



Enviroscope

Bill Sonntag, Director of Government Relations
AESF/NAMF/MFSA Joint Government Relations Program
National Environmental Strategies • 2600 Virginia Ave., N.W. • Suite 600
Washington, DC 20037 • 202/956-5190

Legislation is Changing the Course Of Environmental Regulations

The major accomplishment for last spring was the passage of HR 961 by the U.S. House of Representatives. As noted in the *Washington Line*, passage of the bill marks the first time in a generation that a major piece of environmental legislation that reduces federal mandate, and establishes cost-conscious implementation measures, has reached this point in Congress. Thanks to all those in industry who contributed through their efforts and advocacy in many congressional offices and districts.

The next task is Senate passage. The prospects for Senate action ebb and flow every week. There remains a strong contingent of committed Republicans and Democrats that wants to see action on the House-passed bill, despite the contrariness of the committee chairman, and especially the committee staff.

The Senate appears to be ready to move a risk/cost benefit bill to the floor that will ultimately be subject to conference committee deliberations with the House-passed Contract With America provisions. The real hope for environmental policy reform, however, lies with the statutory reauthorizations, including the Clean Water Act and Superfund.

Superfund

House Majority Leader Richard Armey (R-TX) recently stated that Superfund is on the agenda for the second 100 days of the 104th Congress. Likewise, Senate Majority Leader Bob Dole (R-KS) and Superfund Subcommittee Chairman Robert Smith (R-NH) have committed to passing a Superfund bill this year. House Appropriations Committee Chairman Bob Livingston (R-LA) and ranking member Sam Gibbons (D-FL) are committed to not appropriating funds for the Superfund program, if

the law's retroactive liability is reformed this year. The mood is right to comprehensively reform Superfund, but with the upcoming presidential elections, time appears to be the greatest enemy to any reform efforts.

A "Superfund Reform '95" (SR '95) proposal received another endorsement from the recent White House Conference on Small Business, where delegates from every state voted for a recommendation to President Clinton on Superfund reform that mirrors the SR '95 principles.

Risk Assessment

The debate on risk assessment and cost/benefit analysis has moved to the Senate as part of an over-arching regulatory reform effort. In the House, through NAMF, the industry played an active role in keeping small business in the forefront of consideration in deliberations over Title III of HR 9, one of the planks in the Republican's Contract With America, which passed the House in the first 100 days of the 104th Congress.

On the Senate side, several competing bills passed by the Judiciary and Government Affairs Committees have been refined into one bill (S 343), sponsored by Senate Majority Leader Dole. Industry has been working with the staffs of Senators Dole and Sam Nunn (D-GA), to see that a small business amendment is included in the final version of the "Dole Bill." The amendment would require federal agencies to perform risk assessment and cost/benefit analysis for all rules that are subject to the Regulatory Flexibility Act. As part of the Dole Bill, the Regulatory Flexibility Act will be amended to include stringent judicial review provisions.

Clean Water Act Reauthorization

Efforts to induce the Senate to take up the House-passed HR 961 continue. The industry joined in a Clean Water Industry Coalition letter sent to all members of the Senate, to urge early consideration. In addition, a schedule of meetings with individual Senate offices is underway. Both industry and local government groups are working to counter efforts that mischaracterize HR 961 as an environmental rollback. NAMF is also included in the development of a full-scale public relations and media campaign designed to dispel the less-than-favorable image created by opposition to the bill.

Quiet lobbying is also underway. The simple fact that this bill represents the only significant environmental legislation passed by either House to date is a compelling reason for eventual action. If that is not enough, the House leadership is threatening to cut all appropriations for statutes that have not been reauthorized by this fall. If they hold to this dramatic change in the traditional willingness of the House to overlook the lack of authorization, it should get the Senate's attention.

Regulatory Update

Clean Air Act

Chromium MACT Standard

Although the notice has not been published in the *Federal Register*, EPA publicly has stated (at the AESF Chromium Summit) that it will propose a supplemental rulemaking that will provide for a five-year deferral of all Clean Air Act Title V permitting requirements for sources required to file by virtue of the chromium MACT rule, and a permanent exclusion for decorative plating

and anodizing operations using fume suppressant technology.

There are some important points to keep in mind:

- All specific requirements found in the text of the MACT standard will remain in force, including emissions limits, work practices and reporting requirements.
- Any state that wishes to impose Title V permitting will be able to do so. The deferral/exclusion is only optional.
- Any facility that must have a permit under any other section, requirement or title of the Clean Air Act will still be required to apply.

The industry must be ready to provide comments when the proposal appears in the *Federal Register*. In addition, it would be advisable for individual firms to submit simple letters of support for the record. The government relations staff will help formulate comments and the contact campaign.

Metal Products &

Machinery Effluent Guideline

The rule was published on May 30, 1995, with a 90-day comment period. Here is a brief update on industry and government relations staff actions to date.

1. The problems with the proposed rule were raised directly with Robert Perciasepe, EPA Assistant Secretary for Water, on June 6. He is aware that both large and small industry find that the provisions of the proposal are unreasonable, and in some cases unworkable. For instance, there is no scientific method capable of detecting cyanide in the concentrations mandated, and the 30-day average concentrations proposed for some metals are very close to drinking water standards. **Remember:** These are for pretreatment standards for effluent discharged to a POTW!
2. The government relations office has been contacted by a major American industry sector suggesting that the surface finishing industry cooperate by jointly retaining an engineering firm to coordinate and draft comments. A decision will be made on this in the near future.

3. Government relations staff continues to work with our municipal partners and POTWs on issues regarding the rule. It is anticipated that the Association of Metropolitan Sewerage Agencies will provide assistance and information-sharing during comment development. The state water pollution control officials group has also been contacted. Contacts are also planned with state Governors' organizations.

4. The Common Sense Initiative (CSI) Regulatory Workgroup has had one conference call and meetings on the MP&M issues identified for review by the CSI group. This should again provide a

process that will either validate or invalidate some of the EPA's decisions on the MP&M rule. CSI has recommended elimination of the iron and aluminum pretreatment standards.

5. The government relations staff called a multi-industry meeting in Washington to again coordinate issues and possible comments.
6. The process of compiling and analyzing the data collected in the recent MP&M data collection effort has begun. This information will be included in industry comments.

All of these efforts are being coordinated by joint conference calls

and meetings of the AESF/NAMF/MFSA Environment and Water Subcommittees. If you, your Branch, or affiliate or firm can lend a hand in this all-out effort, please call the government relations office.

RCRA Reform/Business Recycling Coalition

EPA has initiated the RCRA Reform Initiative. Industry representatives have participated in a series of three public meetings around the country in Chicago, Houston and Washington, DC. In addition, long-time RCRA activist David Norwine participated in a recent Washington roundtable meeting that was to discuss small business issues with RCRA.

Not much has changed in this debate. This industry continues to advocate for a reexamination of the RCRA list for F006 and for a separate reduced regulatory burden for both generators and recyclers of materials like F006. Expect continued action and a list of proposed reforms from EPA soon.

Common Sense Initiative

In addition to the MP&M-related activities, the metal finishing industry sector team has identified approximately 12 projects for initiation under the various CSI workgroups. These include research on bath-life extension and emissions for chromium plating solutions and processes, and possible development of compliance-assistance tools and financial assistance for firms in the industry that are struggling with environmental requirements.

The industry leadership involved, as well as many in the EPA and other

stakeholder groups, are viewing the metal finishing industry's efforts as some of the best in the CSI process. This is because of the very real efforts of our members and leadership, and the fact that other stakeholders—especially the environmentalists and community environmental activists involved in the metal finishing CSI process—have been reasonable, accommodating and appear to share our interest in achieving some positive results for the industry and the environment. Look for a comprehensive listing of planned activities under CSI soon, or request additional information from a participant or the government relations office.

There has been a rigorous series of CSI meetings, including a regional meeting in Rhode Island, a planned meeting in Hartford, CT, an outreach meeting in southern California, and a planned meeting in Detroit. Industry and EPA are seeking as much regional input as possible.

Method Detection Limit Guidance

As previously reported, EPA delayed issuance of a final guidance on this subject, after receiving numerous criticisms from industry and the scientific community on their approach. Industry has continued to push for more comment opportunities. AESF Board member John Lindstedt participated in technical meetings held by EPA in July and August.

NIST Industry Information Resource Center Proposal

The announcement of the project took place during SUR/FIN® '95—Baltimore (please refer to the "Action

Lines" in this issue). Federal funds and other contributions will total approximately \$900,000 over three years. The Government Advisory Committee (GAC) and Boards of Directors and Trustees from AESF, NAMF and MFSA will need to begin to deliberate on choices for at least two advisory boards that will be formed to oversee the project.

Industry and EPA Pollution Prevention Proposal Funded

In another example of how the three organizations working together have reaped rewards, it has been unofficially announced that the project proposal drafted by AESF and the EPA's Risk Reduction Engineering Laboratory in Cincinnati will receive \$300,000 in EPA Environmental Technology Initiative funding. The project will be aimed at completing and updating a pollution prevention classroom training curriculum. This traditional AESF role will be supported through use of these funds. It will be a good complement to the industry information resource center. o