

Senate

PUBLIC RESOURCES AND ECOLOGY COMMITTEE

Minutes of Meeting

April 9, 1973

Committee members present: Chairman Wilson
Senator Young
Senator Echols
Senator Dodge
Senator Bryan
Senator Blakemore

See Exhibit "A" for interested citizens present.

Senator Wilson called the meeting to order at 7:20 p.m., and furnished copies of amendment (See Exhibit "B")

S.B. 489: Changes and clarifies administrative responsibilities for control of air pollution.

Mr. D. Michael Clasen, Deputy Atty. Gen. for State Environmental Protection, referred to Page 5, Lines 10-15 of the bill, stating that he felt this would not amend the NRS - would not change the existing definition of "control officer", which should be incorporated into the definition of "Director". Mr. Don Arkell stated that the amendment deletes the existing 445.426 which defines "control officer".

Mr. Clasen stated that Page 5, Line 37 of the bill should read "(g) Four gubernatorial appointees who have demonstrated knowledge and expertise, one..." Mr. Clasen further stated that in order to conform to this change, Page 6 of the amendment should read "Amend sec. 28, page 5, by deleting lines 35 through 39 and inserting:...." (This originally states lines 37 through 39).

Mr. Don Arkell, Director, Clark County Dist. Health Dept., stated that Page 4, Line 23 of the bill should be "may" rather than "shall".

Page 4, Line 24 of the bill should read "test or require the source owner or operator to have such tests made prior to..." Page 4, Section 15 of the amendment should be numbered subsection 1, and Mr. Arkell submitted wording for subsections 2, 3 and 4. Mr. Arkell made reference to Page 10, Line 23 of the bill and stated that "health division" should be deleted and "department" added.

Mr. Arkell stated that a new sentence should be added after number 5. on Page 10 of amendment stating: "NRS 445.446 shall not apply to adoption of existing regulations upon transfer of regulatory authority as provided in Section 15 of this act.

Page 4, Section 14 of amendment should read "The commission may require the monitoring or source test of existing or"

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Mr. Arkell stated that Page 10, Line 29 should have a new sentence which states "this provision shall not apply to political subdivisions or their agencies.

Senator Bryan moved that the following language be added to Section 36, following number 4: when the Department regulates the fees, the fees shall go to the general fund of the State, seconded by Senator Young, unanimously carried.

Mr. Arkell made reference to Page 14, Lines 30 and 31, stating that "Director" should be added and "appeals board" be deleted. Page 13 of the amendment to sec. 47 should be changed by deleting the word "standards", which appears on the sixth line from the bottom of the page.

Mr. Arkell submitted Environmental Protection Agency, Proposed Rule Making to be made part of the record. (See Exhibit "C")

Senator Wilson stated that he would have the amendments printed and would bring it back to committee for action.

S.B. 589: Provides additional requirements relating to locations and location certificates of mining claims, mill sites, tunnel rights and tailing claims.

Senator Young moved "Do Hold", seconded by Senator Bryan, unanimously carried.

S.B. 462: Permits recordation of maps drawn by locators of claims and extends time for recordation.

Senator Young moved "Do Pass" as amended, Seconded by Senator Dodge, unanimously carried.

S.B. 516: Makes preservation of natural resources for master planning, zoning and zoning administration.

Mr. Bill Adams stated that this is covered in S.B. 481. Senator Dodge commented that population is an important factor. He is not entirely in favor of this in that he wants it to apply to small counties.

Mr. John Meder asked if this is going to accomplish what it is suppose to.

Senator Wilson stated that this would allow them to develop a master plan to keep the density of an area down.

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Although this bill (S.B. 516) was acted upon previously, the foregoing testimony was heard today.

Being no further business at this time, Senator Wilson adjourned the meeting at 9:00 p.m.

The agenda for April 11, 1973 will include A.B. 739, A.B. 848 and S.B. 615.

Respectfully submitted,



Sharon W. Maher, Secretary

Thomas R.C. Wilson
Chairman

Adopted
 Lost
 Date:
 Initial:
 Concurred in
 Not concurred in
 Date:
 Initial:

Amendments to Assembly / Senate
 Bill / Joint Resolution No. _____ (BDR _____)
 Proposed by _____

Amendment N^o 5113



Amend sec. 111 A, Article by deleting sections 1 through 7 and renumbering sections 8 and 9 as sections 1 and 2.

Amend sec. 3, page 3, line 26, by deleting "9 to 23" and inserting: "2 to 15".

Amend sec. 9, page 3, line 17, by deleting lines 27 and 28 and inserting:

Sec. 3. "Special Board" shall be a state environmental commission on,



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insert appropriate local hearing.

Amend the bill as a whole by inserting new sections designated as sections 3 and 4, following sec. 2, to read:

Sec. 3. "Department" means the Department of health, welfare and rehabilitation.

Sec. 4. "Director" means the director of the department or his designee."

Amend sec. 10, page 2, line 30, by deleting "10." and inserting: "5."

Amend the bill as a whole by inserting a new section designated as sec. 5, following sec. 4, to read:

Sec. 5. "State health officer" means the state health officer or his designee.

Amend sec. 11, page 2, by deleting line 32 and inserting:

Sec. 7. The Department shall:

Amend sec. 11, page 3, line 6, by deleting "control officer" and inserting: "Director".

Amend sec. 12, page 3, line 15, by deleting "12." and inserting: "8."

Amend sec. 12, page 3, line 13, by deleting "health division," and inserting: "Director,".

Amend sec. 13, page 3, line 17, by deleting "health division" and inserting: "Director".

Amend sec. 12, page 3, line 23, by deleting "health division" and inserting: "Director".

Amend sec. 13, page 3, line 36, by deleting "13." and inserting: "9."

Amend sec. 10, page 1, line 27, by deleting "health division" and inserting "health division".

Amend sec. 10, page 1, line 3, by deleting "health division," and inserting "health division".

Amend sec. 14, page 1, by deleting line 43 and inserting: "Sec. 10. When the department takes any regulatory action,".

Amend sec. 14, page 1, by deleting "2." and inserting: "Sec. 11".

Amend sec. 14, page 1, line 3, by deleting "health" and inserting: "health".

Amend sec. 14, page 1, line 1, by deleting "division".

Amend sec. 14, page 1, line 1, by deleting "7" and inserting: "7".

Amend sec. 14, page 1, line 1, by deleting "the state health officer" and inserting: "the state health officer".

Amend sec. 15, page 1, line 17, by deleting "Sec. 15." and inserting: "2.".

Amend sec. 17, page 1, by deleting lines 12 and 13 and inserting: "1.".

Amend sec. 17, page 1, by deleting "the commission shall consist of three or more members" and inserting: "the commission shall consist of three or more members".

Amend sec. 18, page 1, line 17, by deleting "Sec. 18." and inserting: "4.".

Amend sec. 18, page 1, line 17, by deleting "deleted" and inserting: "deleted".

Amend sec. 18, page 1, line 17, by deleting "Sec. 18." and inserting: "5.".

Amend sec. 18, page 1, by deleting lines 12 and 13, by inserting: "deleted".

Amend sec. 18, page 1, by deleting "deleted" and inserting: "deleted".

Section 10, page 4, by deleting line 25 and inserting: "7."
Section 11, page 4, by deleting line 26 and inserting:

Sec. 12. The Department shall perform a stack source emission.

Section 13, page 4, by deleting lines 25 through 30 and inserting:

Sec. 14. The department may provide the monitoring of existing or an
new stationary sources which may emit an air contaminant.

Section 15, page 4, by deleting line 25 and inserting:
Section 16, following sec. 12, to read:

Sec. 17. All rules, regulations and standards promulgated by the state
for the purpose of air pollution control shall be subject to the
approval of the Department of Health and Welfare until such time as revised
rules are promulgated by the Department of Health and Welfare.
This act shall be effective on the date of its passage and shall be
effective and shall be in full force and effect on the date of its passage
and shall be in full force and effect on the date of its passage.

Sec. 18. The 20,000 is hereby amended to read as follows:

The Department shall include of:

1. The Division of Water Resources.
2. The Division of Waste Water.
3. The Division of Air Quality.
4. The Division of Soil and Gas Contamination.
5. The Division of Waste Management.
6. The State Environmental Planning Division.

Section 19, page 4, by deleting line 25 and inserting: "7."

to be established to cooperate with the various committees, districts, associations and political subdivisions concerned with conservation and natural resources.

Amend sec. 23, page 4, by deleting lines 40 through 47 and inserting:
"Secs. 17 through 23. (Deleted by amendment.)".

Amend sec. 24, page 5, line 2, by deleting "9 and 10" and inserting:
"2 to 5, inclusive,".

Amend sec. 25 24, page 5, by deleting line 4 and inserting:
"1 to 4, inclusive, of this act."

Amend sec. 26, page 5, by deleting lines 5 through 9 and inserting:

"Sec. 26. This section is hereby amended to read as follows:

"Sec. 26. 'Commission' means the same [commission of] environmental [commission]." Commission."

Amend sec. 26, page 5, by deleting lines 10 through 15 and inserting:

"Sec. 26. (Deleted by amendment.)".

Amend sec. 27, page 5, line 16, by inserting "1." before "Source".

Amend sec. 27, page 5, following line 16, by inserting:

"1. 'Toxic source' means any property or facility that has or solicits
activity or alternative activity which emits or may emit any air contaminant
for which there is an ambient air quality standard, notwithstanding that
such property or facility may not itself possess the capability of emitting
such air contaminants. Toxics sources include, but are not limited to:

1. Hazardous waste;

2. Air quality control;

SECTION 14.001A

SECTION 14.001B

(1) Residential, commercial, institutional developments;

(2) Improvement plans and recreational areas;

(3) Highways;

(4) Sewer, water, power and gas lines;

and other such property or facilities which will result in increased air
pollutant emissions from motor vehicles or from other stationary sources."

Amend sec. 28, page 5, by deleting lines 21 and 22 and inserting:

"14.031 1. The state [commission of] environmental [protection]
shall be a separate commission, a division of the state department
of conservation and natural resources. The commission shall consist of:"

Amend sec. 27, page 4, by deleting line 23 and inserting:

(a) The member of the state board of health to be designated by that

board;

Amend sec. 21, page 1, by deleting lines 37 through 39 and inserting:

(d) Three members appointed by the governor from the general public."

Amend sec. 29, page 1, line 3, by deleting "Health Division" and inserting:

Department.

Amend sec. 21, page 1, line 14, by deleting "(may) shall:" and inserting:

shall:

Amend sec. 10, page 7, line 1, by deleting "14." and inserting: "14.1 7."

Amend sec. 39, page 7, line 7, before "15.", by inserting an open bracket.

Amend sec. 31, page 7, line 1, by deleting "15." and inserting: "15.1 8."

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Amend sec. 29, page 7, line 12, by deleting "17.1 7." and inserting:
"17.1 2."

Amend sec. 31, page 7, line 13, by deleting the open and closed brackets.

Amend sec. 33, page 8, line 3, by deleting "health division" and inserting:
"Department".

Amend sec. 33, page 8, line 14, by deleting "health division" and inserting:
"Department".

Amend sec. 33, page 8, line 33, by deleting "shall" and inserting: "may".

Amend sec. 38, page 13, line 17, by deleting "control" and inserting:

"control".

Amend sec. 38, page 13, line 18, by deleting "officer".

Amend sec. 31, page 11, line 12, by deleting "control officer" and inserting:
"control".

Amend sec. 36, page 13, line 13, by deleting "control officer" and inserting:
"Director".

Amend sec. 38, page 13, line 27, after "collected" by inserting: "by the
"Department".

Amend sec. 37, page 12, line 30, after the closed bracket, by inserting:
"Department".

Amend sec. 37, page 12, line 31, by deleting "control officer" and
inserting: "control officer; Director".

Amend sec. 37, page 12, line 37, after "source", by inserting: "or complex
"source".

Section 101, line 1, and inserting:

Section 101, line 1, and inserting: [hearing board.]

Section 101, line 1, and inserting: [hearing] appeals board"

and inserting: [hearing board] commission.

Section 101, line 1, and inserting: "general officer" and inserting:

"general officer" [insertion]

Section 101, line 1, and inserting: [hearing] appeals board"

and inserting: [insertion]

Section 101, line 1, and inserting: [hearing board] and inserting:

[insertion]

Section 101, line 1, and inserting: [hearing] appeals board"

and inserting: [insertion]

Section 101, line 1, and inserting: "41.501." and inserting:

[insertion]

Section 101, line 1, and inserting: 11 through 15 and inserting:

[insertion] to read as follows:

Section 101, line 1, and inserting: is related to the granting or renewal of a

[insertion]

Section 101, line 1, and inserting: or denial of a variance as

[insertion]

Section 101, line 1, and inserting: and 11 and renumbering

[insertion]

as herein:

Establish by ordinance or local regulation standards of emission control, emergency procedures and variance procedures equivalent to or stricter than those established by statute or state regulation; and

(c) Provide for adequate administration, enforcement, financing and staff.

2. The county board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of this act, and the Federal act insofar as it relates to local agencies, and such agency is authorized to take all necessary steps to secure for the county the benefits of the Federal act.

The Federal act authorized to be carried for its 1961-62, 445-471 to 471-472, inclusive, 471-472, inclusive, and 472-491 will be shall upon and shall inure to the benefit of local air pollution control agencies within their jurisdiction.

3. The local air pollution control board shall carry out all provisions of 1961-62 with the exception that notices of public hearings shall be given in any newspaper, qualified pursuant to the provisions of chapter 111 of 1961, as amended from time to time, once a week for 3 weeks, and the notice shall specify with particularity the reasons for the proposed rule or regulations and provide other informative details. Such rules or regulations as may be necessary shall those not enacted by the commission.

of county health commission shall be as soon as possible, if or any city may
the requirements of this chapter for administration and enforcement
agreements or international agreement with one or more other coun-
ties, or through agreement with the state, or may establish its own air
pollution control program. If such county establishes such program, it
shall be subject to the approval of the commission."

Amend sec. 44, page 13, line 1, by deleting: "41." and inserting: "43."

Amend sec. 44, page 13, line 2, by deleting: "Health Division" and inserting:

"Health Division"

Amend sec. 45, page 13, line 11, by deleting: "42." and inserting: "44."

Amend sec. 45, page 13, line 12, by deleting: "control officer" and inserting:

"control officer"

Amend sec. 45, page 13, line 13, by deleting: "control officer" and inserting:

"control officer"

Amend sec. 45, page 13, line 14, by deleting: "control" and inserting:

"control"

Amend sec. 46, page 14, by deleting line 30 and inserting:

"in the opinion of the director, an emergency plan does".

Amend sec. 46, page 14, line 1, by deleting: "control officer" and inserting:

"control officer"

Amend sec. 46, page 14, line 2, by deleting: "control officer" and inserting:

"control officer"

Amend sec. 47, page 14, line 1, by deleting: "control" and inserting:

"control"

sec. 35, page 14, by deleting lines 15 and 17 and inserting:
"The provisions of 104.103, 104.104 and 104.105 do not apply to this collection."

sec. 36, page 14, line 2, by deleting "control officer" and inserting:
"director".

sec. 37, page 14, line 6, by deleting "control officer" and inserting:
"director".

sec. 38, page 14, line 10, by deleting "appeals board," and inserting:
"commissioner".

sec. 39, page 14, line 13, by deleting "(1) 1," and inserting: "(1)

sec. 40, page 14, line 14, by deleting "(1) 1" and inserting: "(1)

sec. 41, page 14, line 17, by deleting "appeals board," and inserting:
"commissioner".

sec. 42, page 14, line 19, by deleting "43," and inserting: "45."

sec. 43, page 14, line 23, after "standard" by inserting: "or
allocation standard".

sec. 44, page 14, line 31, by deleting "any control officer" and
inserting: "(any control officer) the director".

sec. 45, page 14, by inserting a new section designated sec. 46,
which shall read:

sec. 46. 104.106 is hereby amended to read as follows:

104.106. It is a condition of the issuance of any operating permit or
any other certificate required by the Commission or pursuant to any local air

1. The legislative council shall, in preparing the amendment to the revised Statutes with respect to any section which is not amended by this act or is added or further amended by another act, if reference is made to the state environmental commission by its former name as the state commission of environmental protection, substitute the new name."

(Amend the title of the bill to read:

"An Act relating to the control of air pollution; clarifying administrative responsibilities and duties; reestablishing and reconstituting the state commission of environmental protection; transferring certain duties to the department of health, welfare and rehabilitation; establishing state environmental protection hearing boards; and providing other laws in respect thereto."

PROPOSED RULE MAKING

Environmental Protection Agency (EPA) promulgated 40 CFR Part 429, regulations for the preparation, adoption, and substantial of State Implementation Plans under 5110 of the Clean Air Act, as amended. These regulations were republished November 23, 1971 (36 FR 22299), as 40 CFR Part 51.2 (Section 110310-43) of the Clean Air Act and 40 CFR 51.12 require that State Implementation Plans provide for maintenance as well as for attainment of the national standards.

On January 31, 1973, the U.S. Court of Appeals for the District of Columbia Circuit issued an order in the case of Natural Resources Defense Council, Inc., et al. v. Environmental Protection Agency (Case No. 72-1522) and seven related cases. That order directed the Administrator of EPA to again review all implementation plans which were approved on May 31, 1972 (37 FR 10342, et seq.) to determine if they contain measures necessary to insure maintenance of the standards.

Such review has been completed and the Administrator has determined that it is necessary for State plans to contain, as a minimum, procedures whereby the State can review, prior to construction or modification, the location both of sources of pollution and of other facilities which may cause an increase in air pollution because of activities associated with such facilities, in order to insure that the national standards will be maintained; 40 CFR 51.18 imposes a review requirement with respect to stationary sources of air pollution. However, it does not require the review of facilities to determine the effect on air quality caused by associated activity, such as increased motor vehicle traffic. Because the implementation plans did not contain such a provision, they are being disapproved with regard to maintenance of the standards.

Notice is hereby given that the Administrator will propose an amendment to 40 CFR 51.18 which will extend the requirements for review set forth therein to apply to facilities which may cause an increase in air pollution because of activity associated with such facilities. The States will be required to have legally enforceable procedures reviewing, prior to construction or modification, the location of such facilities and for preventing such construction or modification where it would result in interference with the attainment or maintenance of a national standard. The Administrator is presently considering the types of facilities to be covered by such procedures and the factors to be considered in determining the impact such facilities will have on air quality. The amendment to 40 CFR 51.18 will be proposed by April 15, 1973.

The reasons for the regulation and the general form of it are more specifically discussed in the preamble to the Administrator's disapproval of the maintenance provisions of State plans which is published in 38 FR 6979. This advance notice of proposed rule making is published with the intention of informing the pub-

lic of the Agency's actions and plans in this important area, and for the purpose of providing States notice of an impending change in the implementation plan regulations which will require the adoption and submission to the Administrator of additional plan provisions. States should begin now to determine whether they have adequate legal authority to adopt such a regulation and, if they do not, take steps to secure such legal authority.

Dated: March 2, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.
[FR Doc.73-4464 Filed 3-7-73; 8:45 am]

Original documents of poor quality

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 50]

PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Advance Notice of Proposed Rule Making

On August 14, 1971 (36 FR 15436),

the Administrator of the Environmental

EXHIBIT "C"

Title 22—National Defense
CHAPTER VII—SELECTIVE SERVICE
SYSTEM

PART 1601—CLASSIFICATION OF
SCIENTIFIC OBJECTS

(Class of Decisions; Correction)

The error-reference in § 1601.10(a)
(2) which appeared in FR Dec.
72-2217, 427 FR 25203 (December 30,
1972) should read §§ 1601.3 and 1601.4.

BYRON V. PEPPER,
Acting Director.

March 5, 1973.

[FR 72-2217-4477 Filed 3-7-73; 8:45 am]

Title 42—Protection of Environment
CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGA-
TION OF IMPLEMENTATION PLANS

Maintenance of National Ambient Air
Quality Standards

On April 29, 1971, pursuant to section 109 of the Clean Air Act, as amended, the Administrator promulgated national primary and secondary ambient air quality standards for six pollutants. The Act requires that the primary standards protect the public health with an adequate margin of safety and that the secondary standards protect the public welfare from any known or anticipated adverse effects. Under section 110 of the Act, States are required to prepare and submit to the Administrator plans for implementing national ambient air quality standards and air quality control regions in the State. The Administrator published on May 31, 1971, his initial approvals and disapprovals of the State implementation plans developed and submitted under these provisions of Federal law.

On May 21, 1973, the U.S. Court of Appeals for the District of Columbia Circuit denied the case of "Natural Resources Defense Council, Inc., et al. v. Environmental Protection Agency" (Civil Action No. 72-1522) and seven other related cases. The Court's order required the Administrator to review within 60 days from the date of the order the maintenance provisions of all State implementation plans that were approved on May 31, 1971. The Administrator was directed to disapprove plans "which do not provide for measures necessary to insure the maintenance of the primary standard after May 31, 1975, and those plans which do not analyze the problem of maintenance of standards in a manner consistent with applicable regulations."

The Administrator has completed his review as required by the court order. This further examination of State plans confirmed that no State plan contained adequate growth projections for any significant period of time into the future. Moreover, it is recognized that maintenance of standards cannot be insured simply by projecting future growth and

curtailing present emissions in order to provide opportunities for the future growth of emission sources. Since the plans must provide for maintenance of the standards over an indefinite period of time, it is the Administrator's determination that the most practical manner in which to adequately and creatively provide for maintenance of the standards at this time is to require State plans to contain procedures by which each State will review a wide range of new sources and causes of air pollution and will have the authority to prevent the development of such sources or causes where necessary to insure that the standards are maintained.

Maintenance is partially insured by the provisions of 40 CFR 51.18 which require each State plan to have adequate procedures to review, and where necessary prevent, the construction or modification of any stationary source at a location where emissions from that source would result in interference with the attainment or maintenance of a national standard or with the State control strategy. Where State plans were judged inadequate in this respect, the Administrator has promulgated or will promulgate such regulations. In addition, new source performance standards promulgated by the Administrator under section 111 of the Act and motor vehicle emission standards promulgated under section 202 will also serve to mitigate the impact of growth.

However, these measures, by themselves, are not adequate to insure the maintenance of standards, particularly for air pollutants emitted largely by motor vehicles. Nor do they deal with the problem of emissions generated not by the facility being constructed but by sources associated with such facility, including general urban and commercial development. In the Administrator's judgment, it is also necessary to require States to review, and where necessary prevent, the construction of facilities which may result in increased emissions from motor vehicle activity or emissions from stationary sources that could cause or contribute to violations of national ambient air quality standards. Such facilities generally are designated "complex sources." EPA guidelines did not require this and the review of State plans indicates that no State included such a provision in its implementation plan. Accordingly, in order to comply with the court order, it has been determined that all State plans must be disapproved to the extent that they do not contain provisions which will permit the review, and provide the authority to prevent, the construction, modification, or operation of complex sources at a location where emissions associated with such source would result in violation of a national standard or the State's control strategy.

The action taken herein to disapprove State implementation plans with respect to their lack of provisions for review of complex sources is not intended to affect, and should not be construed as affecting, the validity of prior approvals of State plans by the Administrator or prior promulgation of regulations to cor-

rect State plan deficiencies. Provisions of approved or promulgated plans remain in effect and are enforceable by the State and/or Federal Government in accordance with the provisions of the Clean Air Act.

The Administrator has also determined that many States' procedures for the review of stationary sources, and the consequent authority to disapprove the construction or modification of any such source where it would interfere with the maintenance of a national standard, contain a variety of exemptions so that certain sources need not be reviewed by the State prior to construction or modification. While such exemptions will not necessarily interfere with the ability of the State to attain the national standards, the exempted sources may, at some time in the future, comprise significant sources of air pollution which should be reviewed in order to insure maintenance of the standards. Accordingly, the Administrator will also set forth a regulation that will specify a limitation on the sources that may be exempted from a new source review procedure.

In order to correct the disapprovals set forth in this document, the Administrator will require States, where necessary, to revise their review procedures for construction or modification of sources. He will also require all States to adopt and submit to him a legally enforceable procedure for reviewing the impact of the construction or modification of a "complex source" and for preventing the construction or modification of such complex source where necessary to attain and maintain a national standard or to prevent interference with the State control strategy. The Administrator will propose amendments to 40 CFR Part 51 which will set forth such requirements. This document is intended to be an advance notice of proposed rule making and will appear at page 6290 of this issue.

The complex source review procedures will also be required as part of the plan for attainment of the standards. EPA is continuing to review the problem of maintenance of standards to determine other techniques or procedures that could be employed by States as part of their plans.

At the present time, the Environmental Protection Agency is preparing draft regulations which will identify the types of facilities to be covered by complex source regulations and some of the factors to be considered in determining the impact that such facilities will have on air quality, as a result of emissions directly from such facilities and from air pollution sources associated with them.

A complex source is generally defined as a facility that has or leads to secondary or adjunctive activity which emits or may emit a pollutant for which there is a national standard. These sources include, but are not limited to:

- (1) Shopping centers;
- (2) Sports complexes;
- (3) Drive-in theaters;
- (4) Parking lots and garages;
- (5) Residential, commercial, indus-

trial, or institutional developments;

(6) Amusement parks and recreational areas;

(7) Highways;

(8) Sewer, water, power, and gas lines;

and other such facilities which will result in increased emissions from motor vehicles or other stationary sources. The regulation will further provide that each State must have procedures whereby, prior to construction or modification of such sources, the State will be able to determine whether the construction or modification of the complex source would cause violations of the applicable portions of a control strategy or interfere with the attainment or maintenance of the national ambient air standards. States will be required to have the authority to disapprove the construction or modification where it would have such a result. The regulation will set forth the basic minimum considerations which should be addressed by a State before it can approve or disapprove any such construction or modification. States should begin now to determine their legal authority to adopt such a regulation, and to obtain such authority where it is lacking.

The order of the court on January 31, 1973, required the Administrator, upon disapproval of State plans, to direct States to submit approval provisions for maintaining the standards by April 15, 1973. Since this does not provide States with adequate time to develop corrective regulations and submit them to the Administrator in accordance with the procedural requirements of 40 CFR 51.4, the Administrator has applied to the court for a modification of that order to defer submission of plans by the States until after the promulgation of the amendments to Part 51 established for the regulation of a complex source provision. The court's order requested from the Administrator that the Administrator should permit removal of the amendments to 40 CFR Part 51 on April 15, 1973, with the final regulation being promulgated by June 11, 1973. State plans providing for maintenance of the standards and containing such a procedure would have to be submitted by August 15. Should the court not modify its order, States will have to submit their plan for maintenance of the standards by April 15, 1973. Should the court grant the motion, the disapproval prescribed below will be amended to set forth the later date for submittal of the plans.

The amendments set forth below are effective from the date of publication in the *Federal Register* since the amendments are made pursuant to a court order which requires the Agency to disapprove the State plans which do not provide for maintenance of the primary standards.

Dated: March 2, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

Subpart A of Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended by adding § 52.22 as follows:

§ 52.22 Maintenance of national standards.

Subsequent to January 31, 1973, the Administrator reviewed again State Implementation plan provisions for insuring the maintenance of the national standards. This review indicates that State plans generally do not contain regulations or procedures which adequately address this problem. Accordingly, all State plans are disapproved with respect to maintenance because such plans lack enforceable procedures or regulations for reviewing and preventing construction or modification of facilities which will result in an increase of emissions from State plans are disapproved with respect to other sources of pollutants for which there are national standards. The disapproval applies to all States listed in Subparts B through DDD of this part. Nothing in this section shall invalidate or otherwise affect the obligations of States, emission sources, or other persons with respect to all portions of plans approved or promulgated under this part. Pursuant to an order of the U.S. Court of Appeals for the District of Columbia Circuit entered on January 31, 1973, State plans providing for maintenance of the national standards must be submitted to the Administrator no later than April 15, 1973.

[FR Doc. 73-1405 Filed 2-7-73; 9:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

PART 1-15—FEDERAL COST PRINCIPLES AND PROCEDURES

Miscellaneous Amendments

Correction

In FR Doc. 73-2373, appearing at page 4737 on the issue of Thursday, February 22, 1973, the following changes should be made:

1. On page 4735, directly under § 1-15.309-4(a), place a line of five stars.
2. In the first line of paragraph (a) of § 1-15.309-7, in the second column on page 4737, after the word "charating", insert "personal services. Budget estimates on a".
3. In the second column on page 4733, directly above § 1-15.309-13, place a line of five stars.