

State regulation	State effective date	EPA approved date	Comments
Title 7, Chapter 26 Subchapter 2A, "Additional, Specific Disposal Regulations for Sanitary Landfills."	June 1, 1987	[Date and citation of this Federal Register]	
[FR Doc. 90-15262 Filed 6-28-90; 8:45 am] BILLING CODE 6560-50-M	conform to the Federal stack height regulations as revised July 8, 1985 (50 FR 27892). A description of the revision was provided in the NPR and will not be restated here. As discussed in the NPR, the State submittal did not include definitions for "emission limitation" and "emission standard". EPA proposed approval with the condition that Delaware adopt definitions for these terms and submit them to EPA prior to final rulemaking. The State committed to amending its definitions to conform with EPA's requirements. The State adopted EPA's definitions for "emission limitation" and "emission standard" as found in 40 CFR 51.100(z) (51 FR 40656), and submitted them to EPA to be included in the State's stack height SIP revision. The State held a public hearing on November 4, 1988, on the incorporation of EPA's 40 CFR 51.100(z) definitions for "emissions limitations" and "emissions standards". This revision to State Regulation XXVII, section 2, was then submitted to EPA on December 21, 1988, as part of the Delaware Order Number 89-A-5. No public comments were submitted during the State's adoption process or EPA's NPR. <i>Final Action:</i> EPA approves the amendments to Regulation No. XXVII, for Stack Height and Regulation No. XXV, Requirements for Preconstruction Review, as revisions to the Delaware SIP. These revisions were submitted by the State of Delaware on March 6, 1987, and December 21, 1988. Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic and environmental factors, and in relation to relevant statutory and regulatory requirements. EPA has reviewed this amendment and believes there will be no adverse affects on air quality if approved. The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States	Court of Appeals for the appropriate circuit by August 28, 1990. This Action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)). List of Subjects in 40 CFR Part 52 Air pollution control, Incorporation by reference, Particulate matter, and Sulfur oxides. <i>Note:</i> Incorporation by reference of the Implementation Plan for the State of Delaware was approved by the Director of the Federal Register on July 1, 1982. Dated: February 28, 1990. Steve R. Wasserburg, <i>Acting Regional Administrator.</i>	
40 CFR Part 52 [FRL-3749-9; EPA Docket No. AMO23 DE] Approval and Promulgation of Implementation Plan; Delaware; Stack Height Regulation			
AGENCY: Environmental Protection Agency (EPA). ACTION: Final rule.			
SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware. The revision consists of amendments to Regulation No. XXVII, for Stack Height and Regulation No. XXV, Requirements for Preconstruction Review. EPA has reviewed this revision and has concluded that it conforms to 40 CFR part 51, including the July 8, 1985 stack height amendments (50 FR 27906). EPA takes this action in accordance with section 110 of the Clean Air Act.			
EFFECTIVE DATE: This rule will become effective on July 30, 1990.			
ADDRESSES: Copies of the submittal are available for public inspection during normal business hours at the following locations:			
U.S. Environmental Protection Agency, Region III, Air, Toxics and Radiation Management Division, 841 Chestnut Building, Philadelphia, PA 19107, Attn: Ms. Donna J. Abrams (3AM11)			
Delaware Department of Natural Resources and Environmental Control, Division of Environmental Control, Air Resources Section, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903, Attn: Mr. Robert R. French			
FOR FURTHER INFORMATION CONTACT: Ms. Kelly A. Yost (3AM11) at the EPA Region III address above, or call (215) 597-2746. The commercial and the FTS numbers are the same.			
SUPPLEMENTARY INFORMATION: On September 30, 1987 (52 FR 36593), EPA published a Notice of Proposed Rulemaking (NPR) for a revision to the Delaware State Implementation Plan (SIP). The NPR proposed to amend the State's stack height regulations to			
		PART 52—[AMENDED]	
		Subpart I—Delaware	
		Part 52 of title 40, Code of Federal Regulations is revised as follows:	
		1. The authority citation for part 52 continues to read as follows:	
		Authority: 42 U.S.C. 7401-7642.	
		2. Section 52.420 is amended by adding paragraph (c) (39) as follows:	
		§ 52.420 Identification of plan.	
		* * * * *	
		(c) * * *	
		(39) Revisions to the State Implementation Plan were submitted by the Delaware Department of Natural Resources and Environmental Control on March 6, 1987 (Secretary's Order No. 87-A-2). Revisions to the State Implementation Plan submitted by the Delaware Department of Natural Resources and Environmental Control on March 21, 1988 (Secretary's Order No. 89-A-5).	
		(i) Incorporation by reference.	
		(A) Letter received on March 6, 1987, from the Delaware Department of Natural Resources and Environmental Control submitting revisions to the State Implementation Plan for EPA approval (portions of Secretary Order No. 87-A-2).	
		(B) Letter dated December 21, 1988, from the Delaware Department of Natural Resources and Environmental Control submitting revisions to the State Implementation Plan for EPA approval	

(portions of Secretary Order No. 89-A-5).

(C) Only those portions of Secretary's Order No. 87-A-2 issued on February 18, 1987, which amend Regulation No. II, Stack Heights at sections 2.2, 2.3, 2.4, and 2.5, pertaining to the definitions of the terms excessive concentrations, nearby stack, and stack in existence; and at sections 3.1, 3.2, and 3.3, pertaining to the requirements for new and existing sources.

(D) Only those portions of Secretary's Order No. 89-A-5, issued on December 7, 1988, which amend Regulation No. XXV, Requirements for Preconstruction Review, at section 3.9(A) and Regulation No. XXVII, Stack Heights at section 2 to include definitions of the terms emission limitation and emission standard.

[FR Doc. 90-15202 Filed 6-28-90; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[FRL-1379-6]

Approval and Promulgation of Air Quality Implementation Plans; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule and correction.

SUMMARY: The Iowa Department of Natural Resources has submitted revised regulations to incorporate by reference EPA's Guidelines on Air Quality Models (Revised 1986) (EPA 450/2-78-027R) and Supplement A (1987). EPA is taking final action to approve this revision to establish consistency with EPA's current requirements on air quality models. EPA is also approving a recodification of the Iowa air quality rules. At this time, EPA is correcting final rulemakings published in the Federal Register of August 15, 1989, approving the Iowa PM₁₀ State Implementation Plan revision, and the Polk County and Linn County revisions.

DATES: This action will become effective August 28, 1990, unless someone notifies EPA that they wish to make adverse or critical comments by July 30, 1990. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection at:

Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Division, Iowa Department of Natural Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319.

FOR FURTHER INFORMATION CONTACT: Wayne A. Kaiser at (913) 551-7603 (FTS 276-7603).

SUPPLEMENTARY INFORMATION: On May 7, 1990, the Iowa Department of Natural Resources submitted an amendment to chapter 22.4 (455B), "Special Requirements for Major Stationary Sources Located in Areas Designated Attainment or Unclassified (PSD)," subrule 22.4(1), which incorporates EPA's Guideline on Air Quality Models (Revised 1986) and Supplement A (1987) to satisfy EPA's modeling requirement in 40 CFR 51.166(1) and 52.21(1) and the rulemaking on the addition of Supplement A which became effective February 5, 1988.

This amendment was adopted by the Iowa Environmental Protection Commission after proper notice and public hearing (see 40 CFR 51.102) and became effective on March 14, 1990. If additional information is desired on EPA's Guideline on Air Quality Models (Revised), the reader can refer to 51 FR 33176 published September 9, 1986, and in reference to Supplement A, 53 FR 392, published January 6, 1988.

EPA is also approving the recodification of the Iowa air quality rules, which was effective on December 3, 1986. The recodification was necessary due to a major reorganization of the Iowa environmental programs and has no practical effect on the rules themselves.

EPA has not reviewed the substance of these regulations at this time, except for subrule 22.4(1) above. These rules were approved into the SIP in previous rulemakings. The EPA is now merely approving the renumbering system submitted by the state. The EPA's approval of the renumbering system, at this time, does not imply any position with respect to the approvability of the substantive rules.

Also, EPA is correcting errors in final rulemakings published in the Federal Register on August 15, 1989. In the Iowa PM₁₀ SIP revision (54 FR 33536), the wrong section number was printed in the section that identifies the regulatory text. In the Linn County revision (54 FR 33526) and the Polk County revision (54 FR 33528), the incorporation by reference material that was submitted and approved by the Office of the Federal Register was not printed correctly in the Federal Register.

ACTION: EPA takes final action to approve Iowa's revised rule 22.4(1) which pertains to air quality models as

contained in a state submittal on May 7, 1990. EPA also approves the recodification of the Iowa air quality rules.

This action has been classified as a table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the U.S. Court of Appeals for the appropriate circuit by August 28, 1990. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference.

Note: Incorporation by reference of the State Implementation Plan for the state of Iowa was approved by the Director of the Federal Register on July 1, 1982.

Dated: June 18, 1990.

Morris Kay,
Regional Administrator.

I, Part 52 of chapter I, title 40 (40 CFR part 52) is amended as follows:

Subpart Q—Iowa

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.820 is amended by adding paragraph (c)(52) as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(52) Revised chapter 22, subrule 22.4(1), submitted on May 7, 1990, incorporates by reference revised EPA Modeling Guideline Supplement A, July 1987, and recodified air quality rules chapter 20-29.

(i) Incorporation by reference:

(A) Amendment to chapter 22, "Controlling Pollution," Iowa Administrative Code, subrule 22.4(1), Effective March 14, 1990.

(B) Recodification of Iowa Administrative Code, title II—Air Quality, chapters 20–29, effective December 3, 1986.

II. EPA published three final rulemakings in the Federal Register on August 15, 1989. The following corrections are being made by publication of this notice.

On page 33528, second column, under part 52, subpart Q—Iowa, § 52.820 Identification of Plan (c)(50)(i)(A) Linn County chapter 10 Ordinance "Air Pollution Control" adopted by the Linn County Board of Supervisors on September 2, 1987, should be corrected to read:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(50) * * *

(i) Incorporation by reference:

(A) Linn County Chapter 10 Ordinance "Air Pollution Control" sections 10.1 (except for 10.1(50)), 10.2, 10.3, and 10.4, adopted by the Linn County Board of Supervisors on September 2, 1987.

On page 33530, second column, under part 52, subpart Q—Iowa, § 52.820 Identification of Plan (c)(49)(i)(A) Ordinance No. 28, Amendment to Polk County Board of Health Rules and Regulations, chapter V, Air Pollution, adopted by the Polk County Board of Supervisors on September 15, 1987, should be corrected to read:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(49) * * *

(i) Incorporation by reference:

(A) Ordinance No. 28, Amendment to Polk County Board of Health Rules and Regulations chapter V, Air Pollution, Article I, 5–1 and 5–2 (except for variance); Article II, 5–3; and Article X, 5–28 through 5.50–1 (except for 5–49 and 5–50), effective October 8, 1987.

On page 33539, second column, under part 52, subpart Q—Iowa, line 4, correct § 52.920 to § 52.820.

On page 33539, second column, under part 52, subpart Q—Iowa, line 7, correct § 52.920 Identification of plan, to § 52.820 Identification of plan.

[FR Doc. 90–15261 Filed 6–28–90; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 414

[FRL 3726–6]

Organic Chemicals, Plastics and Synthetic Fibers Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending 40 CFR part 414 to revoke certain portions of the effluent limitations guidelines and pretreatment standards for the organic chemicals, plastics and synthetic fibers (OCPSF) manufacturing point source category. The revocation withdraws the limitations and standards for a certain set of pollutants and discharges as discussed below. All other limitations and standards contained in the rule will remain in effect. The purpose of the withdrawal is to implement a court ruling in *Chemical Manufacturers Association v. Environmental Protection Agency*, 870 F.2d 177 (5th Cir.), modified, 885 F.2d 253 (5th Cir. 1989).

EFFECTIVE DATE: This amendment was effective as of the date of the order of the court remanding the affected limitations and standards, October 10, 1989.

FOR FURTHER INFORMATION CONTACT: George M. Jett, Project Officer, Chemicals Branch, Industrial Technology Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; (202) 382-7151.

SUPPLEMENTARY INFORMATION:

I. Background

On November 5, 1987, EPA promulgated a regulation establishing effluent limitations guidelines and standards for the organic chemicals, plastics, and synthetic fibers (OCPSF) manufacturing point source category. 40 CFR part 414; 52 FR 42522. These included effluent limitations guidelines attainable by the application of the "best practicable control technology currently available" (BPT) and the "best available technology economically achievable" (BAT); pretreatment standards applicable to existing and new dischargers to publicly owned treatment works (PSES and PSNS, respectively), and new source performance standards (NSPS) attainable by the application of the

"best available demonstrated control technology".

Thirty-one separate lawsuits were filed by three industry trade associations (Chemical Manufacturers Association, Synthetic Organic Chemicals Manufacturers Association, and National Paint and Coatings Association), several dozen OCPSF companies, and one environmental interest group (Natural Resources Defense Council). The petitioners raised approximately 63 separate issues. In settlement of an issue raised by one petitioner, EPA revoked the effluent limitations and standards for bis(2-chloroisopropyl) ether. 54 FR 27351; June 29, 1989.

On March 30, 1989, the U.S. Court of Appeals for the Fifth Circuit issued a decision that upheld the regulations against all industry challenges and all but two challenges brought by NRDC. With respect to two challenges brought by NRDC, the Court remanded the regulation to EPA for further rulemaking to determine whether the rule should be made more stringent in certain respects, but left the rule in effect pending further rulemaking. *Chemical Manufacturers Association v. Environmental Protection Agency*, 870 F.2d 177 (5th Cir. 1989). The Agency has initiated technical studies to respond to the issues raised by the court's remand.

Six petitioners or groups of petitioners filed petitions for rehearing on about 16 issues. On October 10, 1989, the Court granted rehearing and remanded two parts of the regulations to EPA for further rulemaking proceedings. The first and more significant part consists of the effluent limitations for 19 of the 20 pollutants in BAT Subcategory 2 (40 CFR 414.101) that were based upon in-plant biological treatment technology. (The court left in effect the limitation for acrylonitrile that was based upon this technology.) This aspect of the remand in effect also remands the new source performance standards for these 19 pollutants for discharges that are subject to 40 CFR 414.101 limitations. In addition, it remands the existing and new source pretreatment standards for 13 pollutants that were based upon the remanded BAT Subcategory 2 limitations. The second remanded part of the regulation consists of limitations and standards for pollutants discharged from three metal-bearing waste streams that EPA had erroneously listed in part 414 appendix A.

II. Today's Revocation

In response to the Court's decision, EPA is today withdrawing the limitations and standards remanded by