

to the State Implementation Plan to meet the primary TSP standard.

Only two comments were received in response to the proposed extensions. Both were from private citizen groups in Idaho which were in favor of the proposed rulemaking.

EPA is therefore today approving the states' requests for 18-month extensions.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

1. Section 52.672 is amended by adding paragraph (d) as follows:

§ 52.672 Extensions.

* * * * *

(d) The Regional Administrator hereby extends to July 1, 1980, the statutory timetable for submission of Idaho's plan for the attainment and maintenance of the secondary standards for total suspended particulate in all non-attainment areas in Idaho.

2. Section 52.1981 is amended by adding paragraph (d) as follows:

§ 52.1981 Extensions.

* * * * *

(d) The Regional Administrator hereby extends to July 1, 1989, the statutory timetable for submission of Oregon's plan for the attainment and maintenance of the secondary standards for total suspended particulate matter in Portland, Springfield-Eugene, and Medford-Ashland non-attainment areas in Oregon.

3. Section 52.2472 Extensions, is amended by adding paragraph (b) as follows:

§ 52.2472 Extensions.

* * * * *

(b) The Regional Administrator hereby extends to July 1, 1980 the statutory timetable for submission of Washington's plan for the attainment and maintenance of the secondary standards for total suspended particulate matter in all non-attainment areas in Washington.

(Section 110(b) Clean Air Act (42 U.S.C. 7410(b).)

Dated: July 23, 1979.

Douglas M. Costle,
Administrator.

[FR Doc. 79-23468 Filed 7-27-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

(FRL 1271-4)

Approval and Promulgation of Implementation Plans; Connecticut Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the Connecticut State Implementation Plan which grants a variance to Regulation 19-508-19(a)(2)(i) "Control of Sulfur Compound Emissions". The variance was granted to Northeast Utilities on behalf of United Technologies, to purchase, store and burn Arabian light crude oil which would not exceed 2.9% sulfur content by weight, a non-conforming fuel, until April 1, 1981, in order that United Technologies may test a jet engine using this fuel.

EFFECTIVE DATE: July 30, 1979.

FOR FURTHER INFORMATION CONTACT: Sarah Simon, Air Branch, Region I, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5609.

SUPPLEMENTARY INFORMATION: On April 16, 1979 the Commissioner of the Connecticut Department of Environmental Protection (the Department) submitted a revision to the State Implementation Plan (SIP) for a variance to Regulation 19-508-19(a)(2)(i) "Control of Sulfur Compound Emissions". The variance would allow Northeast Utilities, on behalf of United Technologies, to purchase, store and burn non-conforming fuel until April 1, 1981, in order that United Technologies may test an engine using Arabian light crude oil. The engine was built by United Technologies, and is currently owned and operated by Northeast Utilities at its South Meadow Station, Hartford, Connecticut. The effective state regulation limits sulfur-in-fuel oil content to one-half percent (0.5%) by weight, while the crude oil to be used in testing of the engine may contain up to 2.9% sulfur. An increase of SO₂ only is expected of the pollutants emitted from fuel burning.

An application for a variance to Regulation 19-508-19(a)(2)(i) was submitted to the Department in August 1978. The Department, after public hearing, issued State Order Number 716 on April 3, 1979 granting the variance. The State order terminates on April 1, 1981, limits sulfur content to 2.9%, and also requires the following: reports on fuel analyses and quantities, a daily log of operation and fuel consumption,

testing limits of 2500 hours in a twelve month period and 5000 hours in two years, a maximum firing rate of 1900 gallons/hour, suspension of testing during air pollution advisories, a limit of 20% opacity for emissions, and an emission test for SO₂, NO_x, and particulates. Testing is to be conducted using only Unit 11 of the South Meadow Station.

The Regional Administrator published a notice in the Federal Register on May 24, 1979 (44 FR 30122) proposing to approve the revision. Technical support submitted by the Department showed that emissions from this testing program would not result in violation of the National Ambient Quality Standards for SO₂ or of the Prevention of Significant Deterioration (PSD) increment. The results of the modeling performed by United Technologies and the analysis by the Department were described in the proposed rulemaking notice. EPA's review of the modeling results indicates that impacts from the engine testing will be well under the standards and allowable increments. Since this revision expires April 1, 1981, the PSD increment consumption will be restored.

No letters of comment were received during the 30-day public comment period.

After evaluation of the State's submittal, the Administrator has determined that the Connecticut revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision to the Connecticut SIP is approved.

This action is being made effective immediately in order that United Technologies may proceed with its test program within the time period allowed by this variance.

(Sec. 110(a) and 301 of the Clean Air Act, as amended, (42 U.S.C. 7401 and 7601).)

Dated: July 18, 1979.

Douglas M. Costle,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. In § 52.370, paragraph (c)(10) is added to read as follows:

Subpart H—Connecticut

§ 52.370 Identification of plan.

* * * * *
(c) * * *
* * * * *

[10] A revision to Regulation 19-508-19(a)(2)(i) submitted by the Commissioner of the Connecticut Department of Environmental Protection on April 16, 1979, granting a variance until April 1, 1981 to Northeast Utilities.

[FR Doc. 79-23466 Filed 7-27-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1277-8]

40 CFR Part 52

California Plan Revision: San Diego County Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, take no action on changes to the San Diego County Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: August 29, 1979.

FOR FURTHER INFORMATION CONTACT: Louise Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, Attn: Douglas Grano (415) 556-2938.

SUPPLEMENTARY INFORMATION: On September 8, 1978 (43 FR 40040), EPA published a Notice of Proposed Rulemaking for revisions to the San Diego County APCD's rules and regulations submitted on June 22, 1978 and July 13, 1978 by the California Air Resources Board (ARB) for inclusion in the California SIP.

The changes contained in this submittal and being acted upon by this notice include the following: addition of new regulations pertaining to architectural coatings, deletion of the previous architectural coatings coverage, additions to the hearing board fee collection procedures, changes in the procedure for requesting hearings, and the addition of emergency variance provisions.

These rules were revised to correct deficiencies, add clarity and make needed additions. All of the rule revisions were evaluated as to their consistency with the Clean Air Act, 40 CFR Part 51 and EPA policy.

A list of the rules being considered by this action was published as part of the

Notice of Proposed Rulemaking. The Notice provided a 30-day public comment period. Comments were received from the San Diego County APCD concerning Rule 67, *Architectural Coatings*, Rule 97, *Emergency Variance*, and Rule 98, *Breakdown Conditions: Emergency Variance*. These comments are addressed below.

The District explained that new Rule 67 references a previously approved rule to insure uninterrupted coverage of solvent emissions. EPA concurs with the District's analysis and is approving Rule 67 without retaining the previously approved architectural coating coverage of Rule 66 (l), (m), and (n), submitted July 22, 1975.

The District also noted that Rule 97, which contains procedures to grant emergency variances, is necessary to give "temporary relief in a real-time frame." EPA is approving Rule 97 as a procedure for the granting of variances. However, it should be noted that each variance must also satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

With respect to Rule 98, which concerns upset/breakdown conditions, the District enclosed an amended version of the rule containing a number of improvements. The District indicated that they had adopted this rule and submitted it to the ARB. On May 23, 1979, the ARB submitted Rule 98 to EPA as an SIP revision. Thus, EPA is taking no action on Rule 98, submitted July 13, 1978, since it has been superseded.

Under section 110 of the Clean Air Act as amended and 40 CFR Part 51, the Administrator is required to approve or disapprove regulations submitted as SIP revisions. It is the purpose of this Notice to approve all of the rules listed in the Notice of Proposed Rulemaking and to incorporate them into the California SIP, with the exception of Rule 61.2, *Transfer of Volatile Organic Compounds into Mobile Transport Tanks*, Rule 61.3, *Transfer of Volatile Organic Compounds into Stationary Storage Tanks*, and Rule 98, *Breakdown Conditions: Emergency Variance*.

Rule 61.2 has been superseded by a May 23, 1979 submittal, and thus, action is reserved for a future Federal Register notice. Action on Rule 61.3 is also reserved for the future notice since related District rules, such as Rule 61.2, are not yet part of the SIP, and Rule 61.3 cannot be approved independent of them.

Furthermore, EPA is taking no action on Rule 98 since it has been superseded

by the May 23, 1979 submittal, as discussed above.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." EPA has reviewed the regulations being acted upon in this notice and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

(Secs. 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)).

Dated: July 23, 1979.

Douglas M. Costle,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(44)(vi) and (c)(45)(iii) as follows:

§ 52.220 Identification of plan.

- (c) * * *
- (44) * * *
- (vi) San Diego County APCD.
(A) New or amended Rules 66, 67.0, and 67.1.
- * * * * *
- (45) * * *
- (iii) San Diego County APCD.
(A) New or amended Rules 42, 76, and 97.
- * * * * *

[FR Doc. 79-23467 Filed 7-27-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 65

[FRL 1275-6]

Delayed Compliance Order for Central Soya Company, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order for Central Soya Company, Inc. (Central Soya). The

Order requires the Company to bring air emissions from its two-coal fired boilers at Marion, Ohio into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). Central Soya's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect July 30, 1979.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn St., Chicago, Illinois 60604. Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On May 8, 1979 the Regional Administrator of U.S. EPA's Region V Office published in the Federal Register (44 FR 26940) a notice setting out the provisions of a proposed State Delayed Compliance Order for Central Soya. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to Central Soya by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places Central Soya on a schedule to bring its two coal-fired boilers at Marion, Ohio into compliance as expeditiously as practicable with Regulations OAC 3745-17-07 and OAC 3745-17-10, a part of the federally approved Ohio State Implementation Plan. Central Soya is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Central Soya to delay compliance with the SIP regulation covered by the Order until April 15, 1980.

Compliance with the Order by Central Soya will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulation covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulation covered by the Order which occurred

before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Central Soya is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective July 30, 1979 because of the need to immediately place Central Soya on a schedule for compliance with the Ohio State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: July 18, 1979.
Douglas M. Costle,
Administrator.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Central Soya Co. Inc.	Marion, Ohio	None	May 8, 1979	OAC 3745-17-07; OAC 3745-17-10.	April 15, 1980.

[FR Doc. 79-23460 Filed 7-27-79; 8:45 am]
BILLING CODE 6580-01-M

40 CFR Part 65

[FRL 1274-3]

Delayed Compliance Order for Factory Power Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA issues a Delayed Compliance Order to Factory Power Company. The Order requires the company to bring air emissions from two of its four coal-fired boilers at Cincinnati, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). Factory Power Company's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATE: This rule takes effect July 30, 1979.

In consideration of the foregoing, Chapter I of the Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding the following entry to the table in Section 65.401:

§ 65.401 U.S. EPA approval of State delayed compliance orders issued to major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this Part. With regard to this Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

FOR FURTHER INFORMATION CONTACT: Louise Gross, Attorney, United States Environmental Protection Agency, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On May 8, 1979, the Regional Administrator of U.S. EPA's Region V Office published in the Federal Register (44 FR 26943) a notice setting out the provisions of a proposed Federal Delayed Compliance Order for Factory Power Company. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is issued to Factory Power Company by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(1) of the Act, 42 U.S.C. 7413(d)(1). The Order places Factory Power Company on a schedule to bring two of its four coal-fired boilers at Cincinnati, Ohio, into compliance as expeditiously as practicable with Regulation AP-3-11, a part of the federally approved Ohio

State Implementation Plan. Factory Power Company is unable to immediately comply with this regulation. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met; it will permit Factory Power Company to delay compliance with the SIP regulation covered by the Order until March 30, 1980.

Compliance with the Order by Factory Power Company will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulation covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulation covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Factory Power Company is in violation of a requirement contained in the Order, one or more of the actions required by

Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place Factory Power Company on a schedule for compliance with the Ohio State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: July 19, 1979.

Douglas M. Costle,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding the following entry to the table in § 65.400:

§ 65.400 Federal delayed compliance orders issued under section 113(d)(1), (3), and (4) of the Act.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Factory Power Co.	Cincinnati, Ohio	EPA-5-79-A-42	May 8, 1979	AP-3-11	March 30, 1980

[FR Doc. 79-29461 Filed 7-27-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 401

[FRL 1260-5]

Identification of Conventional Pollutants

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: EPA is issuing a final rule establishing oil and grease as a conventional pollutant. EPA is withdrawing its proposal to designate chemical oxygen demand (COD) and phosphorus as conventional pollutants. Additionally, EPA is establishing two new sections in 40 C.F.R. Part 401 which will contain the list of conventional pollutants and the previously published list of toxic pollutants.

DATE: This rule becomes effective July 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Telephone 202/755-0100.

SUPPLEMENTARY INFORMATION: Section 304(a)(4) of the Clean Water Act requires that:

The Administrator shall, within 90 days after the date of enactment of the Clean Water Act of 1977 and from time to time thereafter, publish and revise as appropriate information identifying conventional pollutants, including but not limited to, pollutants classified as biological oxygen demanding, suspended solids, fecal coliform, and pH. The thermal component of any discharge shall not be identified as a conventional pollutant under this paragraph.

On July 28, 1978 the Agency published a Federal Register notice designating biochemical oxygen demand (BOD), pH,

fecal coliform bacteria, and total suspended solids (TSS) as conventional pollutants (43 FR 32857). The Agency also proposed three pollutants for addition to the list. Public comments were solicited on the addition of chemical oxygen demand (COD), oil and grease and phosphorus. In this notice the Agency identified two criteria for selection of conventional pollutants. First, conventional pollutants are generally those pollutants which are naturally occurring, biodegradable, oxygen demanding materials, and solids and which have characteristics similar to naturally occurring biodegradable substances. Second, conventional pollutants include those classes of pollutants which traditionally have been the primary focus of wastewater control. Based on these criteria, EPA concluded that conventional pollutants may include suspended solids, oxygen demanding substances and nutrients. The Agency also stated that conventional pollutants may, in some cases, be used as indicators of toxic pollutants.

EPA is today establishing oil and grease as a conventional pollutant and withdrawing its proposal to add COD and phosphorus to the conventional pollutant list. The Agency is confirming the use of the selection criteria and pollutant classes for any future identification of conventional pollutants.

Additionally, in order to aid the public in determining the classification of a pollutant, the Agency is establishing two new sections in 40 CFR Part 401. Section 401.16 will contain the list of designated conventional pollutants. Section 401.15 will contain the list of toxic pollutants, designated pursuant to section 307(a)(1) of the Clean Water Act, which was previously published on January 31, 1978 (43 FR 4108).

Background

Under the Clean Water Act, there are now effectively three classes of pollutants for purposes of effluent limitations guidelines. Toxic pollutants are established pursuant to section 307(a)(1) of the Act, and conventional pollutants are designated under the authority of section 304(b)(4). All other pollutants are "non-toxic, non-conventional" pollutants. Both toxic and "non-toxic, non-conventional" pollutants are subject to effluent limitations representing "best available technology economically achievable" (BAT). However, the modifications to BAT limits provided by sections 301(c)

and 301(g) are not available for BAT limitations on toxic pollutants.

Pursuant to section 304(b)(4)(B) of the Clean Water Act, conventional pollutants are now subject to effluent limitations representing "best conventional pollutant control technology" (BCT). As specified by the Act, BCT limitations are subject to a "cost reasonableness" assessment, and on August 23, 1978, EPA proposed a methodology to be employed in determining these limitations (43 FR 37570). This methodology requires the comparison of the costs and level of reduction from an industrial category with those of a publicly owned treatment work (POTW). In some cases, this assessment will result in BCT limitations less stringent than those based upon BAT. In no case, however, shall BCT limitations be less stringent than those representing "best practicable control technology currently achievable" (BPT).

The act and its legislative history state that the economic and water quality modifications provided in sections 301(c) and 301(g) will not be available for BCT limitations. It should be stressed that loss of these modifications by addition of a pollutant to the conventional pollutant list will result in limitation of the Agency's authority to provide a permittee with effluent limitations less stringent than BCT based on a case-by-case evaluation of economic or water quality concerns.

Pollutants from any of the three classes may be used as "indicators" of toxic pollutants. In such cases, limitations will be set at BAT levels and no modifications will be available.

Response to Public Comments

Selection Criteria

Virtually all commenters supported the selection criteria and resulting pollutant classes identified by the Agency.

Oil and Grease

Most commenters supported the additional of oil and grease to the conventional pollutant list. Several commenters expressed concern that the Agency does not distinguish between oils and greases from animal and vegetable origin and those associated with petroleum sources. While recent advances in analytical techniques have provided a method for separating groups of oil and grease with similar characteristics, it is the entire class of oil and grease which has traditionally been of concern in wastewater control. Both groups are treated by similar

equipment and both groups exhibit many of the same environmental effects.

However, several commenters noted that oil and grease from petroleum sources may contain toxic fractions. Where toxic substances are associated with oil and grease, the Agency may require control at BAT levels. This will be done either by identification of oil and grease as an indicator pollutant or by establishing BAT limitations for the specific toxic pollutant. This is the same approach which EPA will follow when toxic fractions are contained in other pollutant parameters such as total suspended solids (TSS).

Chemical Oxygen Demand

The majority of commenters objected to the designation of COD as a conventional pollutant. The main objection raised by these commenters is that COD does not measure biodegradable substances and does not reflect the oxygen demanding characteristics of a waste stream. Additional objections concerned alleged difficulties with the methodology for measuring COD and the necessity of using advanced treatment methods for removing fractions of COD. Those who supported the addition of COD to the conventional pollutant list noted that this pollution parameter was the best measure of waste streams containing certain types of oxidizable materials.

The Agency has concluded that COD should not be designated as a conventional pollutant at this time. Based on its assessment of the Clean Water Act and its legislative history, EPA concluded that conventional pollutants include substances which, among other things, may be biodegradable or oxygen demanding. The Agency believes that this reflects Congress' concern for the traditional problem of degradation of water bodies through depletion of the dissolved oxygen available to the biota. COD is a parameter which measures a range of substances that are oxygen demanding. Although certain fractions of the materials measured by COD do deplete oxygen available to aquatic organisms, other fractions, identifiable as oxygen demanding under certain conditions of temperature and pH, do not as a practical matter deplete oxygen which would otherwise be available to organisms. Therefore, the Agency does not believe that it would be appropriate to identify it as a conventional pollutant at this time. When regulated in permits, COD will be treated as a "non-conventional, non-toxic" pollutant, unless it is designated as a toxics indicator.

Phosphorus

Numerous commenters urged EPA to remove phosphorus from consideration as a conventional pollutant. Some noted that the discharge of phosphorus from industrial point sources was insignificant compared to the amount entering receiving waters from non-point sources. Others noted that phosphorus is responsible for environmental degradation in only a limited number of water bodies. Finally, some commenters argued that phosphorus could not be a conventional pollutant because it was not specifically controlled by secondary treatment at publicly owned treatment works (POTWs). Those who supported the designation of phosphorus as a conventional pollutant pointed out that, as a nutrient, it may directly contribute to eutrophication.

The Agency recognizes the relationship of phosphorus to problems of water quality degradation and believes that nutrients, such as phosphorus, may be proper candidates for inclusion in the list of conventional pollutants. Nonetheless, phosphorus is not being added at this time. The primary reason for this decision is that phosphorus is an environmental problem only in limited geographical areas. Although phosphorus is not commonly treated by POTWs employing secondary treatment, the Agency believes that this factor is not relevant in designating conventional pollutants.

Indicators

Several commenters objected to the Agency's statement that conventional pollutants may in some cases be used as indicators of toxic pollutants. Although the Agency does intend to use conventional pollutants as toxics indicators in some industries, the issue of the use of indicators is not directly relevant to the question of which pollutants may be identified as conventional. All classes of pollutants, conventional, non-conventional and toxic, may contain substances which can be used as indicators and commenters should reserve objections to their use for those regulations in which such an approach is employed.

Dated: July 17, 1979.

Douglas M. Costle,
Administrator.

40 CFR Subchapter N, Part 401 is amended by the addition of the following two sections:

§ 401.15 Toxic pollutants.

The following comprise the list of toxic pollutants designated pursuant to section 307(a)(1) of the Act:

1. Acenaphthene
2. Acrolein
3. Acrylonitrile
4. Aldrin/Dieldrin*
5. Antimony and compounds¹
6. Arsenic and compounds
7. Asbestos
8. Benzene
9. Benzidine*
10. Beryllium and compounds
11. Cadmium and compounds
12. Carbon tetrachloride
13. Chlordane (technical mixture and metabolites)
14. Chlorinated benzenes (other than dichlorobenzenes)
15. Chlorinated ethanes (including 1,2-dichloroethane, 1,1,1-trichloroethane, and hexachloroethane)
16. Chloroalkyl ethers (chloromethyl, chloroethyl, and mixed ethers)
17. Chlorinated naphthalene
18. Chlorinated phenols (other than those listed elsewhere; includes trichlorophenols and chlorinated cresols)
19. Chloroform
20. 2-chlorophenol
21. Chromium and compounds
22. Copper and compounds
23. Cyanides
24. DDT and metabolites*
25. Dichlorobenzenes (1,2-, 1,3-, and 1,4-dichlorobenzenes)
26. Dichlorobenzidine
27. Dichloroethylenes (1,1-, and 1,2-dichloroethylene)
28. 2,4-dichlorophenol
29. Dichloropropane and dichloropropene
30. 2,4-dimethylphenol
31. Dinitrotoluene
32. Diphenylhydrazine
33. Endosulfan and metabolites
34. Endrin and metabolites*
35. Ethylbenzene
36. Fluoranthene
37. Haloethers (other than those listed elsewhere; includes chlorophenylphenyl ethers, bromophenylphenyl ether, bis(dichloroisopropyl) ether, bis-(chloroethoxy) methane and polychlorinated diphenyl ethers)
38. Halomethanes (other than those listed elsewhere; includes methylene chloride, methylchloride, methylbromide, bromoform, dichlorobromomethane, trichlorofluoromethane, dichlorodifluoromethane)
39. Heptachlor and metabolites
40. Hexachlorobutadiene
41. Hexachlorocyclohexane
42. Hexachlorocyclopentadiene
43. Isophorone
44. Lead and compounds
45. Mercury and compounds
46. Naphthalene
47. Nickel and compounds
48. Nitrobenzene
49. Nitrophenols (including 2,4-dinitrophenol, dinitrocresol)
50. Nitrosamines
51. Pentachlorophenol
52. Phenol

53. Phthalate esters
54. Polychlorinated biphenyls (PCBs)*
55. Polynuclear aromatic hydrocarbons (including benzantracenes, benzopyrenes, benzofluoranthene, chrysenes, dibenzanthracenes, and indenopyrenes)
56. Selenium and compounds
57. Silver and compounds
58. 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD)
59. Tetrachloroethylene
60. Thallium and compounds
61. Toluene
62. Toxaphene*
63. Trichloroethylene
64. Vinyl chloride
65. Zinc and compounds

§ 401.16 Conventional pollutants.

The following comprise the list of conventional pollutants designated pursuant to section 304(a)(4) of the Act:

1. Biological oxygen demand (BOD)
2. Total suspended solids (nonfilterable) (TSS)
3. pH
4. Fecal coliform
5. Oil and grease

[FR Doc. 79-23464 Filed 7-27-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5673

[I-12551]

Idaho; Withdrawal for Administrative Site

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: This order withdraws 19.09 acres of public land for the development of an office and warehouse complex for the Bureau of Land Management's Burley, Idaho, District Office.

EFFECTIVE DATE: July 30, 1979.

FOR FURTHER INFORMATION CONTACT: Louis B. Bellesi—(202) 343-8731. By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751, 43 U.S.C. 1714), it is hereby ordered as follows:

1. Subject to valid existing rights, the following described land is hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws, 30 U.S.C., Ch.2, and reserved for the development of an office and warehouse complex for the Bureau of Land

Management's Burley, Idaho, District Office:

Boise Meridian

Burley District Office Administrative Site

A parcel of land lying in the east half of the southwest quarter (E½SW¼) of section 32, T. 10 S., R. 23 E., the said parcel being more particularly described as follows:

Beginning at a point 1500.4 feet north and 33.0 feet west of the quarter-section corner common to section 32, Township 10 South, Range 23 East and Section 5, Township 11 South, Range 23 East, Boise Meridian; said point being on the west right-of-way line of State Highway No. 27; thence N. 0°22'03" E. along the highway right-of-way a distance of 515.12 feet; thence N. 89°27'57" W. a distance 1184.19 feet to the centerline of the U.S.R.S. "H" Canal; thence S. 35°17'24" W. along the canal centerline a distance of 80.64 feet; thence S. 21°20'41" W. along the canal centerline a distance of 89.13 feet; thence S. 11°08'55" W. along the canal centerline a distance of 221.23 feet to the west quarter section boundary of said section 23; thence S. 0°18'27" E. along the quarter section boundary 501.81 feet; thence S. 89°26'03" E. a distance of 496.15 feet; thence N. 0°36'56" E. a distance of 355.45 feet; thence S. 89°21'29" E. a distance of 800 feet to the point of beginning.

The area described aggregates 19.09 acres, more or less, in Cassia County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetable resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

Assistant Secretary of the Interior.

July 23, 1979.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FI-5070]

Final Flood Elevation Determinations for the Borough of Westville, Gloucester County, N.J.; Cancellation

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Cancellation of final rule.

SUMMARY: The Office of Federal Insurance and Hazard Mitigation has erroneously published at 44 FR 6934 on February 5, 1979, the final flood elevation determination for the Borough

*Effluent standard promulgated (40 CFR Part 129).

¹The term "compounds" shall include organic and inorganic compounds.