

List of Subjects in 40 CFR Part 52

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

Note: Incorporation by reference of the State Implementation Plan for the State of Arizona was approved by the Director of the Federal Register on July 1, 1982.

Dated: February 28, 1995.

Felicia Marcus,

Regional Administrator.

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 D—Arizona

2. Section 52.120 is amended by adding paragraphs (c) (67)(i)(B), (73), (74), and (77) and by adding and reserving paragraphs (c) (72), (75), and (76) to read as follows:

§ 52.120 Identification of plan.

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- (c) * * *
- (67) * * *
- (i) * * *

(B) Amended Maricopa County Division of Air Pollution Control Rule 314, adopted July 13, 1988.

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(72) [Reserved]

(73) Plan revisions were submitted on August 11, 1993 by the Governor's designee.

(i) Incorporation by reference.

(A) The Maricopa Association of Governments 1991 Particulate Plan for PM₁₀ for the Maricopa County Area and 1993 Revisions, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 10 and Appendices A through D, adopted August 11, 1993.

(74) Plan revisions were submitted by the Governor's designee on March 3, 1994.

(i) Incorporation by reference.

(A) Maricopa County Division of Air Pollution Control new Rule 316, adopted July 6, 1993, and revised Rule 311, adopted August 2, 1993.

(B) The Maricopa Association of Governments 1991 Particulate Plan for PM₁₀ for the Maricopa County Area and 1993 Revisions, Revised Chapter 9 adopted on March 3, 1994.

(75) [Reserved]

(76) [Reserved]

(77) Amended regulations for the Maricopa County Division of Air Pollution Control submitted by the

Governor's designee on December 19, 1994.

(i) Incorporation by reference.

(A) Maricopa County Division of Air Pollution Control Rule 310, adopted on September 20, 1994.

[FR Doc. 95–8215 Filed 4–7–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 63

[AD–FRL–5183–3]

RIN 2060–AC19

National Emission Standards for Hazardous Air Pollutants for Source Categories; Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; amendments.

SUMMARY: On October 24 and 28, 1994, EPA proposed amendments to certain aspects of the “National Emission Standards for Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks” 59 FR 19402 (April 22, 1994) and 59 FR 29196 (June 6, 1994) (collectively known as the “hazardous organic NESHAP” or the “HON”). This action announces the EPA's final decisions on those proposed amendments.

The rule is being revised to provide a deferral of HON requirements for source owners or operators who wish to make an area source certification and to establish minimum documentation requirements. This action is being taken because EPA believes that in view of current circumstances the requirements of the rule should not be imposed on sources that are likely to be designated as area sources in the near future. The rule is also being revised to extend the compliance date for certain compressors and for surge control vessels and bottoms receivers to allow the time necessary for installation of controls. The applicability of control requirements for surge control vessels and bottoms receivers is also being revised to reduce confusion over the rule.

EFFECTIVE DATE: April 10, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Janet S. Meyer, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Office of Air Quality

Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5254.

SUPPLEMENTARY INFORMATION:

I. Background

A. Federal Register Actions

On October 24, 1994 (59 FR 53359) EPA announced that, pursuant to Clean Air Act section 307(d)(7)(B), it was reconsidering certain portions of the HON rule and issuing a 3 month administrative stay. The October 24, 1994 administrative stay applied only to those source owners or operators who make a representation in writing that resolution of the area source definition issues could affect whether the facility is subject to the HON. As part of that action, EPA also proposed amendments to the HON to establish procedures for a source to obtain a deferral of HON requirements for such sources and to establish minimum documentation requirements.

In addition, on October 28, 1994 (59 FR 54131), EPA announced an administrative stay of the effectiveness of the provisions of the HON for compressors and for surge control vessels and bottoms receivers for sources subject to the October 24, 1994 compliance date. As part of that action, EPA also proposed amendments to the HON to revise compliance dates for compressors and for surge control vessels and bottoms receivers to provide sufficient time to make the equipment changes necessary for compliance with the rule. Provisions to document the use of the compliance extensions for compressors were also proposed. Changes were also proposed to the applicability of control requirements for surge control vessels and bottoms receivers.

Along with both notices of partial stay and reconsideration, EPA also proposed to extend the compliance dates beyond the 3 months provided, as necessary to complete reconsideration and revision of the rule in question. On January 27, 1995 (60 FR 5320), EPA amended the HON to extend the compliance dates until April 24, 1995 to allow time to complete the two sets of revisions to the rule.

B. Public Participation

Ten comment letters were received on each of the two notices of proposed amendments. All comment letters received were from industry representatives or trade associations. No comments objecting to the EPA's basic approach were received on either the October 24 or the October 28, 1994 proposed amendments. The significant

issues raised and changes to the proposed amendments to the rule are summarized in this preamble. The EPA's responses to all comments can be found in docket A-90-19, subcategory VII-B and A-90-20, subcategory VI-B. The response to comments may also be obtained from the EPA's Technology Transfer Network (TTN), a network of electronic bulletin boards developed and operated by the Office of Air Quality Planning and Standards. The service is free, except for the cost of a phone call. Dial (919) 541-5742 for up to a 14,400 bits per second (bps) modem. Select TTN Bulletin Board: Clean Air Act Amendments and select menu item Recently Signed Rules. If more information on TTN is needed contact the systems operator at (919) 541-5384.

II. Summary of Amendments to Rule

A. Deferral of Requirements for Sources Making an Area Source Certification

New paragraphs § 63.100(b)(4), § 63.103(f), and § 63.190(b)(7) and (b)(8) are added to the rule to provide procedures to certify and document that a source is operating at emission levels below the thresholds for a major source. These provisions require the owner or operator: (1) To provide certification that the source is operating such that its total actual annual emissions are less than 10 tons of any one hazardous air pollutant (HAP) and less than 25 tons of multiple HAP and will continue to operate at or below this level pending the establishment of federally enforceable limits; (2) to maintain documentation of the emission calculations; and (3) to provide the documentation to EPA upon request. If, in the EPA's judgment, the source does not qualify as an area source, the source would be notified and would become subject to the HON requirements. The provisions specify that if the applicable subpart H compliance date has already passed, the source must comply with subpart H requirements no later than 90 days after the notification. The source would have the same compliance date for subparts F and G (i.e., April 22, 1997) as other sources.

B. Amendments to Compressor Provisions, § 63.164

Subparts F and I are amended to revise the compliance date for compressor provisions for certain sources and to establish a mechanism for owners or operators to request case-by-case compliance extensions under certain circumstances. Specifically, § 63.100(k)(4) is being added to subpart F and § 63.190(e)(3) is being added to

subpart I to revise the compliance date for compressors at process units subject to the October 24, 1994 and January 23, 1995 compliance dates to May 10, 1995. Section 63.100(k)(5) is being added to subpart F and §§ 63.190(e)(4) is being added to subpart I to provide a mechanism for owners or operators to request case-by-case compliance extensions for delays due to unavailability of parts. Paragraph 63.100(k)(6) is being added to subpart F and § 63.190(e)(5) is being added to subpart I to provide a similar mechanism for cases where a process unit shutdown is necessary to permit modification of the compressor seal system, barrier fluid system, or connection of the compressor to a control device. Provisions have been added to the rule to provide a compliance date of April 22, 1997 for cases where replacement of the compressor or recasting of the distance piece is necessary for compliance with § 63.164. These provisions are provided in § 63.100(k)(6)(ii) and § 63.190(e)(5)(ii).

C. Amendments to Provisions for Surge Control Vessels and Bottoms Receivers, § 63.170

This section has been revised to specify the same control criteria and requirements as are established in subpart G for storage vessels. Compliance with these requirements is required by April 22, 1997 for all sources subject to the provisions of subparts F and I.

D. Compliance Extensions for Pollution Prevention Measures

Paragraph 63.100(k)(8) is added to subpart F to provide a compliance extension for processes that plan to eliminate the use or production of HAP.

III. Impacts

A. Area Source Deferral

The compliance date extensions for sources with actual emissions less than 10 tons of any single HAP or less than 25 tons of multiple HAP's will not affect the estimated emissions reduction and control cost for the rule. The EPA did not consider such sources in development of the rule.

B. Surge Control Vessels and Bottoms Receivers

The revisions to the compliance date and the control requirements for surge control vessels and bottoms receivers will not affect the estimated emissions reduction and control cost for the rule. As described in the October 28, 1994 **Federal Register** (59 FR 54157), EPA considered these items of process

equipment to be either process vents or storage vessels. Thus, the estimated emission reductions and control costs always reflected application of the control criteria and requirements in tables 2 and 3 to subpart H to these vessels.

C. Compressors

The revisions to the compliance date for compressors provisions are estimated to have a negligible effect on the emissions reduction from the equipment leak control requirements. Emissions from compressors contribute only a small portion of the estimated emissions from equipment leaks because there are very few compressors located in synthetic organic chemical manufacturing industry (SOCMI) process units. It is expected that only a small number of those compressors would need to use these compliance extensions. Moreover, lower overall emissions are expected in cases where a process unit shutdown is necessary to install the replacement seal system or barrier fluid system or to permit connecting the compressor to a control device. These revisions to subpart H are not expected to affect the estimated cost of compliance with the rule.

IV. Summary of Major Comments, Responses, and Changes to the Proposal

A. Area Source Deferral

The major area of comment on the October 24, 1994 proposal concerned the proposed documentation requirements and the request for comment on whether more extensive monitoring and recordkeeping would be appropriate. Several commenters recommended that EPA not impose excessive documentation and recordkeeping requirements for sources with actual emissions below the major source threshold. The commenters reasoned that the nature of the operations that would qualify for this deferral and existing non-Federal rules should provide adequate assurance of maintenance of the emission levels. No comments were received that supported requiring recordkeeping and reporting beyond that specified in the proposed amendments to the rule. One commenter also questioned EPA's position that toxic release inventory (TRI) data would not sufficiently document the basis for the emission calculations. The commenter noted that the TRI estimates are subject to audit and every calculation and assumption used must be documented. This commenter also stated that many facilities are using the same data base

for TRI reporting as they are using for the Title V permit program.

Since no comments were received indicating a need for additional monitoring and documentation of these sources, the EPA concluded that additional documentation of the emissions from these sources is not warranted considering the nature and length of this deferral. The EPA also reexamined the question of whether TRI data would be acceptable for documenting the basis for the emission estimates. The EPA concluded that TRI data would provide adequate documentation for this interim deferral since the TRI data would be of sufficient precision and accuracy in light of the nature and length of the deferral. In light of this conclusion, EPA also concluded that allowing use of the TRI documentation would avoid imposing an unproductive and unnecessary additional recordkeeping requirement since it is likely that companies will establish one system for emission estimates for TRI compliance as well as for other air programs. This would have the additional benefit of promoting use of one emissions recordkeeping system for a facility; thus, benefiting both the owner or operator of the facility as well as permitting authority. Therefore, § 63.100(b)(4)(i)(B) and § 63.190(b)(7)(i)(B) have been revised to specifically state that data reported under Superfund Amendments and Reauthorization Act (SARA) 313 may be used to satisfy the documentation requirements. These paragraphs have also been edited to clarify that use of "accepted engineering practices" to determine annual HAP emissions from each emission point at the plant site, is an acceptable alternative to the calculation procedures in § 63.150 of subpart G, or the early reduction demonstration procedures. The wording of the proposed amendment would only have allowed use of "accepted engineering practices" where the other procedures were unavailable. Because those other procedures also involve some use of engineering judgment there is no reason to limit use of accepted engineering practices to cases where the other procedures are unavailable.

B. Compressors

One commenter recommended that provisions for compliance extensions also include situations where modification of a compressor is necessary to allow connecting the compressor to a control device. The commenter noted that this kind of equipment modification requires the same degree of planning and evaluation as the situations described in the

October 28, 1994 proposal. This commenter also requested that EPA allow up to April 22, 1997 for cases where replacement of a compressor is necessary. The commenter explained that this additional time is necessary since in some States construction permits must be obtained for these modifications. The EPA agrees that these additional situations are similar to the situations described in the October 28, 1994 **Federal Register** and, therefore, allowing additional time for these cases is appropriate. These cases were not included in the proposal due to uncertainty regarding the need to provide for these cases. The final provisions allow owners or operators to request case-by-case compliance extensions for these additional cases as well as for replacement of the seal system or the barrier fluid system where additional time is necessary due to the unavailability of parts or until the next process unit shutdown.

C. Surge Control Vessels and Bottoms Receivers

There were no adverse comments on the proposed revisions to the definition of surge control vessel or the revisions to include the same control criteria as applied to storage vessels in subpart G. Several commenters requested clarification of certain aspects of the proposed provisions. The more substantive of these comments was a request for clarification of whether the same controls that are acceptable for storage vessels would be acceptable for compliance with § 63.170. The commenter noted that it appeared that EPA intended this, but the rule seemed to not allow the use of floating roof controls for surge control vessels. The EPA agrees that it was intended that the same controls be allowed for this equipment as for storage vessels. Section 63.170 was revised to specifically provide that use of floating roof controls that meet the specifications of § 63.119 (b) or (c) are acceptable means of compliance.

D. Compliance Extensions for Pollution Prevention Measures

The only comments received on this proposed provision was support for correcting the original drafting oversight. Thus, there were no changes to the proposed provisions.

V. Judicial Review

Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of the actions taken by this final rule is available only on the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit

within 60 days of today's publication of this action. Under section 307(b)(2) of the CAA, the requirements that are subject to today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

VI. Administrative

A. Paperwork Reduction Act

The information collection requirements of the previously promulgated NESHAP were submitted to and approved by the Office of Management and Budget (OMB). A copy of this Information Collection Request (ICR) document (OMB control number 1414.02) may be obtained from Sandy Farmer, Information Policy Branch (2136); U.S. Environmental Protection Agency; 401 M Street, SW., Washington, DC 20460 or by calling (202) 260-2740.

Today's changes to the NESHAP would have a minor impact on the information collection burden estimates made previously. The added provisions provide a mechanism to request compliance extensions and are not required reports. Therefore, the ICR has not been revised.

B. Executive Order 12866 Review

The HON rule promulgated on April 22, 1994 was considered "significant" under Executive Order 12866 and a regulatory impact analysis (RIA) was prepared. The amendments proposed today would revise compliance dates to provide the time necessary for installation of controls and do not add any additional control requirements. The EPA believes that these proposed amendments would have a negligible impact on the results of the RIA and the change is considered to be within the uncertainty of the analysis. For the reasons discussed in section III, the impacts on emissions reduction are also believed to be negligible.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of a Regulatory Flexibility Analysis in those instances where small business impacts are possible. Because this rulemaking imposes no adverse economic impacts, a Regulatory Flexibility Analysis has not been prepared.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small business entities.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 28, 1995.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, part 63 of Chapter I of title 40 of the Code of Federal Regulations is amended as follows.

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, 7412, 7414, 7416, and 7601.

2. Section 63.100 is amended by revising paragraph (b) introductory text, by adding paragraph (b)(4), by revising paragraph (k) introductory text, by revising the first sentence of paragraph (k)(3), and by adding paragraphs (k)(4) through (k)(8) to read as follows:

§ 63.100 Applicability and designation of source.

* * * * *

(b) Except as provided in paragraphs (b)(4) and (c) of this section, the provisions of subparts F, G, and H of this part apply to chemical manufacturing process units that meet all the criteria specified in paragraphs (b)(1), (b)(2), and (b)(3) of this section:

* * * * *

(4) The owner or operator of a chemical manufacturing processing unit is exempt from all requirements of subparts F, G, and H until not later than April 22, 1997 if the owner or operator certifies, in a notification to the appropriate EPA Regional Office, not later than May 10, 1995 that the plant site at which the chemical manufacturing processing unit is located emits, and will continue to emit, during any 12-month period, less than 10 tons per year of any individual HAP, and less than 25 tons per year of any combination of HAP.

(i) If such a determination is based on limitations and conditions that are not federally enforceable (as defined in subpart A of this part), the owner or operator shall document the basis for the determination as specified in paragraphs (b)(4)(i)(A) through (b)(4)(i)(C) and comply with the recordkeeping requirement in 63.103(f).

(A) The owner or operator shall identify all HAP emission points at the

plant site, including those emission points subject to and emission points not subject to subparts F, G, and H;

(B) The owner or operator shall calculate the amount of annual HAP emissions released from each emission point at the plant site, using acceptable measurement or estimating techniques for maximum operating conditions at the plant site. Examples of estimating procedures that are considered acceptable include the calculation procedures in § 63.150 of subpart G, the early reduction demonstration procedures specified in §§ 63.74 (c)(2), (c)(3), (d)(2), (d)(3), and (g), or accepted engineering practices. If the total annual HAP emissions for the plant site are annually reported under Emergency Planning and Community Right-to-Know Act (EPCRA) section 313, then such reported annual emissions may be used to satisfy the requirements of § 63.100(b)(4)(i)(B).

(C) The owner or operator shall sum the amount of annual HAP emissions from all emission points on the plant site. If the total emissions of any one HAP are less than 10 tons per year and the total emissions of any combination of HAP are less than 25 tons per year, the plant site qualifies for the exemption described in paragraph (b)(4) of this section, provided that emissions are kept below these thresholds.

(ii) If such a determination is based on limitations and conditions that are federally enforceable (as defined in subpart A of this part), the owner or operator is not subject to the provisions of paragraph (b)(4) of this section.

* * * * *

(k) Except as provided in paragraphs (l) and (m) of this section, sources subject to subparts F, G, or H of this part are required to achieve compliance on or before the dates specified in paragraphs (k)(1) through (k)(8) of this section.

* * * * *

(3) Existing sources shall be in compliance with subpart H of this part no later than the dates specified in paragraphs (k)(3)(i) through (k)(3)(v) of this section, except as provided in paragraphs (k)(4) through (k)(8) of this section. * * *

(4) Existing chemical manufacturing process units in Groups I and II as identified in table 1 of this subpart shall be in compliance with the requirements of § 63.164 of subpart H no later than May 10, 1995 for any compressor meeting one or more of the criteria in paragraphs (k)(4)(i) through (k)(4)(iv) of this section, if the work can be accomplished without a process unit

shutdown, as defined in § 63.161 in subpart H.

(i) The seal system will be replaced;
(ii) A barrier fluid system will be installed;

(iii) A new barrier fluid will be utilized which requires changes to the existing barrier fluid system; or

(iv) The compressor must be modified to permit connecting the compressor to a closed vent system.

(5) Existing chemical manufacturing process units shall be in compliance with the requirements of § 63.164 in subpart H no later than 1 year after the applicable compliance date specified in paragraph (k)(3) of this section, for any compressor meeting the criteria in paragraphs (k)(5)(i) through (k)(5)(iv) of this section.

(i) The compressor meets one or more of the criteria specified in paragraphs (k)(4) (i) through (iv) of this section;

(ii) The work can be accomplished without a process unit shutdown as defined in § 63.161 of subpart H;

(iii) The additional time is actually necessary due to the unavailability of parts beyond the control of the owner or operator; and

(iv) The owner or operator submits a request to the appropriate EPA Regional Office at the addresses listed in § 63.13 of subpart A of this part no later than 45 days before the applicable compliance date in paragraph (k)(3) of this section, but in no event earlier than May 10, 1995. The request shall include the information specified in paragraphs (k)(5)(iv)(A) through (k)(5)(iv)(E) of this section. Unless the EPA Regional Office objects to the request within 30 days after receipt, the request shall be deemed approved.

(A) The name and address of the owner or operator and the address of the existing source if it differs from the address of the owner or operator;

(B) The name, address, and telephone number of a contact person for further information;

(C) An identification of the chemical manufacturing process unit, and of the specific equipment for which additional compliance time is required;

(D) The reason compliance can not reasonably be achieved by the applicable date specified in paragraphs (k)(3)(i) through (k)(3)(v) of this section; and

(E) The date by which the owner or operator expects to achieve compliance.

(6)(i) If compliance with the compressor provisions of § 63.164 of subpart H of this part can not reasonably be achieved without a process unit shutdown, as defined in § 63.161 of subpart H, the owner or operator shall achieve compliance no later than April

22, 1996, except as provided for in paragraph (k)(6)(ii) of this section. The owner or operator who elects to use this provision shall comply with the requirements of § 63.103(g) of this subpart.

(ii) If compliance with the compressor provisions of § 63.164 of subpart H of this part can not be achieved without replacing the compressor or recasting the distance piece, the owner or operator shall achieve compliance no later than April 22, 1997. The owner or operator who elects to use this provision shall also comply with the requirements of § 63.103(g) of this subpart.

(7) Existing sources shall be in compliance with the provisions of § 63.170 of subpart H no later than April 22, 1997.

(8) If an owner or operator of a chemical manufacturing process unit subject to the provisions of subparts F, G, and H of part 63 plans to implement pollution prevention measures to eliminate the use or production of HAP listed in table 2 of this subpart by October 23, 1995, the provisions of subpart H do not apply regardless of the compliance dates specified in paragraph (k)(3) of this section. The owner or operator who elects to use this provision shall comply with the requirements of § 63.103(h) of this subpart.

* * * * *

3. Section 63.101 is amended by revising the definition of "surge control vessel" in paragraph (b) to read as follows:

§ 63.101 Definitions.

* * * * *

(b) * * *

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a chemical manufacturing process unit when in-process storage, mixing, or management of flow rates or volumes is needed to assist in production of a product.

* * * * *

4. Section 63.103 is amended by adding paragraphs (f), (g), and (h) to read as follows:

§ 63.103 General compliance, reporting and recordkeeping requirements.

* * * * *

(f) To qualify for the exemption specified in § 63.100(b)(4) of this subpart, the owner or operator shall maintain the documentation of the information required pursuant to § 63.100(b)(4)(i), and documentation of any update of this information requested by the EPA Regional Office, and shall provide the documentation to the EPA Regional Office upon request.

The EPA Regional Office will notify the owner or operator, after reviewing such documentation, if the source does not qualify for the exemption specified in § 63.100(b)(4) of this section. In such cases, compliance with subpart H shall be required no later than 90 days after expiration of the applicable compliance date in § 63.100(k)(3), but in no event earlier than 90 days after the date of such notification by the EPA Regional Office. Compliance with subparts F and G shall be no later than April 22, 1997, unless an extension has been granted by the EPA Regional Office or operating permit authority as provided in § 63.6(i) of subpart A of this part.

(g) An owner or operator who elects to use the compliance extension provisions of § 63.100(k)(6)(i) or (ii) shall submit a compliance extension request to the appropriate EPA Regional Office no later than 45 days before the applicable compliance date in § 63.100(k)(3), but in no event is submittal required earlier than May 10, 1995. The request shall contain the information specified in § 63.100(k)(5)(iv) and the reason compliance can not reasonably be achieved without a process unit shutdown, as defined in 40 CFR 63.161 or without replacement of the compressor or recasting of the distance piece.

(h) An owner or operator who elects to use the compliance extension provisions of § 63.100(k)(8) shall submit to the appropriate EPA Regional Office a brief description of the process change, identify the HAP eliminated, and the expected date of cessation of use or production of HAP. The description shall be submitted no later than May 10, 1995 or with the Notice of Compliance Status as required in § 63.182(c) of subpart H, whichever is later.

* * * * *

Subpart G—National Emission Standards for Organic Hazardous Air Pollutants From Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater

5. Section 63.111 is amended by adding the definition of "surge control vessel" to read as follows:

§ 63.111 Definitions.

* * * * *

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a chemical manufacturing process unit when in-process storage, mixing, or management of flow rates or

volumes is needed to assist in production of a product.

* * * * *

Subpart H—National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks

6. Section 63.161 is amended by revising the definition of "compliance date" and the definition of "surge control vessel" to read as follows:

§ 63.161 Definitions.

* * * * *

Compliance date means the dates specified in § 63.100(k) or § 63.100(l)(3) of subpart F of this part for process units subject to subpart F of this part; the dates specified in § 63.190(e) of subpart I of this part for process units subject to subpart I of this part. For sources subject to other subparts in 40 CFR part 63 that reference this subpart, compliance date will be defined in those subparts. However, the compliance date for § 63.170 shall be no later than 3 years after the effective date of those subparts unless otherwise specified in such other subparts.

* * * * *

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a process unit (as defined in the specific subpart that references this subpart) when in-process storage, mixing, or management of flow rates or volumes is needed to assist in production of a product.

* * * * *

7. Section 63.170 is revised to read as follows:

§ 63.170 Standards: Surge control vessels and bottoms receivers.

Each surge control vessel or bottoms receiver that is not routed back to the process and that meets the conditions specified in table 2 or table 3 of this subpart shall be equipped with a closed-vent system that routes the organic vapors vented from the surge control vessel or bottoms receiver back to the process or to a control device that complies with the requirements in § 63.172 of this subpart, except as provided in § 63.162(b) of this subpart, or comply with the requirements of § 63.119(b) or (c) of subpart G of this part.

8. Subpart H is amended by adding tables 2 and 3 to read as follows:

* * * * *

TABLE 2 TO SUBPART H.—SURGE CONTROL VESSELS AND BOTTOMS RECEIVERS AT EXISTING SOURCES

Vessel capacity (cubic meters)	Vapor pressure ¹ (kilopascals)
75 ≤ capacity < 151	≥ 13.1
151 ≤ capacity	≥ 5.2 ^a

¹ Maximum true vapor pressure of total organic HAP at operating temperature as defined in subpart G of this part.

TABLE 3 TO SUBPART H.—SURGE CONTROL VESSELS AND BOTTOMS RECEIVERS AT NEW SOURCES

Vessel capacity (cubic meters)	Vapor pressure ¹ (kilopascals)
38 ≤ capacity < 151	≥ 13.1
151 ≤ capacity	≥ 0.7

¹ Maximum true vapor pressure of total organic HAP at operating temperature as defined in subpart G of this part.

Subpart I—National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks

9. Section 63.190 is amended by revising paragraph (b) introductory text, by adding paragraph (b)(7), by revising paragraph (e)(2), and by adding paragraphs (e)(3) through (e)(6) to read as follows:

§ 63.190 Applicability and designation of source.

* * * * *

(b) Except as provided in paragraph (b)(7) of this section, the provisions of subparts I and H of this part apply to emissions of the designated organic HAP from the processes specified in paragraphs (b)(1) through (b)(6) of this section that are located at a plant site that is a major source as defined in section 112(a) of the Act. The specified processes are further defined in § 63.191.

* * * * *

(7) The owner or operator of a plant site at which a process specified in paragraphs (b)(1) through (b)(6) of this section is located is exempt from all requirements of subpart I until not later than April 22, 1997, if the owner or operator certifies, in a notification to the appropriate EPA Regional Office, not later than May 10, 1995 that the plant site at which the process is located emits, and will continue to emit, during any 12-month period, less than 10 tons per year of any individual HAP, and less

than 25 tons per year of any combination of HAP.

(i) If such a determination is based on limitations and conditions that are not federally enforceable (as defined in subpart A of this part), the owner or operator shall document the basis for the determination as specified in paragraphs (b)(7)(i)(A) through (b)(7)(i)(C).

(A) The owner or operator shall identify all HAP emission points at the plant site, including those emission points subject to and emission points not subject to subparts F, G, and H of this part;

(B) The owner or operator shall calculate the amount of annual HAP emissions released from each emission point at the plant site, using acceptable measurement or estimating techniques for maximum operating conditions at the plant site. Examples of estimating procedures that are considered acceptable include the calculation procedures in § 63.150 of subpart G, the early reduction demonstration procedures specified in §§ 63.74(c)(2), (c)(3), (d)(2), (d)(3), and (g), or accepted engineering practices. If the total annual HAP emissions for the plant site are annually reported under EPCRA section 313, then such reported annual emissions may be used to satisfy the requirements of this paragraph.

(C) The owner or operator shall sum the amount of annual HAP emissions from all emission points on the plant site. If the total emissions of any one HAP are less than 10 tons per year and the total emissions of any combination of HAP are less than 25 tons per year, the plant site qualifies for the exemption described in paragraph (b)(7) of this section, provided that emissions are kept below these thresholds.

(ii) If such a determination is based on limitations and conditions that are federally enforceable, and the plant site is not a major source (as defined in subpart A of this part), the owner or operator is not subject to the provisions of paragraph (b)(7) of this section.

* * * * *

(e) * * *

(2) Existing sources shall comply no later than October 24, 1994, except as provided in paragraphs (e)(3) through (e)(6) of this section or unless an extension has been granted by the EPA Regional Office or operating permit authority, as provided in § 63.6(i) of subpart A of this part.

(3) Existing process units shall be in compliance with the requirements of § 63.164 of subpart H no later than May 10, 1995 for any compressor meeting one or more of the criteria in paragraphs

(e)(3)(i) through (e)(3)(iv) of this section, if the work can be accomplished without a process unit shutdown, as defined in § 63.161.

(i) The seal system will be replaced;

(ii) A barrier fluid system will be installed;

(iii) A new barrier fluid will be utilized which requires changes to the existing barrier fluid system; or

(iv) The compressor must be modified to permit connecting the compressor to a closed vent system.

(4) Existing process units shall be in compliance with the requirements of § 63.164 of subpart H no later than January 23, 1996, for any compressor meeting the criteria in paragraphs

(e)(4)(i) through (e)(4)(iv) of this section.

(i) The compressor meets one or more of the criteria specified in paragraphs (e)(3) (i) through (iv) of this section;

(ii) The work can be accomplished without a process unit shutdown as defined in § 63.161;

(iii) The additional time is actually necessary due to the unavailability of parts beyond the control of the owner or operator; and

(iv) The owner or operator submits a request to the appropriate EPA Regional Office at the addresses listed in § 63.13 of subpart A of this part no later than May 10, 1995. The request shall include the information specified in paragraphs (e)(4)(iv)(A) through (e)(4)(iv)(E) of this section. Unless the EPA Regional Office objects to the request within 30 days after receipt, the request shall be deemed approved.

(A) The name and address of the owner or operator and the address of the existing source if it differs from the address of the owner or operator;

(B) The name, address, and telephone number of a contact person for further information;

(C) An identification of the process unit, and of the specific equipment for which additional compliance time is required;

(D) The reason compliance cannot reasonably be achieved by May 10, 1995; and

(E) The date by which the owner or operator expects to achieve compliance.

(5)(i) If compliance with the compressor provisions of § 63.164 of subpart H of this part cannot reasonably be achieved without a process unit shutdown, as defined in § 63.161 of subpart H, the owner or operator shall achieve compliance no later than April 22, 1996, except as provided in paragraph (e)(5)(ii) of this section. The owner or operator who elects to use this provision shall also comply with the requirements of § 63.192(g) of this subpart.

(ii) If compliance with the compressor provisions of § 63.164 of subpart H of this part cannot be achieved without replacing the compressor or recasting the distance piece, the owner or operator shall achieve compliance no later than April 22, 1997. The owner or operator who elects to use this provision shall also comply with the requirements of § 63.192(g) of this subpart.

(6) Existing sources shall be in compliance with the provisions of § 63.170 of subpart H no later than April 22, 1997.

* * * * *

10. Section 63.191 is amended by revising the definition of "surge control vessel" in paragraph (b) to read as follows:

§ 63.191 Definitions.

* * * * *

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a process unit when in-process storage, mixing, or management of flow rates or volumes is needed to assist in production of a product.

* * * * *

11. Section 63.192 is amended by adding paragraphs (l) and (m) to read as follows:

§ 63.192 Standard.

* * * * *

(l) To qualify for the exemption specified in § 63.190(b)(7) of this subpart, the owner or operator shall maintain the documentation of the information required pursuant to § 63.190(b)(7)(i), and documentation of any update of this information requested by the EPA Regional Office, and shall provide the documentation to the EPA Regional Office upon request. The EPA Regional Office will notify the owner or operator, after reviewing such documentation, whether, in the EPA Regional Office's judgement, the source does not qualify for the exemption specified in § 63.190(b)(7) of this subpart. In such cases, compliance with this subpart shall be required no later than 90 days after the date of such notification by the EPA Regional Office.

(m) An owner or operator who elects to use the compliance extension provisions of § 63.190(e)(5) (i) or (ii) shall submit a compliance extension request to the appropriate EPA Regional Office no later than May 10, 1995. The request shall contain the information specified in § 63.190(e)(4)(iv) and the reason compliance cannot reasonably be achieved without a process unit shutdown, as defined in § 63.161 of subpart H or replacement of the

compressor or recasting of the distance piece.

* * * * *

[FR Doc. 95-8199 Filed 4-7-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 63

[AD-FRL-5182-7]

RIN 2060-AC19

National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action corrects errors and clarifies regulatory text of the "National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks," which was issued as a final rule on April 22, 1994 and June 6, 1994. This rule is commonly known as the Hazardous Organic NESHAP or the HON.

EFFECTIVE DATE: The direct final rule will be effective May 22, 1995, unless significant, adverse comments are received by May 10, 1995. If significant, adverse comments are timely received on any provision of the direct final rule, that provision of the direct final rule will be withdrawn and only those provisions on which no such adverse comments are received will become effective on May 22, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Janet S. Meyer, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5254.

SUPPLEMENTARY INFORMATION: If significant adverse comments are timely received on any provision of this direct final rule, all such comments will be addressed in a subsequent final rule based on those provisions of the proposed rule contained in the Proposed Rules Section of this **Federal Register** that is identical to this direct final rule. Such provisions will be withdrawn from the Direct Final Rule.

Provisions of the Direct Final Rule that do not receive timely significant adverse comment will become final 40 days from today's **Federal Register** Notice. If no significant adverse comments are timely filed on any provision of this direct final rule then the entire direct final rule will become effective 40 days from today's **Federal Register** notice and no further action is contemplated on the parallel proposal published today.

On April 22, 1994 (59 FR 19402), and June 6, 1994 (59 FR 29196), the Environmental Protection Agency (EPA) promulgated in the **Federal Register** national emission standards for hazardous air pollutants (NESHAP) for the synthetic organic chemical manufacturing industry (SOCMI), and for several other processes subject to the equipment leaks portion of the rule. These regulations were promulgated as subparts F, G, H, and I in 40 CFR part 63, and are commonly referred to as the hazardous organic NESHAP, or the HON.

This document corrects several oversights in the drafting of subparts F, H, and I of the final regulation. Also, several definitions are being added to subparts H and I to clarify the intent of certain provisions in these subparts. These changes do not significantly modify the requirements of the regulation.

I. Description of Changes

A. Compliance Dates for Emission Points at Existing Sources Affected by Operational Changes

Subparts F and G established administrative procedures to address operational changes that were believed likely to occur at SOCMI facilities. These procedures specify the notification and approval requirements for each type of change as well as the compliance date for equipment affected by the change. When these provisions (§ 63.100(l)) were drafted the need to include surge control vessels and bottoms receivers in the list of potential changes was not recognized. Because the nature of the equipment changes required for control of surge control vessels and bottoms receivers is similar to that required for compliance with subpart G, similar compliance times need to be provided for surge control vessels and bottoms receivers. Therefore, the provisions in paragraphs (l)(4) and (l)(4)(ii) in § 63.100 are being revised to include surge control vessels and bottoms receivers.