

Paragraph (c)(66), any SO<sub>2</sub> emission limits in 325 IAC 7-1-2 applicable in these counties (as incorporated by reference at (c)(66)(i)(A), and the site-specific SO<sub>2</sub> emission limits and other requirements in 326 IAC 7-1-18, (Floyd County), 326 IAC 7-1-18, (Morgan County), and 326 IAC 7-1-17 (Warrick County).

(i) *Incorporation by reference.* (A) 326 IAC 7-1-16, Floyd County Sulfur Dioxide Emission Limitations, as published in the March 1, 1988, *Indiana Register* (IR) at 11 IR 1737.

(B) 326 IAC 7-1-18, Morgan County Sulfur Dioxide Emission Limitations, as published on June 1, 1988, at 11 IR 3018.

(C) 326 IAC 7-1-17, Warrick County Sulfur Dioxide Emission Limitations, as promulgated by filing with the Secretary of State on November 7, 1988.

(D) 326 IAC 7-1-1, Applicability, as promulgated by filing with the Secretary of State on November 7, 1988.

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**40 CFR Parts 60 and 61**

[FRL-3492-6]

**Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants; Montana, North Dakota and Wyoming; Delegation of Authority**

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

**ACTION:** Delegation of authority.

**SUMMARY:** EPA is today providing notice that it granted delegation of authority to Montana on June 17, 1988, to enforce and implement the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs) promulgated in 40 CFR Parts 60 and 61, respectively, as of July 1, 1987 (excluding 40 CFR Part 61, Subparts B, H, I, K, which pertain to radionuclides). This is a result of a request for delegation from the State of Montana on March 9, 1988.

EPA is today also providing notice that it granted delegation of authority to North Dakota on June 30, 1988, to implement and enforce (1) the NSPS for 40 CFR Part 60, Subparts Ka, LLL, KKK, VV, GGG, XX, OOO, and JJJ, and (2) the NESHAPs for 40 CFR Part 61, Subparts J and V. This is a result of a request for delegation from the State of North Dakota on January 26, 1988.

EPA is also today providing notice that it granted delegation of authority to Wyoming on September 30, 1988, to implement and enforce (1) the NSPS for 40 CFR Part 60, Subparts Na, AAa, LL,

RR, VV, WW, XX, FFF, GGG, HHH, JJJ, KKK, LLL, OOO, and PPP, and (2) part of the NESHAP for asbestos (40 CFR Part 61, Subpart M), i.e., asbestos demolition, renovation and spraying operations, and waste disposal for demolition, renovation and spraying operations. This is a result of a request for delegation from the State of Wyoming on September 6, 1988.

**EFFECTIVE DATES:** June 17, 1988, for Montana.

June 30, 1988, for North Dakota.  
September 30, 1988, for Wyoming.

**ADDRESS:** Copies of the revisions are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following office: Environmental Protection Agency, Region VIII, Air Programs Branch, 999 18th Street, Suite 500, Denver, Colorado 80202-2405.

**FOR FURTHER INFORMATION CONTACT:** Laurie Ostrand, Environmental Protection Agency, Region VIII, Air Programs Branch, Suite 500, Denver, Colorado 80202-2405, (303) 293-1814, (FTS) 564-1814.

**SUPPLEMENTARY INFORMATION:** Sections 111(c) and 112(d) of the Clean Air Act permit EPA to delegate to the states the authority to implement and enforce standards set forth in 40 CFR Part 60, NSPS, and 40 CFR Part 61, NESHAP.

**Montana**

On March 9, 1988, the State of Montana requested the authority to implement and enforce those NSPS and NESHAPs promulgated in 40 CFR Parts 60 and 61, respectively, effective through July 1, 1987. Pursuant to that request, on June 17, 1988, delegation was given with the following letter:

Honorable Ted Schwinden,  
Governor of Montana, State Capitol, Helena,  
Montana 59620

Dear Governor Schwinden: This is in response to your submittal dated March 9, 1988. The submittal was a request for modifications to the Montana State Implementation Plan (SIP). The modifications consisted of revisions to the following Montana rules: Standards of Performance for New Stationary Sources (NSPS); National Emissions Standards for Hazardous Air Pollutants (NESHAPs); Air Quality Models, and Particulate Matter. This letter addresses only those revisions that pertain to the NSPS and NESHAPs. The air quality models and particulate matter regulations will be addressed through separate Federal Register actions.

On May 18, 1977, EPA delegated to the State of Montana the authority to implement and enforce those NSPS that had been promulgated by EPA as of January 26, 1976, and those NESHAPs that had been promulgated by EPA as of October 14, 1975. (See 42 FR 44573, September 6, 1977.)

Additionally, on September 17, 1984 (49 FR 38388), EPA published in the Federal Register two tables updating the delegation status of NSPS and NESHAPs for states in Region VIII. The NSPS table indicated that the State of Montana had delegation for the following: 40 CFR Part 60, Subparts A, D, Da, E, F, C, H, I, J, K, Ka, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, GG, HH, MM, and PP. The NESHAPs table incorrectly showed that the State of Montana did not have delegation for any NESHAPs. (We will be correcting the NESHAPs table that currently appears in the Code of Federal Regulations in the near future.)

With regard to the March 9, 1988, submittal, EPA has reviewed the pertinent laws of the State of Montana and the rules and regulations thereof, and has determined that they provide an adequate and effective procedure for implementing and enforcing the NSPS and NESHAPs in the State of Montana. Therefore, pursuant to Sections 111(c) and 112(d) of the Clean Air Act (CAA), as amended, and 40 CFR Parts 60 and 61, I hereby delegate our authority for the implementation and enforcement of the NSPS and NESHAPs to the State of Montana as follows:

1. Authority for all sources located in or to be located in the State of Montana which are subject to the NSPS and NESHAPs (except 40 CFR Part 61, Subparts B, H, I, K, which pertain to radionuclides) promulgated in 40 CFR Parts 60 and 61, respectively, as of July 1, 1987.

2. Not all authorities of NSPS and NESHAPs can be delegated to states under Sections 111(c) and 112(d) of the CAA. The EPA Administrator retains the authority to implement those sections of NSPS and NESHAPs that require: (1) Approving equivalency determinations and alternative test methods; (2) decision making to ensure national consistency; (3) rulemaking to implement. To the best of our knowledge, the following are the authorities in 40 CFR Parts 60 and 61 that EPA cannot delegate to the State:

**NSPS**

40 CFR Part 60 Subpart	Section(s)
A.....	60.8 (b)(2) and (b)(3) and those sections throughout the standards that reference 60.8 (b)(2) and (b)(3), 60.11 (b) and (e).
Da.....	60.45a.
Ka.....	60.114a.
Kb.....	60.111b(f)(4), 60.114b, 60.116b (e)(3)(iii) and (e)(3)(iv), 60.116b(f)(2)(iii).
S.....	60.195(b).
DD.....	60.302(d)(3).
GG.....	60.332(a)(3), 60.335(a)(iii).
VV.....	60.482-1(c)(2), 60.484.
WW.....	60.493(b)(2)(i)(A), 60.496(a)(1).
XX.....	60.502(e)(6).
GGG.....	60.592(c).
JJJ.....	60.623.
KKK.....	60.634.

NESHAPs

40 CFR Part 61 Subpart	Section(s)
A	61.02 (definition of "alternative method"); 61.04(b), 61.12(d)(1), 61.13(h)(1)(ii).
E	61.53(c)(4).
F	61.66.
J	61.112(c).
M	61.151(c)(2), 61.152(b)(3), 61.153(c), 61.154(b)(2), 61.156(d).
N	61.164 (a)(2) and (a)(3).
O	61.172 (b)(2)(ii)(B) and (b)(2)(ii)(C), 61.174 (a)(2) and (a)(3).
V	61.242-1(c)(2), 61.244.

3. Since the State of Montana has emission standards in ARM 16.8.1401 to .1419, for several source types in addition to the NSPS, which are a part of the SIP, and federally enforceable, EPA requires that any source subject to the NSPS must also conform to the requirements of all other federally-enforceable air quality rules and meet the most stringent requirement when inconsistencies with other requirements exist. (This comment was made to the Department of Health on January 4, 1988.)

This delegation is based upon and is a continuation of the same conditions as those stated in our letter of May 18, 1977, except condition 6, relating to federal facilities. Condition 6 has been voided by the CAA Amendments of 1977. It is important to note EPA retains concurrent enforcement authority as stated in condition 3 of our May 18, 1977, letter. (A copy of the May 18, 1977, letter was published in the Federal Register of September 6, 1977 (42 FR 44573), and is enclosed for your convenience.) In addition, information received by the State of Montana pursuant to 40 CFR 60.676(b), pertaining to Nonmetallic Mineral Processing Plants, should be copied to the Director of Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. A notice announcing this delegation will be published in the Federal Register in the near future.

Since this delegation is effective immediately, there is no need for the State to notify EPA of its acceptance. Unless we receive written notice from you of objections within ten days of the date of this letter, the State of Montana will be deemed to have accepted all of the terms of the delegation.

Sincerely,  
James J. Scherer,  
Regional Administrator.

North Dakota

On January 26, 1988, the State of North Dakota submitted revisions to its NSPS and NESHAP regulations. Such revisions included the addition of NSPS for the following source categories: Storage vessels for petroleum liquids constructed after May 18, 1978; on-shore natural gas processing plants (SO<sub>2</sub> emissions); on-shore natural gas

processing plants (equipment leaks of Volatile Organic Compounds (VOC)); synthetic organic chemicals manufacturing industry (equipment leaks of VOC); petroleum refineries (equipment leaks of VOC); bulk gasoline terminals; nonmetallic mineral processing plants; and petroleum dry cleaners (40 CFR Part 60, Subparts Ka, LLL, KKK, VV, GGG, XX, OOO, and JJJ, respectively). Such revisions also included the addition of the following NESHAPs: Equipment leaks (fugitive emission sources) of benzene and equipment leaks (fugitive emission sources) (40 CFR Part 61, Subparts J and V, respectively). Pursuant to such submittal, on June 30, 1988, delegation was given with the following letter:

Honorable George A. Sinner,  
Governor of North Dakota, State of North Dakota, Office of the Governor, Bismarck, North Dakota 58505

Dear Governor Sinner: This letter is in response to your submittal dated January 26, 1988. The submittal was a revision to the Implementation Plan for the Control of Air Pollution for the State of North Dakota and included the addition of and revision to several Air Pollution Control Rules and Regulations. This letter addresses only those additions that pertain to the New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPs). The remaining regulations are being addressed through separate Federal Register actions.

Subsequent to states adopting NSPS and NESHAPs regulations, the Environmental Protection Agency (EPA) delegates the authority for the implementation and enforcement of those NSPS and NESHAPs so long as those regulations are equivalent to, or more stringent than, the federal regulations. EPA, therefore, is acting on the delegation of authority to North Dakota for implementation and enforcement of eight NSPS and two NESHAPs.

EPA has reviewed the pertinent statutes and regulations of the State of North Dakota and has determined that they provide an adequate and effective procedure for the implementation and enforcement of the NSPS and NESHAPs by the State of North Dakota. Therefore, pursuant to Section 111(c) and 112(d) of the Clean Air Act (CAA), as amended, and 40 CFR Parts 68 and 61, EPA hereby delegates its authority for the implementation and enforcement of the NSPS and NESHAPs to the State of North Dakota as follows:

(A) Responsibility for all sources located, or to be located in the State of North Dakota subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60. The categories of new stationary sources covered by this delegation are as follows: storage vessels for petroleum liquids constructed after May 18, 1978; on-shore natural gas processing plants (SO<sub>2</sub> emissions); on-shore natural gas processing plants (equipment leaks of Volatile Organic Compounds (VOC)); synthetic organic

chemicals manufacturing industry (equipment leaks of VOC); petroleum refineries (equipment leaks of VOC); bulk gasoline terminals; nonmetallic mineral processing plants; and petroleum dry cleaners.

(B) Responsibility for all sources located, or to be located, in the State of North Dakota subject to the emission standards for hazardous air pollutants promulgated in 40 CFR Part 61. The categories of hazardous air pollutants covered by this delegation are as follows: equipment leaks (fugitive emission sources) of benzene and equipment leaks (fugitive emission sources).

(C) Not all authorities of NSPS and NESHAPs can be delegated to states under Section 111(c) and 112(d) of the CAA. The EPA Administrator retains the authority to implement those sections NSPS and NESHAPs that require: (1) Approving equivalency determinations and alternative test methods; (2) decision-making to ensure national consistency; and (3) EPA rulemaking to implement. The following are the authorities in 40 CFR Parts 60 and 61 that EPA cannot delegate to the State:

(i) 40 CFR 60.114a [33-15-12-04(9)(e) in North Dakota's Regulations] pertains to an equivalency determination and rulemaking to implement in Storage Vessels of Petroleum Liquids constructed after May 18, 1978;

(ii) 40 CFR 60.634 [33-15-12-04(22)(e) in North Dakota's Regulations] pertains to an equivalency determination and rulemaking to implement in Equipment Leaks of VOC from Onshore Natural Gas Processing Plants;

(iii) 40 CFR 60.482-1(c)(2) and 60.484 [33-15-12-04(23)(c) (3) and (23) (c) in North Dakota's Regulations] pertains to equivalency determinations and a rulemaking to implement in Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry;

(iv) 40 CFR 60.592(c) [33-15-12-04(24)(c)(3) in North Dakota's Regulations] pertains to an equivalency determination in Equipment Leaks of VOC in Petroleum Refineries; and

(v) 40 CFR 60.623 [33-15-12-04(27)(d) in North Dakota's Regulations] pertains to an equivalency determination and rulemaking to implement in Petroleum Dry Cleaners.

(vi) 40 CFR 60.502(e)(6) [33-15-12-04(25)(c)(5)(f) in North Dakota's Regulations] pertains to an equivalency determination in Bulk Gasoline Terminals.

(vii) 40 CFR 61.112(c) [33-15-13-07(3)(c) in North Dakota's Regulations] pertains to an equivalency determination in Emission Standards for Equipment Leaks (fugitive emissions sources) of Benzene.

(viii) 40 CFR 61.242-1(c)(2) and 244 [33-15-13-08 (3)(a), (3)(b) and (5) in North Dakota's Regulations] pertains to equivalency determinations in Emission Standards for Equipment Leaks (fugitive emissions sources).

(D) As 40 CFR Parts 60 and 61 are updated by EPA, North Dakota must revise its rules and regulations accordingly.

This delegation is based upon and is a continuation of the same conditions as those stated in EPA's original delegation letter of August 30, 1976, except that condition 5, relating to Federal facilities, has been voided by the Clean Air Act Amendments of 1977. It

is also important to note that EPA retains concurrent enforcement authority as stated in condition 2 and if at any time there is a conflict between a State and Federal Regulation (40 CFR Parts 60 and 61), the Federal Regulation must be applied if it is more stringent than that of the State, as stated in condition 7 of our letter dated August 30, 1976. (A copy of the August 30, 1976 letter was published in the notices section of the *Federal Register* of October 13, 1976 (41 FR 44884), along with the associated rulemaking notifying the public that certain reports and applications required from operators of new or modified sources shall be submitted to the State of North Dakota (41 FR 44859). Copies of the *Federal Register* are enclosed for your convenience.) In addition, information received by the State of North Dakota pursuant to 40 CFR 60.676(b), pertaining to Nonmetallic Mineral Processing Plants, should be copied to the Director of Emission Standards and Engineering Division (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711.

Since this delegation is effective immediately, there is no need for the State to notify the EPA of its acceptance. Unless we receive written notice of objections from you within ten days of the date on which you receive this letter, the State of North Dakota will be deemed to have accepted all the terms of this delegation.

Sincerely,  
James J. Scherer,  
Regional Administrator.

#### Wyoming

On September 6, 1988, the State of Wyoming submitted revisions to its NSPS and NESHAPs regulations. Such submittal included the addition of the following NSPS source categories: Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983; steel plants—electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983; metallic mineral processing plants; pressure-sensitive tape and label surface coating operations; equipment leaks of volatile organic chemicals (VOC) in the synthetic organic chemicals manufacturing industry; beverage can surface coating industry; bulk gasoline terminals; flexible vinyl and urethane coating and printing; equipment leaks of VOC in petroleum refineries; synthetic fiber production facilities; petroleum dry cleaners; equipment leaks of VOC from onshore natural gas processing plants; onshore natural gas processing—SO<sub>2</sub> emissions; nonmetallic mineral processing plants; and wool fiberglass insulation manufacturing plants (40 CFR Part 60, Subparts Na, AAa, LL, RR, VV, WW, XX, FFF, CCG, HHH, JJJ, KKK, LLL, OOO, and PPP); and part of the following NESHAP: Asbestos (40 CFR Part 61, Subpart M). Pursuant to such

submittal, on September 30, 1988, delegation was given with the following letter:

Charles A. Collins, Administrator,  
Air Quality Division, Governor of North  
Dakota, Wyoming Department of  
Environmental Quality, Herschler  
Building, 122 West 25th Street,  
Cheyenne, Wyoming 82002

Dear Mr. Collins:

On September 6, 1988, you requested approval on several revisions and additions to the Wyoming Air Quality Standards and Regulations (WAQSR) and State Implementation Plan (SIP). This letter addresses only those WAQSR that pertain to the New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPs), i.e. Section 22, NSPS, and Section 29, Emission Standards of Asbestos for Demolition, Renovation and Spraying Air Pollution Control Rules and Regulations. The remaining WAQSR (stack height, visibility and ambient air) are being addressed through separate Federal Register actions.

Subsequent to states adopting NSPS and NESHAPs regulations, the Environmental Protection Agency (EPA) delegates the authority for the implementation and enforcement of those NSPS and NESHAPs so long as those regulations are equivalent to, or more stringent than, the federal regulations. EPA, therefore, is acting on the delegation of authority to Wyoming for implementation and enforcement of fifteen NSPS and one NESHAP.

EPA has reviewed the pertinent statutes and regulations of the State of Wyoming and has determined that they provide an adequate and effective procedure for the implementation and enforcement of the NSPS and NESHAPs by the State of Wyoming. Therefore, pursuant to Section 111(c) and 112(d) of the Clean Air Act (CAA), as amended, and 40 CFR Parts 60 and 61, EPA hereby delegates its authority for the implementation and enforcement of the NSPS and NESHAPs to the State of Wyoming as follows:

(A) Responsibility for all sources located, or to be located in the State of Wyoming, subject to the standards of performance for new stationary sources promulgated in 40 FR Part 60. The categories of new stationary sources covered by this delegation are as follows: secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983 (Na); steel plants—electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983 (AAa); metallic mineral processing plants (LL); pressure sensitive tape and label surface coating operations (RR); equipment leaks of volatile organic chemicals (VOC) in the synthetic organic chemicals manufacturing industry (VV); beverage can surface coating industry (WW); bulk gasoline terminals (XX); flexible vinyl and urethane coating and printing (FFF); equipment leaks of VOC in petroleum refineries (GGG); synthetic fiber production facilities (HHH); petroleum dry cleaners (JJJ); equipment leaks of VOC from onshore

natural gas processing plants (KKK); onshore natural gas processing—50<sub>2</sub> emissions (LLL); nonmetallic mineral processing plants (OOO); and wool fiberglass insulation manufacturing plants (PPP).

(B) Responsibility for all sources located, or to be located, in the State of Wyoming subject to the emission standards for hazardous air pollutants promulgated in 40 CFR Part 61. The category of hazardous air pollutant sources covered by this delegation is as follows: Asbestos demolition, renovation and spraying, waste disposal for demolition, renovation and spraying operations. This delegation does not include the following category of sources: asbestos mills, roadways, manufacturing, fabricating, and insulating materials, waste disposal for manufacturing and fabricating operations, and inactive waste disposal for asbestos mills, manufacturing and fabricating operations. EPA will retain the authority to implement and enforce those categories of sources not delegated to the State.

It should be noted that WAQSR Section 29(a) only states applicability to (g) when in fact it should include (j) also. The State should correct this oversight with the next regulation update.

(C) Not all authorities of NSPS and NESHAPs can be delegated to states under Section 111(c) and 112(d) of the CAA. The EPA Administrator retains the authority to implement those sections of NSPS and NESHAPs that require: (1) Approving equivalency determinations and alternative test methods; (2) decision making to ensure national consistency; and (3) EPA rulemaking to implement. The following are the authorities in 40 CFR Parts 60 and 61 that EPA cannot delegate to the State:

(i) 40 CFR Parts 60.482-1(c)(2) and 60.484 pertain to equivalency determinations and a rulemaking to implement in Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry;

(ii) 40 CFR Parts 60.493(b)(2)(i)(A) and 496(a)(1) pertain to equivalency determinations in the Beverage Can Surface Coating Industry; and

(iii) 40 CFR Part 60.502(e)(6) pertains to an equivalency determination in Bulk Gasoline Terminals;

(iv) 40 CFR Part 60.592(c) pertains to an equivalency determination in Equipment Leaks of VOC in Petroleum Refineries;

(v) 40 CFR Part 60.623 pertains to an equivalency determination and rulemaking to implement in Petroleum Dry Cleaners;

(vi) 40 CFR Part 60.634 pertains to an equivalency determination and rulemaking to implement in Equipment Leaks of VOC from Onshore Natural Gas Processing Plants;

(vii) 40 CFR Parts 152(b)(3), 154(b)(2), and 156(d) pertain to equivalency determinations in Asbestos.

(D) As 40 CFR Parts 60 and 61 are updated by EPA, Wyoming must revise its rules and regulations accordingly and in a timely manner or such delegation will be revoked.

In the review of the draft submittal, EPA brought to the State's attention (see April 19, 1988, letter to Charles Collins from Douglas Skie, EPA), amendments, revisions, additions, etc. pertaining to NSPS (i.e., General

Provisions, Testing Methods, Performance Specifications and previously delegated (SPS Subparts) that had been promulgated by EPA but had not yet been incorporated into WAQSR Section 22. The State has committed to consider and/or make the noted revisions and corrections in the "Response to the comments submitted by the EPA in the April 19, 1988, letter" which was included in Addendum 4 of the State's September 6, 1988 submittal. EPA is proceeding with this delegation on the grounds that the State has made such commitment. If the State does not revise and update its regulations in FY89 as it has committed, EPA will re-evaluate this delegation and past delegations.

This delegation is based upon and is a continuation of the same conditions as those stated in EPA's original delegation letter of August 2, 1977, except that condition 6, relating to Federal facilities, has been voided by the Clean Air Act Amendments of 1977. It is also important to note that EPA retains concurrent enforcement authority as stated in condition 3. If at any time there is a conflict between a State and Federal Regulation (40 CFR Parts 60 and 61), the Federal Regulation must be applied if it is more stringent than that of the State, as stated in condition 9 of our letter dated August 2, 1977. This is particularly important with regard to your General Provisions and Testing Methods, Appendix II. Comments EPA provided on these draft regulations indicated that they are not up-to-date. The State, however, has committed to update those regulations in its next regulation review in FY89.

In addition, whereas the original delegation letter pertaining only to NSPS, those conditions in the original delegation letter now apply to NESHAPs, as appropriate. (A copy of the August 2, 1977 letter was published in the notices section of the Federal Register of September 15, 1977 (42 FR 46386), along with the associated rulemaking notifying the public that certain reports and applications required from operators of new or modified sources shall be submitted to the State of Wyoming (42 FR 46304). Copies of the Federal Register are enclosed for your convenience.)

Since this delegation is effective immediately, there is no need for the State to notify the EPA of its acceptance. Unless we receive written notice of objections from you within ten days of the date on which you receive this letter, the State of Wyoming will be deemed to have accepted all the terms of this delegation. An information notice will be published in the Federal Register in the near future informing the public of this delegation. This letter will appear in such notice in its entirety.

Sincerely,  
James J. Scherer,  
Regional Administrator

**List of Subjects**  
**40 CFR Part 60**

Air pollution control, Aluminum, Aluminum reduction, Ammonium sulfate plants, Asphalt, Asphalt concrete plants, Asphalt processing and asphalt roofing manufacture, Basic oxygen process steelmaking, Brass, Bronze, Cement industry, Coal preparation plants, Copper, Copper smelters, Electric power plants, Electric utility steam generating units, Ferroalloy, Fossil fuel-fired steam generators, Gasoline, Glass, Glass products, Glass manufacturing, Grain, Grain elevators, Graphic arts, Incinerators, Incorporation by reference, Industrial-commercial-institutional steam generating units, Intergovernmental relations, Iron, Iron and steel plants, Lead, Lead smelters, Lead acid battery, Lime, Lime manufacturing, Magnetic tape industry, Metals, Metallic minerals, Nitric acid plants, Nonmetallic minerals, Paper and paper products industry, Petroleum, Petroleum refineries, Petroleum liquid storage vessels, Phosphate fertilizer industry, Primary copper smelters, Plastic parts for business machines coating, Primary zinc smelters, Primary lead smelters, Primary aluminum reduction, Pulp mills, Phosphate rock,

Portland cement, Residential wood heaters, Rubber industry, Secondary lead smelters, Secondary brass and bronze ingot production, Sewage disposal, Sewage treatment, Steel, Sulfuric acid plants, Turbines, Waste treatment and disposal, Zinc, Zinc smelters, Tires, Surface coating, Industrial organic chemicals, Organic solvent cleaners, Fiberglass insulation, Synthetic fibers, Stationary gas turbines, Natural gas processing, Wool fiberglass, Metal furniture surface coaters, Automobile and light duty surface coaters, Metal coal surface coaters, Beverage can surface coaters, and Flexible vinyl and urethane coaters and printers.

**40 CFR Part 61**

Air pollution control, Asbestos, Benzene, Beryllium, Equipment leaks (fugitive emission sources), Inorganic arsenic, Hazardous materials, Mercury, Vinyl chloride.

Authority: 42 U.S.C. 7411 and 7412.  
Date: December 2, 1988.

James J. Scherer,  
Regional Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**PART 60—[AMENDED]**

**Subpart A—General Provisions**

1. The authority citation for Part 60 continues to read as follows:

Authority: 42 U.S.C. 7411.

2. Section 60.4(c) is amended by revising the table to read as follows:

**§ 60.4 Address**

\* \* \* \* \*  
(c) \* \* \* \* \*

**DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS**

[(NSPS) for region VIII]

Subpart	State					
	CO	MT	ND	SD	UT	WY
A General provisions	(C)	(C)	(C)	(C)	(C)	(C)
D Fossil fuel fired steam generators	(C)	(C)	(C)	(C)	(C)	(C)
Da Electric utility steam generators	(C)	(C)	(C)	(C)	(C)	(C)
Db Industrial-commercial institutional steam generators	(C)	(C)	(C)	(C)	(C)	(C)
E Incinerator	(C)	(C)	(C)	(C)	(C)	(C)
F Portland cement plant	(C)	(C)	(C)	(C)	(C)	(C)
G Nitric acid plants	(C)	(C)	(C)	(C)	(C)	(C)
H Sulfuric acid plant	(C)	(C)	(C)	(C)	(C)	(C)
I Asphalt concrete plants	(C)	(C)	(C)	(C)	(C)	(C)
J Petroleum refineries	(C)	(C)	(C)	(C)	(C)	(C)
K Petroleum storage vessels (6/11/73-5/19/78)	(C)	(C)	(C)	(C)	(C)	(C)
Ka Petroleum storage vessels (5/18/78-7/23/84)	(C)	(C)	(C)	(C)	(C)	(C)
Kb Petroleum storage vessels (after 7/23/84)	(C)	(C)	(C)	(C)	(C)	(C)
L Secondary lead smelters	(C)	(C)	(C)	(C)	(C)	(C)
M Secondary brass & bronze production plants	(C)	(C)	(C)	(C)	(C)	(C)
N Primary emissions from basic oxygen process furnaces (after 6/11/73)	(C)	(C)	(C)	(C)	(C)	(C)
Na Secondary emissions from basic oxygen process furnaces (after 1/20/83)	(C)	(C)	(C)	(C)	(C)	(C)

DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS—Continued

[(NSPS) for region VIII]

Subpart	State					
	CO	MT	ND	SD	UT	WY
O Sewage treatment plants.....						
P Primary copper smelters.....			(*)	(*)		
Q Primary zinc smelters.....						
R Primary lead smelters.....						
S Primary aluminum reduction plants.....						
T Phosphate fertilizer industry: wet process phosphoric plants.....						
U Phosphate fertilizer industry: superphosphoric acid plants.....						
V Phosphate fertilizer industry: diammonium phosphate plants.....						
W Phosphate fertilizer industry: triple superphosphate plants.....						
X Phosphate fertilizer industry: granular triple superphosphate storage facilities.....						
Y Coal preparation plants.....						
Z Ferroalloy production facilities.....						
AA Steel plants: electric arc furnaces (10/21/74-8-17-83).....						
AAa Steel plants: electric arc furnaces and argon-oxygen decarburization vessels (after 8/7/83).....						
BB Kraft pulp mills.....						
CC Glass manufacturing plants.....						
DD Grain elevators.....						
EE Surface coating of metal furniture.....						
GG Stationary gas turbines.....						
HH Lime manufacturing plants.....						
KK Lead-acid battery manufacturing plants.....						
LL Metallic mineral processing plants.....						
MM Automobile and light duty truck surface coating operations.....						
NN Phosphate rock plants.....						
PP Ammonium sulfate manufacturing.....						
QQ Graphic arts industry: publication rotogravure printing.....						
RR Pressure sensitive tape and label surface coating.....						
SS Industrial surface coating: large appliances.....						
TT Metal coil surface coating.....						
UU Asphalt processing and asphalt roofing manufacture.....						
VV Synthetic organic chemicals manufacturing: equipment leaks of VOC.....						
WW Beverage can surface coating industry.....						
XX Bulk gasoline terminals.....						
AAA Residential wood heaters.....						
BBB Rubber tires.....						
FF Flexible vinyl and urethane coating and printing.....						
GGG Equipment leaks of VOC in petroleum refineries.....						
HHH Synthetic fiber production.....						
JJJ Petroleum dry cleaners.....						
KKK Equipment leaks of VOC from onshore natural gas processing plants.....						
LLL Onshore natural gas processing: SO <sub>2</sub> emissions.....						
OOO Nonmetallic mineral processing plants.....						
PPP Wool fiberglass insulation manufacturing plants.....						
SSS Magnetic tape industry.....						
TTT Plastic parts for business machines coatings.....						

(\*) Indicates delegation.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**PART 61—[AMENDED]**

**Subpart A—General Provisions**

1. The authority citation for Part 61 continues to read as follows:

Authority: 42 U.S.C. 7412.

2. Section 61.04(c) is amended by revising the table to read as follows:

§ 61.04 Address.

(c) \* \* \*

DELEGATION STATUS OF NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

[(NESHAPS) for Region VIII]

Subpart	State					
	CO	MT	ND	SD	UT	WY
A General Provisions.....						
C Beryllium.....						
D Beryllium Rocket Motor Firing.....						
E Mercury.....						
F Vinyl Chloride.....						
J Equipment Leaks (Fugitive Emission Sources) of Benzene.....						
M Asbestos.....						
N Inorganic Arsenic Emissions from Glass Manufacturing Plants.....						
O Inorganic Arsenic Emissions from Primary Copper Smelters.....						

DELEGATION STATUS OF NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS—Continued

[(NESHAPS) for Region VIII]

Subpart	State					
	CO	MT	ND	SD	UT	WY
P Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.....		(*)			(*)	
V Equipment Leaks (Fugitive Emission Sources).....		(*)	(*)		(*)	

(\*) Indicates delegation.

Delegation for asbestos demolition, renovation and spraying operations, and waste disposal for demolition, renovation and spraying operations only.

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40 CFR Part 271

[FRL-3492-7]

Florida; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Final authorization on application of Florida for program revision.

SUMMARY: Florida has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Environmental Protection Agency (EPA) has reviewed Florida's application and has reached a decision that Florida's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is granting final authorization to Florida to operate its expanded program, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984.

EFFECTIVE DATE: Final authorization for Florida shall be effective at 1:00 pm on January 3, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Otis Johnson, Jr., Chief, Waste Planning Section, RCRA Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365, Telephone: (404) 347-3016.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous

and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes in EPA's regulations in 40 CFR Parts 260 through 266 and 124 and 270.

B. Florida

Florida initially received final authorization of its hazardous waste program on February 12, 1985 (50 FR 3908, January 29, 1985). On February 27, 1987, Florida submitted a final revision application for non-HSWA requirements promulgated through June 30, 1985. Florida received final authorization for these revisions on March 1, 1988 (53 FR 127, January 5, 1988). Florida was placed on a schedule of compliance to obtain program modifications for section 3006(f), Availability of Information (AOI) of the HSWA (52 FR 26013, July 10, 1987). Today, Florida is seeking approval of its program revisions for the following authorities through June 30, 1986, in accordance with 40 CFR 271.21(b)(4).

Federal requirement	State authority
RCRA section 3006(f), Availability of Information 40 CFR Part 2, Subpart A, 5 U.S.C. 552.	F.S. 119.07. F.S. 119.011. F.S. 119.12. F.S. 120.68. F.A.C. 17-30.310.

EPA has reviewed Florida's application, and has made a final decision that Florida's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization.

EPA recognizes Florida's lack of a provision for waiver of fees for information in the public interest as specified at 40 CFR 2.120(d). A public hearing was scheduled for October 20, 1988. No requests to hold the hearing, or adverse public comments were received prior to the end of the public comment period on October 13, 1988. Therefore, the public hearing was cancelled by publishing legal notices in six major Florida newspapers prior to the scheduled date of the hearing. Two commenters expressed concern after the public hearing had been cancelled, that the wording of the Federal Register notice published September 15, 1988 (53 FR 35836) was not clear regarding the agency's option to cancel the hearing if no public interest was expressed. EPA apologizes to those inconvenienced, and will take steps to improve the wording of future public notices. One commenter expressed concern that Florida's fees for information, though minimal, could still prove to be an obstacle for some citizens or public interest groups; and that the Florida legislature should be aware of this possibility. However, the commenter did not express an objection to EPA's tentative determination to authorize Florida for the modifications in question. (For fuller discussion of Florida's information release provisions and fee structure, see 53 FR 35836 dated September 15, 1988). Consequently, EPA is hereby granting final authorization for the additional program modifications to Florida's Hazardous Waste Management Program.

Florida is not seeking authorization to operate on Indian lands.

Federal requirement	State authority
Closure, Post-Closure and Financial Responsibility Requirements: Settlement Agreement 51 FR 16443-16459, May 2, 1986.	F.S. 403.704(16). F.S. 403.722. F.A.C. 17-30.020(1). F.A.C. 17-30.180(1)(2). F.A.C. 17-30.290(1)(a) and (4). F.A.C. 17-30.300.
Listing of Spent Pickle Liquor (K062) 50 FR 19320 as amended at 51 FR 33612, May 28, 1986 and September 22, 1986.	F.S. 403.704(16). F.S. 403.72(1). F.A.C. 17-30.030(1).