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**Category:** FR – Federal Register

**Federal Register, Vol. 45, No. 97, 32424-32424, 5/16/1980 "Air Quality; Clarification of Agency Policy Concerning Ozone SIP Revisions and Solvent Reactivities."**

**Summary:** This notice is published under the authority of Section 101(b) and Section 103 of the Clean Air Act. The notice provides further clarification of a policy announced in EPA's "Recommended Policy on the Control of Volatile Organic Compounds," 42 FR 35314 (July 8, 1977) and "Clarification of Agency Policy Concerning Ozone SIP Revisions and Solvent Reactivities," 44 FR 32042 (June 4, 1979).

Included within the definition of nontarget sites are areas of permanent human habitation including permanent residences, schools, churches, and areas in which substantial commercial activities are conducted (e.g., shopping centers), domestic apiaries, and publicly-maintained roads. In addition, aquatic habitats such as critical fisheries, municipal water supply intakes and other waters (which include rivers, streams, ponds, lakes, and ephemeral streams and ponds with flowing or standing water visible from an aircraft flying at an altitude of 1,000 feet above the terrain at the time of treatment), are included within the definition of a sensitive area. The release of any pesticide spray is not permitted over a sensitive area or in the surrounding buffer zone. Buffer zones are defined as areas intended to receive only spray drift fallout from the application sites.

The Agency recognizes that some seasonal dwellings, such as hunting and fishing camps, may be located in or adjacent to the treatment area. These dwellings are not considered to be permanent residences and thus will not be buffered against direct application. However, many of these dwellings are near aquatic sites listed in Table II which will be buffered.

To minimize operational errors, overflights of the treatment area prior to the actual spray operation are encouraged. The purpose of these overflights is to locate visually all sensitive areas and buffer zones designated on the spray block maps. Particular attention should be given to identifying ephemeral streams and ponds visible from an aircraft flying at an altitude of 1,000 feet or less above the terrain at the time of treatment, which may not be designated on the spray block map due to their seasonality.

#### Authority

This Advisory Opinion governing the use of certain insecticides for the suppression of the spruce budworm in Maine through July, 1980, is issued pursuant to the authority granted to the Administrator by Section 2(ee) of FIFRA, 7 U.S.C. 136(ee) (Supp. 1979). Section 12(a)(2)(G) of FIFRA makes it unlawful for any person "to use any registered pesticide in a manner inconsistent with its labeling." Section 2(ee) defines this terminology as prohibiting the use of registered pesticide "in a manner not permitted by the labeling." However, section 2(ee) also provides that this prohibition does not apply with respect to "any use of a pesticide in a manner that the Administrator determines to be

consistent with the purposes of this Act."

Effective Date: This Notice is effective through July 31, 1980.

Dated: May 5, 1980.

Steven D. Jellinek,  
Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-15127 Filed 5-15-80; 8:45 am]

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#### [FRL 1493-7]

#### Air Quality; Clarification of Agency Policy Concerning Ozone SIP Revisions and Solvent Reactivities

**BACKGROUND:** This notice is published under the authority of § 101(b) and § 103 of the Clean Air Act. The notice provides further clarification of a policy announced in EPA's "Recommended Policy on the Control of Volatile Organic Compounds," 42 FR 35314 (July 8, 1977) and "Clarification of Agency Policy Concerning Ozone SIP Revisions and Solvent Reactivities," 44 FR 32042 (June 4, 1979).

**DISCUSSION:** The previous policy statements on the control of volatile organic compounds (VOC's) noted that methyl chloroform and methylene chloride are negligibly photochemically reactive and do not appreciably contribute to the formation of ozone. Consequently, controls on emissions of these two compound would not contribute to the attainment and maintenance of the national ambient air quality standards for ozone. In the June 1979 policy statement EPA explained that it would not disapprove any state implementation plan (SIP) or plan revision for its failure to contain regulations restricting emissions of methyl chloroform and/or methylene chloride.

Today's statement clarifies EPA policy regarding state implementation plan submittals which do contain regulations restricting emissions of the two compounds. Section 110(a)(1) of the Clean Air Act limits state implementation plans to measures designed to achieve and maintain the national ambient air quality standards (NAAQS). Because current information indicates that emissions of methyl chloroform and methylene chloride do not appreciably affect ambient ozone levels, EPA cannot approve measures specifically controlling emissions of either or both compounds as part of a federally enforceable ozone SIP. EPA will take no action on any measures specifically controlling emissions of the two compounds which are submitted by the states as ozone SIP measures for

EPA approval. If a state chooses to control emissions of these compounds, such measures will be considered as state regulations only and not as part of an ozone SIP. EPA will not enforce controls on emissions of either methyl chloroform or methylene chloride adopted by the state as part of an implementation plan for ozone.

States retain authority to control emissions of these compounds under the authority reserved to them under Section 116 of the Clean Air Act. For further information relevant to the exercise of this authority see the July 8, 1977 and June 4, 1979 policy statements. This policy notice should not be read as a statement of EPA's views on the desirability of controls on these substances.

Finally, EPA wishes to point out that this policy notice addresses only the Agency's lack of authority to include in federally approved SIPs controls on substances whose emissions do not contribute, either directly or indirectly, to concentrations of pollutants for which NAAQS have been established under section 109 of the Act. This policy notice does not address the question of SIP measures which control substances contributing to concentrations of pollutants for which NAAQS have been established, but which are contended to be more strict than absolutely necessary to attain and maintain the NAAQS. EPA has no authority to exclude such measures from SIPs.

**FOR FURTHER INFORMATION CONTACT:** G. T. Helms, Chief, Control Programs Operations Branch (MD-15), Research Triangle Park, North Carolina 27711, (919) 541-5226, FTS 629-5226.

Dated: May 9, 1980.

David G. Hawkins,  
Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 80-15124 Filed 5-15-80; 8:45 am]

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#### [FRL 1491-7; PP 6G1807/T239]

#### Extension of a Temporary Tolerance

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has extended the temporary tolerance for residues of the herbicide thidiazuron (*N*-phenyl-*N'*-1,2,3-thiadiazol-5-ylurea) and its aniline-containing metabolites in or on the raw agricultural commodities cottonseed at 0.2 part per million (ppm), milk 0.05 ppm, eggs 0.1 ppm, meat fat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm.