

(f) A description of the effect of the facility in terms of type and quantity of pollutants; contaminants, wastes, or heat, removed, altered, stored, disposed of, or prevented by the facility.

(g) If the facility performs a function other than removal, alteration, storage, prevention, or disposal of pollutants, contaminants, wastes, or heat, a description of all functions performed by the facility, including a reasonable identification of the costs of the facility allocable to removal, alteration, storage, prevention, or disposal of pollutants, contaminants, wastes, or heat and a description of the reasoning and accounting method or methods used to arrive at the allocation.

* * * * *

(n) The percentage (if any, and if the taxpayer claims that the percentage is 5 percent or less) by which the facility (1) increases the output or capacity, (2) extends the useful life, or (3) reduces the total operating costs of the operating unit of the plant or other property most directly associated with the pollution control facility, and a description of the reasoning and accounting method or methods used to arrive at this percentage.

(o) Such other information as the Administrator deems necessary for certification.

(5) By revising subparagraphs (2) and (3) of paragraph (a); subparagraphs (1), (2), and (3) of paragraph (B); paragraph (d); and paragraph (e) of § 20.8 to read as follows:

§ 20.8 Requirements of certification

(a) * * *

(2) That the facility: (i) Removes, alters, disposes of, stores, or prevents the creation of pollutants, contaminants, wastes, or heat, which, but for the facility, would be released into the environment;

(ii) Does not by a factor or more than 5 percent: (A) Increase the output or capacity, (B) extend the useful life, or (C) reduce the total operating costs of the operating unit (of the plant or other property) most directly associated with the pollution control facility; and

(iii) Does not significantly alter the nature of the manufacturing or production process or facility.

(3) The applicant is in compliance with all regulations of Federal agencies applicable to use of the facility, including conditions specified in any NPDES permit issued to the applicant under section 402 of the Act.

(b) * * *

(1) All applicable water quality standards, including water quality criteria and plans of implementation and enforcement established pursuant to section 303 of the Act or State laws or regulations;

(2) Decisions issued pursuant to section 310 of the Act;

(3) Water pollution control programs required pursuant to any one or more of the following sections of the Act: Section 306, section 307, section 311, section 318, or section 405; or in order to be consistent with a plan under section 208.

(d) A facility that removes elements or compounds from fuels that would be released as pollutants when such fuels are burned is eligible for certification if the facility is—

(1) Used in connection with a plant or other property in operation before January 1, 1976 (whether located and used at a particular plant or as a centralized facility for one or more plants), and

(3) Is otherwise eligible for certification.

(e) Where a facility is used in connection with more than one plant or other property, one or more of which were not in operation before January 1, 1976, or where a facility will perform a function other than the removal, alteration, storage, disposal, or prevention of pollutants, contaminants, wastes, or heat, the Regional Administrator will so indicate on the notice of certification and will approve or disapprove the applicant's suggested method of allocating costs. If the Regional Administrator disapproves the applicant's suggested method, he shall identify the proportion of costs allocable to each such plant, or to the removal, alteration, storage, disposal, or prevention of pollutants, contaminants, wastes, or heat.

(90 Stat. 1905 (Sec. 2112 of Pub. L. 94-455, Oct. 4, 1976), 80 Stat. 379; (26 U.S.C. 169, 5 U.S.C. 301).)

NOTE.—The EPA has determined that this document does not contain a major regulation requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: December 28, 1977.

DOUGLAS M. COSTLE,
Administrator.

(FR Doc. 78-324 Filed 1-6-78; 8:45 am)

[6560-01]

[FRL 823-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Air Pollution Control, State Regulations, State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: It is the purpose of this action to approve, with exceptions, amendments to the Nevada Air Quality Regulations (NAQR) submitted to

EPA by the Governor on February 20, June 14, and November 12, 1974; and October 31, 1975 as revisions to the Air Quality Implementation Plan for the State of Nevada. The amendments pertain to motor vehicle inspection and testing, power plants, public availability of emission data, and other miscellaneous items. Action was proposed in the FEDERAL REGISTER on August 15, 1975 and May 20, 1977.

EFFECTIVE DATE: February 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, Attn.: Morris I. Goldberg, Air Programs Branch, EPA Region IX, 215 Fremont Street, San Francisco, Calif. 94105, telephone 415-445-7473.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On November 12, 1974 the Governor of Nevada submitted amendments to the NAQR as revisions to the State implementation plan (SIP). On August 15, 1975 (40 FR 34408) EPA proposed approval of four regulations of this submittal. Final action has been taken on all other items except as noted in this rulemaking.

Also on February 20 and June 14, 1974; and October 31, 1975 the Governor of Nevada submitted amendments to the NAQR as revisions to the SIP. On May 20, 1977 (42 FR 25878) EPA proposed approval, with exceptions, of the items submitted in these revisions.

Both of the proposed rulemaking notices provided for a 30-day public comment period. Copies of the regulations proposed for approval and disapproval, the EPA evaluation reports and the proposed rulemaking notices were made available during the public comment periods at Carson City, Nev. and at the EPA offices in San Francisco, Calif. and Washington, D.C. In addition, the information for the May 20, 1977 notice was also made available in Reno and Las Vegas, Nev.

DISCUSSION OF ACTION

Pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP.

Differences from the proposed actions. Final rulemaking differs from that proposed on August 15, 1975 and May 20, 1977 because of public comment. Two comments were received on the State regulations, each attributing to a change from the actions proposed. The comments addressed particulate emission limitations applicable to Basic, Inc. and the State's odor regulation. As a result of the comments no final action is being taken on the three regulations.

PUBLIC COMMENTS

1. *Particulate Matter Emission Limitations Applicable to Basic, Inc.* In response to the August 15, 1975 proposed approval of NAQR, Articles 7.2.5 and 7.2.6, the commentator recommended that the proposed approval of the subject regulations be rescinded. The proposed approval was based on air quality diffusion modeling performed by the State which intended to show that the National Ambient Air Quality Standards (NAAQS) for particulate matter would be attained and maintained as a result of compliance with the new emission limitations. The commentator provided data showing that violations of the applicable NAAQS have continued even after control equipment was installed for the purpose of meeting the new emission limitations. The commentator also pointed out that the emission limitations are not sufficiently stringent to require the installation of reasonably available control technology (RACT).

2. *Odor Regulations.* In response to the May 20, 1977 proposed approval of the revision to NAQR, Article 10.1, one commentator recommended that no action be taken on the revision and that the previous approval be rescinded. The regulations do not relate to the control of pollutants for which NAAQS have been promulgated, no demonstration of the effect of this regulation is possible, and the regulation is unenforceable.

As a result of the public comments no action is being taken on NAQR, Articles 7.2.5 and 7.2.6 applicable to Basic, Inc. and NAQR, Article 10.1 regarding odors. EPA will address Articles 7.2.5 and 7.2.6 in a separate FEDERAL REGISTER notice. EPA is also retracting its proposed approval of revisions to Article 10.1 and will propose to rescind the previous approval in a separate FEDERAL REGISTER notice.

Approvals, disapprovals, non-actions and rescissions, as proposed. Final rulemaking on State regulations is identical to that proposed on August 15, 1975 and May 20, 1977 with the exception of those items discussed above. Approval is being promulgated for all items except those discussed in response to public comments and those proposed for disapproval or non-action.

1. *Disapproval Actions—(a) State Regulations.* Disapproval is being promulgated for NAQR, Article 2.11.4.2 on public hearings on the renewal of variances.

(b) *Control Strategy Portions of the SIP.* Disapproval is being promulgated for the control strategy for carbon monoxide and hydrocarbons/photochemical oxidants in the Nevada portion of the Clark-Mohave Interstate Air Quality Control Region (Las Vegas area).

2. *Non-Actions—(a) Plan Revisions.* No action is being taken through this

notice on any portion of the February 20 and June 14, 1974 revisions because they have been superseded by the October 31, 1975 revision.

(b) *State Regulations.* No action is being taken on the following regulations from the November 12, 1974 and October 31, 1975 revisions.

i. NAQR, Articles 1.14 and 1.13 on complex sources,

ii. NAQR, Articles 7.2.5 and 7.2.6 on particulate emissions applicable to Basic, Inc.,

iii. NAQR, Article 8.1.3 on sulfur emissions from existing copper smelters,

iv. NAQR, Article 10.1 on odors, and

v. NAQR, Article 14 on supplementary control systems.

3. *Rescission Actions.* Action is being taken to rescind previous disapproval actions promulgated by EPA. In each instance the State has revised the disapproved element of the SIP. EPA is approving the applicable regulations. The following are affected:

(a) *State Regulations.* The May 31, 1972 (37 FR 10878) and September 26, 1974 (39 FR 34537) disapproval of NAQR, Article 2.7.1 on the public availability of emission data is being rescinded because the October 31, 1975 revision to this regulation is being approved. EPA is therefore rescinding the disapproval of NAQR, Article 2.7.1 at 40 CFR 52.1473(a), as it affects portions of the State other than Washoe County, and at 40 CFR 52.1473(c).

(b) *State Regulations.* The May 14, 1974 (38 FR 12708) disapproval of the emergency episode portion of the SIP relating to open burning is being rescinded because the November 12, 1974 revision to NAQR, Articles 5.2.3 and 5.2.4 on open burning are being approved. EPA is therefore rescinding the disapproval at 40 CFR 52.1477(a) relating to open burning during emergency episodes.

Miscellaneous clarifying changes to the Code of Federal Regulations (CFR). The Identification of plan section (40 CFR 52.1470) applicable to Nevada is being revised through this notice for the following reasons. Revisions are being made to 40 CFR 52.1470 at (c)(6) through (c)(9) for clarification purposes. These changes correct the name of the State's regulations and the nomenclature of regulations in same, and insert numerical identifications for the various regulations already included in the various subparagraphs. Also, a revision at (c)(8) and an addition at (c)(11) are being made as dictated by this final rulemaking.

(Secs. 110, 301(a), Clean Air Act as amended (42 U.S.C. 1857c-5, 1857g(a)), respectively.)

Dated: December 28, 1977.

DOUGLAS M. COSTLE,
Administrator.

Subpart DD of Part 52 of Chapter 1, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart DD—Nevada

1. In § 52.1470, paragraph (c) is amended by the revision of subparagraphs (6), (7), (8), and (9) and by the addition of subparagraph (11) as follows:

§ 52.1470 Identification of plan.

(c) * * *

(6) Amendments to the Nevada Air Quality Regulations (NAQR), to regulate the construction of complex sources (Article 13), submitted on April 1, 1974, by the Governor.

(7) Amendments to the NAQR to regulate sulfur emissions from nonferrous smelters (Article 8.1); to regulate and monitor visible emissions from stationary sources (Article 4); and to allow supplementary control systems (Article 14), submitted on June 14, 1974, by the Governor.

(8) Amendments to the NAQR to regulate open burning (Article 5.2.3 and 5.2.4), and to regulate the construction of complex sources (Article 13), submitted on November 12, 1974, by the Governor.

(9) Administrative procedures for the review of complex sources submitted on December 11, 1974, by the Governor's representative.

(11) Amendments to the NAQR, as amended through September 18, 1975, submitted on October 31, 1975, by the Governor, as follows:

Article 1—Definitions: 1.6-1.13, 1.15-1.33, 1.35-1.69;

Article 2—General Provisions: 2.4.1-2.4.4, 2.5.1, 2.5.2, 2.5.4, 2.6.1-2.6.4, 2.7.1, 2.8.1, 2.8.4, 2.8.5.1, 2.9.1-2.9.3, 2.9.5-2.9.7, 2.10.1.2, 2.10.2-2.10.4, 2.11.4.2;

Article 3—Registration Certificates and Operating Permits: 3.1.3, 3.1.5, 3.1.6, 3.1.8a. & d-1, 3.1.9, 3.2.2-3.2.6, 3.3.2, 3.3.5, 3.4.1, 3.4.6-3.4.14;

Article 4—Visible Emissions From Stationary Sources: 4.1, 4.2, 4.3.5, 4.4-4.4.2;

Article 5—Open Burning: 5.2.3, 5.2.4;

Article 6—Incinerator Burning: 6.3-6.6.2;

Article 7—Particulate Matter: 7.1.3, 7.2.1-7.2.3, 7.3.1-7.3.3;

Article 8—Sulfur Emissions: 8.1.1, 8.1.2, 8.1.4, 8.2.2.1, 8.3-8.4;

Article 9—Organic Solvent, Other Volatile Compounds: 9.1, 9.2-9.2.1.1, 9.2.2, 9.2.3;

Article 10—Odors: 10.2.1.1, 10.2.1.2;

Article 11—Mobile Equipment: 11.3-11.7.1, 11.7.4-11.7.5, 11.10, 11.10.1, 11.11-11.14.17.

2. In § 52.1473, the first sentence of paragraph (a) is revised and paragraph (c) is revoked as follows:

§ 52.1473 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met in Washoe County, since the plan does not pro-

vide procedures for making emission data, as correlated with allowable emissions, available to the public. * * *

(b) * * *
(c) [Revoked]

3. Section 52.1477 and paragraph (a) of that section are revoked as follows:

§ 52.1477 [Revoked]
(a) [Revoked]

4. Section 52.1484 and paragraph (a) of that section are added as follows:

§ 52.1484 Control strategy: Carbon monoxide.

(a) The requirements of § 51.14 of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standards for carbon monoxide in the Nevada (Las Vegas area), portion of the Clark-Mohave Interstate Region (§ 81.80 of this chapter).

5. Section 52.1486 and paragraph (a) of that section are added as follows:

§ 52.1486 Control strategy: Hydrocarbons and photochemical oxidants.

(a) The requirements of § 51.14 of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standard for photochemical oxidants in the Nevada (Las Vegas area), portion of the Clark-Mohave Interstate Region (§ 81.80 of this chapter).

6. Section 52.1487 and paragraph (a) of that section are added as follows:

§ 52.1487 Public hearings.

(a) The requirements of § 51.4(a)(2) of this chapter are not met since NAQR, Article 2.11.4.2 allows variances (compliance schedules), to be renewed without a public hearing, thus allowing further postponement of the final compliance date for sources whose emissions contribute to violations of the national standards. Therefore, NAQR, Article 2.11.4.2 is disapproved.

[FR Doc. 78-326 Filed 1-6-78; 8:45 am]

[6560-01]

SUBCHAPTER N—EFFLUENT LIMITATIONS, GUIDELINES, AND STANDARDS

[FRL 839-4]

PART 458—CARBON BLACK MANUFACTURING POINT SOURCE CATEGORY

Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On May 18, 1976, the Environmental Protection Agency pro-

mulgated, in interim final form, effluent limitations guidelines for the Carbon Black Manufacturing Point Source Category, 40 CFR Part 458. In addition, on that date it proposed other effluent limitations guidelines, new source performance standards, and pretreatment standards for new sources.

With the exception of effluent limitations guidelines for the furnace black process subcategory (subpart A), the interim final regulations and proposed regulations are today promulgated in the identical form as they were proposed or promulgated on May 18, 1976. The effluent limitations guidelines based upon the use of the best practicable control technology currently available for the furnace process subcategory (subpart A), have been withdrawn.

The effluent limitations guidelines and new source performance standards issued today, when applicable, will be incorporated in National Pollutant Discharge Elimination System permits issued by Federal EPA or by States with approved programs.

DATE: January 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division, (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-426-2560.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency today promulgates regulations pursuant to sections 301, 304, 306, and 307 of the Federal Water Pollution Control Act, as amended, Pub. L. 92-500, for four subcategories of the 40 CFR Part 458, Carbon Black Manufacturing Point Source Category. These subcategories are the carbon black furnace process (subpart A), the carbon black thermal process (subpart B), the carbon black channel process (subpart C), and the carbon black lamp black process (subpart D). With respect to subparts B-D (thermal process, channel process, and lamp process), the regulations are being promulgated in forms unchanged from the regulations proposed or published in interim final form for these subparts on May 18, 1976 (41 FR 20496 et seq. and 41 FR 20502 et seq.). The Agency received only one comment with respect to subpart B and no comments with respect to subparts C or D.

The focus of criticism of the effluent limitations guidelines, announced in interim final form on May 18, was with respect to the carbon black furnace process (subpart A). The major change announced today is with respect to those regulations. The effluent limitations guidelines based upon the application of best practicable con-

trol technology currently available for the carbon black furnace process, subpart A, is being withdrawn. Furthermore, the effluent limitations guidelines based upon the use of best available technology economically achievable for the carbon black furnace process is being promulgated in final form as no discharge of process waste water, as defined below. The new source performance standards and pretreatment standards for new sources are unchanged from the forms proposed on May 18.

SUMMARY AND BASIS OF REGULATIONS

Following the May 18 promulgations of interim final effluent limitations guidelines based on the use of best practicable technology currently available (BPT), petitions for review were filed in the United States Court of Appeals for the Fifth Circuit (No. 76-3051), by Ashland Oil, Inc., Cabot Corp., Cities Service Co., Continental Carbon Co., and Phillips Petroleum Co. After the filing of this action on July 28, 1976, the petitioners submitted a substantial amount of new information to the Agency, and both parties to the action conducted several meetings to discuss factual contentions with respect to the BPT regulations. The Agency also reviewed all outstanding National Pollutant Discharge Elimination System (NPDES), permits to determine the present extent of discharges from the facilities which fall within subpart A of part 458. This review indicated that there was only one manufacturing facility with a point source discharge which did not possess an NPDES permit. It was determined that for all other point sources covered by subpart A, the NPDES permits would expire at the earliest in 1978, and that the BPT regulations would, in effect, apply to only one facility.

After carefully reviewing recent monitoring information submitted by the companies and by EPA Region VI (Dallas, Tex.), the Agency determined that little environmental degradation would occur if the BPT regulations were withdrawn and the effluent limitations guidelines based on the use of best available technology economically achievable (1983 level technology), were promulgated, as proposed, to require zero discharge by the date set forth in section 301(b)(2)(A) of the act. Today's announcement executes an agreement which resolves the litigation in the Fifth Circuit and which, in effect, means that when dischargers apply for renewal of NPDES permits they will be placed on a schedule which will result in zero discharge of process waste waters by the date set forth in section 301(b)(2)(A) of the act. Of course, dischargers which are presently achieving zero discharge or which discharge small amounts of pro-