

(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

the Court. All other portions of the OCPSF effluent limitations guidelines and standards remain in effect. The effect of the court's ruling and today's revocation is as follows:

1. All BPT limitations remain in effect.
2. All BAT limitations for BAT Subcategory 1 (40 CFR 414.91) remain in effect.

3. For BAT Subcategory 2 (which EPA estimates to constitute 5-10 percent of all existing direct dischargers subject to BAT) and for NSPS for discharges subject to 40 CFR 414.101, effluent limitations for 39 pollutants remain in effect. For the 19 pollutants subject to the court's remand, the BAT limitations and new source performance standards for discharges subject to 40 CFR 414.101 are withdrawn and are thus no longer in effect. BAT limitations and new source performance standards for these 19 pollutants (and any other pollutants not addressed by the OCPSF regulation) are to be established on a case-by-case basis, using best professional judgment, by the EPA and State permitting authorities. See 40 CFR 125.3(c)(2).

4. For PSES and PSNS, pretreatment standards for 34 toxic pollutants remain in effect. For the 13 pollutants subject to the court's remand, the pretreatment standards are withdrawn and are thus no longer in effect. Discharges of these 13 pollutants (and any other pollutants not addressed by the regulation) remain subject to the pretreatment standards contained in 40 CFR 403.5, including any local limits established by the publicly owned treatment works.

5. The appendix A non-complexed metal-bearing waste stream listings for tetraethyl lead and tetramethyl lead are deleted. (The appendix A listing for anti-knock fuel additives was deleted on June 29, 1989. 54 FR 27351.)

III. Effect of Today's Action on Pending Applications for Fundamentally-Different Factor (FDF) Variances

Pursuant to section 301(n) of the CWA, 33 U.S.C. 1311(n), some OCPSF dischargers have applied for FDF variances from all or portions of the BAT and PSES standards. Some of those FDF variance applications pertain in whole or in part to the remanded limitations and standards that are being withdrawn today. Because the withdrawn limitations and standards no longer are in effect, any application for an FDF variance from such withdrawn limitations and standards is now moot and will be considered by EPA to be withdrawn.

IV. 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 withdraws certain requirements pursuant to a court order; 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.

V. 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.

VI. 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 requirements are not applicable.

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 20, 1990.

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:

1. The authority citation for part 414 continues to read as follows:

Authority: Secs. 301, 304, 306, 307, and 501, Pub. L. 92-500, 88 Stat. 816, Pub. L. 95-217, 91 Stat. 156, Pub. L. 100-4, 101 Stat. 7 [33 U.S.C. 1311, 1314, 1316, 1317, and 1361].

§§ 414.25, 414.35, 414.45, 414.55, 414.65, 414.75, 414.85 [Amended]

2. In each of §§ 414.25, 414.35, 414.45, 414.55, 414.65, 414.75, and 414.85, the table is amended by removing the names of the following 13 pollutants:
Acenaphthene
2,4-Dimethylphenol
Fluoranthene
Naphthalene
Phenol
Bis(2-ethylhexyl) phthalate
Di-N-butyl phthalate
Diethyl phthalate
Dimethyl phthalate
Anthracene
Fluorene
Phenanthrene
Pyrene

§ 414.101 [Amended]

3. In § 414.101, the table is amended by removing the names of the following 19 pollutants:

Acenaphthene
2,4-Dimethylphenol
Fluoranthene
Naphthalene
Phenol
Bis(2-ethylhexyl) phthalate
Di-N-butyl phthalate
Diethyl phthalate
Dimethyl phthalate
Benzo(a)anthracene
Benzo(a)pyrene
3,4-Benzofluoranthene
Benzo(k)fluoranthene
Chrysene
Acenaphthylene
Anthracene
Fluorene
Phenanthrene
Pyrene

Appendix A [Amended]

4. In Part 414, appendix A, under the heading "Lead," the last two items, which read "Tetraethyl lead/Alkyl halide + sodium-lead alloy," and "Tetramethyl lead/Alkyl halide + sodium-lead alloy" are removed.

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OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program

AGENCY: Office of Personnel Management.

ACTION: Final rule; correction.

SUMMARY: This document corrects a legal citation contained in final regulations establishing a new office for filing applications or complaints under the Voting Rights Act of 1965, as amended, which were published June 12, 1990 (55 FR 23884).