

TABLE 52.1167.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/ subject	Date adopted by state	Date approved by EPA	Federal Register citation	52.1120(c)	Comments/unapproved sections
310 CMR 7.18(17)	RACT	June 20, 1989	February 21, 1990	55 FR [insert FR page citation].	(79)	RACT Compliance Plan Conditional Approval for Monsanto Chemical Company in Indian Orchard dated 6/20/89.

[FR Doc. 90-3930 Filed 2-20-90; 8:45 am]

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40 CFR Parts 60 and 61

[FRL 3726-3]

Delegation of Authority to the State of New Mexico for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: The Environmental Protection Agency (EPA) announces the delegation of full authority to the State of New Mexico to implement and enforce additional source categories of the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) including the subsequent revisions and amendments to the standards for which full authority had been delegated to the State by the previous delegation agreement of March 15, 1985. The last coverage update of the delegation agreement was approved on November 10, 1988, and a notice of it was published in the Federal Register (53 FR 46614). Based on the State's request of September 1, 1989, the EPA has now granted full authority to the State for the NSPS and NESHAP through December 12, 1988, applicable only in certain areas of the State, and partial authority for new and amended standards after that date.

This delegation of authority does not apply to: (1) The sources located in Bernalillo County, New Mexico. (2) the sources located on Indian lands as specified in the delegation agreement and in this notice, (3) the standards of performance for New Residential Wood Heaters (subpart AAA) under 40 CFR part 60, and (4) the NESHAP radionuclide standards specified under 40 CFR part 61.

EFFECTIVE DATE: February 8, 1990.

ADDRESSES: The State's request and delegation agreement may be requested by writing to one of the following address:

Chief, SIP New Source Section (6T-AN),
Air Programs Branch, U.S.
Environmental Protection Agency,
1445 Ross Avenue, Dallas, Texas
75202, Telephone: (214) 655-7214
Chief, Air Quality Bureau, New Mexico
Environmental Improvement Division,
1190 St. Francis Drive, Sante Fe, New
Mexico 87503, Telephone: (505) 827-
0042.

All other requests, reports, applications and such other communications which are required to be submitted under 40 CFR part 60 and 40 CFR part 61 (including the notifications required under subpart A of the regulations) for the affected facilities, in areas outside of Indian lands or Bernalillo County, should be sent directly to the State of New Mexico at the above address. Sources located on all Indian lands (including Bernalillo County), sources subject to the standards of performance for New Residential Wood Heaters—subpart AAA under 40 CFR part 60 (except for Bernalillo County), and sources subject to the NESHAP radionuclides under 40 CFR part 61 in the State of New Mexico should submit the information specified above to the Chief, Air Enforcement Branch, EPA Region 6 Office at the address given in this notice. The affected sources located within the boundaries of Bernalillo County, outside of Indian lands, should submit all of the required information (except for the NESHAP radionuclides under 40 CFR part 61) to Director, The Albuquerque Environmental Health Department, The City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P.E., SIP New Source Section, Air Programs Branch, United States Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, telephone number (214) 655-7214.

SUPPLEMENTARY INFORMATION: Sections 111(c) and 112(d) of the Clean Air Act allow the Administrator of the EPA to

delegate EPA's authority to any State which can submit adequate regulatory procedures for implementation and enforcement of the NSPS and NESHAP programs.

On October 19, 1984, New Mexico requested full delegation of authority for the implementation and enforcement of NSPS through March 14, 1984, and NESHAP through December 9, 1983. The State also requested partial authority for the technical and administrative review of new or amended NSPS and NESHAP in the October 19, 1984 letter. The delegation request was granted to the State subject to the conditions and limitations specified in the delegation agreement which was approved on March 15, 1985. The March 15, 1985, delegation agreement provided full authority for the State to implement and enforce the NSPS and NESHAP through March 14, 1984, and December 9, 1983, respectively. Also, the State received partial authority for implementation of NSPS and NESHAP subparts effective after the specified dates in the State regulations and for amendments of fully delegated NSPS and NESHAP subparts after the dates specified above. The State's authority was approved only for the areas outside of Indian lands and Bernalillo County. The last coverage update of the delegation agreement was approved on November 10, 1988, and a notice of it was published in the Federal Register (53 FR 46614).

On September 1, 1989, the NMEID requested the EPA to grant full authority for additional source categories and amendments to the fully delegated NSPS and NESHAP subparts by extending the coverage date through December 12, 1988, for the NSPS and NESHAP. Based on review of State's Air Quality Control Regulations (AQCR) 750 (for NSPS) and 751 (for NESHAP), the EPA delegated full authority to the State as requested in the letter of September 1, 1989. AQCRs 750 and 751 incorporate the Federal NSPS and NESHAP by reference through the date specified above except for the performance standards for New Residential Wood Heaters—subpart AAA under 40 CFR part 60 and the NESHAP radionuclide

standards under 40 CFR part 61. The provisions and conditions specified in the March 15, 1985, delegation agreement and its supplements shall remain unchanged and effective except the revision of the appropriate dates as cited above. The revised authorized dates have been listed in Table 1 for NSPS and Table 2 for NESHAP. These tables noting the revised effective date have been approved by the Regional Administrator, and are thereby incorporated as part of the March 15, 1985, delegation agreement. No authority has been delegated for the standards of performance for New Residential Wood Heaters—subpart AAA under 40 CFR part 60 and the NESHAP radionuclide standards specified under 40 CFR part 61.

Today's notice informs the public that the EPA has expanded the State's full authority to implement and enforce the NSPS and NESHAP through December 12, 1988. All reports required pursuant to the Federal NSPS and NESHAP (40 CFR part 60 and 40 CFR part 61) by sources located in the State of New Mexico, in areas outside of Indian lands or Bernalillo County, should be submitted directly to the New Mexico Health and Environment Department, Environmental Improvement Division, Air Quality Bureau, 1190 St. Francis Drive, Santa Fe, New Mexico 87503. Sources located on all Indian lands (including Bernalillo County), sources subject to the standards of performance for New Residential Wood Heaters—subpart AAA under 40 CFR part 60 (except for Bernalillo County), and sources subject to the NESHAP radionuclides under 40 CFR part 61 in the State of New Mexico should apply to the Chief, Air Enforcement Branch, EPA Region 6 Office at the address given in this notice. The affected sources located within the boundaries of Bernalillo County, outside of Indian lands, should submit all of the required information (except for the NESHAP radionuclides under 40 CFR part 61) to Director, The Albuquerque Environmental Health Department, the City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.

The Office of Management and Budget has exempted this information notice from the requirements of section 3 of Executive Order 12291.

This delegation is issued under the authority of sections 111(c) and 112(d) of the Clean Air Act, as amended (42 U.S.C. 7411(c) and 7412(d)).

List of Subjects

40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Fossil-Fuel fired steam generators, Glass and glass products, Grain, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper industry, Petroleum, Phosphate, Fertilizer, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

40 CFR Part 61

Air pollution control, Asbestos, Benzene, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

Dated: February 8, 1990.

Robert E. Layton, Jr.,

Regional Administrator.

[FR Doc. 90-3933 Filed 2-20-90; 8:45 am]

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40 CFR Part 799

[OPTS-42104B; FRL 3661-4]

RIN 2070-AB07

Testing Consent Order On 4-Nonylphenol, Branched

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document announces that EPA has signed an enforceable testing Consent Order with GAF Chemicals Corporation, GE Specialty Chemicals Incorporated, Kalama Chemicals Incorporated, Monsanto Company, Rohm & Haas Company, Schenectady Chemicals Incorporated, Texaco Chemical Company, and Uniroyal Chemical Company Incorporated, hereinafter referred to as the Alkyl Phenols and Ethoxylates (APE) Program Panel of the Chemical Manufacturers Association (CMA). The APE Program Panel has agreed to perform certain chemical fate and environmental effects tests on 4-nonylphenol, branched (4-NP) with CAS No. 84852-15-3*. This chemical substance is added to the list of testing Consent Orders in 40 CFR 799.5000 for which the export notification requirements of 40 CFR part 707 apply.

EFFECTIVE DATE: February 21, 1990.

FOR FURTHER INFORMATION CONTACT:

Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Rm. E543B, 401 M St., SW., Washington, DC

20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Under procedures described in 40 CFR part 790, the APE Program Panel has entered into a testing Consent Order with EPA, and has agreed to perform certain chemical fate and environmental effects tests for 4-NP with CAS No. 84852-15-3* (Ref. 1). The Chemical Abstracts Service does not consider this registry number (CAS No.) to represent a unique chemical substance; therefore, this is denoted by an asterisk (*). For the purposes of this rule in accordance with section 3 of the Toxic Substance Control Act (TSCA), 4-NP with CAS No. 84852-15-3* is herein referred to as a chemical substance comprised of mostly *para*-branched C9-alkylphenols. This rule amends 40 CFR 799.5000 by adding 4-NP to the list of chemical substances and mixtures subject to testing Consent Orders.

I. Recommendation

On July 30, 1987, the Testing Priority Committee (TPC) of EPA formally nominated nonylphenol as a candidate for rulemaking under TSCA. The recommendation was based on the review of a draft Chemical Hazard Information Profile (CHIP) and interaction between EPA and other Federal offices in a program review process. The TPC did not detail specific testing recommendations with regard to the various forms of nonylphenol (2-, 4-, monoethoxylated-, and polyethoxylated nonylphenol) that were identified in the CHIP.

The CHIP review was considered the first stage in the assessment of risk for "nonylphenol." Chemical information was provided for 2-nonylphenol, normal (CAS No. 136-83-4), 4-nonylphenol, normal (CAS No. 104-40-5), and nonylphenol, mixed isomers (CAS No. 25154-52-3); three distinct chemical entities. The TPC requested an investigation of the data gaps and environmental testing needs for nonylphenol. From the program review, EPA's Office of Water Regulations and Standards (OWRS) recommended environmental effects testing, and the U.S. Food and Drug Administration (FDA) and EPA's Office of Solid Waste (OSW) recommended chemical fate testing.

Following the TPC's recommendation to identify data gaps and testing needs, EPA initiated discussions with industry manufacturers and other EPA offices.

II. Background

EPA issued a Federal Register notice on October 21, 1987 (52 FR 39273), announcing the first public meeting and