

40 CFR Part 414**[FRL 3577-9]****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; technical amendments and revocation of regulations.

SUMMARY: EPA is amending 40 CFR Part 414 to correct errors in the effluent limitations guidelines, pretreatment standards, and new source performance standards for the organic chemicals, plastics and synthetic fibers (OCPSF) manufacturing point source category; and to revoke limitations for bis (2-chloroisopropyl) ether in accordance with an order issued by the U.S. Court of Appeals for the Fifth Circuit.

EFFECTIVE DATE: This amendment is effective June 29, 1989.

FOR FURTHER INFORMATION CONTACT: Elwood H. Forsht, Project Officer, Chemicals Industry Branch, Industrial Technology Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20406; (202) 382-7190.

SUPPLEMENTARY INFORMATION: On November 5, 1987 EPA promulgated regulations for the organic chemicals, plastics, and synthetic fibers (OCPSF) manufacturing point source category (52 FR 42522).

I. Correction of Technical Errors

Today's amendments to the July 1, 1988 Code of Federal Regulations correct typographical errors and delete misleading language regarding the applicability of the OCPSF regulations in Appendices A and B to Part 414.

The effluent limitations listed in § 414.91 include duplicate entries for two pollutants. The second entry for 1,2-dichloroethane is corrected to read 1,1-dichloroethane; the second entry for 1,1,1-trichloroethane is corrected to read 1,1,2-trichloroethane.

The final regulations apply to wastewater discharges from the manufacture of OCPSF product/processes. See 40 CFR 414.11(a). OCPSF manufacture consists of chemical syntheses such as esterification, hydroacetylation, and oxidation and chemical engineering processes such as distillation and extraction. See Industry Description—Section III of the October 1987 "Development Document for Effluent Limitations and Standards for

the Organic Chemicals, Plastics, and Synthetic Fibers Point Source Category, (EPA 440/1-87/009). In contrast, the regulations do not apply to the formulation of chemical products through blending and mixing operations. See page 102478, Vol. 1-30 of the 1987 OCPSF Public Record. Therefore, since the OCPSF regulations do not apply to production consisting exclusively of blending, mixing and formulation of purchased raw materials, several references purporting to include or exclude blending and mixing operations in Appendices A and B were erroneous and hence are being deleted.

II. Revocation of Bis (2-chloroisopropyl) ether Limitations

In accordance with an order issued by the United States Court of Appeals for the Fifth Circuit on June 27, 1988, the Environmental Protection Agency today revokes the bis (2-chloroisopropyl) ether limitations of 40 CFR Part 414 promulgated on November 5, 1987 (52 FR 42522).

As a result of the Agency's review of the data base occasioned by the petitions for review filed in the Fifth Circuit Court of Appeals (No. 87-4849, *et al.*), the Agency has determined that it has committed procedural errors in promulgating the effluent limitations guidelines and standards for bis (2-chloroisopropyl) ether. Upon consideration of these errors, EPA has concluded that reconsideration of the effluent limitations guidelines and standards for this pollutant is warranted.

EPA will either decide to re-promulgate effluent limitations guidelines and standards for this pollutant (after notice and comment), or alternatively, determine that national regulation of this pollutant is unwarranted. Until any new effluent limitations guidelines and standards are promulgated, any decision as to whether and how to regulate this pollutant at a particular direct discharging plant would be made by a permit-issuing authority on a case-by-case basis, as provided by section 402 of the Clean Water Act, 33 U.S.C. 1342.

The order issued by the United States Court of Appeals for the Fifth Circuit requires EPA to revoke the bis (2-chloroisopropyl) ether limitations. Therefore, the Agency finds that public participation in this revocation is unnecessary and contrary to the public interest. The amendment set forth below is to be effective June 29, 1989.

III. Executive Order 12291

Executive Order 12291 requires EPA and other agencies to perform regulatory analyses of major regulations. Major

rules are those which impose a cost on the economy of \$100 million or more annually or have certain other economic impacts. This action is not a major rule because it merely corrects errors and revokes a portion of an existing regulation and imposes no new requirements; thus, it meets none of the criteria of a major rule as set forth in section 1(b) of the Executive order. This rule was submitted to the Office of Management and Budget for review.

IV Regulatory Flexibility Analysis

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires EPA and other agencies to prepare an initial regulatory flexibility analysis for all proposed regulations that have a significant impact on a substantial number of small entities. No regulatory flexibility analysis is required, however, where the head of the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Based on the reasons discussed in the preceding paragraph, I hereby certify, pursuant to 5 U.S.C. 605(b), that this regulation will not have a significant impact on a substantial number of small entities.

V Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3500 *et seq.*, EPA must submit a copy of any rule that contains a collection of information requirement to the Director of the Office of Management and Budget for review and approval. This correction and revocation notice contains no additional information collection requirements, and therefore the Paperwork Reduction Act is not applicable.

VI. List of Subjects in 40 CFR Part 414

Organic chemicals manufacturing, Plastics manufacturing, Synthetic fibers manufacturing, Water pollution control, Water treatment and disposal.

Dated: June 26, 1989.

William K. Reilly,
Administrator.

For the reasons set out in the Preamble, 40 CFR Part 414 is amended as set forth below.

PART 414—ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS

40 CFR Part 414 is amended as follows:

§ 414.91 [Amended]

1. In § 414.91, rows 11 and 12 in the table for "Effluent characteristics, Maximum for any one day, and

"Maximum for monthly average, which read,

"1,2-Dichloroethane—59—22
1,1,1-Trichloroethane—54—21"
are revised to read as follows:

"1,1-Dichloroethane—59—22
1,1,2-Trichloroethane—54—21."

Appendix A to Part 414 [Amended]

2. In Part 414 Appendix A, the third item under "Lead" which reads, "Anti-knock fuel additive/Blending purchased tetraethyl lead & tetramethyl lead additives" is removed.

Appendix B to Part 414 [Amended]

3. In Part 414 Appendix B, the second item under "Chromium" which reads, "Vat Dyes/Mixing purchased dyestuffs (Anthraquinones, polycyclic Quinones and Indigoids)" is revised to read as follows: "Vat dyes.

4. In Part 414 Appendix B, the second item under "Copper" which reads, "Vat Dyes/Mixing purchased dyestuffs (Anthraquinones, polycyclic Quinones and Indigoids)" is removed.

§ 414.91 [Amended]

5. In § 414.91, row 29 in the table for "Effluent characteristics, Maximum for any one day, and "Maximum for monthly average, which reads, "Bis (2-chloroisopropyl) ether—757—301, is removed.

§ 414.101 [Amended]

6. In § 414.101, row 25 in the table for "Effluent characteristics, Maximum for any one day, and "Maximum for monthly average, which reads, "Bis (2-chloroisopropyl) ether—794—196, is removed.

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40 CFR Part 799

[OPTS-42113; FRL-3609-2]

Technical Amendments to Test Rules and Consent Orders

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to 40 CFR 790.55 and 790.68, EPA has approved by letter certain modifications to test standards and schedules for chemical testing programs under section 4 of the Toxic Substances Control Act (TSCA). These modifications, requested by test sponsors, will be incorporated and codified in the respective test regulation or consent order. Because these modifications do not significantly alter the scope of a test or significantly

change the schedule for its completion, EPA approved these requests without seeking notice and comment. EPA will annually publish a notice describing all of the modifications granted by letter for the previous year. This is the first such annual notice.

EFFECTIVE DATE: This rule is effective on June 29, 1989.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. EB-44, 401 M St., SW Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: EPA issued an interim final rule published in the Federal Register of September 30, 1987 (52 FR 36569), amending procedures for modifying test standards and schedules for test rules and testing consent orders under section 4 of TSCA. The amended procedures allow EPA to approve requested modifications which do not alter the scope of a test or significantly change the schedule for its completion. These modifications were approved by letter without the need for public comment. The rule also requires immediate placement of these letters in EPA's public files and publication of these modifications in the Federal Register. This document includes modifications approved through October 1, 1988. For a detailed description of the rationale for these modifications, refer to the submitters' letters and EPA's responses in the public record for this rulemaking.

I. Discussion of Modifications

Each chemical discussed in this rule is identified by a specific docket number. Copies of correspondence relating to these modifications may be found in docket number (OPTS-42113) or the chemical-specific docket established for this rule. The chemicals and docket numbers are:

Anthraquinone (CAS No. 84-65-1).....	[OPTS-42113/42076B]
Biphenyl (CAS No. 92-52-4).....	[OPTS-42113/42031D]
1,2,4,5-Tetrachlorobenzene (CAS No. 95-94-3).....	[OPTS-42113/47002I]
Cresols (CAS Nos. 95-48-7, 108-39-4, and 106-44-5).....	[OPTS-42113/42033E]
1,2-Dichloropropane (CAS No. 78-87-5).....	[OPTS-42113/42043D]
Diethylenetriamine (CAS No. 111-40-0).....	[OPTS-42113/42012F]
Diethylene glycol butyl ether and diethylene glycol butyl ether acetate (CAS Nos. 112-34-5 and 124-17-4).....	[OPTS-42113/42085C]

Fluoroalkenes (vinyl fluoride, vinylidene fluoride, tetrafluoroethene, and hexafluoropropene, CAS Nos. 75-02-5, 75-38-7, 116-14-3, and 116-15-4).....	[OPTS-42113/42002I]
C9 Aromatic hydrocarbon fraction.....	[OPTS-42113/42034E]
Hydroquinone (CAS No. 123-31-9).....	[OPTS-42113/42048E]
Tetrabromobisphenol A (CAS No. 79-94-7).....	[OPTS-42113/42083B]
3,4-Dichlorobenzotrifluoride (CAS No. 328-84-7).....	[OPTS-42113/42089A]
Methyl tertiary butyl ether (CAS No. 1634-04-4).....	[OPTS-42113/42098B]

A. Anthraquinone

EPA approved a modification to the test rule in 40 CFR 799.500 for anthraquinone. The modification granted a 3-month extension of reporting deadlines for three Tier I tests. The deadline for final reports for water solubility, fish acute toxicity, and invertebrate acute toxicity tests was extended to October 21, 1988.

B. Biphenyl

EPA approved modifications to the test rule in 40 CFR 799.925 for biphenyl. Modifications to the study plans "Biphenyl: Flow-Through Chronic Toxicity Test with *Daphnia magna*, Straus, and "Biphenyl: Embryo-Larval Toxicity Test with Rainbow Trout, *Salmo gairdneri* Richardson, include additions of dates and signatures, changes in personnel, and updated purity data on the test substance and trout diet. An additional modification to these study plans clarified the procedures for using acetone as a carrier for biphenyl in both tests.

EPA also approved modifications to the final study plan for the partitioning water/sediment testing and biodegradation testing of biphenyl. These included changes in personnel and minor clarifications describing the core-sampling equipment and solvent extraction procedures. Additional modifications to this study plan regarding coring equipment and chemicals used to perform the testing were approved. EPA approved the sponsor's request to divide the reporting phases for these studies differently; from partitioning, aerobic, and anaerobic studies, to river partitioning and aerobic studies, lake partitioning and aerobic studies, and anaerobic studies.

EPA approved changes in test schedules. The deadline for submission of the final report for anaerobic biodegradation testing was extended 8 weeks to October 7 1988. The deadline