

shall not postpone the effectiveness of such rule or action. 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

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: August 28, 1995.

Valdas V. Adamkus

*Regional Administrator.*

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### **PART 52—[AMENDED]**

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

Authority: 42 U.S.C. 7401–7671q.

#### **Subpart X—Michigan**

2. Section 52.1170 is amended by adding paragraph (c)(99) to read as follows:

#### **§ 52.1170 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(99) On July 13, 1994, the State of Michigan requested a revision to the Michigan State Implementation Plan (SIP). The State requested that a consent order for the Eagle-Ottawa Leather Company of Grand Haven be included in the SIP.

(i) Incorporation by reference. State of Michigan, Department of Natural Resources, Stipulation for Entry of Consent Order and Final Order No. 7–1994 which was adopted on July 13, 1994.

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#### **40 CFR Part 81**

[A–95–09; FRL–5301–9]

#### **Designation of Areas for Air Quality Planning Purposes; Commonwealth of Virginia: Correction to the Boundary of the Richmond Ozone Nonattainment Area To Exclude the Rural Portion of Charles City County**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is making a correction to the boundary of the Richmond ozone

nonattainment area in the Commonwealth of Virginia. The boundary of the Richmond ozone nonattainment area is being revised to include only a portion of Charles City County. This action is intended to reflect EPA's determination that Charles City County meets EPA's criteria for the designation of only a portion of a rural county where an air quality monitor indicates violations of the National Ambient Air Quality Standard (NAAQS), in lieu of designating the entire county nonattainment. This action will relieve the attainment portion of the County from meeting the Part D requirements of the Clean Air Act (CAA).

**EFFECTIVE DATE:** This rule will become effective on November 20, 1995.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Henry at (215) 597–0545 at the EPA Regional Office listed above.

**SUPPLEMENTARY INFORMATION:** On November 7, 1994, the Commonwealth of Virginia submitted a request to revise the boundary of the Richmond ozone nonattainment area to exclude the rural portion of Charles City County. Specifically, the Commonwealth asked that only the southwestern corner of the county be included in the Richmond nonattainment area.

Sections 107(d)(4)(A)(i) and (ii) set out the general process by which areas were to be designated for ozone attainment/nonattainment immediately after enactment of the 1990 Amendments. Under the CAA, preenactment ozone and carbon monoxide (CO) nonattainment areas were classified on the date of enactment according to the severity of their problem. Within 120 days of enactment of the 1990 Amendments, the Governor of each State was required to submit a list of areas within the State, designating each area as attainment, nonattainment, or unclassifiable (120-day letter). Within 60 days of submitting the State lists, EPA was required to notify States of any potential modifications to the State's recommendations and encouraged States to comment within 20 days to EPA's proposal. EPA was required to promulgate the lists, including boundary modifications, within 240 days of enactment.

On March 15, 1991, the Commonwealth of Virginia submitted a

list of ozone and CO nonattainment, attainment and unclassifiable areas and boundaries, which included the preenactment Richmond ozone nonattainment area. The Commonwealth's list expanded the Richmond nonattainment area to include the Richmond/Petersburg Metropolitan Statistical Area (MSA). However, the Commonwealth excluded parts of the MSA, including Charles City, Dinwiddie, Goochland, New Kent, Powhatan and Prince George's Counties and the City of Petersburg. These areas were designated separately as either unclassifiable or attainment. The Commonwealth excluded these areas because emissions from vehicle, area and point source emissions were below specified cutoff values set by the Commonwealth for areas that were subject to VOC controls.

EPA gave the 60 day notification to Virginia on May 14, 1991, that the Agency intended to modify the designation and/or boundaries of certain areas on the State's list, including the boundaries of the Richmond/Petersburg nonattainment area. Pursuant to section 107(d)(1)(i) of the CAA, EPA indicated that it intended to designate all of Charles City County nonattainment due to monitored violations of the NAAQS for ozone at the air quality monitoring station in the southwestern corner of the county.

On June 3, 1991, the Commonwealth commented that it disagreed with EPA's nonattainment designation for Charles City County due to its small contribution to the total emissions for the MSA. EPA reaffirmed the nonattainment designation for Charles City County in a letter to the Commonwealth dated June 21, 1991, and promulgated all of Charles City County as part of the Richmond nonattainment area in the November 6, 1991, final rule (FR 56 56694) designating areas for air quality planning purposes. Please refer to Air Docket No. A–90–42.

In the November 6, 1991 rule, EPA established criteria for designating portions of counties nonattainment where monitored violations of the NAAQS were recorded but where the state did not wish to designate an entire county as nonattainment. In general, the criteria required that the boundary: (1) include an area contiguous with the adjoining nonattainment area, (2) include a reasonable area surrounding the monitor, and (3) include all adjoining areas with a population of sufficient density such that those areas were likely to contribute to the NAAQS violation.

Based on population and emissions data submitted by the Commonwealth, 120 days after enactment of the 1990 Amendments, with its original March 15, 1991 letter; EPA has determined that the Commonwealth's November 7, 1994, request to revise the boundary of the Charles City County portion of the Richmond nonattainment area meets the criteria for designating an area smaller than an entire county. Furthermore, EPA believes that this request, to exclude a portion of the County, would have been approved had it been submitted prior to the November 6, 1991 rulemaking. Today's action will relieve the attainment portion of Charles City County from meeting the Part D requirements of the CAA.

**Final Action**

In the Federal Register of November 6, 1991 (56 FR 56694), EPA issued a final rule promulgating the

designations, boundaries, and classifications of ozone nonattainment areas (and for nonattainment areas for other pollutants not addressed in this action). Pursuant to section 110(k)(6), EPA is correcting the boundary of the Richmond nonattainment area to exclude all of Charles City County west of Route 156. The boundaries for the Charles City County portion of the Richmond nonattainment area include the area surrounding the air quality monitor and the urbanized portion of the county that is contiguous with the rest of the Richmond nonattainment area.

In accordance with CAA sections 107(d)(2)(B) and 110(k)(6), today's action is a final rule and is not subject to the notice and comment provisions of sections 553 through 557 of Title 5.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: October 16, 1995.  
Carol M. Browner,  
*Administrator.*

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 81—[AMENDED]**

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

**Subpart C—Section 107 Attainment Status Designations**

4. In § 81.347 the ozone table is amended by revising the entry for "Charles City County" under the "Richmond Area" and the "AQCR 225 State Capital Intrastate" to read as follows:

**§ 81.347 Virginia.**  
\* \* \* \* \*

**VIRGINIA—OZONE**

Designated Area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
* * * * *				
Richmond Area: Charles City County (part) Beginning at the intersection of State Route 156 and the Henrico/Charles City County Line, proceeding south along State Route 5/156 to the intersection with State Route 106/156, proceeding south along Route 106/156 to the intersection with the Prince George/Charles City County line, proceeding west along the Prince George/Charles City County line to the intersection with the Chesterfield/Charles City County line, proceeding north along the Chesterfield/Charles City County line to the intersection with the Henrico/Charles City County line, proceeding north along the Henrico/Charles City County line to State Route 156.	.....	Nonattainment		
* * * * *				
AQCR 225 State Capital Intrastate (Remainder of) Charles City County (part)  Remainder of county	.....	Unclassifiable/ Attainment		
* * * * *				

<sup>1</sup> This date is November 15, 1990, unless otherwise noted.

\* \* \* \* \*  
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**40 CFR Part 261**

[SW-FRL-5318-5]

**Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Amendment**

AGENCY: Environmental Protection Agency.

**ACTION:** Final rule and correcting amendments.

**SUMMARY:** The Environmental Protection Agency ("EPA" or "the Agency") is correcting Part 261, Appendix IX, Table 1 by re-adding the final conditional exclusion previously granted to Envirite Corporation (Envirite). EPA inadvertently removed the entire entry of Envirite's exclusion from Appendix IX, while the Agency only intended to amend the second column of the entry by removing the words "Thomaston, Connecticut" (see 59 FR 5725, February 8, 1994). The Agency is also making a

conforming change to Part 261, Appendix IX, Table 2 by removing the words "Thomaston, Connecticut" from the second column of the Envirite's entry.

**EFFECTIVE DATE:** October 23, 1995.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline, toll free at (800) 424-9346 or at (703) 412-9810. For technical information, contact Shen-yi Yang, Office of Solid Waste (5304), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260-1436.