

(e) This amendment (39-9284) becomes effective on July 28, 1995. Issued in Kansas City, Missouri, on June 13, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

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NATIONAL LABOR RELATIONS BOARD

29 CFR Parts 100 and 102

Miscellaneous Amendments

AGENCY: National Labor Relations Board (NLRB).

ACTION: Miscellaneous amendment rule.

SUMMARY: The National Labor Relations Board is issuing a miscellaneous amendments rule to its administrative regulations to update cross-references and to change the NLRB's headquarters address.

EFFECTIVE DATE: The miscellaneous amendments are effective June 23, 1995.

FOR FURTHER INFORMATION CONTACT: Gloria Joseph, Director of Administration, National Labor Relations Board, Room 7108, 1099 14th Street NW, Washington, DC 20570-0001. (202-273-3890).

SUPPLEMENTARY INFORMATION: On July 21, 1994, the National Labor Relations Board amended its administrative regulations (59 FR 37157) governing the standards of conduct and financial disclosure requirements of its employees of the Agency. Most of those regulations had been superseded by the Standards of Ethical Conduct for Employees of the Executive Branch issued by the Office of Government (OGE). The NLRB published the rule to repeal those portions of the provisions that were superseded by the executive branch-wide standards and to update cross-references in the current regulations that continued to be applicable. Again, on May 5, 1995, the NLRB published a rule to correct amendatory instructions 4, and 5, and amendatory instruction 10. (59 FR 37158) of the July 21, 1994 amending rule (60 FR 22269). This miscellaneous amendments rule is being published to update cross-references, and change the NLRB's headquarters address in some sections from its former address of 1717 Pennsylvania Avenue NW to its current address of 1099 14th Street NW.

List of Subjects in 29 CFR Parts 100 and 102

Administrative practice and procedure; Civil rights; Claims; Equal

employment opportunity; Individuals with disabilities.

Parts 100 and 102 of Title 29 CFR are amended as follows:

PART 100—ADMINISTRATIVE REGULATIONS

1. The authority citation for part 100 is revised to read as follows:

Authority: Sec. 6, National Labor Relations Act, as amended (29 U.S.C. 141, 146).

Subpart A is also issued under 5 U.S.C. 7301; 5 U.S.C. app. (Ethics in Government Act of 1978); E.O. 12674, 3 CFR 1989 Comp., 215, as modified by E.O. 12731, 3 CFR 1990 Comp., p. 306; 5 CFR 2635.105, 2635.403, 2635.802(a), 2635.803; 18 U.S.C. 201 et seq.; 18 U.S.C. 208; 57 FR 56433 (codified at 5 CFR 735).

Subpart B is also issued under the Inspector General Act of 1978, as amended by the Inspector General Act Amendment of 1988, 5 U.S.C. app. 3; 18 U.S.C. 201 et seq.; 5 CFR 735; 42 U.S.C. 2000e-16(a); 29 CFR 1613.2049a) and 29 CFR 1613.216.

Subpart D is also issued under 28 U.S.C. 2672; 28 CFR part 14.

Subpart E is also issued under 29 U.S.C. 794.

§ 100.502 [Amended]

2. In § 100.502, reference “(§§ 100.601-100.670)” is revised to read “(§§ 100.501-100.570)”.

§ 100.503 [Amended]

3. In § 100.503, in the definition of “qualified individual with handicaps”, in paragraph (4), the reference “§ 100.640” is revised to read “§ 100.540”.

§ 100.549 [Amended]

4. In § 100.549, reference “§ 100.150” is revised to read “§ 100.550”.

§ 100.550 [Amended]

5. In § 100.550(a)(3) and (b)(2), reference “§ 100.650(a)” is revised to read “§ 100.550(a)”.

§ 100.560 [Amended]

6. In § 100.560(d) reference “§ 100.160” is revised to read “§ 100.560”.

PART 102—RULES AND REGULATIONS, SERIES 8

1. The authority citation for Part 102 continues to read as follows:

Authority: Sec. 6, National Labor Relations Act, as amended (29 U.S.C. 151, 156). Section 102.117 also issued under sec. 552(a)(4)(A) of the Freedom of Information Act, as amended (5 U.S.C. 552(a)(4)(A)), and section 552a(j) and (k) of the Privacy Act (5 U.S.C. 552a(j) and (k)). Sections 102.143 through 102.155 also issued under sec. 504(c)(1) of the Equal Access to Justice Act as amended (5 U.S.C. 504(c)(1)).

§ 102.117 [Amended]

2. In § 102.117(f), (g), and (i) the address “1717 Pennsylvania Avenue NW., Washington, DC 20570” is revised to read “1099 14th Street NW., Washington, DC 20570”.

3. In § 102.117, paragraph (c)(2)(iii)(a), (b), and (c) is renumbered as paragraph (c)(2)(iii)(A), (B), and (C).

By direction of the Board.

National Labor Relations Board,

John J. Toner,

Acting Executive Secretary.

[FR Doc. 95-15352 Filed 6-22-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 63

[AD-FRL-5217-2]

RIN 2060-AE04

National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action promulgates national emission standards for hazardous air pollutants (NESHAP) for new and existing secondary lead smelters pursuant to section 112 of the Clean Air Act (the Act) as amended in 1990. Secondary lead smelters have been identified by the EPA as significant emitters of several chemicals identified in the Act as hazardous air pollutants (HAP's) including but not limited to lead compounds, arsenic compounds, and 1,3-butadiene. Chronic exposure to arsenic and 1,3-butadiene is associated with skin, bladder, liver and lung cancer and other developmental and reproductive effects. Exposure to lead compounds results in adverse effects on the blood, central nervous system and kidneys. Children are particularly sensitive and exposure to lead compounds can also result in reduced cognitive development and reduced growth. This rulemaking will affect secondary lead smelters that use blast, reverberatory, rotary, or electric smelting furnaces to recover lead metal from scrap lead, primarily from used lead-acid automotive-type batteries. The purpose of the final rule is to reduce HAP emissions from secondary lead smelting. This rule is estimated to reduce emissions, including metal HAP's and organic HAP's, by about 1,300 megagrams (1,400 tons) per year.

The NESHAP provides protection to the public by requiring all secondary lead smelters to meet emission standards reflecting the application of the maximum achievable control technology (MACT). The NESHAP regulates emissions of lead compounds and total hydrocarbons (THC's) as surrogates for metal HAP's and organic HAP's, respectively. The EPA is also adding secondary lead smelters that are area sources to the list of source categories that are subject to MACT standards.

EFFECTIVE DATE: June 23, 1995.

ADDRESSES: *Docket.* Docket No. A-92-43, containing information considered by the EPA in development of the promulgated standards, is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (MC-6102), 401 M Street, SW, Washington, DC 20460; telephone (202) 260-7548. The docket is located at the above address in Room M-1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

Background Information Document. A background information document (BID) for the promulgated standards may be obtained from the docket; the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone (919) 541-2777; or from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, telephone (703) 487-4650. Please refer to "Secondary Lead Smelting—Background Information for Promulgated Standards," (EPA-453/R-95-008b).

The BID contains a summary of all the public comments made on the proposed standards and the EPA's response to the comments. It also contains a summary of the changes made to the standards since proposal.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Mulrine, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541-5289.

SUPPLEMENTARY INFORMATION:

Judicial Review. Under section 307(b)(1) of the Act, judicial review of a 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
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I. Background

On July 16, 1992 (57 FR 31576), the EPA published a list of major and area sources for which NESHAP are to be promulgated. On December 3, 1993 (58 FR 63941), the EPA published a schedule for promulgation of those standards. The secondary lead smelting source category is included on the list of major sources and the EPA is required to establish national emission standards by May 31, 1995 according to this schedule. Major sources are those sources emitting 10 or more tons per year of any one HAP or 25 or more tons per year of a combination of HAP's.

This NESHAP was proposed in the **Federal Register** on June 9, 1994 (59 FR 29750). The same notice also announced that the EPA was proposing to add secondary lead smelters that are area sources to the list of source categories that will be subject to national emission standards. Area sources are those smelters emitting less than 10 tons per year of any single HAP and less than 25 tons per year of a combination of HAP's. The EPA received 31 letters commenting on the proposed rule and proposed area source listing. The EPA received no requests for a public hearing. The EPA published a supplemental notice announcing the availability of new data regarding the proposed standards for hydrogen chloride/chlorine (HCl/Cl₂) emissions on April 19, 1995 (60 FR 19556). The

EPA received eight comment letters in response to the supplemental notice.

II. Summary

A. Summary of Promulgated Standards

The promulgated rule establishes standards to limit HAP emissions from smelting furnaces, refining kettles, agglomerating furnaces, dryers, and fugitive dust sources at both major source and area source secondary lead smelters. The promulgated rule does not apply to primary lead smelters, lead refiners, or lead remelters.

Emission standards promulgated under section 112 are to be technology-based and are to reflect the maximum degree of reduction of HAP emissions achievable taking into consideration the cost of achieving the emission reduction, any nonair quality health and environmental impacts and energy requirements. These standards are termed MACT standards. Emission reduction may be accomplished through application of a variety of measures, methods, or techniques. Emission standards, however, can be no less stringent than a minimum baseline or "floor" for standards set out in the statute.

For new sources, the standards for a source category or subcategory cannot be less stringent than the emission control that is achieved in practice by the best controlled similar source. The standards for existing sources can be less stringent than standards for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources (excluding certain sources described in section 112(d)(3) of the Act) for categories and subcategories with 30 or more sources, or the best-performing 5 sources for categories and subcategories with fewer than 30 sources. There are fewer than 30 secondary lead smelters, so the standards for existing sources are based on the best-performing 5 sources.

Floor levels of control were determined for each of the affected source types under consideration for regulation. Source types are process sources, process fugitive sources, and fugitive dust sources. For process fugitive sources and fugitive dust sources, which are similar in character and emissions potential across all secondary lead smelters, the entire population of secondary lead smelters are considered in determining MACT floor levels of control. For process sources, specifically smelting furnaces, smelters are differentiated and divided into configurations based on the

smelting furnace types used at individual smelters. In all but one case, floors for existing source MACT and new source MACT are identified. In the one case where existing source MACT is less stringent than new source MACT, the determination was made that the establishment of standards beyond the existing source floor was unreasonable. A complete discussion of the selection of the MACT and basis of standards for each source type is presented in the preamble to the proposed rule (59 FR 29760; June 9, 1994).

1. Process Emission Sources

Owners and operators of all smelting furnace types must limit lead compound emissions, which is a surrogate for all metal HAP's, to no more than 2.0 milligrams per dry standard cubic meter (mg/dscm; 0.00087 grains per dry standard cubic foot (gr/dscf)). Owners and operators must limit THC emissions, which is a surrogate for all organic HAP's, to varying levels depending on the smelting furnace type. No THC limits apply to reverberatory, rotary, and electric furnaces not collocated with blast furnaces.

Owners and operators of collocated reverberatory and blast furnaces must comply with a THC limit of 20 parts per million by volume (ppmv) as propane at 4 percent carbon dioxide (CO₂) when both furnaces are operating. Less stringent limits apply when the reverberatory furnace is not operating. When the reverberatory furnace is not operating, new blast furnaces collocated with reverberatory furnaces must comply with a THC limit of 70 ppmv, and existing blast furnaces must comply with a THC limit of 360 ppmv.

Owners and operators of new blast furnaces located at blast-furnace-only smelters must comply with a THC limit of 70 ppmv. Existing blast furnaces located at blast-furnace-only smelters must comply with a THC limit of 360 ppmv. The THC emissions from each blast furnace charging chute at all smelters with blast furnaces shall not exceed 0.20 kilograms per hour (kg/hr; 0.44 pounds per hour (lb/hr)).

Table 2 in the attached regulatory text summarizes the emission limits for smelting furnace process sources.

2. Process Fugitive Emission Sources

Owners and operators must comply with either of two process fugitive emission control options. Each process fugitive emission source must be controlled either by an enclosure-type hood that is ventilated to a control device or must be fully enclosed within a containment building (within the meaning of 40 CFR part 265, subpart

DD) that is ventilated to a control device. Lead compound emissions, as a surrogate for all metal HAP's, from each hood or building control device are limited to 2.0 mg/dscm (0.00087 gr/dscf).

Refining kettle enclosure hoods must have a minimum air velocity into all hood openings (i.e., face velocity) of 75 meters per minute (m/min; 250 feet per minute (fpm)), and the enclosure hoods over drying kiln transition pieces must have a minimum face velocity of 110 m/min (350 fpm). All other process fugitive emission sources (charging points, lead and slag taps, and agglomerating furnaces) with an enclosure hood must have a minimum face velocity of 90 m/min (300 fpm). If a ventilated building is used to control process fugitive sources, then it must have a minimum air velocity into the building through all openings of 75 m/min (250 fpm).

Table 3 in the attached regulatory text summarizes the requirements for process fugitive emission sources.

3. Fugitive Dust Sources

Fugitive dust emissions must be controlled by the measures specified in a standard operating procedures (SOP) manual. The SOP must be developed by the owner or operator of each smelter and submitted to the Administrator for approval. The SOP must describe the measures that will be used to control fugitive dust emissions from plant roadways; the battery breaking area; the furnace, refining, and casting areas; and the materials storage and handling areas. Acceptable control measures include either a total enclosure of the fugitive dust source and ventilation of the enclosure to a control device, or a combination of partial enclosures, wet suppression, and pavement cleaning. Lead compound emissions, as a surrogate for all metal HAP's, from enclosure control devices must be limited to 2.0 mg/dscm (0.00087 gr/dscf).

4. Compliance Dates

Compliance for existing sources must be achieved no later than June 23, 1997, or upon startup for new or reconstructed sources.

5. Compliance Test Methods

Compliance with the emission limits for lead compounds shall be determined according to EPA Reference Method 12 (40 CFR part 60, appendix A). Compliance with the THC emission limits shall be determined according to EPA Reference Method 25A (40 CFR part 60, appendix A). Concentrations of THC shall be reported in ppmv, as

propane, corrected to 4 percent CO₂ to correct for dilution. Sampling point locations shall be determined according to EPA Reference Method 1, and stack gas conditions shall be determined, as appropriate, according to EPA Reference Methods 2, 3, 3B, and 4 (40 CFR part 60, appendix A).

6. Monitoring Requirements

The rule requires an initial lead compound emission test to demonstrate compliance with the lead compound emission standards. All owners and operators must also prepare SOP manuals for the systematic inspection and maintenance of all baghouses. Each manual shall also include provisions for the diagnosis of problems and a corrective action plan. In addition, all baghouses are required to have bag leak detection systems with alarms to indicate bag leaks or other causes of increased emissions. Plans for corrective action must prescribe procedures to be followed whenever an alarm is triggered.

Compliance with the THC emission standards (except that for blast furnace charging) will require monitoring either afterburner or incinerator temperature or THC concentration. Only an initial compliance test is required for blast furnace charging.

7. Notification Requirements

The owner or operator will be required to comply with the notification requirements in the General Provisions to part 63 (40 CFR part 60, subpart A). In addition, owners and operators will be required to submit the fugitive dust control SOP and the baghouse SOP to the Administrator for review and approval.

8. Recordkeeping and Reporting Requirements

Owners and operators will be required to comply with the recordkeeping and reporting requirements in the General Provisions to part 63 (40 CFR part 63, subpart A). In addition, the owners and operators will be required to maintain records demonstrating that they have implemented the requirements of the fugitive dust control SOP and the baghouse SOP, including records of all bag leak detection system alarms and corrective actions.

B. Summary of Major Changes Made Since Proposal

Based on public comments received in response to both the initial notice of proposal and the supplemental notice, and other data received since proposal, the EPA has made several changes to the

proposed rule. The BID referred to in the ADDRESSES section of this preamble contains a complete explanation of the EPA's reasons for making each of these changes. A summary of the major changes is presented below.

1. Applicability

The applicability of the rule was clarified by adding a statement that the rule does not apply to primary lead smelters, lead refiners, and lead remelters.

2. Standards for Process Sources

The THC emission limits for blast furnaces collocated with reverberatory furnaces were revised to account for periods when the reverberatory furnace is not operating.

When the reverberatory furnace is not operating, these blast furnaces will be allowed to meet the same THC limits as new and existing blast furnaces located at blast-furnace-only smelters (70 ppmv and 360 ppmv, respectively). The proposed standards required that reverberatory/blast furnace facilities meet a THC emission limit of 20 ppmv at all times. The proposed HCl/Cl₂ emission standards (and associated testing and monitoring requirements) are not being promulgated.

3. Standards for Process Fugitive Sources

The ventilation requirements for hoods have been modified; the volumetric flow rate requirement for refining kettle hoods has been withdrawn and the face velocity requirements for furnace charging and tapping have been lowered from 110 m/min (350 fpm) to 90 m/min (300 fpm). A provision has been added that will allow owners and operators to control process fugitive emission sources by enclosing them in a building that is ventilated to a control device, rather than having to comply with the enclosure hood and face velocity requirements at each emission source.

4. Test Methods and Schedule

The annual lead test has been withdrawn for all sources; only an initial lead test is now required. Velometers (anemometers) have been added as an alternate method for determining face velocities for process fugitive hoods and building doorways.

5. Monitoring Requirements

The proposed rule would have required a continuous opacity monitor (COM) and a site-specific opacity limit for monitoring lead compound emissions from process sources. These requirements have been withdrawn.

Rather than install and operate a COM, each owner or operator must now prepare a baghouse SOP manual that includes an inspection and maintenance procedure and a corrective action plan for all process, process fugitive, and fugitive dust baghouses. Each baghouse must also be fitted with a bag leak detection system with an alarm to monitor baghouse performance. An alarm signal by itself is not considered to be a violation of the lead compound emission limit. To maintain compliance, the owner or operator must follow the inspection and maintenance procedure and comply with the requirements of the corrective action plan whenever an alarm is activated.

There has been no change to the organic HAP monitoring requirements. The proposed HCl/Cl₂ monitoring requirements have been withdrawn.

6. Recordkeeping and Reporting Requirements

The recordkeeping and reporting requirements have been revised so they are consistent with the baghouse SOP manual in the revised monitoring requirements. Owners and operators also will be required to record the date and time of all bag leak detection system alarm signals, their cause, the corrective action taken, and the timing for such action.

The requirements for THC recordkeeping and reporting have been clarified so that only the 3-hour averages that are not in compliance with the allowable afterburner or incinerator temperature, or THC concentration must be reported, rather than all 3-hour averages for the entire reporting period. The recordkeeping and reporting requirements associated with the HCl/Cl₂ emission standards have been withdrawn. Finally, the reporting frequency has been changed to be consistent with the requirements under § 63.10 of the General Provisions.

C. Summary of Environmental, Health, Cost, and Economic Impacts

The final standards will reduce total nationwide emissions of both metal HAP's and organic HAP's from secondary lead smelters by 1,283 megagrams per year (Mg/yr) (1,411 tons/yr). These reductions include 53 Mg/yr (58 tons/yr) of metal HAP's and 1,230 Mg/yr (1,353 tons/yr) of organic HAP's. No reductions in HCl/Cl₂ emissions are expected as a direct consequence of the final rule because of the deletion of HCl/Cl₂ emission standards since proposal. However, emissions of HCl/Cl₂ are expected to be essentially eliminated in any case because of the elimination of polyvinyl chloride (PVC) plastic as a

separator material in batteries. The rationale for not promulgating HCl/Cl₂ emission standards is explained in section IV(B) of this preamble.

These emission reductions will have a positive effect on public health. Metal HAP emissions from secondary lead smelting include lead compounds and arsenic compounds, among others. Populations around secondary lead smelters can be exposed to metal HAP's through inhalation or through ingestion of metal HAP's that have settled on the soil in the vicinity of the smelter. Exposure to lead compounds occurs through inhalation or ingestion, but the effects are the same regardless of the route of exposure. Chronic exposure to lead compounds results in adverse effects on the blood, central nervous system, blood pressure, kidneys, and vitamin D metabolism. Children are particularly sensitive and exposure can also result in reduced cognitive development and reduced growth. Adverse effects on human reproduction have also been reported. Lead compounds can be persistent in the environment and have the potential to accumulate in food chains.

Chronic inhalation exposure to arsenic compounds is strongly associated with lung cancer and is associated with irritation of the skin and mucous membranes (dermatitis, conjunctivitis, pharyngitis, and rhinitis). Chronic oral exposure has resulted in gastrointestinal effects, anemia, peripheral nerve damage, skin lesions, and liver or kidney damage and is linked to skin, bladder, liver, and lung cancer.

Organic HAP emissions from secondary lead smelting include 1,3-butadiene, among other organic compounds. The effects of chronic exposure to 1,3-butadiene include increased cardiovascular disease. Animal studies of chronic exposure to 1,3-butadiene indicate effects on respiratory and cardiovascular systems and the liver, as well as developmental and reproductive effects. Animal studies have also reported tumors from inhalation exposure to 1,3-butadiene and the EPA has classified 1,3-butadiene as a probable human carcinogen.

In addition to the reductions in HAP air emissions achieved, the final standards will also achieve reductions in nationwide emissions of two criteria pollutants, carbon monoxide and particulate matter. Compliance with the final standards will reduce emissions of particulate matter by 135 Mg/yr (149 tons/yr) and those of carbon monoxide by 80,000 Mg/yr (88,000 tons/yr).

No significant adverse secondary air, water, or solid waste impacts are anticipated from these standards. The national annual energy usage due to the installation of the required control devices is expected to be 5.0 million cubic meters per year (180 million cubic feet per year) of natural gas to operate afterburners on blast furnaces and reverberatory/blast furnace smelters. The natural gas consumption estimated at proposal was 3.7 million cubic meters (130 million cubic feet per year). The increase since proposal is due to a revised analysis of the control equipment and amount of natural gas needed to perform gas stream blending to control organic HAP emissions from reverberatory/blast furnace smelters. No other notable energy impacts are expected.

The implementation of this regulation is expected to result in a national annual cost of \$2.8 million. This includes an annualized cost from installation of control devices of \$1.86 million and total monitoring, reporting, and recordkeeping costs of \$0.93 million. At proposal, the estimated national costs were \$2.6 million per year. The annualized control costs were estimated to be \$890,000 and the annual costs for monitoring, recordkeeping, and reporting were \$1.7 million. The annualized control costs have increased since proposal because the cost estimate to control organic HAP emissions from reverberatory/blast furnace smelters was revised in response to public comments. The annual monitoring, recordkeeping, and reporting costs have decreased since proposal because the HCl/Cl₂ monitoring requirements have been withdrawn and the final metal HAP monitoring requirements involve fewer emission tests and less expensive monitoring devices than at proposal.

The economic impact analysis done at proposal showed that the economic impacts from the proposed standard would be insignificant. The economic impact analysis was not revised for promulgation because the relatively small increase in costs is not expected to have any effect on the conclusions of the economic impact analysis.

III. Public Participation

On November 17, 1992, the EPA presented the National Air Pollution Control Techniques Advisory Committee with an overview of the EPA's decision to regulate surrogates in place of regulating individual metal HAP's and organic HAP's.

Prior to proposal of the standards, owners and operators of secondary lead smelters were invited by the EPA to participate in a meeting to discuss the

results of the EPA's secondary lead smelter testing program as well as the standards being evaluated for proposal. This meeting was held on October 5, 1993. The comments submitted following this meeting were incorporated into the proposed rule.

The standards were proposed and published in the **Federal Register** on June 9, 1994 (59 FR 29750). The preamble to the proposed standards discussed the availability of the BID, which described the technical basis and the impacts of the proposed standards. Public comments were solicited at the time of proposal.

To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards, the opportunity for a public hearing was offered at proposal; however, no requests for a hearing were received. The public comment period was from June 9, 1994 to August 8, 1994. Thirty-one comment letters were received. A supplemental notice was published on April 19, 1995 (60 FR 19556) and eight comment letters were received. The comments were carefully considered by the Administrator in formulating the final rule.

IV. Significant Comments and Responses

The EPA received comment letters on the proposed standards from owners and operators of secondary lead smelters and industry trade associations, States, equipment vendors, and environmental groups. A detailed discussion of all the comments and the EPA's responses can be found in the promulgation BID, which is referenced in the **ADDRESSES** section of this preamble. The summary of comments and responses in the BID serves as the basis for the revisions that have been made to the standards between proposal and promulgation. Most of the comment letters contained multiple comments.

Significant comments and new information were received on four topics since proposal: the area source finding, the standards for process sources (especially those proposed for HCl/Cl₂ emissions), the monitoring requirements for metal HAP's, and the exemption from the Resource Conservation and Recovery Act (RCRA) boiler and industrial furnace (BIF) emission standards. These comments and the EPA's responses are summarized in this preamble.

A. Adverse Health Effects Finding for Area Sources

Six commenters agreed with the EPA's finding that smelters that are area

sources (i.e., those with emissions of less than 10 tons per year of any one HAP or 25 tons per year of a combination of HAP's) should be listed as sources subject to section 112 standards and should be subject to the same regulations as smelters that are major sources. Seven commenters disagreed with the EPA's decision to regulate area sources; three of the seven argued that the risks are insufficient to warrant regulation under MACT standards. After considering all comments on the subject, the EPA continues to believe that area sources should be regulated under MACT standards and is, therefore, maintaining its decision to regulate secondary lead smelters that are area sources under this final action.

The decision to list area source smelters to regulate them under the same standards as major source smelters is based on the cancer risks from secondary lead smelter emissions and noncancer health risks posed by lead compound emissions. The estimated annual cancer incidence is 0.1 cases for all seven smelters predicted to be area sources. This cancer incidence is due primarily to exposure to 1,3-butadiene and arsenic. The maximum exposed individual has a cancer risk of 1 in 1,000 and 560,000 individuals are estimated to be exposed to a risk greater than 1 in 1 million.

Section 112(c)(3) of the Act does not offer a "bright line" test for the EPA to use in making an area source finding. Instead, the EPA believes that it has discretion to consider a range of health effects endpoints and exposure criteria in making the requisite finding of a threat of adverse effects to health or the environment. In making area source listing determinations, the EPA strives to provide maximum feasible protection against risks to health from HAP's by: (1) Protecting the greatest number of persons possible to an individual lifetime cancer risk level of no higher than approximately 1 in 1 million and (2) limiting to no more than 1 in 10,000 the estimated cancer risk to the hypothetical maximum exposed individual. The estimated cancer risks presented by area source smelters are consistent with those supporting similar EPA decisions to regulate other categories of area sources and with the EPA's strategy to implement section 112 (57 FR 31576, July 16, 1992).

Exposure to lead compounds is also a concern. It is estimated that 250 individuals in the vicinity of area source smelters are exposed to ambient lead levels above the national ambient air quality standard (NAAQS) for lead of 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).

Emissions that result in ambient lead concentrations below the NAAQS are also troubling. Ambient lead levels, particularly in urban areas, may already represent a substantial portion of the lead NAAQS (56 FR 7167, February 21, 1991; 52 FR 16994, May 6, 1987) (existing substantial ambient concentrations of lead justify lowering permissible air emissions for lead from boilers and industrial furnaces burning hazardous waste). Estimates indicate that 300 individuals may be exposed to ambient lead levels above $1.0 \mu\text{g}/\text{m}^3$ (two-thirds the current NAAQS) and 1500 individuals may be exposed to levels above $0.5 \mu\text{g}/\text{m}^3$ (one-third the current NAAQS) due to the area source smelters. Finally, recent scientific information suggests that lead blood levels in children lower than previously thought may cause adverse health effects (56 FR 7167, February 21, 1991; 56 FR 26469, June 7, 1991) (establishing standards for lead in drinking water).

Lead is also persistent in the environment and individuals, particularly children, can be exposed through pathways other than inhalation. The sites of two former smelters have required Federal cleanup action under the Comprehensive Environmental Response, Compensation, and Liability Act, also known as "Superfund." Both sites were contaminated by lead deposition onto surrounding soil. Deposition at these sites was caused by the same types of air emission sources that will be regulated by this rule.

In short, the EPA finds that secondary lead smelter area sources pose potential adverse human health and environmental threats that justify listing under section 112(c)(3). The Agency further finds that MACT standards are the most appropriate for these sources.

The EPA considers the cost impacts of the final rule, including the regulation of area source smelters by MACT standards, to be reasonable. The pollutants being regulated are especially toxic, warranting heightened control. (cf. S. Rept. 228, 101st Cong., 1st sess., 173.) The overall cost-effectiveness of the rule will be about \$1,400 per Mg (\$1,300 per ton) of HAP reduced. The EPA's decision to regulate both major and area sources by the same standards also eliminates the potential for adverse effects on competition within the industry.

Finally, the EPA believes that regulating all smelters under the same regulations is consistent with the Agency's responsibilities for achieving environmental justice under Executive Order (E.O.) No. 12898. Historically, some secondary lead smelters have had adverse impacts on communities that

are disproportionately represented by minority and lower income populations. Some area source smelters are currently located in communities that are disproportionately represented by minority and lower income populations. Therefore, the EPA believes that regulating all smelters under MACT standards addresses the objectives of E.O. 12898.

B. Hydrogen Chloride/Chlorine Emission Standards

The proposed rule contained emission standards and monitoring requirements to control HCl and Cl₂ emissions from all furnace types. Hydrogen chloride and Cl₂ are formed from the combustion of PVC plastic separators that are found in some used lead-acid batteries. The only significant source of HCl/Cl₂ emissions is from feedstock materials containing PVC. At proposal, the EPA believed that many used lead-acid batteries contained PVC separators. Based on the results of tests at several smelters, the EPA predicted at proposal that the addition of soda ash or limestone fluxing agents to the feed material could achieve the same level of HCl/Cl₂ control as an acid gas scrubber, but at a much lower cost. The proposed emission standards and monitoring requirements and the estimated cost impacts were based on the use of fluxing agents.

Several comments were received stating that the feasibility of fluxing as a control may be overstated and scrubbers may be necessary in many cases. Several commenters also asserted that the proposed HCl/Cl₂ emission standards are not needed because PVC is no longer used as a separator material. Information obtained by the EPA since proposal confirms that PVC is no longer used as a separator material and the proportion of spent batteries with PVC is expected to decline as these batteries are removed from service and recycled (Docket Item IV-D-34). In 1990, about 1 percent of scrap batteries processed at lead smelters contained PVC separators. In 1994, less than 0.1 percent of scrap batteries contain PVC. The EPA predicts that by the time existing smelters must demonstrate compliance with these standards in 1997, batteries containing PVC will only be present in the scrap battery inventory in trace amounts, resulting, at most, in only trivial amounts of HCl or Cl₂ air emissions.

Data provided to the EPA since proposal also indicates that the EPA may have overstated the feasibility of fluxing as a control option. At the blast furnace tested by the EPA, powdered fluxing agents were mixed with flue dust in a briquetting machine and the

briquettes were then charged to the furnace. This smelter is the only facility handling flux and flue dust in this manner. After proposal, the operators of a blast-furnace-only smelter that recycled agglomerated flue dust sponsored an HCl testing program in which additional flux was added to the furnace separately in the form of crushed limestone. The test results obtained show that additional fluxing in this manner achieved no incremental reduction in HCl emissions. A reevaluation of the fluxing issue suggests that flux material must be mixed with the flue dust, for example through briquetting, to achieve effective HCl/Cl₂ control. Mixing powdered flux and the flue dust is necessary to achieve a close physical association to promote the chemical reactions that prevent HCl and Cl₂ emissions.

If HCl/Cl₂ control were still required by the rule, those smelters that do not currently operate a scrubber or combine flue dust with flux before charging them to the furnace would need to install and operate a scrubber or reconfigure the flue dust handling and flux delivery system. The cost impacts of the proposed HCl/Cl₂ emission standards, therefore, would be substantially greater than those estimated at proposal. However, as noted above, the EPA predicts that secondary lead smelters will no longer be sources of HCl or Cl₂ emissions when the rule takes effect. For that reason, the EPA is withdrawing the proposed HCl/Cl₂ emission standards and associated monitoring requirements.

Six commenters agreed with the EPA's decision to withdraw the HCl/Cl₂ emission standards and associated monitoring requirements for this rule. Two commenters disagreed with EPA's decision to withdraw the HCl/Cl₂ emission standards. One argued that lead-contaminated personal protective equipment (PPE) that is disposed of in the smelting furnaces could be a source of PVC in addition to battery separators. The other commenter argued for temporary HCl/Cl₂ emission standards for a minimum of 3 to 5 years to confirm that HCl/Cl₂ emissions have been reduced.

Data provided by a smelter operator indicate that less than one ton per year of lead-contaminated PPE is disposed of in the smelting furnace of a large smelter. Only a fraction of PPE is PVC and only a fraction of PVC is chlorine (Docket Item IV-D-47). Therefore, the potential HCl/Cl₂ emissions attributed to PPE disposal is minimal. A worse case estimate of HCl/Cl₂ emissions due to PPE disposal indicates maximum

emissions on the order of a few hundred pounds per year.

In regard to the issuance of temporary standards, pending confirmation that HCl/Cl₂ emissions have been reduced, the EPA acknowledges that such an action would be prudent if the predicted decline in PVC was uncertain. However, the EPA is reasonably confident that the predicted decline in PVC separators in secondary lead smelter feedstock will continue and PVC will be present in only trace quantities by the 1997 effective date of this rule. Therefore, it is EPA's judgement that a temporary HCl/Cl₂ emission standard is unnecessary.

After considering all comments, the EPA believes the HCl/Cl₂ emission standards and associated monitoring requirements should be deleted from the rule.

C. Metal Hazardous Air Pollutant Monitoring Requirements

The proposed rule would have required each smelter to install and operate a COM and establish a site-specific opacity limit during the initial lead compound compliance test for process sources. Exceeding this opacity limit would have constituted a violation of the lead compound emission standard. For process fugitive and fugitive dust sources, the proposed rule required an annual lead test and a baghouse inspection and maintenance plan.

The EPA received many comments that presented technical arguments against the proposed metal HAP monitoring requirements. Several commenters argued that there is a poor correlation among lead, particulate matter, and opacity at low grain loadings. Therefore, the argument goes, opacity cannot be used as a reliable surrogate to indicate compliance with a numerical lead emission limit. Other commenters recommended that other technologies are more reliable, accurate, and cost effective than COM's for detecting broken bags in baghouses, particularly bag leak detection systems using triboelectric or light scattering effects.

Based on these comments and additional information collected from monitoring equipment vendors since proposal, the EPA has revised the metal HAP monitoring requirements. The final monitoring provisions require an SOP for baghouse inspection and maintenance that includes a bag leak detection system with an alarm and a corrective action plan for responding to alarms. The same monitoring requirements will apply to all metal HAP emission sources that are

controlled by baghouses (i.e., process, process fugitive, and fugitive dust sources).

The bag leak detection system must be fully operational prior to the initial lead compliance test. However, the detection system will not be used to monitor compliance with the numerical lead emission limit; it will be used to monitor baghouse performance and operating conditions to indicate baghouse failures.

The EPA agrees that COM's cannot be used to monitor compliance with a numerical lead compound emission limit applicable to secondary lead smelting. Instead, the EPA has determined that compliance can be demonstrated and ensured through well-specified operation and maintenance procedures as delineated in this final rule.

D. Exemption From Resource Conservation and Recovery Act Boiler and Industrial Furnace Emission Standards

The EPA proposed to continue the exemption (40 CFR 266.100(c)) for RCRA regulation of air emissions from secondary lead smelters burning hazardous wastes solely for metal recovery. All commenters agreed that this is an appropriate approach. As the EPA stated at proposal, this exemption is temporary and permanent resolution can be made at the time of the section 112(f) residual risk determination.

V. Administrative Requirements

A. Docket

The docket is an organized and complete file of all the information considered by the EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docket system is intended to allow members of the public and affected industries to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the BID's and preambles to the proposed and promulgated standards, the contents of the docket will serve as the official record in case of judicial review (section 307(d)(7)(A) of the Act).

B. Executive Order 12866

The Agency must determine whether a regulatory action is "significant" and therefore subject to OMB review and the requirements of the E.O. 12866, (58 FR 51735, October 4, 1993). The Executive 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. Changes made in response to OMB suggestions or recommendations have been documented in Docket A-92-43 (see the ADDRESSES section of this preamble).

C. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act") requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any 1 year. Section 203 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the Agency must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The Agency must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this final rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of significantly less than \$100 million in any 1 year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the Agency is not

required to develop a plan with regard to small governments.

D. Paperwork Reduction Act

Information collection requirements associated with this regulation (those included in 40 CFR part 63, subpart A and subpart X) have been approved by the Office of Management and Budget (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 2060-0296. An Information Collection Request (ICR) document has been prepared by the EPA (ICR No. 1686.02) to reflect the revised information requirements of the final rule and has been submitted to OMB for review. A copy may be obtained from Sandy Farmer, Information Policy Branch, 401 M Street, SW. (2136), Washington, DC 20460, or by calling (202) 260-2740.

The annual industry recordkeeping and reporting burden and costs averaged over the first 3 years for secondary lead smelters are 11,300 hours and \$452,000 per year. This collection of information is estimated to have an annual government recordkeeping and reporting burden averaging 1,600 hours over the first 3 years. These burden estimates include time 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 aspects of this collection of information, including suggestions for reducing this burden to Chief, Information Policy Branch (EPA 2136); U.S. Environmental Protection Agency, 401 M Street, SW., 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 the EPA."

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (or RFA, Public Law 96-354, September 19, 1980) requires Federal agencies to give special consideration to the impact of regulation on small businesses. The RFA specifies that a regulatory flexibility analysis must be prepared if a screening analysis indicates a regulation will have a significant economic impact on a substantial number of small entities. For this industry, a small entity is defined as one with 500 or fewer employees. A "substantial number" of small entities is generally considered to be more than 20 percent of the small entities in the affected industry.

Regulatory impacts are considered significant if:

- (1) Annual compliance costs increase total costs of production by more than 5 percent;
- (2) Annual compliance costs as a percent of sales are at least 20 percent higher for small entities;
- (3) Capital cost of compliance represents a significant portion of capital available to small entities; or
- (4) The requirements of the regulation are likely to result in closures of small entities.

The results of the economic assessment performed at proposal served as the regulatory flexibility analysis and indicated that the rule will have an economic impact on small business entities. The assessment has not been updated because the impacts on the small entities have not increased since proposal. However, adverse economic impacts have been minimized to the greatest extent possible in this rulemaking, and those that remain are unavoidable. All of the small entities that are currently operating and that are impacted are major sources of HAP's for which the EPA is required to adopt MACT standards. Consequently, the economic impacts cannot be minimized by promulgating less stringent standards based on generally achievable control technology (GACT). The final standards are based on MACT floor controls, and in no instance did the EPA establish standards based on controls more stringent than the floor. The EPA was also able to identify alternatives to add-on controls (e.g., work practice controls) in the MACT floors that offered equivalent levels of control. The EPA has minimized the impacts associated with monitoring by adopting a surrogate pollutant approach and by allowing for alternative monitoring strategies when available. The impacts on all entities have been reduced since proposal by withdrawing the HCl/Cl₂ emission standards and by revising the metal HAP monitoring requirements. Finally, the EPA has minimized the impacts associated with recordkeeping and reporting by promulgating only the minimum requirements needed to document continuous compliance with the emission limits.

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 63

Air pollution control, Hazardous substances, Incorporation by reference, Reporting and recordkeeping requirements, Secondary lead smelters.

Dated: May 31, 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 follows:

PART 9—[AMENDED]

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

Authority: 7 U.S.C. 135 et seq., 136-136y; 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 ³	2060-0296
* * * * *	63.548-63.550	2060-0296
* * * * *		

³ The ICRs referenced in this section of the Table encompass the applicable general provisions contained in 40 CFR part 63, subpart A, which are not independent information collection requirements.

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 X to read as follows:

Subpart X—National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

- Sec. 63.541 Applicability.
- 63.542 Definitions.
- 63.543 Standards for process sources.
- 63.544 Standards for process fugitive sources.
- 63.545 Standards for fugitive dust sources.
- 63.546 Compliance dates.
- 63.547 Test methods.
- 63.548 Monitoring requirements.
- 63.549 Notification requirements.
- 63.550 Recordkeeping and reporting requirements.

SUBPART X—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FROM SECONDARY LEAD SMELTING

§ 63.541 Applicability.

(a) The provisions of this subpart apply to the following affected sources at all secondary lead smelters: blast, reverberatory, rotary, and electric smelting furnaces; refining kettles; agglomerating furnaces; dryers; process fugitive sources; and fugitive dust sources. The provisions of this subpart do not apply to primary lead smelters, lead refiners, or lead remelters.

(b) Table 1 of this subpart specifies the provisions of subpart A that apply and those that do not apply to owners and operators of secondary lead smelters subject to this subpart.

TABLE 1.—GENERAL PROVISIONS APPLICABILITY TO SUBPART X

Reference	Applies to subpart X	Comment
63.1	Yes.	
63.2	Yes.	
63.3	Yes.	
63.4	Yes.	
63.5	Yes.	
63.6 (a), (b), (c), (e), (f), (g), (i) and (j).	Yes.	
63.6 (d) and (h)	No.	No opacity limits in rule.
63.7	Yes.	
63.8	Yes.	
63.9 (a), (b), (c), (d), (e), (g), (h)(1-3), (h)(5-6), and (j).	Yes.	
63.9 (f) and (h)(4).	No.	No opacity or visible emission limits in subpart X.
63.10	Yes.	
63.11	No.	Flares will not be used to comply with the emission limits.
63.12 to 63.15 ..	Yes.	

§ 63.542 Definitions.

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

Agglomerating furnace means a furnace used to melt into a solid mass flue dust that is collected from a baghouse.

Bag leak detection system means systems that include, but are not limited to, devices using triboelectric, light scattering, and other effects to monitor relative or absolute particulate matter emissions.

Battery breaking area means the plant location at which lead-acid batteries are broken, crushed, or disassembled and separated into components.

Blast furnace means a smelting furnace consisting of a vertical cylinder atop a crucible, into which lead-bearing charge materials are introduced at the top of the furnace and combustion air is introduced through tuyeres at the bottom of the cylinder, and that uses coke as a fuel source and that is operated at such a temperature in the combustion zone (greater than 980 °C) that lead compounds are chemically reduced to elemental lead metal.

Blast furnace charging location means the physical opening through which raw materials are introduced into a blast furnace.

Dryer means a chamber that is heated and that is used to remove moisture from lead-bearing materials before they are charged to a smelting furnace.

Dryer transition piece means the junction between a dryer and the charge hopper or conveyor, or the junction between the dryer and the smelting furnace feed chute or hopper located at the ends of the dryer.

Electric furnace means a smelting furnace consisting of a vessel into which reverberatory furnace slag is introduced and that uses electrical energy to heat the reverberatory furnace slag to such a temperature (greater than 980 °C) that lead compounds are reduced to elemental lead metal.

Enclosure hood means a hood that covers a process fugitive emission source on the top and on all sides, with openings only for access to introduce or remove materials to or from the source and through which an induced flow of air is ventilated.

Fugitive dust source means a stationary source of hazardous air pollutant emissions at a secondary lead smelter that is not associated with a specific process or process fugitive vent or stack. Fugitive dust sources include, but are not limited to, roadways, storage piles, materials handling transfer points, materials transport areas, storage areas, process areas, and buildings.

Furnace and refining/casting area means any area of a secondary lead smelter in which:

- (1) Smelting furnaces are located; or
- (2) Refining operations occur; or
- (3) Casting operations occur.

Materials storage and handling area means any area of a secondary lead smelter in which lead-bearing materials (including, but not limited to, broken battery components, slag, flue dust, and dross) are stored or handled between process steps including, but not limited to, areas in which materials are stored

in piles, bins, or tubs, and areas in which material is prepared for charging to a smelting furnace.

Partial enclosure means a structure that incorporates walls or partitions on at least three sides or three-quarters of the circumference of an area to screen the material or process equipment located therein to prevent the entrainment of particulate matter into the air.

Pavement cleaning means the use of vacuum equipment, water sprays, or a combination thereof to remove dust or other accumulated material from the paved areas of a secondary lead smelter.

Plant roadway means any area of a secondary lead smelter that is subject to vehicle traffic, including traffic by fork lifts, front-end loaders, or vehicles carrying whole batteries or cast lead ingots. Excluded from this definition are employee and visitor parking areas, provided they are not subject to traffic by vehicles carrying lead-bearing materials.

Process fugitive emission source means a source of hazardous air pollutant emissions at a secondary lead smelter that is associated with lead smelting or refining but is not the primary exhaust stream from a smelting furnace and is not a fugitive dust source. Process fugitive sources include, but are not limited to, smelting furnace charging points, smelting furnace lead and slag taps, refining kettles, agglomerating furnaces, and drying kiln transition pieces.

Refining kettle means an open-top vessel that is constructed of cast iron or steel and is indirectly heated from below and contains molten lead for the purpose of refining and alloying the lead. Included are pot furnaces, receiving kettles, and holding kettles.

Reverberatory furnace means a refractory-lined furnace that uses one or more flames to heat the walls and roof of the furnace and lead-bearing scrap to such a temperature (greater than 980 oC) that lead compounds are chemically reduced to elemental lead metal.

Rotary furnace (also known as a rotary reverberatory furnace) means a furnace consisting of a refractory-lined chamber that rotates about a horizontal axis and that uses one or more flames to heat the walls of the furnace and lead-bearing scrap to such a temperature (greater than 980 oC) that lead compounds are chemically reduced to elemental lead metal.

Secondary lead smelter means any facility at which lead-bearing scrap material, primarily but not limited to lead-acid batteries, is recycled into elemental lead by smelting.

Smelting means the chemical reduction of lead compounds to lead metal in high-temperature furnaces including, but not limited to, blast furnaces, reverberatory furnaces, rotary furnaces, and electric furnaces.

Total enclosure means a building with a roof and walls or partitions on all sides or the entire circumference to shelter the materials and/or process equipment located therein to prevent the entrainment of particulate matter into the air and with openings only to allow access and egress for people and vehicles.

Vehicle wash means a device for removing dust and other accumulated material from the wheels, body, and underside of a vehicle to prevent the inadvertent transfer of lead-contaminated material to another area of a secondary lead smelter or to public roadways.

Wet suppression means the use of water, water combined with a chemical surfactant, or a chemical binding agent to prevent the entrainment of dust into the air from fugitive dust sources.

§ 63.543 Standards for process sources.

(a) No owner or operator of a secondary lead smelter shall discharge or cause to be discharged into the atmosphere from any existing, new, or reconstructed blast, reverberatory, rotary, or electric smelting furnace any gases that contain lead compounds in excess of 2.0 milligrams of lead per dry standard cubic meter (0.00087 grains of lead per dry standard cubic foot).

(b) [Reserved]

(c) No owner or operator of a secondary lead smelter with a

collocated blast furnace and reverberatory furnace shall discharge or cause to be discharged into the atmosphere from any existing, new, or reconstructed blast furnace or reverberatory furnace any gases that contain total hydrocarbons in excess of 20 parts per million by volume, expressed as propane corrected to 4 percent carbon dioxide, except as allowed under paragraphs (c)(1) and (c)(2) of this section.

(1) No owner or operator of a secondary lead smelter with a collocated blast furnace and reverberatory furnace shall discharge or cause to be discharged into the atmosphere from any existing blast furnace any gases that contain total hydrocarbons in excess of 360 parts per million by volume, expressed as propane corrected to 4 percent carbon dioxide, during periods when the reverberatory furnace is not operating.

(2) No owner or operator of a secondary lead smelter with a collocated blast furnace and reverberatory furnace shall discharge or cause to be discharged into the atmosphere from any blast furnace that commences construction or reconstruction after June 9, 1994, any gases that contain total hydrocarbons in excess of 70 parts per million by volume, expressed as propane corrected to 4 percent carbon dioxide, during periods when the reverberatory furnace is not operating.

(d) No owner or operator of a secondary lead smelter with only blast furnaces shall discharge or cause to be discharged into the atmosphere from any existing blast furnace any gases that

contain total hydrocarbons in excess of 360 parts per million by volume, expressed as propane corrected to 4 percent carbon dioxide.

(e) No owner or operator of a secondary lead smelter with only blast furnaces shall discharge or cause to be discharged into the atmosphere from any blast furnace that commences construction or reconstruction after June 9, 1994, any gases that contain total hydrocarbons in excess of 70 parts per million by volume, expressed as propane corrected to 4 percent carbon dioxide.

(f) If the owner or operator of a blast furnace or collocated blast and reverberatory furnace combines the blast furnace charging process fugitive emissions with the blast furnace process emissions and discharges them to the atmosphere through a common emission point, then compliance with the applicable total hydrocarbon concentration limit under paragraph (c) of this section shall be determined downstream from the point at which the two emission streams are combined.

(g) If the owner or operator of a blast furnace or a collocated blast and reverberatory furnace does not combine the blast furnace charging process fugitive emissions with the blast furnace process emissions and discharges such emissions to the atmosphere through separate emission points, then the total hydrocarbon emission rate for the blast furnace process fugitive emissions shall not be greater than 0.20 kilograms per hour (0.44 pounds per hour).

(h) The standards for process sources are summarized in table 2.

TABLE 2.—SUMMARY OF STANDARDS FOR PROCESS SOURCES

Furnace configuration	Lead compounds (milligrams per dry standard cubic meter)	Total hydrocarbons	Citation
Collocated reverberatory/blast (when both furnaces operating).	2.0	20 parts per million by volume ¹	§ 63.543 (a), (c).
(when reverberatory furnace not operating)	2.0	360 parts per million by volume ¹ (existing)	§ 63.543 (a), (c)(1).
		70 parts per million by volume ¹ (new) ²	§ 63.543 (a), (c)(2).
Blast	2.0	360 parts per million by volume ¹ (existing)	§ 63.543 (a), (d).
		70 parts per million by volume ¹ (new) ²	§ 63.543(e).
		0.20 kilograms per hour ³	§ 63.543(g).
Reverberatory, rotary, and electric	2.0	None	§ 63.543(a).

¹ Total hydrocarbons emission limits are as propane at 4 percent carbon dioxide to correct for dilution, based on a 3-hour average.

² New sources include those furnaces that commence construction or reconstruction after June 9, 1994.

³ Applicable to blast furnace charging process fugitive emissions that are not combined with the blast furnace process emissions prior to the point at which compliance with the total hydrocarbons concentration standard is determined.

§ 63.544 Standards for process fugitive sources.

(a) Each owner or operator of a secondary lead smelter shall control the

process fugitive emission sources listed in paragraphs (a)(1) through (a)(6) of this section by complying with either paragraph (b) or (c) of this section.

(1) Smelting furnace and dryer charging hoppers, chutes, and skip hoists;

(2) Smelting furnace lead taps and molds;
 (3) Smelting furnace slag taps and molds;
 (4) Refining kettles;
 (5) Dryer transition pieces; and
 (6) Agglomerating furnace product taps.
 (b) All process fugitive emission sources listed in paragraphs (a)(1) through (a)(6) of this section shall be controlled by an enclosure hood meeting the requirements of paragraphs (b)(1), (b)(2), or (b)(3) of this section except those meeting the requirements of paragraph (c) of this section. All enclosure hoods shall be ventilated to a control device that shall not discharge to the atmosphere any gases that contain lead compounds in excess of 2.0 milligrams of lead per dry standard cubic meter (0.00087 grains of lead per dry standard cubic foot).

(1) All process fugitive enclosure hoods except those specified for refining kettles and dryer transition pieces shall be ventilated to maintain a face velocity of at least 90 meters per minute (300 feet per minute) at all hood openings.
 (2) Process fugitive enclosure hoods required for refining kettles in paragraph (a) of this section shall be ventilated to maintain a face velocity of at least 75 meters per minute (250 feet per minute).
 (3) Process fugitive enclosure hoods required over dryer transition pieces in paragraph (a) of this section shall be ventilated to maintain a face velocity of at least 110 meters per minute (350 feet per minute).
 (c) All process fugitive emission sources listed in paragraphs (a)(1) through (a)(6) of this section except those controlled by hoods meeting the requirements of paragraphs (b)(1)

through (b)(3) of this section shall be located in a total enclosure that is ventilated to achieve an air velocity into the enclosure at all doorway openings of not less than 75 meters per minute (250 feet per minute). This enclosure shall be ventilated to a control device that shall not discharge to the atmosphere any gases that contain lead compounds in excess of 2.0 milligrams of lead per dry standard cubic meter (0.00087 grains per dry standard cubic foot).
 (d) All dryer emission vents and agglomerating furnace emission vents shall be ventilated to a control device that shall not discharge to the atmosphere any gases that contain lead compounds in excess of 2.0 milligrams of lead per dry standard cubic meter (0.00087 grains per dry standard cubic foot).
 (e) The standards for process fugitive sources are summarized in table 3.

TABLE 3.—SUMMARY OF STANDARDS FOR PROCESS FUGITIVE SOURCES

Fugitive emission source	Control device lead compound emission limit (milligrams per dry standard cubic meter)	Enclosed hood or doorway face velocity (meters/minute)	Citation
Control Option I:			
Smelting furnace and dryer charging hoppers, chutes, and skip hoists	2.0	¹ 90	§ 63.544(b)
Smelting furnace lead taps and molds	2.0	¹ 90	§ 63.544(b)
Smelting furnace slag taps and molds	2.0	¹ 90	§ 63.544(b)
Refining kettles	2.0	¹ 75	§ 63.544(b)
Dryer transition pieces	2.0	¹ 110	§ 63.544(b)
Agglomerating furnace process vents and product taps	2.0	¹ 90	§ 63.544(b)
Control Option II:			
Enclosed building ventilated to a control device	2.0	² 75	§ 63.544(c)
Applicable to Both Control Options:			
Dryer and agglomerating furnace emission vents	2.0	§ 63.544(d)

¹ Enclosure hood face velocity applicable to those process fugitive sources not located in an enclosed building ventilated to a control device.
² Building doorway air velocity measured at all doorways that are normally open during operations.

§ 63.545 Standards for fugitive dust sources.

(a) Each owner or operator of a secondary lead smelter shall prepare and at all times operate according to a standard operating procedures manual that describes in detail the measures that will be put in place to control fugitive dust emission sources within the areas of the secondary lead smelter listed in paragraphs (a)(1) through (a)(5) of this section.
 (1) Plant roadways;
 (2) Battery breaking area;
 (3) Furnace area;
 (4) Refining and casting area; and
 (5) Materials storage and handling area.
 (b) The standard operating procedures manual shall be submitted to the

Administrator or delegated authority for review and approval.
 (c) The controls specified in the standard operating procedures manual shall at a minimum include the requirements of paragraphs (c)(1) through (c)(5) of this section.
 (1) Plant roadways—paving of all areas subject to vehicle traffic and pavement cleaning twice per day of those areas, except on days when natural precipitation makes cleaning unnecessary or when sand or a similar material has been spread on plant roadways to provide traction on ice or snow.
 (2) Battery breaking area—partial enclosure of storage piles, wet suppression applied to storage piles with sufficient frequency and quantity

to prevent the formation of dust, and pavement cleaning twice per day; or total enclosure of the battery breaking area in a structure meeting the requirements of 40 CFR 265.1101(a) and (c) and ventilation of the enclosure to a control device.
 (3) Furnace area—partial enclosure and pavement cleaning twice per day; or total enclosure in a structure meeting the requirements of 40 CFR 265.1101(a) and (c) and ventilation of the enclosure to a control device.
 (4) Refining and casting area—partial enclosure and pavement cleaning twice per day; or total enclosure in a structure meeting the requirements of 40 CFR 265.1101(a) and (c) and ventilation of the enclosure to a control device.

(5) Materials storage and handling area—partial enclosure of storage piles, wet suppression applied to storage piles with sufficient frequency and quantity to prevent the formation of dust, vehicle wash at each exit from the area, and paving of the area; or total enclosure of the area in a structure meeting the requirements of 40 CFR 265.1101(a) and (c) and ventilation of the enclosure to a control device and a vehicle wash at each exit.

(d) The standard operating procedures manual shall require that daily records be maintained of all wet suppression, pavement cleaning, and vehicle washing activities performed to control fugitive dust emissions.

(e) No owner or operator of a secondary lead smelter shall discharge or cause to be discharged into the atmosphere from any building or enclosure ventilation system any gases that contain lead compounds in excess of 2.0 milligrams of lead per dry standard cubic meter (0.00087 grains of lead per dry standard cubic foot).

§ 63.546 Compliance dates.

(a) Each owner or operator of an existing secondary lead smelter shall achieve compliance with the requirements of this subpart no later than June 23, 1997.

(b) Each owner or operator of a secondary lead smelter that commences construction or reconstruction after June 9, 1994, shall achieve compliance with the requirements of this subpart by June 23, 1995 or upon startup of operations, whichever is later.

§ 63.547 Test methods.

(a) The following test methods in appendix A of part 60 of this chapter in paragraphs (a)(1) through (a)(5) of this section shall be used to determine compliance with the emission standards for lead compounds under §§ 63.543(a), 63.544(b), (c), and (d), and 63.545(e):

(1) Method 1 shall be used to select the sampling port location and the number of traverse points.

(2) Method 2 shall be used to measure volumetric flow rate.

(3) Method 3 shall be used for gas analysis to determine the dry molecular weight of the stack gas.

(4) Method 4 shall be used to determine moisture content of the stack gas.

(5) Method 12 shall be used to determine compliance with the lead compound emission standards. The minimum sample volume shall be 0.85 dry standard cubic meters (30 dry standard cubic feet) and the minimum sampling time shall be 60 minutes for each run. Three runs shall be performed

and the average of the three runs shall be used to determine compliance.

(b) The following test methods in appendix A of part 60 listed in paragraphs (b)(1) through (b)(5) of this section shall be used, as specified, to determine compliance with the emission standards for total hydrocarbons under § 63.543(c), (d), (e), and (g):

(1) Method 1 shall be used to select the sampling port location to determine compliance under § 63.543(c), (d), (e), and (g).

(2) Method 2 shall be used to measure volumetric flow rate to determine compliance under § 63.543(g).

(3) The Single Point Integrated Sampling and Analytical Procedure of Method 3B shall be used to measure the carbon dioxide content of the stack gases to determine compliance under § 63.543(c), (d), and (e).

(4) Method 4 shall be used to measure moisture content of the stack gases to determine compliance under § 63.543(c), (d), (e), and (g).

(5) Method 25A shall be used to measure total hydrocarbon emissions to determine compliance under § 63.543(c), (d), (e), and (g). The minimum sampling time shall be 1 hour for each run. A minimum of three runs shall be performed. A 1-hour average total hydrocarbon concentration shall be determined for each run and the average of the three 1-hour averages shall be used to determine compliance. The total hydrocarbon emissions concentrations for determining compliance under § 63.543(c), (d), and (e) shall be expressed as propane and shall be corrected to 4 percent carbon dioxide, as described in paragraph (c) of this section.

(c) For the purposes of determining compliance with the emission limits under § 63.543(c), (d), and (e), the measured total hydrocarbon concentrations shall be corrected to 4 percent carbon dioxide as listed in paragraphs (c)(1) through (c)(2) of this section in the following manner:

(1) If the measured percent carbon dioxide is greater than 0.4 percent in each compliance test, the correction factor shall be determined by using the following equation:

$$F = \frac{4.0}{CO_2}$$

where:

F=correction factor (no units)

CO₂=percent carbon dioxide measured using Method 3B, where the measured carbon dioxide is greater than 0.4 percent.

(2) If the measured percent carbon dioxide is equal to or less than 0.4 percent, then a correction factor (F) of 10 shall be used.

(3) The corrected total hydrocarbon concentration shall be determined by multiplying the measured total hydrocarbon concentration by the correction factor (F) determined for each compliance test.

(d) Compliance with the face velocity requirements under § 63.544(b) and (c) for process fugitive enclosure hoods shall be determined by the following test methods in paragraph (d)(1) or (d)(2) of this section.

(1) Owners and operators shall calculate face velocity using the procedures in paragraphs (d)(1)(i) through (d)(1)(iv) of this section.

(i) Method 1 shall be used to select the sampling port location in the duct leading from the process fugitive enclosure hood to the control device.

(ii) Method 2 shall be used to measure the volumetric flow rate in the duct from the process fugitive enclosure hood to the control device.

(iii) The face area of the hood shall be determined from measurement of the hood. If the hood has access doors, then face area shall be determined with the access doors in the fully open position.

(iv) Face velocity shall be determined by dividing the volumetric flow rate determined in paragraph (d)(1)(ii) of this section by the total face area for the hood determined in paragraph (d)(1)(iii) of this section.

(2) The face velocity shall be measured directly using the procedures in paragraphs (d)(2)(i) through (d)(2)(vi) of this section.

(i) A propeller anemometer or equivalent device shall be used to measure hood face velocity.

(ii) The propeller of the anemometer shall be made of a material of uniform density and shall be properly balanced to optimize performance.

(iii) When the anemometer is mounted with the propeller shaft in a horizontal position, the threshold velocity of the anemometer shall not exceed 15 meters per minute (50 feet per minute) as determined by a procedure equivalent to that in Method 14 of appendix A of part 60.

(iv) The measurement range of the anemometer shall extend to at least 300 meters per minute (1,000 feet per minute).

(v) A known relationship shall exist between the anemometer signal output and air velocity, and the anemometer must be equipped with a suitable readout system.

(vi) Hood face velocity shall be determined for each hood during

normal operation with all access doors in the open position and by placing the anemometer in the plane of the hood opening.

(e) Owners and operators shall measure doorway air velocity to determine compliance with the doorway velocity requirement for enclosed buildings in § 63.544(c) using the procedures in paragraphs (e)(1) and (e)(2) of this section.

(1) Owners and operators shall use a propeller anemometer or equivalent device meeting the requirements of paragraphs (d)(2)(ii) through (d)(2)(v) of this section.

(2) Doorway air velocity into the building shall be determined for each doorway in the open position during normal operation by placing the anemometer in the plane of the doorway opening.

§ 63.548 Monitoring requirements.

(a) Owners and operators of secondary lead smelters shall prepare, and at all times operate according to, a standard operating procedures manual that describes in detail procedures for inspection, maintenance, and bag leak detection and corrective action plans for all baghouses (fabric filters) that are used to control process, process fugitive, or fugitive dust emissions from any source subject to the lead emission standards in §§ 63.543, 63.544, and 63.545, including those used to control emissions from building ventilation. This provision shall not apply to process fugitive sources that are controlled by wet scrubbers.

(b) The standard operating procedures manual for baghouses required by paragraph (a) of this section shall be submitted to the Administrator or delegated authority for review and approval.

(c) The procedures specified in the standard operating procedures manual for inspections and routine maintenance shall, at a minimum, include the requirements of paragraphs (c)(1) through (c)(12) of this section.

(1) Daily monitoring of pressure drop across each baghouse cell.

(2) Daily visual observation of baghouse discharge or stack.

(3) Daily visual inspection to ensure that dust is being removed from hoppers.

(4) Daily check of compressed air supply for pulse-jet baghouses.

(5) Daily visual inspection of isolation dampers for proper operation.

(6) Daily monitoring of cleaning cycle by observing meters or control panel instrumentation.

(7) Weekly visual inspection of bag cleaning mechanisms for proper functioning.

(8) Weekly check of bag tension on reverse air and shaker type baghouses.

(9) Monthly visual inspection of baghouse interior for air leaks.

(10) Monthly inspection of bags and bag connections.

(11) Monthly inspection of fans for wear, material buildup, and corrosion.

(12) Continuous operation of a bag leak detection system.

(d) The procedures specified in the standard operating procedures manual for maintenance shall, at a minimum, include a preventative maintenance schedule that is consistent with the baghouse manufacturer's instructions for routine and long-term maintenance.

(e) The bag leak detection system required by paragraph (c)(12) of this section, shall meet the specifications and requirements of paragraphs (e)(1) through (e)(5) of this section.

(1) The bag leak detection system must be capable of detecting particulate matter emissions at concentrations of 1.0 milligram per actual cubic meter (0.00044 grains per actual cubic foot) or less.

(2) The bag leak detection system sensor must provide output of relative or absolute particulate matter emissions.

(3) The bag leak detection system must be equipped with an alarm system that will alarm when an increase in particulate emissions is detected.

(4) For negative pressure or induced air baghouses, the bag leak detector must be installed downstream of the baghouse and upstream of any wet acid gas scrubber. For positive pressure baghouses, a bag leak detector must be installed in each baghouse compartment or cell. Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(5) The bag leak detection system shall be installed and operated in a manner consistent with available guidance from the U.S. Environmental Protection Agency or, in the absence of such guidance, the manufacturer's written specifications and recommendations for installation, operation, and calibration of the system. The calibration of the system shall, at a minimum, consist of establishing the relative baseline output level by adjusting the sensitivity and the averaging period of the device, and establishing the alarm set points and the alarm delay time. The system must be fully operational at the time of the initial lead compliance test required to demonstrate compliance with the applicable lead emission standard under §§ 63.543, 63.544, or 63.545. The owner or operator shall not adjust the sensitivity, averaging period, alarm set

points, or alarm delay time after the initial lead compliance test unless a test is performed to demonstrate compliance with the applicable lead emission standard after the adjustments are made.

(f) The standard operating procedures manual required by paragraph (a) of this section shall include a corrective action plan that specifies the procedures to be followed in the case of a bag leak detection system alarm. The corrective action plan shall include, at a minimum, the procedures used to determine and record the time and cause of the alarm as well as the corrective actions taken to correct the control device malfunction or minimize emissions as specified in paragraphs (f)(1) and (f)(2) of this section.

(1) The procedures used to determine the cause of the alarm must be initiated within 30 minutes of the alarm.

(2) The cause of the alarm must be alleviated by taking the necessary corrective action(s) which may include, but not be limited to, paragraphs (f)(1)(i) through (f)(2)(vi) of this section.

(i) Inspecting the baghouse for air leaks, torn or broken filter elements, or any other malfunction that may cause an increase in emissions.

(ii) Sealing off defective bags or filter media.

(iii) Replacing defective bags or filter media, or otherwise repairing the control device.

(iv) Sealing off a defective baghouse compartment.

(v) Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system.

(vi) Shutting down the process producing the particulate emissions.

(g) The owner or operator of a secondary lead smelter that uses a wet scrubber to control particulate matter and metal hazardous air pollutant emissions from a process fugitive source shall monitor and record the pressure drop and water flow rate of the wet scrubber during the initial test to demonstrate compliance with the lead emission limit under § 63.544(d). Thereafter, the owner or operator shall monitor and record the pressure drop and water flow rate at least once every hour and shall maintain the pressure drop and water flow rate no lower than 30 percent below the pressure drop and water flow rate measured during the initial compliance test.

(h) The owner or operator of a blast furnace or collocated reverberatory and blast furnace subject to the total hydrocarbon standards in § 63.543(c), (d), or (e), must comply with the requirements of either paragraph (h)(1) or (h)(2) of this section, to demonstrate

continuous compliance with the total hydrocarbon emission standards.

(1) *Continuous Temperature Monitoring*—(i) The owner or operator of a blast furnace or a collocated reverberatory furnace and blast furnace subject to the total hydrocarbon emission standards in § 63.543(c), (d), or (e) shall install, calibrate, maintain, and continuously operate a device to monitor and record the temperature of the afterburner or the combined blast furnace and reverberatory furnace exhaust streams consistent with the requirements for continuous monitoring systems in subpart A, General Provisions.

(ii) The owner or operator of a blast furnace or a collocated reverberatory furnace and blast furnace subject to the total hydrocarbon emission standards shall monitor and record the temperature of the afterburner or the combined blast furnace and reverberatory furnace exhaust streams every 15 minutes during the total hydrocarbon compliance test and determine an arithmetic average for the recorded temperature measurements.

(iii) To remain in compliance with the standards for total hydrocarbons, the owner or operator must maintain an afterburner or combined exhaust temperature such that the average temperature in any 3-hour period does not fall more than 28 °C (50 °F) below the average established in paragraph (h)(1)(ii) of this section. An average temperature in any 3-hour period that falls more than 28 °C (50 °F) below the average established in paragraph (h)(1)(ii) of this section, shall constitute a violation of the applicable emission standard for total hydrocarbons under § 63.543(c), (d), or (e).

(2) *Continuous Monitoring of Total Hydrocarbon Emissions*—

(i) The owner or operator of a secondary lead smelter shall install, operate, and maintain a total hydrocarbon continuous monitoring system and comply with all of the requirements for continuous monitoring systems found in subpart A, General Provisions.

(ii) Allowing the 3-hour average total hydrocarbon concentration to exceed the applicable total hydrocarbon emission limit under § 63.543 shall constitute a violation of the applicable emission standard for total hydrocarbons under § 63.543(c), (d), or (e).

§ 63.549 Notification requirements.

(a) The owner or operator of a secondary lead smelter shall comply with all of the notification requirements

of § 63.9 of subpart A, General Provisions.

(b) The owner or operator of a secondary lead smelter shall submit the fugitive dust control standard operating procedures manual required under § 63.545(a) and the standard operating procedures manual for baghouses required under § 63.548(a) to the Administrator or delegated authority along with a notification that the smelter is seeking review and approval of these plans and procedures. Owners or operators of existing secondary lead smelters shall submit this notification no later than December 23, 1996. The owner or operator of a secondary lead smelter that commences construction or reconstruction after June 9, 1994, shall submit this notification no later than 180 days before startup of the constructed or reconstructed secondary lead smelter, but no sooner than June 23, 1995.

§ 63.550 Recordkeeping and reporting requirements.

(a) Each owner or operator of a secondary lead smelter shall maintain for a period of 5 years, records of the information listed in paragraphs (a)(1) through (a)(8) of this section.

(1) The results of initial and subsequent compliance tests for lead compounds and total hydrocarbons.

(2) An identification of the date and time of all bag leak detection system alarms, their cause, and an explanation of the corrective actions taken.

(3) If an owner or operator chooses to demonstrate continuous compliance with the total hydrocarbon emission standards under § 63.543(c), (d), or (e) by employing the method allowed in § 63.548(h)(1), the records shall include the output from the continuous temperature monitor, an identification of periods when the 3-hour average temperature fell below the minimum established under § 63.548(h)(1), and an explanation of the corrective actions taken.

(4) If an owner or operator chooses to demonstrate continuous compliance with the total hydrocarbon emission standard under § 63.543(c), (d), or (e) by employing the method allowed in § 63.548(h)(2), the records shall include the output from the total hydrocarbon continuous monitoring system, an identification of the periods when the 3-hour average total hydrocarbon concentration exceeded the applicable standard and an explanation of the corrective actions taken.

(5) Records of maintenance, calibration, or other procedures required by this rule for any monitoring system

used to demonstrate compliance with an applicable requirement.

(6) Any recordkeeping required as part of the practices described in the standard operating procedures manual required under § 63.545(a) for the control of fugitive dust emissions.

(7) Any recordkeeping required as part of the practices described in the standard operating procedures manual for baghouses required under § 63.548(a).

(8) Records of the pressure drop and water flow rate for wet scrubbers used to control metal hazardous air pollutant emissions from process fugitive sources.

(b) The owner or operator of a secondary lead smelter shall comply with all of the reporting requirements under § 63.10 of the General Provisions. The submittal of reports shall be no less frequent than specified under § 63.10(e)(3) of the General Provisions. Once a source reports a violation of the standard or excess emissions, the source shall follow the reporting format required under § 63.10(e)(3) until a request to reduce reporting frequency is approved.

(c) The reports required under paragraph (b) of this section shall include the information specified in paragraphs (c)(1) through (c)(6) of this section.

(1) The report shall include records of all alarms from the bag leak detection system specified in § 63.548(e).

(2) The report shall include a description of the procedures taken following each bag leak detection system alarm pursuant to § 63.548(f)(1) and (2).

(3) The report shall include the information specified in either paragraph (c)(3)(i) or (c)(3)(ii) of this section, consistent with the monitoring option selected under § 63.548(h).

(i) A record of the temperature monitor output, in 3-hour block averages, for those periods when the temperature monitored pursuant to § 63.548(h)(1) fell below the level established in § 63.548(h)(1).

(ii) A record of the total hydrocarbon concentration, in 3-hour block averages, for those periods when the total hydrocarbon concentration being monitored pursuant to § 63.548(h)(2) exceeds the relevant limits established in § 63.543(c), (d), and (e).

(4) The reports required under paragraph (b) of this section shall contain a summary of the records maintained as part of the practices described in the standard operating procedures manual for baghouses required under § 63.548(a) including an explanation of the periods when the

procedures were not followed and the corrective actions taken.

(5) The reports required under paragraph (b) of this section shall contain an identification of the periods when the pressure drop and water flow rate of wet scrubbers used to control process fugitive sources dropped below the levels established in § 63.548(g) and an explanation of the corrective actions taken.

(6) The reports required under paragraph (b) of this section shall contain a summary of the fugitive dust control measures performed during the required reporting period, including an explanation of the periods when the procedures outlined in the standard operating procedures manual pursuant to § 63.545(a) were not followed and the corrective actions taken. The reports shall not contain copies of the daily records required to demonstrate compliance with the requirements of the standard operating procedures manuals required under §§ 63.545(a) and 63.548(a).

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40 CFR Part 52

[IA-15-1-6829a; FRL-5210-5]

Approval and Promulgation of Implementation Plans; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This final action approves the State Implementation Plan (SIP) revision submitted by the state of Iowa. The revision includes special requirements for nonattainment areas, compliance and enforcement information, and adoption of EPA definitions. These revisions strengthen the SIP with respect to attainment and maintenance of established air quality standards.

DATES: This action will be effective August 22, 1995 unless by July 24, 1995 adverse or critical comments are received.

ADDRESSES: Comments may be mailed to Christopher D. Hess, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101. Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and EPA Air & Radiation Docket and

Information Center, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551-7213.

SUPPLEMENTARY INFORMATION: The state of Iowa operates a Federally approved SIP that implements various requirements of the Clean Air Act (Act) and the Code of Federal Regulations (CFR). Since the initial approval of its SIP in 1972, numerous revisions and updates have been made in response to Federal requirements.

In accordance with 40 CFR 51.103, the state of Iowa has requested approval of two SIP revisions under the authority and signature of the Governor's designee, Larry J. Wilson, Director, Iowa Department of Natural Resources (IDNR). Requests were received by the EPA on October 18, 1994, and January 26, 1995. Both of these submittals were deemed complete in accordance with the criteria specified in 40 CFR part 51, appendix V. The state has provided evidence of the lawful adoption of regulations, public notice, and public hearing requirements for each submittal.

Rule Revisions

A. Special Requirements for Nonattainment Areas

The state of Iowa currently has one nonattainment area, in Muscatine for SO₂. In response to the requirements of the Act, as amended in 1990, the state has adopted the following rules.

1. In IAC 567-22.5 (1), the state amends its definition of "major stationary source" to conform to the requirements of Part D of the Act. The Act provides, in general, that a source which emits, or has the potential to emit, 100 tons per year or more of a regulated pollutant is a major source. Part D provides lower cutoff levels for some nonattainment areas, depending on the classification of the area.

Specifically, in response to the following cited sections of the Act, the state has added the major source emissions thresholds for the following pollutants: Ozone precursors (section 182), ozone precursors in ozone transport regions (section 184), carbon monoxide (section 186), and PM₁₀ (section 188).

2. In subrule 22.5(1)"f"(2), the state also amends the definition of "net emissions increase" as it relates to major sources for nonattainment areas. Previously, a net emissions increase was considered contemporaneous with the particular change if it occurred between January 1, 1978, and the date that the increase from the particular change occurred. The state now uses a date five years before construction of the

particular change rather than the fixed date of January 1, 1978.

This revision, although not required as a result of the 1990 Amendments to the Act, is consistent with the EPA's requirements at 40 CFR 51.165(a)(1)(vi) relating to calculation of net emissions increases for permitting applicability purposes.

3. In subrule 22.5(1)"m," the state has expanded its definition of "enforceable permit condition" to include requirements of Title V operating permits. This recognizes that limitations in those operating permits will qualify as federally enforceable restrictions which can be utilized in determining source applicability in the state's permitting programs.

4. In subrule 22.5(2), the state updates its emission offset applicability provisions to conform with the requirements of the 1990 Amendments. In particular:

a. The reference to 40 CFR 81.316 is updated to include amendments through March 10, 1994, pertaining to particulate matter nonattainment areas.

b. In this same subrule, the state deletes the provision that previously allowed the director to relieve an applicant from the obligation of continuing to implement offset requirements of a nonattainment construction permit if an area is subsequently redesignated attainment or unclassified. This measure is necessary to help ensure maintenance of the air quality standards after an area is redesignated to attainment.

c. The state deletes the reference to secondary standard particulate matter nonattainment areas. This reflects the fact that the current particulate matter standards are the same for the primary and secondary standards.

d. The state adds a requirement for offsets in sulfur dioxide (SO₂) nonattainment areas in subrule 22.5(2)b. As discussed in more detail below, EPA has determined that this addition strengthens the SIP and is therefore approvable.

e. The state also deletes subrule 22.5(2)c which previously provided a "loophole" for sources in secondary particulate matter nonattainment areas to claim that offsets were not reasonably available. This action strengthens the SIP by requiring sources to achieve offsets that conform with the Act.

f. Due to the new 22.5(2)b and deletion of 22.5(2)c, the former 22.5(2) d, e, and f become 22.5(2) c, d, and e.

5. Rule 22.5(3) previously allowed a source in a secondary particulate matter nonattainment area to submit proposals for emission offsets or a demonstration that offsets were not reasonably