

07/22/1980

VOCFR0722802

Category: FR – Federal Register

Federal Register, Vol. 45, No. 142, 48942-48943, 7/22/1980, "California State Motor Vehicle Pollution Control Standards; Public Hearing"

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.

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).

vehicles⁴ produced by qualified "small" manufacturers;⁵

(ii) Amendments to assembly-line test procedures for 1980 model year and 1981 model year passenger cars, light-duty trucks and medium-duty vehicles produced by qualified small manufacturers.⁶

Accordingly, EPA will consider these amendments at the public hearing announced in 45 FR 45356 (July 3, 1980).

II. Procedures

Any person desiring to make a statement at the hearing or to submit material for the hearing record should file a notice of such intention along with 10 copies of the proposed statement and other relevant material by July 21, 1980, to Glenn Unterberger, Manufacturers Operations Division (EN-340), 401 M Street, S.W., Washington, D.C. 20460. In addition, that party should submit 25 copies, if feasible, of that statement to the Presiding Officer at the time of the hearing.

Since the public hearing is designed to give interested persons an opportunity to participate in this proceeding by the presentation of data, views, arguments, or other pertinent information, there are no adversary parties as such. Statements by the participants will not be subject to cross-examination. The Presiding Officer is authorized to strike from the record statements which he deems irrelevant or repetitious and to impose reasonable limits on the duration of the statement of any witness.

Participants should limit their presentations regarding either of the waiver requests at issue to the following considerations:

(1) Whether California's determination that the standards will be at least as protective of public health and welfare as applicable Federal

standards and regulations is arbitrary and capricious;

(2) Whether California needs its standards to meet compelling and extraordinary conditions;

(3) Whether the California amendments are not consistent with section 202(a) of the Act; and

(4) Whether the California amendments are consistent with the Court's decision in *AMC v. Blum*.

In order to assure full opportunity for the presentation of data, views and arguments by participants, the Presiding Officer will, upon request of the participants, allow a reasonable time after the close of the hearing for the submission of written data, views, arguments or other pertinent information to be included as part of the hearing record.

A verbatim record of the proceeding will be made available for public inspection at the EPA Public Information Reference Unit. Interested persons may obtain a copy of the transcript from the reporter during the hearing at their own expense. The determination of the Administrator on the action to be taken on CARB's amendments is not required to be made solely on the record of the public hearing. Other pertinent information not presented at the hearing also may be considered. This information will also be available for public inspection.

Dated: June 15, 1980.

Jeffrey G. Miller,
Acting Assistant Administrator for
Enforcement (EN-329).

[FR Doc. 80-21862 Filed 7-21-80; 8:45 am]

BILLING CODE 6580-01-M

[FRL 1545-6]

Reconsideration of the Use of Pasquill-Gifford Dispersion Coefficients for Stability Class A in Setting Emission Limitations for Four Ohio Power Plants: Evaluation of Public Comments—References

On June 19, 1980, the Environmental Protection Agency (EPA) published its response to comments submitted on EPA's reconsideration of the use of the Pasquill-Gifford dispersion coefficients for class A meteorological conditions in setting emission limitations for four Ohio power plants (45 FR 41501). The attached list of references should have been published with the Agency's response, but was inadvertently omitted. EPA, therefore, is publishing the list of references today.

Dated: July 16, 1980.

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

References

ARL, 1977: *Report to the U.S. EPA of the Specialists Conference on the EPA Modeling Guideline*, Argonne National Laboratory, Chicago, IL, 322 pp.

Briggs, G. A., 1979: Personal Communications with D. A. Trout, May 1979 and August 1979.

Hanna, S. R., et al., 1977: AMS workshop on stability classification schemes and sigma curves—summary of recommendations, *Bull. AMS*, 1305-1309.

Irwin, J. S., 1971a: Estimating plume dispersion—a recommended generalized scheme, *Preprints of Fourth Symposium on Turbulence, Diffusion and Air Pollution*, January 15-18, 1979, Reno, 62-69.

Irwin, J. S., 1979b: Personal communications with D. A. Trout, October 1979.

Mills, M. A., et al., 1977: *Improvements to Single-Source Model*, Vol. 1-3, EPA-450/3-77-003, U.S. EPA Research Triangle Park, N.C.

Kiefer, H. and W. Koelzer, 1979: *Jahresbericht 1978 der Abteilung Sicherheit, Kernforschungszentrum Karlsruhe*, 191-195.

NCAQ, 1980: *Summary Report of the NCAQ Atmospheric Dispersion Modeling Panel, Vol. 1-2* National Commission on Air Quality, Washington, D.C.

Panofsky, H. A., 1978: Comments in Rapporteur's Report, *Proceeding of the NATO/CCMS 9th International Technical Meeting on Air Pollution Modeling and its Application*, August 28-31, 1978, Toronto, 265.

Pasquill, F., 1974: *Atmospheric Diffusion*, 2nd ed. Halstead Press, New York, 429 p.

Singer, I. A. and M. E. Smith, 1958: Relation of gustiness to other meteorological parameters, *J. of Meteorology*, Vol. 10, 122-126.

Singer, I. A., and M. E. Smith, 1966: Atmospheric Dispersion at Brookhaven National Laboratory, *Int. J. of Air and Water Pollution*, 10, 125-135.

Smith, F. B., 1973: A scheme for estimating the vertical dispersion of a plume from a source near ground level (Unpublished British Meteorological Office Note).

Smith, M. E. (ed), 1973: *Recommended Guide for the Prediction of the Dispersion of Airborne Effluents*, 2nd ed: Am. Soc. of Mech. Engineers, 85 p. (1st ed. 1968).

Thomas, P. et al., 1976: *Experimental determination of the atmospheric dispersion parameters over rough terrain, part 1, measurements at the Karlsruhe Nuclear Research Center, Gesellschaft Fur Kernforschung M. B. H., Karlsruhe.*

Thomas, P. and K. Nester, 1976: *Experimental determination of the atmospheric dispersion parameters over rough terrain, part 2, evaluation of measurements, Gesellschaft Fur Kernforschung M. B. H., Karlsruhe.*

Vogt, K. J. et al., 1978: New sets of diffusion parameters resulting from tracer experiments in 50 and 100 meters release height, *Proceedings of the NATO/CCMS 9th International Technical Meeting on Air*

⁴ Section 1960.2 and 1960.3, Title 13, California Administrative Code: "California Exhaust and Emission Standards and Test Procedures for 1980 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles", as amended March 5, 1980; "California Exhaust and Emission Standards and Test Procedures for 1981 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles", as amended March 5, 1980; and "California Exhaust Emissions Standards and Test Procedures for 1981 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles", as amended March 26, 1980.

⁵ A "small" manufacturer under the California regulations is defined as a manufacturer which qualifies for additional time to meet NO_x emissions standards under Section 202(b)(1)(B) of the Act.

⁶ Section 2059, Title 13, California Administrative Code: "California Assembly-Line Test Procedures for 1980 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles", as amended March 5, 1980; "California Assembly-Line Test Procedures for 1981 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles", as amended March 26, 1980.