIS No. 960054, Draft EIS, IBR, CA, American River Water Resources Investigation, Implementation, Placer, Sutter, El Dorado, Sacramento and San Joaquin Counties, CA, Due: May 03, 1996, Contact: Al Candlish (916) 967-7692.
- EIS No. 960055, Final EIS, AFS, AK, Shamrock Timber Sales, Timber Harvesting and Road Construction, Stikine Area, Kupreanof Island, Tongass National Forest, Implementation, AK, Due: March 11, 1996, Contact: Jim Thompson (907) 772-3871.
- EIS No. 960056, Final EIS, AFS, CO, Telluride Ski Area Expansion Project, Implementation, Special-Use-Permit and COE Section 404 Permit, Grand Mesa Uncompahgre and Gunnison National Forests, Norwood Ranger District, San Miguel County, CO, Due: March 11, 1996, Contact: Jeff Burch (970) 874-7691.
- EIS No. 960057, Final EIS, IBR, WA, ND, OR, ID, NV, MT, SD, WY, NB, UT, CO, CA, NM, OK, KS, AZ, TX, Acreage Limitation and Water Conservation Rules and Regulations, Revised and/or New Rules for Replacement and Expansion of Existing Rules pertaining to the Administration of the Reclamation Reform Act of 1982, Implementation in Seventeen Western States, Due: March 11, 1996, Contact: Ronald J. Schuster (303) 236-9336.
- EIS No. 960058, Draft EIS, NRC, UT, Atlas Site Reclamation Project, License Amendment Request for existing License No. SUA-917 along the Colorado River near Moab, UT, Due: March 25, 1996, Contact: Joseph Holonich (301) 415-6643.
- Amended Notices
- EIS No. 950431, Draft EIS, DOE, Programmatic EIS—Waste Management, Managing Treatment, Storage and/or Disposal of Radioactive and Hazardous Waste for Five Types of Waste: Low-Level Radioactive; Low-Level Mixed; Transuranic Radioactive; High-Level Radioactive and Hazardous Waste, Sites Selection Around the United States, Due: February 19, 1996, Contact: David Hoel (202) 586-3977. Published FR 09-22-95—Review Period Extended.
- EIS No. 950463, Draft Supplement, FHW, KS, South Lawrence Trafficway Construction, Kansas Turnpike I-70 to KS-10/Noria Road, New Information concerning KS-10 on the East and US 59 on the West, Funding, COE Section 404 Permit and Right-of-Way Acquisition, Douglass County, KS, Due: March 06, 1996, Contact: Mark Sehr (913) 267-7284. Published FR 10-20-95—Review Period Extended.
- EIS No. 950556, Draft EIS, AFS, WA, Snoqualmie Pass Adaptive Management Area Plan, Implementation, Wenatchee and Mt. Baker-Snoqualmie National Forest, Cle Elum and North Bend Ranger Districts, Kittitas and King Counties, WA, Due: February 29, 1996, Contact: Floyd Rogalski (509) 674-4411. Published FR 12-08-95—Review Period Extended.
- EIS No. 950587, Final EIS, BLM, WY, Jackpot Underground Uranium Mine Project, Construction and Operation, Plan of Operation Approval, NPDES Permit and COE Section 404 Permit, Fremont and Sweetwater Counties, WY, Due: March 01, 1996, Contact: Larry Kmoch (307) 328-3208. Published FR-01-26-96—Review Period Extended.
- EIS No. 950603, Draft EIS, AFS, CA, Snowcreek Golf Course Expansion, Construction and Operation, Special Use Permit, Inyo National Forest System Lands, Mono County, CA, Due: March 12, 1996, Contact: Robert Hawkins (619) 873-2400. Published FR-01-26-96—Review Period Extended.
- EIS No. 950604, Final EIS, FHW, WA, Elliott Bridge No. 3166 Replacement, from WA-169 (Renton-Maple Valley Highway) across the bridge to the intersection of 154th Place S. E., Funding, U.S. CGD Bridge Permit and Section 404 Permit, Cedar River, City of Renton, King County, WA, Due: January 29, 1996, Contact: Gene Fong (206) 753-2120. Published FR-01-26-96—Correction of CEQ Accession Number.
- EIS No. 960020, Draft EIS, MMS, AK, 1997 Outer Continental Shelf Oil and Gas Lease Sale 158, Yakutat Planning Area, Implementation, Gulf of Alaska, AK, Due: April 25, 1996, Contact: George Valiulis (703) 787-1662. Published FR-01-26-96—Correction of Comment Due Date.
- EIS No. 960025, Draft EIS, AFS, AK, Port Houghton/Cape Fanshaw Timber Harvest Sale Project, Implementation, Tongass National Forest, Chatham and Stikine Areas, South of Juneau, AK, Due: March 18, 1996, Contact: Dave Cottrell (907) 772-3841. Published FR-02-02-96 Correction of Comment Due Date.
- EIS No. 960027, Draft Supplement, FHW, SC, Mark Clark Expressway (Charleston Inner Belt Freeway) Updated Information, Construction between SC-7 Sam Rittenberg Boulevard and SC-171 Folly Road, Stone River, U.S. Coast Guard Permit and COE Section 10 and 404 Permits, Charleston County, SC, Contact: Kenneth Myers (803) 253-3881. Published FR-02-02-96—Inadvertently Published in the 02-02-96 Federal Register. The EIS was filed 9-11-95 and appeared in the 9-22-95 Federal Register. The Comment Period Ended on 11-06-95. The CEQ Accession Number for the Correct EIS is 950423.
- EIS No. 960034, Draft Supplement, COE, FL, Central and Southern Florida Flood Control Project, Restoration of the Upper Kissimmee River Basin through the Headwater Revitalization Project and the Lower Kissimmee River Basin through the Level II Backfilling Plan, Implementation, Updated Information, Glades, Osceola Highlands, Polk, Okeechobee and Orange Counties, FL, Due: March 18, 1996, Contact: Michael A. Smith (904) 232-3506. Published—FR 02-02-96—Correction of EIS Status and Comment Due Date.
- Dated: February 06, 1996.
- William D. Dickerson,  
*Director, NEPA Compliance Division, Office of Federal Activities.*
- [FR Doc. 96-2906 Filed 2-8-96; 8:45 am]
- BILLING CODE 6560-50-P
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- [FRL-5419-9]
- Effluent Trading in Watersheds Policy Statement**
- AGENCY:** Environmental Protection Agency.
- ACTION:** Notice of intent.
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- SUMMARY:** EPA's Assistant Administrator for Water, Assistant Administrator for Enforcement and Compliance and Assurance and General Counsel hereby give notice of an Effluent Trading in Watersheds Policy Statement. This Policy Statement is a result of President Clinton's "Reinventing Environmental Regulation" (March, 1995), which listed effluent trading in watersheds as one of the twenty-five high priority action items. The Policy Statement discusses the benefits of trading, presents an explanation of different types of effluent trading, and outlines how EPA will encourage trading.
- DATES:** This action is effective February 9, 1996.

**ADDRESSES:** Environmental Protection Agency, Office of Water (4102), 401 M Street SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Mahesh Podar, Director, Policy and Budget Staff, Office of Water, at the address given above; telephone 202/260-7818; Email address podar.mahesh@epamail.epa.gov@in. The Policy Statement may also be accessed on the EPA Office of Water Home Page on the Internet at the following address: <http://www.epa.gov/OWOW>.

**SUPPLEMENTARY INFORMATION:**

Authority: Clean Water Act, 33 U.S.C. 1251 et. seq.

Robert Perciasepe,  
*Assistant Administrator for Water.*

**Effluent Trading in Watersheds Policy Statement**

*Purpose*

In response to President Clinton's Reinventing Environmental Regulation (March 1995), EPA strongly promotes the use of effluent trading to achieve water quality objectives and standards. This statement communicates EPA's policy on effluent trading in watersheds, discusses the benefits of trading, presents an explanation of several types of effluent trading, and outlines how EPA will be encouraging trading. This policy is Agency guidance only and does not establish or affect legal rights or obligations. It does not establish a binding norm and is not finally determinative of the issues addressed. Agency decisions in any particular case will be made by applying the law and regulations on the basis of specific facts when permits are issued.

*Policy*

EPA will actively support and promote effluent trading within watersheds to achieve water quality objectives, including water quality standards, to the extent authorized by the Clean Water Act and implementing regulations. EPA will work cooperatively with key stakeholders to find sensible, innovative ways to meet water quality standards quicker and at less overall cost than with traditional approaches alone. EPA will assure that effluent trades are implemented responsibly so that environmental progress is enhanced, not hindered.

*Benefits*

EPA's support of watershed-based trading is anchored to a strong commitment to achieve and maintain water quality standards. EPA believes that trading is an innovative way for

community stakeholders (e.g., regulated sources, non-regulated sources, regulatory agencies and the public) to develop more "common sense" solutions to water quality problems in their watersheds. Effluent trading potentially offers a number of economic, environmental and social benefits:

- Economic Benefits:**
- Reduces costs for individual sources contributing to water quality problems.
  - Allows dischargers to take advantage of economies of scale and treatment efficiencies that vary from source to source.
  - Reduces overall cost of addressing water quality problems in the watershed.
- Environmental Benefits:**
- Achieves equal or greater reduction of pollution for the same or less cost.
  - Creates an economic incentive for dischargers to go beyond minimum pollution reduction and also encourages pollution prevention and the use of innovative technologies.
  - Can reduce cumulative pollutant loading, improve water quality, accommodate growth and prevent future environmental degradation.
  - Can address the broader environmental goals within a trading area, e.g., ecosystem protection, ecological restoration, improved wildlife habitat, endangered species protection, etc.
- Social Benefits:**
- Encourages dialogue among stakeholders and fosters concerted and holistic solutions for watersheds with multiple sources of water quality impairment.

*Explanation of Different Types of Effluent Trading*

Trading supplements the current regulatory approach. It is a method to attain and/or maintain water quality standards, by allowing sources of pollution to achieve pollutant reductions through substituting a cost-effective and enforceable mix of controls on other sources of discharge. As the Agency improves its understanding of the opportunities afforded by watershed-based decision making, EPA will provide information for additional forms of trading.

To take advantage of trading, a point source must be in compliance, and remain in compliance, with applicable technology-based limits. Intra-plant trades must also have a technology-based floor, while the technology floor for pretreatment trading is determined by the categorical standards. EPA expects that most trades will be covered

by Total Maximum Daily Loads (TMDL) or similar watershed-based analysis.<sup>1</sup>

The items to be traded are the pollutant reductions or water quality improvements sought. Under trading, a source that can more cost-effectively achieve greater pollutant reduction than is otherwise required would be able to sell or barter the credits for its excess reduction to another source unable to reduce its own pollutants as cheaply. To ensure that water quality standards are met throughout a watershed, an equivalent or better water pollutant reduction would need to result from a trade. Below are proposed definitions for several different types of effluent trading approaches. These definitions are preliminary and do not reflect the full range of feasible trades:

**Intra-Plant Trading:** A point source is allocated pollutant discharges among its outfalls in a cost-effective manner, provided that the combined permitted discharge with trading is no greater than the combined permitted discharge without trading in the watershed.

**Pretreatment Trading:** An indirect industrial point source(s) that discharges to a publicly owned treatment works arranges, through the local control authority, for additional control by other indirect point sources beyond the minimum requirements in lieu of upgrading its own treatment for an equivalent level of reduction.

**Point/Point Source Trading:** A point source(s) arranges for other point source(s) in a watershed to undertake greater than required control in lieu of upgrading its own treatment beyond the minimum technology-based treatment requirements in order to more cost-effectively achieve water quality standards.

**Point/Nonpoint Source Trading:** A point source(s) arranges for control of nonpoint source discharge(s) in a watershed in lieu of upgrading its own treatment beyond the minimum technology-based treatment requirements in order to more cost-effectively achieve water quality standards.

**Nonpoint/Nonpoint Source Trading:** A nonpoint source(s) arranges for more cost-effective control of other nonpoint sources in a watershed in lieu of installing or upgrading its own control.

<sup>1</sup> A TMDL provides the water quality analysis and planning process for determining the specific pollution reduction that are necessary to attain or maintain water quality standards. Under section 303(d) of the CWA, States establish TMDLs for impaired waters. The TMDL process includes legal requirements for public participation and implementation through NPDES permits.

*How EPA Will Be Encouraging Trading*

EPA is developing a framework for watershed-based effluent trading, as well as information exchange workshops, and limited technical assistance for trading projects in specific areas. Watershed-based trading will be implemented on a voluntary basis under existing Clean Water Act (CWA) authorities. There will be substantial public outreach effort to obtain stakeholders' recommendations and

insights on draft portions of the framework prior to implementation.

Finally, while EPA believes that the potential of trading is largely untapped, the usefulness of trading will depend on the site-specific water quality conditions in any given situation. The framework will describe situations which EPA believes are most appropriate for watershed-based trading, and those that are generally inappropriate.

EPA plans to distribute a draft trading framework in February, 1996 and hold

a series of stakeholder meetings. For more information call Mahesh Podar at (202)260-7818, fax (202)401-3372 or send an Email message to herzi.hawa@epamail.epa.gov or tuano.theresa@epamail.epa.gov.

Experience to Date

Trading is being explored, developed or implemented in a number of watersheds throughout the country. Some examples are below:

Project/Location	Focus	Type of trading
Fox River, WI .....	BOD, nutrients .....	Point/point.
Dillon Reservoir, CO .....	Phosphorus .....	Point/nonpoint; nonpoint/nonpoint.
Boulder Creek, CO .....	Ammonia, nutrients .....	Point/nonpoint.
Tar-Pamlico, NC .....	Nitrogen, phosphorus .....	Point/nonpoint.
Arkansas Nature Conservancy .....	Wetlands .....	Nonpoint/nonpoint.
Maryland Nontidal Wetlands .....	Wetlands .....	Nonpoint/nonpoint.
Iron and Steel .....	BOD, TSS, zinc, and lead .....	Intra-plant.
Rhode Island electroplaters .....	Metals .....	Pretreatment.
Chehalis River Basin, WA .....	BOD .....	Point/nonpoint.
Boone Reservoir, TN .....	Nutrients .....	Point/nonpoint.
Wicomico River, MD .....	Phosphorus .....	Point/nonpoint.
Honey Creek Watershed, OH .....	Phosphorus .....	Point/nonpoint.
South San Francisco Bay, CA .....	Copper .....	Point/point.
Long Island Sound, NY .....	Dissolved oxygen .....	Point/nonpoint.
Cherry Creek, CO .....	Phosphorus .....	Point/nonpoint; point/point.
Tampa Bay, FL .....	Nitrogen, TSS .....	Point/point; point/nonpoint; nonpoint/nonpoint.
Chatfield Basin, CO .....	Phosphorus .....	Point/nonpoint.

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[FRL-5419-4]

**Underground Injection Control Program Hazardous Waste Disposal Injection Restrictions Petition for Exemption—Class I Hazardous Waste Injection Cab-O-Sil Division, Cabot Corporation, Tuscola, Illinois**

**AGENCY:** United States Environmental Protection Agency (USEPA).

**ACTION:** Notice of reissuance of exemption from land disposal restrictions.

**SUMMARY:** Notice is hereby given by the USEPA that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA) has been reissued to Cab-O-Sil Division, Cabot Corporation (Cabot), of Tuscola, Illinois, for continued use of Wells No. 1 and 2 and addition of Well No. 3 to inject enumerated restricted wastes into geological reservoirs. As required by 40 CFR Part 148, Cabot has demonstrated, to a reasonable degree of certainty, that there will be no migration of hazardous

constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the initiation of underground injection by Cabot of specific restricted hazardous wastes, including hydrochloric acid and wastewaters contaminated with hydrochloric acid which are hazardous because they are corrosive (Waste Code D002), a multi-source leachate (Waste Code F039) contaminated with small amounts of 1,1-dichloroethylene, 1,2-dichloroethylene, methylene chloride, phenol, tetrachloroethylene, and trichloroethylene from a closed waste storage impoundment, and low concentrations of residual, spent acetone (Waste Code F003) rinsed from laboratory glassware cleaned with solvent, into a Class I hazardous waste injection well, specifically identified as Well No. 3, at the Tuscola facility. The reissuance also incorporates conclusions based on geological data gathered during construction of that well and contained in the petition for reissuance dated August 16, 1995, into the Administrative Record of the decision to grant Cabot Corporation an exemption from the Land Disposal Restrictions. This decision constitutes a final USEPA action for which there is no administrative appeal.

Background

Cabot submitted a petition on April 14, 1988, requesting exemption for its two injection wells, Well No. 1 and Well No. 2, located near Tuscola, Illinois, from the land disposal restrictions for corrosive hazardous wastes (Waste Code D002) which became effective on August 8, 1990. After reviewing the petition and additional submissions of information, the USEPA determined that the geological setting at the site as well as the construction and operation of Well No. 2 is adequate to prevent fluid migration out of the injection zone within 10,000 years, as required under 40 CFR Part 148. A three-month extension of the facility's ban date was required because the requirements for finalizing the decision to grant an exemption could not be completed before the ban date. The exemption for Well No. 2 was issued on November 6, 1990.

Because of problems which included loss of mechanical integrity of Well No. 1 at the time the exemption was granted, it was not included in the exemption. The well was repaired, and mechanical integrity tests, demonstrations showing an absence of leaks in the tubing and casings or cement seal at the top of the injection zone, were completed on