

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit June 19, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control and
Incorporation by reference.

Note: Incorporation by reference of the State Implementation Plan for the state of Missouri was approved by the Director of the Federal Register on July 1, 1982.

Date: April 15, 1989.

Morris Kay,

Regional Administrator.

40 CFR Part 52 is amended as follows:

PART 52—[AMENDED]

Subpart AA—Missouri

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401—7642.

2. Section 52.1320 is amended by adding paragraph (c)(68) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *
(68) Revised regulations applicable to air quality models were submitted by the Missouri Department of Natural Resources on October 18, 1988.

(i) Incorporation by reference
(A) Revision of rule 10 CSR 10-6.060 "Permits Required," effective on September 29, 1988.

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40 CFR Part 52

[FRL-3558-5]

Approval and Promulgation of Air Quality Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On February 25, 1987, EPA published in the Federal Register (FR 5559) a proposal to approve amended Kansas regulations K.A.R. 28-19-16, New source permit requirements for designated nonattainment areas, and

K.A.R. 28-19-17, New source permit requirements for designated attainment and unclassified areas. Also, on December 28, 1988, EPA published in the Federal Register (FR 52433) a proposal to approve K.A.R. 28-19-18 through 28-19-18f, the state's stack heights regulations; K.A.R. 28-19-17(g), the state's definition of "emission limitation and emissions standard"; and the state's negative declaration with respect to stack height analysis. No comments were received during the public comment period for either proposal. Thus, EPA is today taking final action to approve these rule revisions and the negative declaration.

EFFECTIVE DATE: This rule will become effective on May 22, 1989.

ADDRESSES: Documents relevant to this action are available for inspection during normal business hours at the following locations: Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101; Kansas Department of Health and Environment, Bureau of Air Quality and Radiation Control, Forbes Field, Topeka, Kansas 66620; and Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, DC 20460; and Office of the Federal Register, 1100 L Street NW., Room 8301, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Wayne A. Kaiser at (913) 236-2893 (FTS 757-2893).

SUPPLEMENTARY INFORMATION: On February 25, 1987 (52 FR 5559), EPA published a proposed rulemaking for revising Kansas regulations pertaining to construction permits for sources to be located in nonattainment areas, and attainment and unclassified areas. K.A.R. 28-19-16, New source permit requirements for designated nonattainment areas, and K.A.R. 28-19-17, New source permit requirements for designated attainment and unclassified areas, were adopted by the state after a public hearing on November 27, 1985, and became effective on May 1, 1986. EPA reviewed the proposed revision, as described in the proposed rulemaking, and has determined that it meets the applicable requirements of the Clean Air Act. No public comments were received on the proposed rulemaking.

On December 28, 1988 (FR 52439), EPA published a proposed rulemaking for revising the Kansas regulations pertaining to stack heights at K.A.R. 28-19-18, the state definition of "emission limitation and emission standard" at K.A.R. 28-19-7(g), and the state's negative declaration (the state's determination that no emission limits applicable to individual sources require

revision due to the stack height provisions). The stack height rules were submitted by the state to EPA on March 27, 1986. EPA's review of the submittal is described in the proposed rulemaking, and EPA has determined that it meets the applicable requirements of the Clean Air Act. No public comments were received on the proposed rulemaking.

For additional background information and discussion regarding this rulemaking, see the appropriate Federal Register notices mentioned above.

Final Action

EPA is approving revisions to K.A.R. 28-19-7(g), Definitions; K.A.R. 28-19-16, New source permit requirements for designated nonattainment areas; K.A.R. 28-19-17, New source permit requirements for designated attainment and unclassified areas; K.A.R. 28-19-18, Stack heights; and the negative declaration.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the U.S. Court of appeals for the appropriate circuit by July 18, 1988. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, and Sulfur oxides.

Note: Incorporation by reference of the State Implementation Plan for the state of Kansas was approved by the Director of the Federal Register on July 1, 1982.

Morris Kay,
Regional Administrator.

Date: April 5, 1989.

40 CFR Part 52, Subpart R, is amended as follows:

PART 52—[AMENDED]

Subpart R—Kansas

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7842.

2. Section 52.870 is amended by adding paragraph (c)(24) to read as follows:

§ 52.870 Identification of plan.

(c) * * *
(24) Revised regulations K.A.R. 28-19-7(g), K.A.R. 28-19-16, and K.A.R. 28-19-17 pertaining to new source permit requirements, were submitted by the Secretary of the Kansas Department of Health and Environment on March 27, 1986. Revised regulation K.A.R. 28-19-18 pertaining to stack heights was submitted by the Secretary of the Kansas Department of Health and Environment on January 6, 1988.

(i) Incorporation by reference

(A) Revised regulations, K.A.R. 28-19-16, 28-19-16b, 28-19-16d, 28-19-16g, 28-19-16i, 28-19-16j, 28-19-17, 28-19-17a, and 28-19-17b, which became effective on May 1, 1986.

(B) Revised regulations K.A.R. 28-19-7(g), and K.A.R. 28-19-18 through 28-19-18f. The temporary regulations became effective December 16, 1987, and became permanently effective on May 1, 1988.

(ii) Additional material

(A) KDHE letter of March 27, 1986, to EPA pertaining to new source permit regulations.

(B) KDHE letter of January 6, 1988, and June 9, 1988, to EPA pertaining to stack height regulations.

(C) KDHE letters of December 7, 1987, and December 23, 1987, pertaining to the state's stack heights analysis and negative declarations.

§ 52.884 [Amended]

3. Section 52.884 is amended by removing paragraph (b).

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40 CFR Part 261

[SW-FRL-3558-7]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is granting a final exclusion from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32 for a specific waste generated by Marquette Electronics, Incorporated, Milwaukee, Wisconsin. This action responds to a

delisting petition submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 268, 124, 270, and 271 of Title 40 of the Code of Federal Regulations, and under 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific" basis from the hazardous waste lists.

EFFECTIVE DATE: April 20, 1989.

ADDRESS: The public docket for this final rule is located at the U.S. Environmental Protection Agency, 401 M Street SW. (Room M2427), Washington, DC 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (202) 475-9327 for appointments. The reference number for this docket is "F-89-MQEF-FFFFF". The public may copy material from any regulatory docket at a cost of \$0.15 per page.

FOR FURTHER INFORMATION CONTACT:

For general information, contact the RCRA Hotline, toll free at (800) 424-9346, or at (202) 382-3000. For technical information concerning this notice, contact Terry Grist, Office of Solid Waste (OS-343), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-4782.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

Under 40 CFR 260.20 and 260.22, facilities may petition the Agency to remove their wastes from hazardous waste control by excluding them from the lists of hazardous wastes contained at 40 CFR 261.31 and 261.32. Petitioners must provide sufficient information to EPA to allow the Agency to determine (1) that the waste to be excluded is not hazardous based upon the criteria for which it was listed, and (2) that no other hazardous constituents are present in the wastes at levels of regulatory concern.

B. History of the Rulemaking

Marquette Electronics, Incorporated, located in Milwaukee, Wisconsin, petitioned the Agency to exclude from hazardous waste control a specific waste that it generates. After evaluating the petition, EPA proposed, on November 8, 1988, to exclude Marquette's waste from the lists of hazardous waste under 40 CFR 261.31 and 261.32 (see 53 FR 45106).

This rulemaking addresses public comments received on the proposal and finalizes the proposed exclusion.

II. Disposition of Delisting Petition

Marquette Electronics, Incorporated, Milwaukee, Wisconsin.

1. Proposed Exclusion

Marquette petitioned the Agency for an exclusion of its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F006. Marquette petitioned to exclude its waste based on the claim that the constituents of concern are not present in appreciable amounts in the petitioned waste. To support its claim that both the non-listed and listed constituents of concern are not present in the wastewater treatment sludge above levels of concern, Marquette submitted (1) detailed descriptions of its manufacturing and waste treatment processes and wastewater treatment system; (2) a list of raw materials used at the facility; (3) results from total constituents analyses for the EP toxic metals, nickel, and cyanide; (4) results from EP leachate analyses for the EP toxic metals and nickel; (5) results from leachate analyses for cyanide using distilled water; and (6) results from total oil and grease analyses. These analyses were performed on representative samples of Marquette's wastewater treatment sludge.

The Agency evaluated the information and analytical data provided by Marquette in support of its petition and determined that the hazardous constituents found in the petitioned waste would not pose a threat to human health and the environment. Specifically, the Agency used its Vertical and Horizontal Spread (VHS) model and Organic Leachate Model (OLM) to predict the potential mobility of the hazardous constituents found in the petitioned waste. Based on this evaluation, the Agency determined that the constituents in Marquette's waste would not leach and migrate at concentrations above the health-based levels used in delisting decision-making. See 53 FR 45106, November 8, 1988, for a more detailed explanation of why EPA proposed to grant Marquette's petition for its wastewater treatment sludge.

2. Agency Response to Public Comments

The Agency received public comments on the proposed rule from two interested parties. One commenter opposed the Agency's proposed decision to exclude Marquette's wastewater treatment sludge. The second commenter neither supported nor opposed the Agency's proposed decision, but claimed that the Agency "dismisses or at least discounts the idea of excluding" F006 sludges similar to