PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Sections 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 38 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Location</th>
<th>Map No.</th>
<th>State map repository</th>
<th>Local map repository</th>
<th>Effective date of authorization of sale of flood insurance for area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio</td>
<td>Cuyahoga</td>
<td>Hunting Valley,</td>
<td>R 20</td>
<td>O</td>
<td>R</td>
<td>Sept 10, 1973</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Erie</td>
<td>Fairview, town-</td>
<td>O 17</td>
<td>O</td>
<td>O</td>
<td>Emergency</td>
</tr>
</tbody>
</table>


George K. Bernstein,
Federal Insurance Administrator.
Public comments were invited. Comments have been received from 23 organizations or individuals, and have been reviewed and considered in making this rulemaking. EPA's reasons for revoking the annual secondary standard were set forth in the notice of proposed rulemaking and are further discussed below.

The amendments set forth herein will revise 40 CFR Part 50.6 by revoking the annual National Secondary Ambient Air Quality Standards for Sulfur Dioxide. The annual standard (0.5 ppm) was not to be exceeded more than once per year, remains in effect.

Section 109 of the Clean Air Act requires the Administrator to establish national primary and secondary ambient air quality standards “to protect the public health and welfare“.

New secondary standards “to protect the public welfare“ are established throughout the world. The data on sulfur dioxide concentrations of sulfur dioxide and the remaining secondary standards must be based on air quality standards which, under section 108, must reflect the latest scientific knowledge useful in indicating the kind and extent of adverse effects on public health and welfare which may be expected from the presence of sulfur dioxide in the ambient air, in varying quantities. Such national standards must be based on scientific information the results of a number of studies conducted throughout the world. The data used for establishing secondary standards must be based on scientific information which is necessary to protect against long-term concentrations of sulfur dioxide, the attainment of which is necessary to protect against adverse effects. In addition, neither the studies cited nor the comments made by the Natural Resources Defense Council, Inc., submitted to EPA are aware of the results of the studies which were cited in support of these comments. At the present time, however, it is unclear to what extent sulfur dioxide is a precursor to health effects more adverse than those now noted in the Air Quality Criteria for Sulfur Oxides.

This revocation does not affect the acceptability and enforceability of currently approved implementation plans. These plans are considered adequate and necessary to attain and maintain the remaining sulfur dioxide standards.

Section 103(c) of the Clean Air Act as amended in 1970 provides that the Administrator will “be required to consider and, as appropriate, modify any criteria standards or any portion thereof” in keeping with this section of the Act, notice is given in this issue of the Federal Register of the posting of a revision to Chapter 5, “Effects of Sulfur Oxides on Vegetation,” of Air Quality Criteria for Sulfur Oxides. This revision includes the results of a number of studies completed since initial publication of the Criteria Document in 1969, and also includes a reanalysis of older data in the light of new information.

The revision has been reviewed by the National Air Quality Criteria Advisory Committee, composed of representatives from industry, universities, conservation groups, and all levels of government; by individuals specially selected for their competence, expertise, or special interest in the effects of air pollutants on vegetation; and by a Federal consultation committee, comprised of members from appropriate Federal departments and agencies.
At the present time, the Administrator judges that the revised vegetative portion of the Air Quality Criteria for Sulfur Oxides provides the only adequate basis for the secondary National Ambient Air Quality Standards for Sulfur Dioxide. More than 700 published scientific papers concerning vegetational response to exposure to sulfur dioxide were reviewed by the Environmental Protection Agency. From these papers, 141 were selected by EPA as presenting the most significant criteria information. These papers are referenced and cited in the revised criteria document.

The Administrator realizes there are limitations in the scientific knowledge of vegetational effects resulting from exposure to sulfur dioxide in combination with other ambient air pollutants. As an example, it is known that sulfur dioxide combined with other pollutants may cause visible injury on vegetation to occur at lower levels than if vegetation were exposed to sulfur dioxide alone. A few studies in the revised criteria document consider the combined effects, but most studies deal with single pollutant effects. One study between sulfur dioxide and ozone, and sulfur dioxide and oxides of nitrogen, have been cited in the revised criteria document. The information on combined effects presented in the criteria is not extensive. The results are from preliminary laboratory studies which point out some conflicting results requiring in-depth review. There are some cases where plants are apparently undamaged by pollutant mixtures although the sulfur dioxide level by itself would lead one to believe that damage would occur. The potential for damage at low concentrations of pollutant mixtures clearly exist; however, there is not at this time, in the judgment of the Administrator, adequate data on which to base a standard solely on the combined effects.

The revised vegetative criteria cite environmental factors which in some way influence the susceptibility of vegetation injury as the result of sulfur dioxide exposure. For example, vegetation is most easily injured when: (1) Adequate soil moisture for growth is present; (2) humidity is high; (3) temperatures are above 40°F; (4) the vegetation is actively growing; and (5) sunlight is present. Environmental factors such as these are interrelated and no study has been located to date which succeeds in adequately isolating the relative importance of each.

Those studies which exist in the revised criteria document concerning vegetational harm in the entire growing season do not indicate which of the observed injury was caused by a long-term exposure to low levels of sulfur dioxide or by high exposures of sulfur dioxide which occurred during shorter time periods. In the absence of such information, the Administrator has determined that proposing a standard based on growing season exposures to sulfur dioxide is not warranted at this time.

Laboratory, field-chamber, and ambient air studies are cited in the revised criteria. Laboratory and field chamber studies tend to be artificial by design and never completely simulate ambient conditions. However, most laboratory and field chamber studies is to discover the effects resulting from direct exposure to the pollutants without the interference of numerous environmental parameters including other pollutants. As a result, laboratory and field chamber studies tend to either overrestrict a number of environmental conditions which might make vegetation more sensitive, or condition the vegetation to be much more sensitive than would be found under natural conditions. For example, natural environmental conditions such as excess moisture and sunlight, which influence the sensitivity of plants, together with the random interactions with other pollutants, may cause injury to occur at lower ambient air concentrations of sulfur dioxide than those reported in laboratory or chamber studies where such conditions are absent. In ambient air studies, these effects are difficult to isolate from similar effects caused by sensitive environmental conditions or other pollutants. However, if ambient air studies are complemented by laboratory and field studies, effects can be better related to the pollutant.

The Environmental Protection Agency is well aware that sulfur dioxide has effects on non-vegetational sectors of the public welfare such as materials, visibility, odor, taste, and the acidification of rain. However, the current National Air Quality Standard is not intended to protect these sectors of the public welfare from long-term effects of SO2 because either protection is afforded by the existing National Ambient Air Quality Standard (80 micrograms per cubic meter) or sufficient data are not presently available to develop criteria for standards based on these effects.

The Revised Air Quality Criteria are continuing to conduct research on the long-term effects of sulfur dioxide exposure. During the period of prolonged research, however, the Administrator has given careful consideration to the evidence of scientifically recognized sulfur dioxide effects information which provides a quantitative basis for a long-term National Secondary Ambient Air Quality Standard. Data are especially desired which can relate specific ambient air concentrations of sulfur dioxide to quantified effects in such areas as the acidification of rain, the formation of acid rain, corrosion of materials, reduction in visibility, or any adverse change to the ecosystem.

As an example of nonvegetation effects, it is known that high annual concentrations of sulfur dioxide accompanied by high particulate levels will increase the corrosion rate of some materials. The Environmental Protection Agency has inadequate data with which to relate the effects of corrosion to long-term ambient air sulfur dioxide levels which are below those now prescribed by the primary standards.

The direct quantitative relationship between sulfur dioxide and reducing visibility is not presently known. There is evidence that particulate sulfate and sulfurous acid mist may act with other particulate matter to reduce visibility; however, insufficient experimental data on the effects of environmental factors such as humidity, and of the indirect role that sulfur dioxide itself plays in reducing visibility, make a standard based on visibility impossible to propose at this time.

In the case of acidification of rain, the mechanism of the acid rain formation; the long-term effects of acid mist on plants, materials, and soils; and the concentrations of sulfur dioxide which can result in the formation of rain of sufficient acidity to be an danger to the environment are not fully understood. The Environmental Protection Agency, however, has determined that there is some question as to whether sulfur dioxide injury to vegetation may result from short-term exposure to SO2 concentrations which do not exceed the three-hour standard. The Environmental Protection Agency has evaluated the additional data as presented in the revised criteria document, and has determined that this data does not provide an adequate and appropriate basis for revision of the existing three-hour standard.

The revised criteria document presents the results of studies which indicate that visible injury to some types of vegetation (mature leaf injury to deciduous trees) can result from short-term concentrations of SO2 which do not exceed the current standards. Evidence of this visible injury has occurred on generally sensitive vegetation grown under environmental conditions which tend to favor maximum sensitivity. However, the Clean Air Act requires that secondary standards be established to protect the public welfare from adverse effects. The Administrator has given careful consideration to the question of whether this degree of injury can be responsibly defined as an adverse effect within the meaning of the Clean Air Act. After consultation with other agencies and individuals, the Administrator has determined that, in his judgment, standards developed solely to protect against mutant visible injury are not necessarily requisite to protect the public welfare from adverse effects.

The data presented in the revised criteria document also provide additional information regarding the levels of SO2.
concentration which can cause growth retardation or yield reduction of vegetation. These data provide adequate evidence that the current secondary standard (1,300 ug/m³ maximum three-hour concentration) is adequate and necessary to protect the public welfare from these adverse effects.

The Administrator recognizes, and has considered, the opinion that national standards should be established to protect against all effects of air pollutants, rather than only adverse effects. However, this is inconsistent with the language of the Clean Air Act which requires protection against adverse effects, and also fails to accommodate the fact that, for some pollutants, the concentration levels which result in perceptible effects may be dependent upon available measurement and observation techniques, i.e., as research techniques improve, the level at which "effects" become perceptible becomes progressively lower, even though the level at which these effects become adverse remains relatively constant.

Several States have been granted an extension of time pursuant to section 110(b) for submission of State plans for implementation of the secondary sulfur dioxide standards, and in some cases submittal of these plans has been delayed pending results of EPA's reevaluation of the standards. That reevaluation is now complete, with results as reported herein and in the revised criteria document. The Administrator therefore expects that all State plans for implementation of the sulfur dioxide standards will be submitted within four months from date of this notice.

This notice of rulemaking is issued under authority of sections 109 and 301 of the Clean Air Act (42 U.S.C. 1857c-4 and 1857g).


JOHN R. QUARLES, Jr., Acting Administrator, Environmental Protection Agency.

Part 50, Title 40, of the Federal Register is amended by revising § 50.5 as follows:

§ 50.5 National Secondary Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide).

The National Secondary Ambient Air Quality Standard for sulfur oxide measured as sulfur dioxide by the reference method described in Appendix A to this part, or by any equivalent method is 1,300 micrograms per cubic meter (0.5 p.p.m.) maximum 3-hour concentration not to be exceeded more than once per year.

[FR Doc.73-19295 Filed 9-12-73; 8:45 am]

PART 126—AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING AREAS AND RESPONSIBLE PLANNING AGENCIES

On May 30, 1973, notice was published in the Federal Register, 38 FR 14390, that the Environmental Protection Agency was proposing rules and procedures for the designation of areawide waste treatment management planning areas pursuant to section 208(a) of the Federal Water Pollution Control Act Amendments of 1972 (36 Stat. 816 (33 U.S.C. 1251, 1288 (a) (1))).

The regulations are designed to serve as guides for the Governors of the States and chief elected officials of general purpose local government in identifying areas which, as a result of urban-industrial sources, natural factors, or both, have substantial water quality control problems which require an areawide approach in planning for and implementing corrective action, and in designating agencies capable of developing waste treatment management plans for such areas.

In view of the intent of the legislation, the Environmental Protection Agency believes that an areawide water quality management program should be carried out to gain the following objectives:

1. Provide cost effective, point source treatment and control for areas of urban-industrial concentrations having substantial water quality control problems.

2. Provide for control of nonpoint sources in urban-industrial and other areas where such controls are required to prevent water quality problems in the future.

3. Provide for coordinated waste treatment management in such areas.

Written comments on the proposed rulemaking were invited and received from interested parties. A number of verbal comments also were received. The Environmental Protection Agency has carefully considered all submitted comments. All written comments are on file with the Agency. Certain of these comments have been adopted or substantially satisfied by editorial change, deletions from, or additions to the regulations. These changes are discussed below.

(a) A substantial water quality control problem was further defined to indicate that the problem exists where water quality has been degraded to the extent that desired uses are impaired or prohibited. The identification of water quality segments under 40 CFR Part 130 or groundwater pollution problems are measures of the extent of the problem.

(b) The definition of local units of government that may respond to indicate intent to join together in the planning process now includes both general purpose and other appropriate units of local government. (See § 126.10(e).)

(c) The criteria for designation of a planning agency now include the consideration of an existing agency's capability for implementing the plan or having the plan implemented. (See § 126-11(b).)

(d) The requirements for the submission of information 208 planning areas and agencies have been revised to require a statement relating the boundaries of the area to the SMSA but not to require conformance to SMSA boundaries. (See § 126.15.)

(e) The Governor's right to nondesignate in intrastate areas only is clarified. (See § 126.16.)

(f) Where 208 planning areas and agency designations are made by local public officials, the Governor's views on these designations may be made to the Administrator.

(g) The Administrator's approval or disapproval of areas and agencies will be published in the Federal Register. (See § 126.17.)


Because of the importance of promptly making known to States, local units of government and other interests the content of these regulations in order that area and agency designations may be made under section 208(a) of the Act, the Administrator finds good cause to declare the regulations effective on September 14, 1973.


JOHN Q. QUARLES, Acting Administrator.

Subpart A—Scope and Purpose; Definitions

§ 126.1 Scope and Purpose.

§ 126.2 Definitions.

§ 126.3 Procedure for designation of 208 Planning Areas and Agencies Responsible for Planning

§ 126.10 Criteria for determination of 208 planning areas.

§ 126.11 Criteria for designation of agencies responsible for planning.

§ 126.12 Procedure for designation of intrastate 203 planning areas and agencies responsible for planning.

§ 126.13 Procedure for designation of interstate 203 planning areas and agencies responsible for planning.

§ 126.14 Nondesignation of 203 planning areas and/or agencies by Governor(s).

§ 126.15 Submissions of 203 planning areas and agencies responsible for planning.

§ 126.16 Procedure for designation of 203 planning areas and agencies responsible for planning by the chief elected officials of general purpose local government.

§ 126.17 Review of submissions.

§ 126.18 Revisions.

Subpart C—State Planning in Nondesignated Areas

§ 126.20 Determination of planning agencies in nondesignated areas.

Subpart D—Public Participation

§ 126.20 Public participation requirements in designation of 203 planning areas and designation of agencies responsible for planning.

Subpart E—Assistance to Designated Agencies

§ 126.40 Determination of eligibility.

§ 126.41 Assignment of assistance.

Subpart A—Scope and Purpose; Definitions

§ 126.1 Scope and purpose.

This part establishes regulations specifying procedural and other elements and criteria for the use of State Governors and chief elected officials of general purpose local government in the designation of the areas, including their...