

final regulation set forth below, therefore, exempts this packaging from the requirement in § 179.25(c) that packaging materials be restricted to those listed in § 179.45, provided that FDA has listed the packaging as safe for holding food in the applicable regulations ((parts 174 through 186) (21 CFR parts 174 through 186)).

III. Conclusions

The agency finds that meats irradiated at a minimum dose of 44 kGy and handled in accordance with the provisions of § 179.25(d) will meet current standards for commercial sterility and nutritional adequacy. The protocol submitted by NASA (Ref. 1) in its petitions is a scheduled process that satisfies the requirements of § 179.25(d) because, among other things, it sets forth procedures that will ensure that the minimum dose will be delivered. The agency concludes, therefore, that the proposed use of sources of radiation is safe, and that § 179.26 of the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petitions and the documents that FDA considered and relied upon in reaching its decision to approve the petitions are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

IV. Environmental Impact

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

V. Objections

Any person who will be adversely affected by this regulation may at any time on or before April 7, 1995, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made

and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

VI. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. U.S. Army Natick RD & E Center, "Space Food Prototype, Production Guide No. 60-C," April 13, 1993.
2. Memorandum from M. DiNovi, Chemistry Review Branch, CFSAN, FDA, to P. Hansen, Biotechnology Policy Branch, CFSAN, FDA, dated April 29, 1994.
3. Memorandum from H. Irausquin, Division of Health Effects Evaluation, CFSAN, FDA, to P. Hansen, Biotechnology Policy Branch, CFSAN, FDA, dated November 9, 1994.

List of Subjects in 21 CFR Part 179

Food additives, Food labeling, Food packaging, Radiation protection, Reporting and recordkeeping requirements, Signs and symbols.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 179 is amended as follows:

PART 179—IRRADIATION IN THE PRODUCTION, PROCESSING AND HANDLING OF FOOD

1. The authority citation for 21 CFR part 179 continues to read as follows:

Authority: Secs. 201, 402, 403, 409, 703, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 343, 348, 373, 374).

2. Section 179.26 is amended in the table in paragraph (b) by adding a new

entry "7." under the headings "Use" and "Limitations" to read as follows:

§ 179.26 Ionizing radiation for the treatment of food.

* * * * *

(b) * * *

Use	Limitations
* * *	* *
7. For the sterilization of frozen, packaged meats used solely in the National Aeronautics and Space Administration space flight programs.	Minimum dose 44 kGy (4.4 Mrad). Packaging materials used need not comply with § 179.25(c) provided that their use is otherwise permitted by applicable regulations in parts 174 through 186 of this chapter.

* * * * *

Dated: February 26, 1995.

Janice F. Oliver,

Deputy Director for Systems and Support, Center for Food Safety and Applied Nutrition.
[FR Doc. 95-5672 Filed 3-7-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 63

[AD-FRL-5165-3]

RIN 2060-AD97

National Emission Standards for Hazardous Air Pollutants Final Standards for Epoxy Resins Production and Non-Nylon Polyamides Production

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action promulgates final standards that limit emissions of hazardous air pollutants (HAP) from existing and new epoxy resins and non-nylon polyamides production operations that are located at major sources. The EPA is in the process of developing standards for a wide range of types of polymer and resin production facilities. The polymers and resins covered by this rule use epichlorohydrin as a feedstock. This rulemaking would affect epoxy resin manufacturers that produce basic liquid epoxy resin, which is often used to produce a cured resin with desired

properties for adhesives, coatings, and other plastic applications. This rulemaking would also affect non-nylon polyamide resin manufacturers that use epichlorohydrin in the production of wet strength resin, which is used to increase the tensile strength of paper products. The rule is estimated to reduce emissions of HAP, mainly epichlorohydrin, by approximately 105 tons per year. Epichlorohydrin is considered a probable human carcinogen when inhaled and causes additional toxic effects. The emission reductions achieved by these standards, when combined with the emission reductions achieved by other standards mandated by the CAA, will contribute to achieving the primary goal of the Act, which is to "enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." These final standards implement section 112(d) and 112(h) of the Clean Air Act as amended in 1990 (the Act). The purpose of this final rule is to protect the public by requiring all new and existing major sources to control HAP emissions to the level corresponding to the maximum achievable control technology (MACT).

EFFECTIVE DATE: March 8, 1995.

ADDRESSES: *Docket.* Docket No. A-92-37, containing information considered by the EPA in developing the promulgated NESHAP for epoxy resins and non-nylon polyamides operations is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, except for Federal holidays, at the EPA's Air and Radiation Docket and Information Center, Room M1500, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; telephone (202) 260-7548. A reasonable fee may be charged for copying.

Background Information Document. A background information document (BID) for the promulgated NESHAP may be obtained from the docket; the U. S. EPA Library (MD-35), Research Triangle Park, NC 27711; telephone number (919) 541-2777; or from National Technical Information Services, 5285 Port Royal Road, Springfield, Virginia 22161; telephone (703) 487-4650. Please refer

to "Hazardous Air Pollutants from Epoxy Resins and Non-Nylon Polyamide Resins Production—Information for Promulgated Standards" (EPA-453/R-95-001b). The BID contains a summary of the public comments made on the proposed standards for epoxy resins and non-nylon polyamides and EPA responses to the comments.

FOR FURTHER INFORMATION CONTACT: Mr. Randy McDonald of the Organic Chemicals Group, Emission Standards Division (MD-13), U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541-5402.

SUPPLEMENTARY INFORMATION:

Judicial Review

Under section 307(b)(1) of the Act, judicial review of national emission standards for hazardous air pollutants (NESHAP) is available only by filing 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 final rule. Under section 307(b)(2) of the Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

The information presented in this preamble is organized as follows:

- I. Background
- II. Summary of Promulgated Standards
- III. Summary of Considerations Made in Developing This Rule
- IV. Summary of Environmental, Energy, Cost, and Economic Impacts
- V. Significant Changes to the Proposed Standards
 - A. Public Participation
 - B. Summary of Significant Comments and Changes
- VI. Administrative Requirements
 - A. Docket
 - B. Enhancing the Intergovernmental Partnership Under Executive Order 12875
 - C. Executive Order 12286
 - D. Paperwork Reduction Act
 - E. Regulatory Flexibility Act
 - F. Miscellaneous

I. Background

Section 112(b) of the Act lists 189 HAP and requires the EPA to establish

national emission standards for all major sources and some area sources emitting those HAP. On July 16, 1992 (57 FR 31576), EPA published a list of major and area sources for which NESHAP are to be promulgated, and on December 3, 1993 (58 FR 83941), EPA published a schedule for promulgating those standards. The epoxy resins and non-nylon polyamides production source categories are included in the list of major sources to be regulated for which the EPA is to establish national emission standards by November 1994.

This NESHAP was proposed in the **Federal Register** on May 16, 1994 (59 FR 25387). In addition, 11 letters commenting on the proposed rule were received.

II. Summary of Promulgated Standards

The affected sources subject to these standards are existing and new facilities producing basic liquid epoxy resins (BLR) and facilities producing non-nylon polyamide resins or "wet strength" resins (WSR), that are also classified as major sources per section 112(a) of the Clean Air Act, as amended. The standards do not apply to research and laboratory facilities which do not manufacture products for sale, except in a de minimis manner.

Table 1 summarizes the standards for both BLR and WSR facilities. Existing BLR sources are required to limit HAP emissions from process vents, storage tanks, and wastewater systems to 130 pounds per million pounds of product. In addition, existing BLR sources are required to control equipment leak emissions by implementing the leak detection and repair (LDAR) program specified in 40 CFR part 63, subpart H. Existing WSR sources are required to limit HAP emissions from process vents, storage tanks, and wastewater systems to 10 pounds per million pounds of product. There is no requirement to control equipment leak emissions for existing WSR sources; however, an alternative standard is specified whereby sources may implement the requirements of 40 CFR part 63, subpart H in lieu of meeting the emission limit of 10 lb/MM lb product.

TABLE 1.—SUMMARY OF STANDARDS

Emission source	Basic liquid epoxy resins	Wet strength resins	
			Equivalent standard
Existing Sources			
(1) Process vents, storage tanks, and wastewater.	HAP emission limit of 130 lb/MM lb product.	HAP emission limit of 10 lb/MM lb product.	No requirement.

TABLE 1.—SUMMARY OF STANDARDS—Continued

Emission source	Basic liquid epoxy resins	Wet strength resins	
			Equivalent standard
(2) Equipment leaks	Requirements of 40 CFR 63, subpart H.	No requirement	Requirements of 40 CFR 63, subpart H.
New Sources			
(1) Process vents, storage tanks, and wastewater.	98 percent reduction of HAP emissions from the sum of uncontrolled emission points; or limit HAP emissions to 5,000 lb/yr.	HAP emission limit of 7 lb/MM lb product.	No requirement.
(2) Equipment leads	Requirements of 40 CFR 63, subpart H.	No requirement	Requirements of 40 CFR 63, subpart H.

New BLR sources must either reduce HAP emissions from process vents, storage tanks, and wastewater systems by 98 percent, or limit HAP emissions from this portion of the source to 5,000 pounds per year or less. New BLR sources must also implement the requirements of 40 CFR part 63, subpart H to control equipment leak emissions. New WSR sources have the option of either complying with a HAP emission limit of 7 pounds per million pounds of product for the process vents, storage tanks, and wastewater systems portion of the source, or implementing the LDAR program requirements of 40 CFR part 63, subpart H to control equipment leak emissions.

Owners or operators of existing affected sources are required to comply with these standards within 3 years after the effective date. All new and reconstructed sources must comply immediately upon startup.

Owners or operators of affected sources must demonstrate initial compliance following the compliance methods and procedures of § 63.525. Continuous compliance is demonstrated by conducting monitoring in accordance with § 63.526.

Section 114 (a)(3) of the Act requires enhanced monitoring and compliance certifications of all major stationary sources. The annual compliance certifications certify whether compliance has been continuous or intermittent. Enhanced monitoring shall be capable of detecting deviations from each applicable emission limitation or standard with sufficient representativeness, accuracy, precision, reliability, frequency, and timeliness to determine if compliance is continuous during a reporting period. The monitoring in this regulation satisfies the requirements of enhanced monitoring. Compliant monitoring parameter values are established according to procedures contained in

§ 63.526. A de minimis level is specified for the BLR source category for emission points below which monitoring is not required.

Owners or operators of affected sources shall maintain records and submit reports in accordance with §§ 63.527 and 63.528. Records are consistent with those required by 40 CFR part 63, subpart A, and also include the recordkeeping requirements associated with the LDAR program specified in 40 CFR part 63, subpart H where applicable.

The EPA is also amending the table of currently approved information collection request (ICR) control numbers issued by the Office of Management and Budget (OMB) for various regulations. This amendment updates the table to accurately display those information requirements contained in this final rule. This display of the OMB control number and its subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

The ICR was previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary. For the same reasons, EPA also finds that there is good cause under 5 U.S.C. 553(d)(3).

III. Summary of Considerations Made in Developing This Rule

The Clean Air Act was created, in part, "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (the Act, section 101(b)(1)).

As such, this regulation protects the public health by reducing emissions of epichlorohydrin from basic liquid resins and wet strength resins processes. Available emission data for the epoxy resins and non-nylon polyamides source categories indicate that epichlorohydrin is the primary pollutant listed in section 112(b)(1) of the CAA that is emitted in from sources in the source category.

In addition, note that epichlorohydrin is listed under section 112(r) of the CAA. The intent of section 112(r), Prevention of Accidental Releases, is to focus on chemicals that pose a significant hazard to the community should an accident occur, to prevent their accidental release, and to minimize consequences should a release occur. Epichlorohydrin, along with the other substances listed under section 112(r)(3), is listed because it is known to cause, or may be reasonably anticipated to cause death, injury, or serious adverse effects to human health or the environment (see 59 FR 4478, January 31, 1994). Sources that handle epichlorohydrin in greater quantities than the established threshold quantity under section 112(r)(5) will be subject to the risk management program requirements under section 112(r)(7) (see 58 FR 54190, October 20, 1993).

Epichlorohydrin is considered to be a probable human carcinogen when inhaled and can cause additional toxic effects. These effects include respiratory, skin, and eye irritation, pulmonary edema, renal lesions, and hematological and central nervous system effects. The severity of observed effects varies depending on the level and length of exposure. The exposure duration and level (that is, the amount inhaled from the air and absorbed within the body) are strongly influenced by source-specific characteristics such as emission rates and local meteorological conditions. The severity of effects also depends on multiple

factors that affect human variability such as age, genetics, and general health status (e.g., presence of pre-existing disease). The EPA does not have the type of current detailed data on each of the BLR or WSR facilities covered by this rule, and the people living around the facilities, that would be necessary to conduct an analysis to determine the actual population exposures to epichlorohydrin and resulting health effects. Therefore, EPA does not know the extent to which the adverse health effects described above occur in the populations surrounding these facilities. However, to the extent the adverse effects do occur, the promulgated standard will substantially reduce emissions and exposures to the level achievable with maximum achievable control technology. However, due to the volatility and relatively low potential for bioaccumulation of epichlorohydrin, air emissions are not expected to deposit on land or water and cause subsequent adverse health or ecosystem effects.

The alternatives considered in the development of this regulation, including those alternatives selected as standards for new and existing BLR and WSR sources, are based on process and emissions data received from every existing BLR and WSR facility known to be in operation. The EPA met with industry several times to discuss this data. In addition, facilities, State regulatory authorities, and environmental groups had the opportunity to comment on the proposed standards and provide additional information during the public comment period which followed proposal. Some facilities did provide comments; these comments were considered, and in some cases, the standards were changed in response to the comments. Of major concern to the commenters was the proposed format of the standards for new sources. After considering various alternatives, the EPA decided the format of the standard could be changed in a way which allays their concerns.

The final standards give existing facilities 3 years from the date of promulgation to comply. This is the maximum amount allowed under the Clean Air Act (CAA). New facilities are required to comply with the standard upon startup. The EPA sees no reason why new facilities would not be able to comply with the requirements of the standards upon startup. The number of existing sources affected by this rule is less than 20; therefore, EPA does not believe that required retrofits or other actions cannot be achieved in the time frame allotted.

Included in the final rule are methods for determining initial compliance as well as monitoring, recordkeeping, and reporting requirements. All of these components are necessary to ensure that sources will comply with the standards both initially and over time. However, EPA has made every effort to simplify the requirements in the rule. The Agency has also attempted to maintain consistency with existing regulations by either incorporating text from existing regulations or referencing the applicable sections, depending on which method would be least confusing for a given situation.

As described in the preamble to the proposed rule, two regulatory alternatives above the MACT floor were considered for BLR and WSR. For BLR, the final standards reflect the option with the lowest overall cost effectiveness in dollars per megagram of HAP emission reduction. For WSR the MACT floor, as well as the two regulatory alternatives above the floor, were found to have relatively high cost effectiveness. However, an alternative standard was specified that allows facilities to implement the requirements of subpart H to control emissions from equipment leaks. The alternative standard is much more cost effective, and will result in a greater overall HAP emission reduction. However, the alternative standard is not being *required* because the cost was considered to be too high to justify requiring more control than that achieved at the MACT floor. Section 112(d) of the Clean Air Act requires standards to be set at a level no less stringent than the MACT floor but requires consideration of the cost of achieving further reductions before requiring reductions beyond the MACT floor.

Representatives from other interested EPA offices and programs, as well as representatives from State regulatory agencies, are included in the regulatory development process as members of the Work Group. The Work Group is involved in the regulatory development process, and must review and concur with the regulation before proposal and promulgation. Therefore, EPA believes that the implications to other EPA offices and programs has been adequately considered during the development of these standards.

IV. Summary of Environmental, Energy, Cost, and Economic Impacts

The environmental impacts for this rule were not impacted significantly by changes made to the rule between proposal and promulgation. The promulgated standards reduce HAP

emissions from existing BLR sources by 95 megagrams per year (Mg/yr) (105 tons per year (tons/yr)) from the baseline level, a reduction of 78 percent from baseline. Emissions of HAP from existing WSR sources will decrease by 2 Mg/yr (2 tons/yr) if facilities elect to comply with the standard for process vents, storage tanks, and wastewater systems, a reduction of 7 percent from baseline. If facilities elect to comply with the alternative standard (comply with the 40 CFR part 63, subpart H requirements for equipment leaks), HAP emissions will decrease by 14 Mg/yr (15 tons/yr), a reduction of 52 percent from baseline.

No additional wastewater generation results from compliance with the standards as a result of changing the new source standard for BLR and WSR process vents, storage tanks, and wastewater systems emission sources from an equipment-based standard to a performance-based standard. No solid waste is generated from the BLR or WSR production processes.

The energy impacts for this rule were not affected by changes made to the rule between proposal and promulgation. The standards for the BLR source category require energy usage of 1.5×10^6 Btu per year (Btu/yr). Energy usage for the WSR will be 4×10^6 Btu/yr if sources comply with the standard for process vents, storage tanks, and wastewater systems; however, if sources choose to comply with the alternative standard (subpart H), the additional energy usage will be negligible. The cost impacts for this rule were not affected by changes made to the rule between proposal and promulgation. Nationwide, the total annual cost of the standard to the BLR industry will be \$140,000. If all WSR sources choose to comply with the standard for process vents, storage tanks, and wastewater systems, the total cost of this regulation to the WSR industry will be \$520,000. If all WSR sources decide to comply with the alternative standard (subpart H), the total annual cost will be \$52,000.

V. Significant Changes to the Proposed Standards

A. Public Participation

Prior to proposal of this rule a meeting of the National Air Pollution Control Techniques Advisory Committee (NAPCTAC) was held to discuss the development of the draft rule for epoxy resins and non-nylon polyamide resins production. That meeting was held on November 18, 1992. The meeting was open to the public, and each attendee was given an

opportunity to comment on the draft rule.

The proposed rule was published in the **Federal Register** on May 16, 1994 (59 FR 25387). The preamble to the proposal discussed the availability of the proposal BID (Emissions from Epoxy Resins Production and Non-Nylon Polyamides Production—Information for Proposed Standards (EPA-493/R-94-033a)), which describes in detail the regulatory alternatives considered and the impacts associated with those alternatives. Public comments were solicited at the time of proposal, and copies of the proposal BID were made available to interested parties.

The public comment period ended on July 15, 1994. A total of 11 comment letters were received. The comments were carefully considered, and, where determined by the Administrator to be appropriate, changes were made in the final rule.

Comments on the proposed rule were received from BLR and WSR manufacturers, State and local air pollution control agencies, and environmental organizations. A detailed discussion of these comments and responses can be found in the promulgation BID (see **ADDRESSES** section). The summary of comments and responses in the promulgation BID serves as the basis for the revisions that have been made to the rule between proposal and promulgation. The major comments and responses are summarized in this preamble.

For the purpose of orderly presentation, the comments have been categorized in the promulgation BID under the following topics:

1. Applicability of the Standard;
 2. Description of Emission Control Technology;
 3. Selection of MACT;
 4. Selection of Compliance Dates;
 5. Selection of Emission Limits or Equipment/Work Practice Specifications;
 6. Selection of Compliance Methods and Monitoring Requirements;
 7. Selection of Reporting and Recordkeeping Requirements;
 8. Interaction of Polymers and Resins
- II NESHAP with the General Provisions;
9. Wording of the Standard; and
 10. Miscellaneous.

B. Summary of Significant Comments and Changes

In response to public comments and as a result of additional evaluation by EPA, changes have been made to the standards. Significant changes are summarized below, and are explained fully in the promulgation BID.

1. Several commenters objected to the format of the standard for new BLR

sources. The commenters pointed out the inflexibility of the equipment standard, which would have required certain control technology (water scrubbers) and venting configurations (manifolding all vents to common control), rather than allowing owners and operators the flexibility of controlling the process in a manner of their own choosing. In response to these comments, formats for the new source maximum achievable control technology (MACT) requirements for process vents, wastewater, and storage tank emissions for BLR and WSR have been changed. For BLR facilities, the standard is a 98 percent reduction of HAP from the sum of uncontrolled process vents, storage, and wastewater systems emission points or an emission limit of 5,000 pounds per year (lb/yr) HAP from the sum of process vents, storage, and wastewater systems emission points. For WSR, the requirement is a limit of 7 lb of HAP per million (MM) lb resin production from the sum of process vents, storage, and wastewater systems emission points. These changes in format for new source MACT requirements reflect the same level of control as the proposed equipment standard requirements.

2. One commenter argued that the methods proposed for determining emissions from storage tanks and wastewater systems, which were referenced from the emissions averaging section of the Hazardous Organic NESHAP (HON) are not appropriate for this regulation. Upon further review, EPA agrees with the commenter's arguments concerning estimating emissions from wastewater, but not those concerning storage tanks. Consequently, the methods of calculating emissions and determining the effectiveness of certain control measures on wastewater emission points have been corrected and now specify methodologies contained in the HON, appendix C. The required emission estimation methods for storage tanks did not change.

3. One commenter stated that sampling frequencies specified in the proposed performance test guidelines are not feasible for BLR sources. The EPA has reexamined the proposed sampling guidelines and agrees with the commenter's argument. Therefore, the frequency of flowrate and concentration sampling of emission stream characteristics during a performance test has been reduced. For continuous BLR emission points, sampling at 15-minute intervals for flowrate and concentration or 1-hour time-integrated sampling of concentration have replaced the requirement of simultaneous minute-by-

minute measurements of flowrate and concentration. For WSR, sampling of flowrate every 15 minutes, or least once per batch step, and integrated concentration measurements over each step have replaced the minute-by-minute flowrate and concentration measurements. In addition, EPA has decided not to require three test runs for WSR process vents, due to the dynamic nature of batch emission stream characteristics. The data obtained from a batch test run may be representative of only that batch; therefore, running repeat tests may not be justified. The EPA has also specified that owners or operators of WSR sources perform a maximum of 8 hours of testing for batch emission episodes of duration greater than 8 hours. This provision was included to prevent the possibility of excessive testing costs for owners of batch processes containing very long emission episodes. Finally, the EPA has decided to allow owners or operators of WSR sources to test intermittently if they can provide evidence that the periods tested represent periods in which emissions are greater than the average emissions over the batch emission episode.

4. In response to comments relating to the averaging period for ongoing compliance determination, the averaging period for measurements taken to verify continuous compliance for continuous BLR sources has been increased from 1 hour to 24 hours. The target values for comparison of these continuous compliance measurements are the average of the maximum or minimum values obtained from the three 1-hour performance tests. The 24-hour averaging period results in an average obtained over 96, 15-minute readings. The EPA believes that calculating an average over 96 readings will sufficiently diminish the effect of excursions on the value of the average.

5. Two commenters stated that the de minimis levels specified in the HON for process vents, storage tanks, and wastewater systems are appropriate for BLR sources and should be included in the final rule. Because EPA has decided to change the format of the standard for new BLR sources to a 98 percent overall reduction from the total of uncontrolled process vents, storage tanks and wastewater systems or an absolute cap of 2.27 Mg/yr (5,000 lb/yr) from the total of these emission sources, EPA does not believe de minimis levels for controlling emission points are necessary, as owners and operators will be afforded the flexibility of deciding the degree of control for a particular emission point, provided that compliance with the overall emission limit is achieved.

However, EPA agrees with the commenters' suggestion that de minimis levels should be established for exempting emission points from monitoring, because monitoring emission points with emission stream flow rates and/or HAP concentrations below a certain de minimis level is not reasonable. Therefore, a de minimis level of 1 pound per year of uncontrolled HAP emissions has been established for emission points within BLR sources below which continuous monitoring is not required.

6. Two commenters stated that EPA should not specify in the rule the wastewater treatment system parameters to monitor. The commenters stated that the parameters specified in the proposed rule are not appropriate for all treatment systems; that the parameters are tailored to the treatment system, and that there should be flexibility to determine which parameters should be used in each instance. The commenters further argued that States, in their role as permitting authorities, set monitoring parameters as part of the NPDES permit system under the Clean Water Act. Therefore, the commenters maintained, it is unreasonable for facilities to monitor two different sets of parameters.

The wastewater monitoring provisions of the HON, which are referenced in the final rule, allow biological treatment system monitoring parameters to be determined on a case-by-case basis. In light of the issues raised above by the commenters, and in accordance with the wastewater monitoring provisions of the HON, the final rule has been changed to allow owners and operators to monitor the wastewater treatment system parameters specified by the permitting authority responsible for enforcing the Clean Water Act.

7. Several commenters requested clarification of the compliance dates for existing, new, and reconstructed sources, which were not stated in the proposed rule. In response to these comments, the final rule specifies that the compliance date is 3 years from the date of promulgation for existing sources; new sources are required to be in compliance upon startup of the source.

8. Several commenters requested clarification of the General Provisions to part 63 as they relate to this rule. In response to these comments, a table identifying the relationship of the General Provisions requirements has been added to the final regulation.

9. Several commenters stated that EPA should clarify that the modification of existing BLR sources is covered by the section 112(g) rule, and will be

subject to "existing source MACT" as defined by the standard.

No additional language has been added to the regulatory text to address this comment. Instead, EPA has provided the following explanation to clarify the role of section 112(g) in determining the applicability of existing and new source MACT. Section 112(2)(B) of the Act requires that "after the effective date of a permit program under title V of this chapter, no person may modify any major source of hazardous air pollutants in such State, unless the Administrator (or the State) determines that the maximum achievable control technology emission limitation for existing sources will be met." The EPA believes that the requirement for a "determination" suggests that an administrative review is needed when an affected source is subject to a MACT standard, and that affected source undergoes a physical change or change in the method of operation that meets the definition of "modification" in section 112(a) of the Act. The purpose of this section of the preamble is to clarify the types of administrative review for sources in the epoxy resins and non-nylon polyamides source categories.

As discussed in the preamble to the proposed rule implementing section 112(g) of the Act, the EPA believes that in many if not most cases, an emission increase that meets the definition of "modification" will not have a substantive effect on the emission and/or work practice standards that the affected sources will have to meet (see 59 FR 15504, April 1, 1994). Before and after the change, the affected source must continue to meet the "existing source MACT" level. The only circumstance which could affect the degree of control required is when the modification of a source creates an affected source above a threshold in an applicability definition after the change, which was under the applicability threshold before the change. For this rule, EPA believes there will be no such circumstances because the regulation contains no applicability threshold. The standard is an emission factor format which applies to BLR and WSR processes of any size.

The EPA believes that the process included in today's rule is sufficient to satisfy the requirement for a "determination" under section 112(g). Where a "modification" does not affect an affected source's applicability status, the proposed rule implementing section 112(g) requires that the source notify the permitting authority prior to startup of operation of the change (see proposed § 63.45(f)).

A similar "determination" is required for major source construction and reconstruction under section 112(g)(2)(A) of the Act. The administrative process for these determinations is contained in § 63.5 of the 40 CFR part 63, subpart A, General Provisions.

10. Revisions to definitions and phrasing have been made to clarify the regulation.

VI. Administrative Requirements

A. Docket

The docket for this rulemaking is A-92-37. The docket is an organized and complete file of all the information submitted to or otherwise considered by the EPA in the development of this rulemaking. The principal purposes of the docket are: (1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process; and (2) to serve as the record in case of judicial review (except for interagency review materials) (section 307(d)(7)(A) of the Act). The docket is available for public inspection at the EPA's Air and Radiation Docket and Information Center, the location of which is given in the ADDRESSES section of this notice.

B. Enhancing the Intergovernmental Partnership Under Executive Order 12875

In compliance with Executive Order 12875 we have involved State, local, and tribal governments in the development of this rule. These governments are not directly impacted by the rule; i.e., they are not required to purchase control systems to meet the requirements of this rule. They will collect permit fees which will be used to offset the resource burden of implementing the rule. One representative of the State governments has been a member of the EPA Work Group developing this rule. The Work Group has met numerous times, and comments have been solicited from the Work Group members, including the State representative; and their comments have been carefully considered in the rule development. In addition, all States were encouraged to comment on the proposed rule during the public comment period. The EPA fully considered comments from States in the final rulemaking.

C. Executive Order 12866

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether the regulatory action is "significant" and therefore subject to Office of Management and

Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

1. Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
 2. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
 3. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
 4. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order."
- The EPA has submitted this action to OMB for review. The action was approved by OMB without comment.

D. Paperwork Reduction Act

Information collection requirements associated with this rule have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and have been assigned OMB control number 2060-0290. An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 1681.02), and a copy may be obtained from Sandy Farmer, Information Policy Branch, EPA 2136, Washington, DC 20460, or by calling (202) 260-2740.

The public reporting burden for this collection of information is estimated to average 1,253 hours per respondent in the first year, 765 hours per respondent in the second year, and 589 hours per respondent in the third year. This includes the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch; EPA; 401 M Street, SW. (Mail Code 2136); Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

E. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires that a Regulatory Flexibility Analysis be

performed for all rules that have "significant impact on a substantial number of small entities." If a preliminary analysis indicates that a proposed regulation would have a significant economic impact on 20 percent or more of small entities, then a regulatory flexibility analysis must be prepared.

Present Regulatory Flexibility Act guidelines for regulations like this one whose start action notifications (SAN's) were filed before April 1992 indicate that an economic impact should be considered significant if it meets one of the following criteria:

1. Compliance increases annual production costs by more than 5 percent, assuming costs are passed on to consumers;
2. Compliance costs as a percentage of sales for small entities are at least 10 percent more than compliance costs as a percentage of sales for large entities;
3. Capital costs of compliance represent a "significant" portion of capital available to small entities, considering internal cash flow plus external financial capabilities; or
4. Regulatory requirements are likely to result in closures of small entities.

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities. All of the affected BLR and WSR producers are large enough not to satisfy the criteria for a small business. Consequently, no significant small business impacts will result from compliance with these standards.

F. Miscellaneous

In accordance with section 117 of the Act, publication of this promulgated rule was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

This regulation will be reviewed 5 years from the date of promulgation. This review will include an assessment of such factors as evaluation of the residual health risks, any overlap with other programs, the existence of alternative methods, enforceability, improvements in emission control technology and health data, and the recordkeeping and reporting requirements.

List of Subjects in 40 CFR Parts 9 and 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: February 28, 1995.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as set forth below.

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 1235-1236y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp., p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. Section 9.1 is amended by adding a new entry to the table under the indicated heading to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation	OMB control No.
* * * * *	
* * * * *	
National Emission Standards for Hazardous Air Pollutants for Source Categories:	
* * * * *	
63.525-63.528	2060-0290
* * * * *	

PART 63—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

2. Part 63 is amended by adding subpart W consisting of §§ 63.520 through 63.528 to read as follows:

Subpart W—National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production

- Sec.
- 63.520 Applicability and designation of sources.
 - 63.521 Compliance schedule.
 - 63.522 Definitions.
 - 63.523 Standards for basic liquid resins manufacturers.
 - 63.524 Standards for wet strength resins manufacturers.
 - 63.525 Compliance and performance testing.
 - 63.526 Monitoring requirements.

- 63.527 Recordkeeping requirements.
63.528 Reporting requirements.

Subpart W—National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production

§ 63.520 Applicability and designation of sources.

The provisions of this subpart apply to all existing, new, and reconstructed manufacturers of basic liquid epoxy resins (BLR) and manufacturers of wet strength resins (WSR) that are located at a plant site that is a major source, as defined in section 112(a) of the Clean Air Act. Research and development facilities, as defined in § 63.522, are exempt from the provisions of this subpart. The affected source is also defined in § 63.522. If a change occurs to an existing source that does not constitute reconstruction then the additions have to meet the existing source requirements of the MACT standards. Any reconstruction of an existing source, or construction of a new source, must meet the new source standard. Affected sources are also subject to certain requirements of subpart A of this part, as specified in Table 1 of this subpart.

§ 63.521 Compliance schedule.

(a) Owners or operators of existing affected BLR and WSR sources shall comply with the applicable provisions of this subpart within 3 years of the promulgation date.

(b) New and reconstructed sources subject to this subpart shall be in compliance with the applicable provisions of this subpart upon startup.

§ 63.522 Definitions.

Terms used in this subpart are defined in the Act, in subpart A of this part, or in this section as follows:

Administrator means the Administrator of the U.S. Environmental Protection Agency, or any official designee of the Administrator.

Affected source means all HAP emission points within a facility that are related to the production of BLR or WSR, including process vents, storage tanks, wastewater systems, and equipment leaks.

Basic liquid epoxy resins (BLR) means resins made by reacting epichlorohydrin and bisphenol A to form diglycidyl ether of bisphenol-A (DGEBA).

Batch emission episode means a discrete venting episode that may be associated with a single unit operation. For example, a displacement of vapor resulting from the charging of a vessel with HAP will result in a discrete

emission episode that will last through the duration of the charge and will have an average flow rate equal to the rate of the charge. If the vessel is then heated, there will also be another discrete emission episode resulting from the expulsion of expanded vessel vapor space. Both emission episodes may occur in the same vessel or unit operation. There are possibly other emission episodes that may occur from the vessel or other process equipment, depending on process operations.

Batch process refers to a discontinuous process involving the bulk movement of material through sequential manufacturing steps. Mass, temperature, concentration, and other properties of a system vary with time. Addition of raw material and withdrawal of product do not typically occur simultaneously in a batch process.

Closed-vent system means a system that is not open to the atmosphere and is composed of piping, ductwork, connections, and, if necessary, flow-inducing devices that transport gas or vapor from an emission point to a control device or back into the process.

Continuous process means a process where the inputs and outputs flow continuously throughout the duration of the process. Continuous processes are typically steady-state.

Drain system means the system used to convey wastewater streams from a process unit, product storage tank, or feed storage tank to a waste management unit. The term includes all process drains and junction boxes, together with their associated sewer lines and other junction boxes, manholes, sumps, and lift stations, down to the receiving waste management unit. A segregated stormwater sewer system, which is a drain and collection system designed and operated for the sole purpose of collecting rainfall-runoff at a facility, and which is segregated from all other drain systems, is excluded from this definition.

Equipment leaks means emissions of hazardous air pollutants from a pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, or instrumentation system in organic hazardous air pollutant service.

Process vent means a point of emission from a unit operation. Typical process vents include condenser vents, vacuum pumps, steam ejectors, and atmospheric vents from reactors and other process vessels.

Production-based emission rate means a ratio of the amount of HAP emitted to the amount of BLR or WSR produced.

Research and development facility means laboratory operations whose primary purpose is to conduct research and development into new processes and products, where the operations are under the close supervision of technically trained personnel, and is not engaged in the manufacture of products for commercial sale, except in a de minimis manner.

Storage tank means a tank or other vessel that is used to store liquids that contain one or more HAP compounds.

Unit operation means those processing steps that occur within distinct equipment that are used, among other things, to prepare reactants, facilitate reactions, separate and purify products, and recycle materials. There may be several emission episodes within a single unit operation.

Waste management unit means any component, piece of equipment, structure, or transport mechanism used in storing, treating, or disposing of wastewater streams, or conveying wastewater between storage, treatment, or disposal operations.

Wastewater means aqueous liquid waste streams exiting equipment at an affected source.

Wastewater system means a system made up of a drain system and one or more waste management units.

Wet strength resins (WSR) means polyamide/ epichlorohydrin condensates which are used to increase the tensile strength of paper products.

§ 63.523 Standards for basic liquid resins manufacturers.

(a) Owners or operators of existing affected BLR sources shall operate sources such that the rate of emissions of hazardous air pollutants from all process vents, storage tanks, and wastewater systems combined shall not exceed 130 pounds per 1 million pounds of BLR produced.

(b) Owners or operators of new or reconstructed affected BLR sources shall reduce uncontrolled emissions from the sum of uncontrolled process vents, storage tanks, and wastewater systems by 98 percent, or limit the total emissions from these emission points to 5,000 pounds per year.

(1) For process vents, uncontrolled emissions are defined as gaseous emission streams past the last recovery device.

(2) For storage tanks, uncontrolled emissions are defined as emissions calculated according to the methodology specified in § 63.150(g)(3).

(3) For wastewater systems, uncontrolled emissions are the total amount of HAP discharged to the drain system.

(c) Owners or operators of existing, new, or reconstructed affected BLR sources shall comply with the requirements of subpart H of this part to control emissions from equipment leaks.

§ 63.524 Standards for wet strength resins manufacturers.

(a) Owners or operators of existing affected WSR sources shall either:

(1) Limit the total emissions of hazardous air pollutants from all process vents, storage tanks, and wastewater systems to 10 pounds per 1 million pounds of wet strength resins produced; or

(2) Comply with the requirements of subpart H of this part to control emissions from equipment leaks.

(b) Owners or operators of new or reconstructed affected WSR sources shall either:

(1) Limit the total emissions of hazardous air pollutants from all process vents, storage tanks, and wastewater systems to 7 pounds per 1 million pounds of wet strength resins produced; or

(2) Comply with the requirements of subpart H of this part to control emissions from equipment leaks.

§ 63.525 Compliance and performance testing.

(a) The owner or operator of any existing affected BLR source shall, in order to demonstrate initial compliance with the applicable emission limit, determine the emission rate from all process vent, storage tank, and wastewater system emission points using the methods described below. Compliance tests shall be performed under normal operating conditions.

(1) The owner or operator shall use the EPA Test Methods from 40 CFR part 60, appendix A, listed in paragraphs (a)(1) (i) through (iii) of this section, to determine emissions from process vents. Testing of process vents on equipment operating as part of a continuous process will consist of conducting three 1-hour runs. Gas stream volumetric flow rates shall be measured every 15 minutes during each 1-hour run. Organic HAP or TOC concentration shall be determined from samples collected in an integrated sample over the duration of each 1-hour test run, or from grab samples collected simultaneously with the flow rate measurements (every 15 minutes). If an integrated sample is collected for laboratory analysis, the sampling rate shall be adjusted proportionally to reflect variations in flow rate. If the flow of gaseous emissions is intermittent, determination of emissions from process vents shall be performed according to

the methods specified in paragraph (e) of this section. For process vents with continuous gas streams, the emission rate used to determine compliance shall be the average emission rate of the 3 test runs. For process vents with intermittent emission streams, the calculated emission rate or the emission rate from a single test run may be used to determine compliance.

(i) Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling sites if the flow measuring device is a pitot tube. A traverse shall be conducted before and after each 1-hour sampling period. No traverse is necessary when using Method 2A or 2D to determine flow rate.

(ii) Method 2, 2A, 2C or 2D of 40 CFR part 60, appendix A, as appropriate, shall be used for the determination of gas stream volumetric flow rate. If Method 2 or 2C is used, the velocity measurements shall be made at a single point, in conjunction with the traverse, to establish an average velocity across the stack.

(iii) Method 25A and/or Methods 18 and 25A of 40 CFR part 60, appendix A, as appropriate, shall be used to determine the concentration of HAP in the streams.

(iv) Initial determination of de minimis status for process vents may be made by engineering assessment, as specified in § 63.526(a)(1)(iv).

(2) Emissions from wastewater treatment systems shall be determined in accordance with the methods described in 40 CFR part 63, appendix C.

(3) Emissions from storage tanks shall be calculated in accordance with the methods specified in § 63.150(g)(3).

(b) The owner or operator of any existing affected BLR source shall determine a production-based emission rate for each emission point by dividing the emission rate of each emission point by the BLR production rate of the source. The production rate shall be based on normal operations.

(1) The production-based emission rate for process vents shall be calculated by dividing the average emission rate the average production rate.

(2) The production-based emission rate for storage tanks shall be calculated by dividing annual emissions for each storage tank emission point by the production rate for a one-year period. The production rate shall be calculated using the same data used to calculate the production-based emission rate in paragraph (b)(1) of this section, converted to an annual rate.

(3) The production-based emission rate for wastewater systems shall be

calculated by dividing annual emissions for each wastewater system emission point by the production rate for one-year period. The production rate shall be calculated using the same data used to calculate the production-based emission rate in paragraph (b)(1) of this section, converted to an annual rate.

(c) The owner or operator of an existing affected BLR source shall calculate the total emissions per product produced by summing the production-based emissions for all process vent, storage tank, and wastewater system emission points according to the following equation:

$$E = \sum PV + \sum ST + \sum WW$$

where:

E=emissions, pounds (lb) HAP per million (MM) lb product;
PV=process vent emissions, lb HAP/MM lb product;
ST=storage tank emissions, lb HAP/MM lb product; and
WW=wastewater system emissions, lb HAP/MM lb product.

The source is in compliance with the standard for process vents, storage tanks, and wastewater systems if the sum of the equation is less than the applicable emission limit from § 63.523(a).

(d) The owner or operator of any new or reconstructed affected BLR source shall demonstrate compliance using the methods described in this section.

(1) Any owner or operator who elects to comply with § 63.523(b) by achieving 98 percent control of emissions from process vents, storage tanks, and wastewater systems shall demonstrate compliance according to the requirements of paragraphs (d)(1) (i) through (iv) of this section.

(i) The owner or operator shall perform testing as specified in paragraph (a)(1) of this section to determine controlled and uncontrolled emissions from process vents. Sampling points for determining uncontrolled emissions shall be located based on the definition of uncontrolled process vents in § 63.523(b)(1).

(ii) The owner or operator shall calculate controlled and uncontrolled emissions from storage tanks in accordance with the methods specified in § 63.150(g)(3).

(iii) The owner or operator shall determine controlled and uncontrolled emissions from wastewater systems using the methodology of 40 CFR part 63, appendix C. Uncontrolled emission calculations shall be consistent with the definition of uncontrolled wastewater system emissions in § 63.523(b)(3).

(iv) The owner or operator shall calculate the percent reduction in

emissions from process vents, storage tanks, and wastewater systems combined. The affected source is in compliance if the emission reduction is greater than or equal to 98 percent.

(2) Any owner or operator who elects to comply with § 63.523(b) by limiting HAP emissions from process vents, storage tanks, and wastewater systems to 5,000 pounds per year or less shall demonstrate compliance according to the requirements of paragraphs (d)(2) (i) and (ii) of this section.

(i) Emissions from process vents, storage tanks, and wastewater systems shall be determined according to paragraphs (a) (1) through (3) of this section. Emissions shall be converted to annual emissions. Annual emission calculations shall reflect production levels representative of normal operating conditions.

(ii) The owner or operator shall calculate total emissions from all process vent, storage tank, and wastewater system emission points. The

affected source is in compliance with the standard if total emissions are less than or equal to 5,000 lb/yr.

(e) The owner or operator of any existing, new, or reconstructed WSR source that chooses to comply with the emission limit for process vents, storage tanks, and wastewater systems shall demonstrate initial compliance by determining emissions for all process vent, storage tank, and wastewater systems emission points using the methods described in this section.

(1) Emissions of HAP reactor process vents shall be calculated for each batch emission episode according to the methodologies described in paragraph (e)(1) of this section.

(i) Emissions from vapor displacement due to transfer of material into or out of the reactor shall be calculated according to the following equation:

$$E = \frac{(y_i)(V)(P_T)(MW)}{(R)(T)}$$

$$E = \frac{\sum(P_i)_{T1} + \sum(P_i)_{T2}}{2} \times \frac{\Delta\eta \times MW_{HAP}}{Pa_1 - Pa_2}$$

where:

E=mass of HAP vapor displaced from the vessel being heated up;
 (P_i)_{T_n}=partial pressure of each HAP in the vessel headspace at initial (n=1) and final (n=2) temperature;
 Pa₁=initial gas pressure in the vessel;
 Pa₂=final gas pressure; and
 MW_{HAP}=the average molecular weight of HAP present in the vessel.

The moles of gas displaced is represented by:

$$\Delta\eta = \frac{V}{R} \left[\left(\frac{Pa_1}{T_1} \right) - \left(\frac{Pa_2}{T_2} \right) \right]$$

where:

> η=number of lb-moles of gas displaced;
 V=volume of free space in the vessel;
 R=ideal gas law constant;
 Pa₁=initial gas pressure in the vessel;
 Pa₂=final gas pressure;
 T₁=initial temperature of vessel; and
 T₂=final temperature of vessel.

The initial pressure of the noncondensable gas in the vessel shall be calculated according to the following equation:

$$Pa_1 = P_{atm} - \sum(P_{ic})_{T1}$$

where:

Pa₁=initial partial pressure of gas in the vessel headspace;
 P_{atm}=atmospheric pressure; and
 (P_{ic})_{T₁}=initial partial pressure of each condensable volatile organic compound (including HAP) in the vessel headspace, at the initial temperature (T₁).

The average molecular weight of HAP in the displaced gas shall be calculated as follows:

$$MW_{HAP} = \frac{\sum_{i=1}^n (\text{mass of HAP})_i}{\sum_{i=1}^n (\text{HAP molecular weight})_i}$$

where n is the number of different HAP compounds in the emission stream.

(2) Emissions of HAP from process vents may be measured directly. The EPA Test Methods listed in paragraph (e)(2) (i) through (iii) of this section, from 40 CFR part 60, appendix A, shall be used to demonstrate compliance with the requirements of § 63.524 by direct measurement. Testing shall be performed for every batch emission episode of the unit operation. Gas stream volumetric flow rates shall be measured at 15-minute intervals, or at least once during each batch emission episode. Organic HAP or TOC

where:

E=mass emission rate;
 y_i=saturated mole fraction of HAP in the vapor phase;
 V=volume of gas displaced from the vessel;
 R=ideal gas law constant;
 T=temperature of the vessel vapor space; absolute;
 P_T=pressure of the vessel vapor space; and
 MW=molecular weight of the HAP.

(ii) Emissions from reactor purging shall be calculated using the methodology described in paragraph (e)(1)(i) of this section, except that for purge flow rates greater than 100 standard cubic feet per minute (scfm), the mole fraction of HAP will be assumed to be 25 percent of the saturated value.

(iii) Emissions caused by heating of the reactor vessel shall be calculated according to the following methodology:

concentration shall be determined from samples collected in an integrated sample over the duration of each episode, or from grab samples collected simultaneously with the flow rate measurements (every 15 minutes). If an integrated sample is collected for laboratory analysis, the sampling rate shall be adjusted proportionally to reflect variations in flow rate. Test conditions shall represent the normal operating conditions under which the data used to calculate the production rate are taken.

(i) Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling sites if the flow measuring device is a pitot tube. A traverse shall be conducted before and after each sampling period. No traverse is necessary when using Method 2A or 2D.

(ii) Method 2, 2A, 2C or 2D of 40 CFR part 60, appendix A, as appropriate, shall be used for the determination of gas stream volumetric flow rate. If Method 2 or 2C is used, the velocity measurements shall be made at a single point than can be used, in conjunction with the traverse, to establish an average velocity across the stack.

(iii) Method 25A and/or Methods 18 and 25A of 40 CFR part 60, appendix A, as appropriate, shall be used to

determine the concentration of HAP in the streams.

(iv) The owner or operator may choose to perform tests only during those periods of the episode in which the emission rate for the entire episode can be determined, or when the emissions are greater than the average emission rate of the episode. The owner or operator who chooses either of these options must develop an emission profile for the entire batch emission episode, based on either process knowledge or test data collected, to demonstrate that test periods are representative. Examples of information that could constitute process knowledge include calculations based on material balances, and process stoichiometry. Previous test results may be used provided the results are still relevant to the current process vent stream conditions.

(v) For batch emission episodes of duration greater than 8 hours, the owner or operator is required to perform a maximum of 8 hours of testing. The test period must include the period of time in which the emission rate is predicted by the emission profile to be greater than average emission rate for the batch emission episode.

(f) The owner or operator of any affected WSR source that chooses to comply with the emissions limit for process vents, storage tanks, and wastewater systems shall calculate emissions from storage tanks in accordance with the methods specified in § 63.150(g)(3).

(g) The owner or operator of any affected WSR source that chooses to comply with the emission limit for process vents, storage tanks, and wastewater systems shall calculate emissions from wastewater treatment systems (if applicable) in accordance with the methods described in 40 CFR part 63, appendix C.

(h) The owner or operator of any affected WSR source that chooses to comply with the emission limit for process vents, storage tanks, and wastewater systems shall calculate the average amount of WSR product manufactured per batch, using data from performance tests or from emission calculations, as applicable, to determine the average WSR production per-batch production data for an annual period representing normal operating conditions.

(1) The owner or operator shall calculate an average emission rate per batch as the average of the results from the performance tests or calculations. The production-based emission rate shall be calculated by dividing the

emissions per batch by the average production per batch.

(2) Compliance shall be determined according to the methodology described in paragraph (c) of this section. The source is in compliance with the standard for process vents, storage tanks, and wastewater systems if the sum of the equation in paragraph (c) of this section is less than the applicable emission limit from § 63.524.

(i) The owner or operator of any affected BLR source or any affected WSR source that chooses to comply with the requirements of subpart H of this part must demonstrate the ability of its specific program to meet the compliance requirements therein to achieve initial compliance.

§ 63.526 Monitoring requirements.

(a) The owner or operator of any existing, new, or reconstructed affected BLR source shall provide evidence of continued compliance with the standard. During the initial compliance demonstration, maximum or minimum operating parameters, as appropriate, shall be established for processes and control devices that will indicate the source is in compliance. If the operating parameter to be established is a maximum, the value of the parameter shall be the average of the maximum values from each of the three test runs. If the operating parameter to be established is a minimum, the value of the parameter shall be the average of the minimum values from each of the three test runs. Parameter values for process vents with intermittent emission streams shall be determined as specified in paragraph (b)(1) of this section. The owner or operator shall operate processes and control devices within these parameters to ensure continued compliance with the standard. A de minimis level is specified in paragraph (a)(1) of this section. Monitoring parameters are specified for various process vent control scenarios in paragraphs (a) (2) through (6) of this section.

(1) For affected BLR sources, uncontrolled emission points emitting less than one pound per year of HAP are not subject to the monitoring requirements of paragraphs (a) (2) through (6) of this section. The owner or operator shall use the methods specified in § 63.525(a), as applicable, or as specified in paragraph (a)(1)(i) of this section, to demonstrate which emission points satisfy the de minimis criteria, to the satisfaction of the Administrator.

(i) For the purpose of determining de minimis status for emission points, engineering assessment may be used to determine process vent stream flow rate

and/or concentration for the representative operating conditions expected to yield the highest flow rate and concentration. Engineering assessment includes, but is not limited to, the following:

(A) Previous test results provided the tests are representative of current operating practices at the process unit.

(B) Bench-scale or pilot-scale test data representative of the process under representative operating conditions.

(C) Maximum flow rate, HAP emission rate, concentration, or other relevant parameter specified or implied within a permit limit applicable to the process vent.

(D) Design analysis based on accepted chemical engineering principles, measurable process parameters, or physical or chemical laws or properties. Examples of analytical methods include, but are not limited to:

(1) Use of material balances based on process stoichiometry to estimate maximum organic HAP concentrations,

(2) Estimation of maximum flow rate based on physical equipment design such as pump or blower capacities,

(3) Estimation of HAP concentrations based on saturation conditions.

(ii) All data, assumptions, and procedures used in the engineering assessment shall be documented in accordance with § 63.527(c).

(2) For affected sources using water scrubbers, the owner or operator shall establish a minimum scrubber water flow rate as a site-specific operating parameter which must be measured and recorded every 15 minutes. The affected source will be considered to be out of compliance if the scrubber water flow rate, averaged over any continuous 24-hour period, is below the minimum value established during the initial compliance demonstration.

(3) For affected sources using condensers, the owner or operator shall establish the maximum condenser outlet gas temperature as a site-specific operating parameter which must be measured and recorded every 15 minutes. The affected source will be considered to be out of compliance if the condenser outlet gas temperature, averaged over any continuous 24-hour period, is greater than the maximum value established during the initial compliance demonstration.

(4) For affected sources using carbon adsorbers or having uncontrolled process vents, the owner or operator shall establish a maximum outlet HAP concentration as the site-specific operating parameter which must be measured and recorded every 15 minutes. The affected source will be considered to be out of compliance if

the outlet HAP concentration, averaged over any continuous 24-hour period, is greater than the maximum value established during the initial compliance demonstration.

(5) For affected sources using flares, the presence of the pilot flame shall be monitored every 15 minutes. The affected source will be considered to be out of compliance upon loss of pilot flame.

(6) Wastewater system parameters to be monitored are the parameters specified under 40 CFR part 414, subpart E. The affected source will be considered to be out of compliance with this subpart W if it is found to be out of compliance with 40 CFR part 414, subpart E.

(b) The owner or operator of any existing, new, or reconstructed affected WSR source that chooses to comply with the emission limit for process vents, storage tanks, and wastewater systems shall provide evidence of continued compliance with the standard. As part of the initial compliance demonstrations for batch process vents, test data or compliance calculations shall be used to establish a maximum or minimum level of a relevant operating parameter for each unit operation. The parameter value for each unit operation shall represent the worst case value of the operating parameter from all episodes in the unit operation. The owner or operator shall operate processes and control devices within these parameters to ensure continued compliance with the standard.

(1) For batch process vents, the level shall be established in accordance with paragraphs (b)(1)(i) through (iv) of this section if compliance testing is performed.

(i) If testing is used to demonstrate initial compliance, the appropriate parameter shall be monitored during all batch emission episodes in the unit operation.

(ii) An average monitored parameter value shall be determined for each of the batch emission episodes in the unit operation.

(iii) If the level to be established for the unit operation is a maximum operating parameter, the level shall be defined as the minimum of the average parameter values determined in paragraph (b)(1)(ii) of this section.

(iv) If the level to be established for the unit operation is a minimum operating parameter, the level shall be defined as the maximum of the average parameter values determined in paragraph (b)(1)(ii) of this section.

(2) Affected sources with condensers on process vents shall establish the

maximum condenser outlet gas temperature as a site-specific operating parameter, which must be measured every 15 minutes, or at least once for batch emission episodes less than 15 minutes in duration. The affected source will be considered to be out of compliance if the maximum condenser outlet gas temperature, averaged over the duration of the batch emission episode or unit operation, is greater than the value established during the initial compliance demonstration.

(3) For affected sources using water scrubbers, the owner or operator shall establish a minimum scrubber water flow rate as a site-specific operating parameter which must be measured and recorded every 15 minutes, or at least once for batch emission episodes less than 15 minutes in duration. The affected source will be considered to be out of compliance if the scrubber water flow rate, averaged over the duration of the batch emission episode or unit operation, is below the minimum flow rate established during the initial compliance demonstration.

(4) For affected sources using carbon adsorbers or having uncontrolled process vents, the owner or operator shall establish a maximum outlet HAP concentration as the site-specific operating parameter which must be measured and recorded every 15 minutes, or at least once for batch emission episodes of duration shorter than 15 minutes. The affected source will be considered to be out of compliance if the outlet HAP concentration, averaged over the duration of the batch emission episode or unit operation, is greater than the value established during the initial compliance demonstration.

(5) For affected sources using flares, the presence of the pilot flame shall be monitored every 15 minutes, or at least once for batch emission episodes less than 15 minutes in duration. The affected source will be considered to be out of compliance upon loss of pilot flame.

(6) Wastewater system parameters to be monitored are the parameters specified by 40 CFR part 414, subpart E. The affected source will be considered to be out of compliance with this subpart W if it is found to be out of compliance with 40 CFR part 414, subpart E.

(c) Periods of time when monitoring measurements exceed the parameter values do not constitute a violation if they occur during a startup, shutdown, or malfunction, and the facility follows its startup, shutdown, and malfunction plan.

(d) The owner or operator of any affected WSR source that chooses to comply with the requirements of subpart H of this part shall meet the monitoring requirements of subpart H of this part.

§ 63.527 Recordkeeping requirements.

(a) The owner or operator of any affected BLR source shall keep records of daily average values of equipment operating parameters specified to be monitored under § 63.526(a) or specified by the Administrator. Records shall be kept in accordance with the requirements of applicable paragraphs of § 63.10 of subpart A of this part, as specified in the General Provisions applicability table of this subpart. The owner or operator shall keep records up-to-date and readily accessible.

(1) A daily (24-hour) average shall be calculated as the average of all values for a monitored parameter recorded during the operating day. The average shall cover a 24-hour period if operation is continuous, or the number of hours of operation per operating day if operation is not continuous.

(2) The operating day shall be the period defined in the operating permit or the Notification of Compliance Status in § 63.9(h) of subpart A of this part. It may be from midnight to midnight or another continuous 24-hour period.

(3) In the event of an excursion, the owner or operator must keep records of each 15-minute reading during the period in which the excursion occurred.

(b) The owner or operator of any affected WSR source that elects to comply with the emission limit for process vents, storage tanks, and wastewater systems shall keep records of values of equipment operating parameters specified to be monitored under § 63.526(b) or specified by the Administrator. The records that shall be kept are the average values of operating parameters, determined for the duration of each unit operation. Records shall be kept in accordance with the requirements of applicable paragraphs of § 63.10 of subpart A of this part, as specified in the General Provisions applicability table in this subpart. The owner or operator shall keep records up-to-date and readily accessible. In the event of an excursion, the owner or operator must keep records of each 15-minute reading for the entire unit operation in which the excursion occurred.

(c) The owner or operator of any affected BLR source, as well as the owner or operator of any affected WSR source that chooses to comply with the emission limit for process vents, storage tanks, and wastewater systems, who

demonstrates that certain process vents are below the de minimis cutoff for continuous monitoring specified in § 63.526(a)(1)(i), shall maintain up-to-date, readily accessible records of the following information to document that a HAP emission rate of less than one pound per year is maintained:

(1) The information used to determine de minimis status for each de minimis process vent, as specified in § 63.526(a)(1)(i);

(2) Any process changes as defined in § 63.115(e) of subpart G of this part that increase the HAP emission rate;

(3) Any recalculation or measurement of the HAP emission rate pursuant to § 63.115(e) of subpart G of this part; and

(4) Whether or not the HAP emission rate increases to one pound per year or greater as a result of the process change.

(d) The owner or operator of any affected BLR source, as well as the owner or operator of any affected WSR source who elects to implement the leak detection and repair program specified in subpart H of this part, shall implement the recordkeeping requirements outlined therein. All records shall be retained for a period of 5 years, in accordance with the requirements of 40 CFR 63.10(b)(1).

(e) Any excursion from the required monitoring parameter, unless otherwise excused, shall be considered a violation of the emission standard.

§ 63.528 Reporting requirements.

(a) The owner or operator of any affected BLR source, as well as the owner or operator of any affected WSR source that elects to comply with the emission limit for process vents, storage tanks, and wastewater systems, shall comply with the reporting requirements of applicable paragraphs of § 63.10 of

subpart A of this part, as specified in the General Provisions applicability table in this subpart. The owner or operator shall also submit to the Administrator, as part of the quarterly excess emissions and continuous monitoring system performance report and summary report required by § 63.10(e)(3) of subpart A of this part, the following recorded information.

(1) Reports of monitoring data, including 15-minute monitoring values as well as daily average values or per-unit operation average values, as applicable, of monitored parameters for all operating days or unit operations when the average values were outside the ranges established in the Notification of Compliance Status or operating permit.

(2) Reports of the duration of periods when monitoring data is not collected for each excursion caused by insufficient monitoring data. An excursion means any of the three cases listed in paragraph (a)(2)(i) or (a)(2)(ii) of this section. For a control device where multiple parameters are monitored, if one or more of the parameters meets the excursion criteria in paragraph (a)(2)(i) or (a)(2)(ii) of this section, this is considered a single excursion for the control device.

(i) When the period of control device operation is 4 hours or greater in an operating day and monitoring data are insufficient to constitute a valid hour of data, as defined in paragraph (a)(2)(iii) of this section, for at least 75 percent of the operating hours.

(ii) When the period of control device operation is less than 4 hours in an operating day and more than one of the hours during the period of operation does not constitute a valid hour of data due to insufficient monitoring data.

(iii) Monitoring data are insufficient to constitute a valid hour of data, as used in paragraphs (a)(2)(i) and (ii) of this section, if measured values are unavailable for any of the 15-minute periods within the hour.

(3) Whenever a process change, as defined in § 63.115(e) of subpart G of this part, is made that causes the emission rate from a de minimis emission point to become a process vent with an emission rate of one pound per year or greater, the owner or operator shall submit a report within 180 calendar days after the process change. The report may be submitted as part of the next summary report required under § 63.10(e)(3) of subpart A of this part. The report shall include:

(i) A description of the process change; and

(ii) The results of the recalculation of the emission rate.

(b) The owner or operator of any affected BLR source, as well as the owner or operator of any affected WSR source who elects to implement the leak detection and repair program specified in subpart H of this part, shall implement the reporting requirements outlined therein. Copies of all reports shall be retained as records for a period of 5 years, in accordance with the requirements of 40 CFR 63.10(b)(1).

(c) The owner or operator of any affected BLR source, as well as the owner or operator of any affected WSR source that elects to comply with the emission limit for process vents, storage tanks, and wastewater systems shall include records of wastewater system monitoring parameters in the Notification of Compliance Status and summary reports required by subpart A of this part.

TABLE 1 TO SUBPART W.—GENERAL PROVISIONS APPLICABILITY TO SUBPART W

Reference	Applies to subpart W			Comment
	BLR	WSR	WSR alternative standard, and BLR equipment leak standard (40 CFR part 63, subpart H)	
§ 63.1(a)(1)	Yes	Yes	Yes	Additional terms defined in § 63.522.
§ 63.1(a)(2)	Yes	Yes	Yes.	
§ 63.1(a)(3)	Yes	Yes	Yes.	
§ 63.1(a)(4)	Yes	Yes	Yes	Subpart W specifies applicability of each paragraph in subpart A to subpart W. Reserved.
§ 63.1(a)(5)	N/A	N/A	N/A	
§ 63.1(a)(6)	Yes	Yes	Yes.	
§ 63.1(a)(7)	Yes	Yes	Yes.	
§ 63.1(a)(8)	No	No	No	
§ 63.1(a)(9)	N/A	N/A	N/A	Discusses State programs. Reserved.

TABLE 1 TO SUBPART W.—GENERAL PROVISIONS APPLICABILITY TO SUBPART W—Continued

Reference	Applies to subpart W			Comment	
	BLR	WSR	WSR alternative standard, and BLR equipment leak standard (40 CFR part 63, subpart H)		
§ 63.1(a)(10)	Yes	Yes	Yes.	§ 63.521 of subpart W specifies applicability.	
§ 63.1(a)(11)	Yes	Yes	Yes.		
§ 63.1(a)(12)–(14)	Yes	Yes	Yes.		
§ 63.1(b)(1)	No	No	No		
§ 63.1(b)(2)	Yes	Yes	Yes.		
§ 63.1(b)(3)	Yes	Yes	Yes.		
§ 63.1(c)(1)	Yes	Yes	Yes		
§ 63.1(c)(2)	No	No	No		Subpart W specifies applicability of each paragraph in subpart A to sources subject to subpart W.
§ 63.1(c)(3)	N/A	N/A	N/A		Area sources are not subject to subpart W.
§ 63.1(c)(4)	Yes	Yes	Yes.		Reserved.
§ 63.1(c)(5)	Yes	Yes	No		Subpart H specifies applicable notification requirements.
§ 63.1(d)	N/A	N/A	N/A		Reserved.
§ 63.1(e)	Yes	Yes	Yes.		
§ 63.2	Yes	Yes	Yes		Additional terms are defined in § 63.522 of subpart W; when overlap between subparts A and W occurs, subpart W takes precedence.
§ 63.3	Yes	Yes	No	Other units used in subpart W are defined in that subpart; units of measure are spelled out for subpart H.	
§ 63.4(a)(1)–(3)	Yes	Yes	Yes.	Reserved.	
§ 63.4(a)(4)	N/A	N/A	N/A		
§ 63.4(a)(5)	Yes	Yes	Yes.		
§ 63.4(b)	Yes	Yes	Yes.		
§ 63.4(c)	Yes	Yes	Yes.		
§ 63.5(a)	Yes	Yes	Yes	Except replace the terms “source” and “stationary source” in § 63.5(a)(1) of subpart A with “affected source”.	
§ 63.5(b)(1)	Yes	Yes	Yes.	Reserved.	
§ 63.5(b)(2)	N/A	N/A	N/A		
§ 63.5(b)(3)	Yes	Yes	Yes.		
§ 63.5(b)(4)	Yes	Yes	Yes.		
§ 63.5(b)(5)	Yes	Yes	Yes.		
§ 63.5(b)(6)	Yes	Yes	Yes.		
§ 63.5(c)	N/A	N/A	N/A		
§ 63.5(d)(1)(i)	Yes	Yes	Yes.		
§ 63.5(d)(1)(ii)	Yes	Yes	Yes.		
§ 63.5(d)(1)(iii)	Yes	Yes	Yes.		
§ 63.5(d)(2)	Yes	Yes	Yes.		
§ 63.5(d)(3)–(4)	Yes	Yes	Yes.		
§ 63.5(e)	Yes	Yes	Yes.	Except replace “source” in § 63.5(f)(1) of subpart A with “affected source”.	
§ 63.5(f)(1)	Yes	Yes	Yes		
§ 63.5(f)(2)	Yes	Yes	Yes.	Subpart W specifies compliance dates.	
§ 63.6(a)	Yes	Yes	Yes.		
§ 63.6(b)(1)–(2)	No	No	No		
§ 63.6(b)(3)–(4)	Yes	Yes	Yes.		
§ 63.6(b)(5)	Yes	No		Subpart H includes notification requirements.
§ 63.6(b)(6)	N/A	N/A	N/A		Reserved.
§ 63.6(b)(7)	No	Yes	No		Sources subject to subpart H must comply according to the schedule in § 63.520 of subpart W for new sources subject to subpart H.
§ 63.6(c)(1)–(2)	Yes	Yes	Yes		Except replace “source” in § 63.6(c)(1)–(2) of subpart A with “affected source”.
§ 63.6(c)(3)–(4)	N/A	N/A	N/A		Reserved.
§ 63.6(c)(5)	Yes	Yes	Yes.		Reserved.
§ 63.6(d)	N/A	N/A	N/A		
§ 63.6(e)	Yes	Yes	Yes.		
§ 63.6(f)(1)	Yes	Yes	Yes.		
§ 63.6(f)(2)(i)–(ii)	Yes	Yes	Yes.		
§ 63.6(f)(2)(iii)	Yes	Yes	Yes.		
§ 63.6(f)(2)(iv)	Yes	Yes	Yes.		
§ 63.6(f)(3)	Yes	Yes	Yes.		
§ 63.6(g)	Yes	Yes	Yes	An alternative standard has been proposed for WSR; however, affected sources will have the opportunity to demonstrate other alternatives to the Administrator.	
§ 63.6(h)	No	No	No	Subpart W does not contain any opacity or visible emissions standards.	

TABLE 1 TO SUBPART W.—GENERAL PROVISIONS APPLICABILITY TO SUBPART W—Continued

Reference	Applies to subpart W			Comment
	BLR	WSR	WSR alternative standard, and BLR equipment leak standard (40 CFR part 63, subpart H)	
§ 63.6(i)(1)	Yes	Yes	Yes.	Except replace "source" in § 63.6(2) (i) and (ii) of subpart A with "affected source".
§ 63.6(i)(2)	Yes	Yes	Yes	
§ 63.6(i)(3)	Yes	Yes	Yes.	Reserved.
§ 63.6(i)(4)(i)	Yes	Yes	Yes.	
§ 63.6(i)(4)(ii)	Yes	Yes	Yes.	
§ 63.6(i)(5)–(14)	Yes	Yes	Yes.	
§ 63.6(i)(15)	N/A	N/A	N/A	
§ 63.6(i)(16)	Yes	Yes	Yes.	
§ 63.6(j)	Yes	Yes	Yes.	
§ 63.7(a)(1)	Yes	Yes	No	
§ 63.7(a)(2)(i)–(vi)	Yes	Yes	No	
§ 63.7(a)(2)(vii)–(viii)	N/A	N/A	N/A	
§ 63.7(a)(2)(ix)	Yes	Yes	Yes.	Subpart H specifies required testing and compliance procedures. Subpart H specifies that test results must be submitted in the Notification of Compliance Status due 150 days after the compliance date.
§ 63.7(a)(3)	Yes	Yes	Yes.	
§ 63.7(b)(1)	Yes	Yes	Yes.	Reserved.
§ 63.7(b)(2)	Yes	Yes	Yes.	
§ 63.7(c)	No	No	No.	
§ 63.7(d)	Yes	Yes	Yes	
§ 63.7(e)(1)	Yes	Yes	Yes	
§ 63.7(e)(2)	Yes	Yes	Yes.	
§ 63.7(e)(3)	Yes	Yes	No	
§ 63.7(f)	Yes	Yes	No	
§ 63.7(g)(1)	Yes	Yes	No	
§ 63.7(g)(2)	N/A	N/A	N/A	
§ 63.7(g)(3)	Yes	Yes	Yes.	Subpart H specifies test methods and procedures. Subpart H specifies applicable methods and provides alternatives.
§ 63.7(h)(1)–(2)	Yes	Yes	Yes.	
§ 63.7(h)(3)(i)	Yes	Yes	Yes.	Subpart H specifies performance test reporting.
§ 63.7(h)(3)(ii)–(iii)	Yes	Yes	Yes.	
§ 63.7(h)(4)–(5)	Yes	Yes	Yes.	
§ 63.8(a)(1)	Yes	Yes	Yes.	
§ 63.8(a)(2)	Yes	Yes	Yes.	
§ 63.8(a)(3)	N/A	N/A	N/A	
§ 63.8(a)(4)	Yes	Yes	Yes.	
§ 63.8(b)(1)	Yes	Yes	Yes.	
§ 63.8(b)(2)	Yes	Yes	No	
§ 63.8(b)(3)	Yes	Yes	Yes.	
§ 63.8(c)(1)(i)	Yes	Yes	Yes.	Subpart H specifies locations to conduct monitoring.
§ 63.8(c)(1)(ii)	Yes	Yes	Yes.	
§ 63.8(c)(1)(iii)	Yes	Yes	Yes.	
§ 63.8(c)(2)–(3)	Yes	Yes	Yes.	
§ 63.8(c)(4)–(8)	No	No	No	
§ 63.8(d)	No	No	No.	
§ 63.8(e)	No	No	No.	
§ 63.8(f)(1)	Yes	Yes	Yes.	
§ 63.8(f)(2)	Yes	Yes	Yes.	
§ 63.8(f)(3)	Yes	Yes	Yes.	
§ 63.8(f)(4)	Yes	Yes	Yes.	
§ 63.8(f)(5)	Yes	Yes	Yes.	
§ 63.8(f)(6)	Yes	Yes	No.	
§ 63.8(g)	Yes	Yes	Yes.	Subpart W specifies monitoring frequencies.
§ 63.9(a)	Yes	Yes	Yes.	
§ 63.9(b)(1)(i)–(ii)	Yes	Yes	Yes.	
§ 63.9(b)(1)(iii)	Yes	Yes	Yes.	
§ 63.9(b)(2)	Yes	Yes	Yes.	
§ 63.9(b)(3)	Yes	Yes	Yes.	
§ 63.9(b)(4)	Yes	Yes	Yes.	
§ 63.9(b)(5)	Yes	Yes	Yes.	
§ 63.9(c)	Yes	Yes	Yes.	
§ 63.9(d)	Yes	Yes	Yes.	

TABLE 1 TO SUBPART W.—GENERAL PROVISIONS APPLICABILITY TO SUBPART W—Continued

Reference	Applies to subpart W			Comment
	BLR	WSR	WSR alternative standard, and BLR equipment leak standard (40 CFR part 63, subpart H)	
§ 63.9(e)	No	No	No.	Separate Notification of Compliance Status requirements are specified for subpart H.
§ 63.9(f)	No	No	No.	
§ 63.9(g)	No	No	No.	
§ 63.9(h)(1)–(3)	Yes	Yes	No	
§ 63.9(h)(4)	N/A	N/A	N/A	Reserved.
§ 63.9(h)(5)–(6)	Yes	Yes	No	Subpart H specifies Notification of Compliance Status requirements.
§ 63.9(i)	Yes	Yes	Yes.	Subparts H and W specify recordkeeping requirements.
§ 63.9(j)	Yes	Yes	Yes.	
§ 63.10(a)	Yes	Yes	Yes.	
§ 63.10(b)(1)	Yes	Yes	Yes.	
§ 63.10(b)(2)	No	No	No	
§ 63.10(b)(3)	Yes	Yes	Yes.	
§ 63.10(c)(1)–(6)	No	No	No.	
§ 63.10(c)(7)–(8)	Yes	Yes	Yes.	
§ 63.10(c)(9)–(15)	No	No	No.	
§ 63.10(d)(1)	Yes	Yes	No	
§ 63.10(d)(2)	Yes	Yes	No	
§ 63.10(d)(3)	No	No	No.	
§ 63.10(d)(4)	Yes	Yes	Yes.	
§ 63.10(d)(5)	Yes	Yes	Yes.	
§ 63.10(e)(1)–(2)	No	No	No.	
§ 63.10(e)(3)	Yes	Yes	No.	
§ 63.10(e)(4)	No	No	No.	
§ 63.10(f)	Yes	Yes	Yes.	
§ 63.11–63.15	Yes	Yes	Yes.	

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40 CFR Part 52

[WA–18–1–5933a; FRL–5151–9]

Approval and Promulgation of Small Business Assistance Program: State of Washington

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) approves the State of Washington Implementation Plan (SIP) revision submitted by the State of Washington for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program. The implementation plan was submitted by the State to satisfy the Federal mandate of the Clean Air Act (CAA or Act), to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the CAA. The rationale for

the approval is set forth in this document; additional information is available at the address indicated in the **ADDRESSES** section.

DATES: This final rule is effective on May 8, 1995, unless notice is received by April 7, 1995 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Air and Radiation Branch (AT–082), EPA, 1200 Sixth Avenue, Seattle, WA 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

Copies of materials submitted to EPA may be examined during normal business hours at the following locations: EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101, and Washington State Department of Ecology, P.O.Box 47600, PV–11, Olympia, WA 98504–7600.

FOR FURTHER INFORMATION CONTACT: David J. Dellarco, Air and Radiation Branch (AT–082), EPA, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553–4978.

SUPPLEMENTARY INFORMATION:

I. Background

Implementation of the provisions of the CAA, as amended in 1990, will require regulation of many small businesses so that areas may attain and maintain the National ambient air quality standards (NAAQS) and reduce the emission of air toxics. Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, the CAA requires that States adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), and submit this PROGRAM as a revision to the federally-approved SIP. In addition, the CAA directs the EPA to oversee