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Federal Register, Vol. 45, No. 142, 48941-48943, 7/22/1980, "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) and 45 FR 32424 (May 16, 1980).

Dempasco Service Sta, U.S. 1 and Hwy A1A,
Juno Beach, FL 33408—5-14-80

Par Mobil, 324 Par Avenue, Orlando, FL
32804—3-18-80

John Gibson, I-65 and KY 90, Cave City, KY
42127—3-18-80

Bellmeade Shell, 5315 S. Harding, Nashville,
TN 37205—3-19-80

Corner Store, 1401 No. Main Street,
Kissimmee, FL 32741—3-19-80

Kopper Kettle, Highway 100 & I-65, Franklin,
KY 42134—4-7-80

Buechel Terrace Chevron, 4219 Bardstown
Rd., Louisville, KY 40218—4-10-80

LaPorte Exxon, 1625 S. Federal Hwy,
Hollywood, FL 33020—4-24-80

Risner's Chevron, 3420 Lebanon Road,
Hermitage, TN 37076—5-13-80

Douglas Amoco Service, 583 Donaldson Pike,
Nashville, TN 37214—5-14-80

Town & River Texaco, 1024 Cypress Lakes
Rd, Ft Meyers, FL 33907—5-14-80

Trail Sunoco, 6168 So. Tamiami, Ft Meyers,
FL 33907—5-14-80

Villas Chevron, 8180 So. Tamiami, Ft
Meyers, FL 33907—5-14-80

Port Comfort, Box 105, Rt 24, Ft Meyers, FL
33908—5-15-80

Cantrell's Exxon, 1910 Dickerson Rd,
Nashville, TN 37207—5-16-80

Barker Westgate Standard, 2510 Pio Nono
Ave, Macon, GA 31206—5-19-80

Seminole Exxon, 1949 W. Tenn, Tallahassee,
FL 32304—5-19-80

Fred Hulsey's Chevron, 5012 Romeiser Road,
Macon, GA 31204—5-20-80

Winston Chevron, 825 Madison Street,
Huntsville, AL 35601—5-22-80

H & A Fuel Service, P.O. Box 449, Hardeville,
SC 29929—5-28-80

Chancy's Standard, P.O. Box 1705, St Simons
Island, GA 31528—5-28-80

Norman's Standard, 3304 Glynn Avenue,
Brunswick, GA 31520—5-28-80

Plaza Standard, 1965 Glynn Avenue,
Brunswick, GA 31520—5-28-80

Coley's Exxon, Rt 1 I-85 and SC 290, Duncan,
SC 29334—5-28-80

Bingham's Texaco, Rt 1 I-85 and SC 290,
Duncan, SC 29334—5-28-80

White's Exxon, Hwy I-85 and SC-9,
Spartanburg, SC 29303—5-28-80

Mauldin Chevron, 804 N. Main, Mauldin, SC
29662—5-29-80

Wade Hampton Mall Exxon, 1035 Wade
Hampton Blvd, Greenville, SC 29609—5-
29-80

Harris Standard, P.O. Box 405, Nahunta, GA
31553—5-29-80

Pittman's Standard, I-75 and Juliette Rd,
Forsyth, GA 31029—5-30-80

Trout's Texaco, 106 N A 1 A Hwy, Satellite
Beach, FL 32937—5-30-80

Magnolia Plantation, P.O. Drawer, Tifton, GA
31794—5-30-80

M & M 76, 1100 SR 524 Rt 1, Cocoa, FL
32922—5-30-80

Issued in Atlanta, Georgia on the 11th day
of July 1980.

James C. Easterday,
District Manager.

Concurrence:
Leonard F. Bittner,
Chief Enforcement Counsel.

[FR Doc 80-21964 Filed 7-21-80; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

[FRL 1545-7]

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

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

BACKGROUND: 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) and 45 FR 32424 (May 16, 1980).

DISCUSSION: The previous policy statements on the control of volatile organic compounds (VOCs) noted that despite concerns about their potential toxicity 1,1,1-trichloroethane (methyl chloroform) and methylene chloride are negligibly photochemically reactive and do not appreciably contribute to the formation of ozone. Today's statement expands the list (45 FR 32424) of organic compounds (VOCs) of negligible photochemical reactivity to include the following chlorofluorocarbons (CFC) or fluorocarbons (FC):

- trichlorofluoromethane (CFC-11);
- dichlorodifluoromethane (CFC-12);
- chlorodifluoromethane (CFC-22);
- trifluoromethane (FC-23);
- trichlorotrifluoroethane (CFC-113);
- dichlorotetrafluoroethane (CFC-114);
- and chloropentafluoroethane (CFC-115).

EPA has determined that these halogenated compounds are no more photochemically reactive than methyl chloroform and methylene chloride and do not appreciably contribute to the formation of ambient ozone. Consequently, controls on emissions of these compounds would not contribute to the attainment and maintenance of the national ambient air quality standards for ozone. EPA cannot approve or enforce controls on these

compounds as part of a Federally enforceable ozone State Implementation Plan (SIP). EPA will take no action on any measures specifically controlling emissions of these compounds which are submitted by the States as ozone SIP measures for EPA approval. (See 45 FR 32424.)

However, EPA would like to reiterate its continuing concern over the possible environmental effects from emissions of these compounds. As such, EPA is not precluding the possible future regulation of these compounds.

It should be recognized that the two halogenated compounds, methyl chloroform and CFC-113, stated to be of negligible photochemical reactivity in the July 8, 1977 Federal Register, have been implicated in the depletion of the stratospheric ozone layer. This layer is a region of the upper atmosphere which shields the earth from harmful wavelengths of ultraviolet radiation that increase the risk of skin cancer in humans.

In response to this concern, the Agency promulgated on March 17, 1978 (43 FR 11318), rules under the Toxic Substances Control Act (TSCA) to prohibit the nonessential use of fully halogenated chlorofluoroalkanes as aerosol propellants. Restrictions were applied to all members of this class, including CFC-113, since they are potential substitutes for CFC-11, CFC-12, CFC-114, and CFC-115, which are currently used as aerosol propellants. The Agency is investigating control options and substitutes for nonpropellant uses.

EPA has proposed new source performance standards under Section 111 for organic solvent cleaners (45 FR 39766, June 11, 1980). These proposed standards would limit emissions of the reactive volatile organic compounds trichloroethylene and perchloroethylene as well as methyl chloroform, methylene chloride, and trichlorotrifluoroethane (CFC-113) from new, modified, or reconstructed organic solvent degreasers. If these standards are promulgated, EPA will develop a guideline document for States to use in developing regulations required under Section 111(d) for existing organic solvent cleaners that use any of the designated compounds.

Whether, and to what extent, methyl chloroform and methylene chloride are human carcinogens or have other toxic effects, and to what extent methyl chloroform, CFC-113, and other CFCs deplete the ozone layer, are issues of considerable debate. Detailed health assessments of methyl chloroform, methylene chloride, and CFC-113 are being prepared by EPA's Office of

Research and Development. These assessments will be submitted for external review, including a review by the Science Advisory Board, prior to promulgation of the regulations and the proposal of EPA guidance to States for developing existing source control measures. The extent to which the preliminary findings are affirmed by the review process may affect the final rulemaking for new as well as existing sources.

Until these issues of environmental impact are fully resolved, EPA remains concerned that if these chemicals are exempted from regulation, the substitution of exempt for nonexempt solvents could result in large increases of emissions of pollutants that may have adverse health impacts.

The emissions of CFC-22 and FC-23, also of relatively low photochemical reactivity, are of continuing concern with regard to possible environmental effects. Consequently, EPA is not precluding the possible future regulation of these compounds as well.

Finally, EPA wishes to point out that this 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: July 16, 1980.

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

[FR Doc. 80-21981 Filed 7-21-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1545-5]

California State Motor Vehicle Pollution Control Standards; Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing on

requests for waivers of Federal preemption.

SUMMARY: The California Air Resources Board (CARB) notified EPA of two recent amendments to California's emission standards and test procedures for motor vehicles produced by certain small-volume manufacturers, and requested a waiver of Federal preemption for each amendment. EPA will consider these waiver requests, among other issues, at a public hearing already scheduled for July 24, 1980 at EPA's San Francisco office, as announced in a Federal Register notice of July 3, 1980.

DATES: Hearing July 24, and if necessary July 25, 1980.

ADDRESSES: EPA will consider the waiver requests at a public hearing held at: U.S. Environmental Protection Agency Regional Office (Region IX), Nevada Room, Sixth Floor, 215 Fremont Street, San Francisco, California. Copies of all materials relevant to the hearing are available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at: U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Glenn Unterberger, Chief, Waivers Section, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion

Section 209(a) of the Clean Air Act, as amended, 42 U.S.C. 7543(a) ("Act"), provides in part: "No state or any political subdivision thereof shall adopt or attempt to enforce any standard relating to control of emissions from new motor vehicles or new motor vehicle engines subject to this part . . . [or] require certification, inspection, or any other approval relating to the control of emissions . . . as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment."

Section 209(b)(1) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any State which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines

that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. The Administrator must grant a waiver unless he finds that: (1) The determination of the State is arbitrary and capricious, (2) the State does not need the State standards to meet compelling and extraordinary conditions, or (3) the State standards and accompanying enforcement procedures are inconsistent with section 202(a) of the Act.

Pursuant to these provisions, the Administrator of EPA granted California waivers of Federal preemption allowing the State to enforce its exhaust emission standards for 1979 and subsequent model year passenger cars¹ and for 1979 and subsequent model year light-duty trucks (LDTs) and medium-duty vehicles (MDVs).² In *American Motors Corp. v. Blum*³, the D.C. Circuit held that section 202(b)(1)(B) of the Act entitled American Motors Corporation (AMC) to two additional years of lead time to meet certain California oxide of nitrogen (NO_x) emission standards for passenger cars.

As a result, in a Federal Register notice issued July 3, 1980, the Administrator modified his passenger car waiver decision with respect to 1980 and 1981 model year AMC passenger cars, and announced a public hearing to reconsider the earlier LDT/MDV waiver decisions in light of *AMC v. Blum*. The notice further provided that EPA would consider at the public hearing any new waiver requests filed by California on or before July 7, 1980 to cover amended NO_x standards and enforcement procedures for 1980 and later model year passenger cars and 1981 and later year passenger cars and 1981 and later year model year LDTs and MDVs manufactured by AMC.

In a June 13, 1980 letter to the Administrator, CARB notified EPA that it had taken several actions to revise California's new motor vehicles emissions control program in response to *AMC v. Blum*. CARB requested a waiver of Federal preemption for the following items:

(i) Amendments to exhaust emission standards and test procedures for 1980 and later model year passenger cars, light-duty trucks and medium-duty

¹ 43 FR 25729 (June 14, 1978).

² 43 FR 1829 (January 12, 1978) (for California's 1979-1982 model year LDTs and MDVs); 43 FR 15480 (April 13, 1978) (for California's 1983 and later model year LDTs and MDVs).

³ 603 F. 2d 978 (D.C. Cir. 1979).