ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 60, 61, and 63

[AD–FRL–6300–4]

Recordkeeping and Reporting Burden Reduction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final amendments.

SUMMARY: On September 11, 1996, the EPA proposed changes to reduce unnecessary reporting and recordkeeping burdens due to regulations implementing the Clean Air Act (the Act). This review was part of a Government-wide initiative as directed by the President on March 1, 1995. With today's document, the EPA is finalizing the proposed changes, with minor amendments as discussed below. On the whole, public comments that were received on the proposed changes were overwhelmingly supportive of the Agency's efforts.

DATES: *Effective Date.* April 13, 1999.

Judicial Review. Under Section 307(b)(1) of the Act, judicial review 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 document may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

ADDRESSES: *Docket.* Docket No. A–95–50, containing supporting information used in developing the final amendments to the standards, is available for public inspection and copying from 8:00 a.m. to 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center (6102), 401 M Street, SW, Washington, D.C. 20460; telephone (202) 260–7548. Both the public comment letters and a detailed summary of the comments and the EPA's responses to them are included in the docket. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information concerning the standards or technical aspects, contact Mr. David W. Markwordt, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541–0837.

SUPPLEMENTARY INFORMATION:

An electronic version of this rule is available for download from the EPA Technology Transfer Network (TTN) at ''http://www.epa.gov/ttn/oarpg/ramain.html''. For assistance in downloading files, call the TTN Help line at (919) 541–5384.

I. Significant Public Comments and Responses

Fourteen letters on the proposed revisions were received. Of these, four were from State agencies and ten were from industry commenters. A detailed discussion of all the comments and the EPA's responses can be found in the comment summary and response document, which is referenced in the **ADDRESSES** section of this preamble. This summary of comments and responses 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.

The comments addressed the General Provisions for 40 CFR parts 60, 61, and 63; NSPS for Steam Generators (40 CFR part 60 subparts D, Da, Db, and Dc); NSPS for Municipal Waste Combustors (40 CFR 60 subpart Ea); Emission Reporting Requirements for 40 CFR part 51; NSPS for New Residential Wood Heaters (40 CFR part 60 subpart AAA); and additional burden reduction. These comments and the EPA's responses are summarized below.

A. General Provisions for 40 CFR Parts 60, 61, and 63

The EPA's proposals concerning reducing the record keeping and reporting burden in the General Provisions were generally supported. Nine commenters strongly supported the EPA's commitment to reducing record keeping and reporting burdens. Three commenters also supported the EPA's proposal to allow electronic data submission, and made detailed suggestions concerning implementation of electronic reporting. The EPA's proposal to eliminate the notification of the anticipated date of initial startup was also supported by four commenters. Five commenters supported the EPA's proposal to require only a 7-day notice prior to rescheduling a performance test. However, sources in this situation should notify their delegated State agency (or EPA Region if there is no delegated State agency) as soon as possible, when they have a need to use this provision. There were no negative comments on the EPA's proposals concerning electronic data submission, eliminating notification of anticipated initial startup date, and requiring only a 7-day prior notice for rescheduling a performance test.

This document corrects a typographical error in the proposal notice (61 FR 47852). The EPA's intent was to delete the paragraph requiring notification of the anticipated date of startup for new affected facilities. Section 63.9(b)(2)(iv) was erroneously cited. The correct citation is section 63.9(b)(4)(iv).

1. Quarterly or Semi-Annual Reporting

Three commenters supported the proposed change to semi-annual excess emissions reporting, arguing that semi-annual reporting would be sufficient to ensure compliance and would reduce regulatory costs and burden. One of the commenters contended that State and local regulations would also need to be revised to semi-annual reporting to realize the cost savings. However, one commenter supported retaining the requirement for quarterly reporting, stating that a reduction of reporting frequency would result in an inability for State and local agencies to identify and respond to violations in a timely manner, and delay the resolution of enforcement actions. The commenter requested that the EPA add language to § 60.7(c), and any other applicable sections, specifying that semi-annual reporting would not apply when more frequent reporting is specifically required by a State or local agency. Two commenters supported retaining the quarterly reporting requirement only for continuous emissions monitoring (CEMs) and continuous opacity monitors (COMs), as such a requirement would allow response to emission problems in a timely manner.

The EPA recognizes that some State and local agencies audit quarterly. States are not precluded from adopting more stringent requirements than the Federal regulations and are free to maintain quarterly reporting requirements for CEMs and COMs data. The semi-annual reporting requirements comport with those under the part 70 and part 71 title V operating permit program regulations, which require monitoring, record keeping, and reporting sufficient to demonstrate compliance with applicable requirements under the Clean Air Act (Act).

One of the commenters noted that § 63.10(e)(3) already allows semi-annual reporting, but that the requirement is too restrictive. The commenter suggested that plants triggering quarterly reporting because of excess emissions only be subject to a 6-month period of quarterly reporting. If the 6 months expire with no further exceedances, the reporting schedule would automatically revert to semi-

annual reporting. While the commenter is correct that § 63.10(e)(3) allows semi-annual reporting, paragraph (e)(3)(i)(C) modifies the requirement in the case where a source experiences excessive emissions. As explained in the proposal notice (61 FR 47844), the EPA's experience over the past ten years with a variety of NSPS and NESHAP rulemakings covering industries of all types suggests that semi-annual reporting provides sufficiently timely information to both ensure compliance and enable adequate enforcement of applicable requirements, while imposing less burden on the affected industry than would quarterly reporting. Therefore, the EPA will finalize its proposal to remove § 63.10(e)(3)(i)(C), which results in a reduction of the burden for those sources who would have otherwise been affected by its requirements.

2. Reduction in Retention of Sub-Hourly Data for CEMs

In today's amendments, the EPA is finalizing the proposed changes to allow owners or operators the option to reduce record keeping requirements of sub-hourly data recorded by CEMs. Six commenters provided specific comments pertaining to these amendments (IV–D–01, IV–D–02, IV–D–04, IV–D–08, IV–D–07, IV–D–10).

Two commenters (IV–D–07, IV–D–10) supported the revisions that allow for the reduced data record keeping from 15-minute to hourly interval.

Two other commenters (IV–D–02, IV–D–04) stated that the proposal would eliminate the regulatory authority's ability to determine if the hourly averages reflect the actual data readings. Additionally, one commenter (IV–D–02) requested EPA to revise the language concerning data availability to state that the 15-minute readings could be discarded except where a State or local agency requires retention of such data.

Two commenters (IV–D–01, IV–01–08) opposed the EPA's proposal on the grounds that it adds a record keeping requirement, maintaining that the current regulations do not require retention of the 15-minute data averages. One (IV–D–01) further commented that CEMs do not typically save sub-hourly measurements, and that the revision would conflict with requirements in 40 CFR part 75. These commenters (IV–D–01, IV–01–08) were also concerned that the revision would create an additional cost burden by requiring expansion of data acquisition capabilities.

The EPA has revised the proposed amendments to address compliance concerns raised by State agencies. In addition, the EPA believes that it is necessary to point out that these amendments provide an option to the owners or operator, and the requirement is not mandatory. For sources with CEMs that decide to comply with the record retention requirements as amended in today's rulemaking, the owner and operator maintains the burden of proof for hourly averages that the source claims is invalid. The owner or operator may not later assert that the hourly averages were based on invalid data, if the source did not previously identify the hour as including periods of monitor system breakdown, repair, calibration checks, and zero and span adjustments.

With respect to the amendments, the EPA no longer requires that a source achieve 95% data availability in order to discard the sub-hourly measurements. The EPA decided to eliminate the data availability requirement based on the fact that the general provisions define a priority data availability of 100%, unless allowed otherwise within individual rules. Further, a demonstration of compliance with the 95% data availability threshold would require additional record keeping, running counter to the goal of burden reduction.

The agency has restructured the final amendments to distinguish between automated and manual CEMs. This is because both systems have different ways (e.g., computerized versus manual) to reduce the data to the final form of the standard. The requirements provide record keeping reductions for both automated and manual CEMs, but differ in the record retention requirements depending on the type of CEMs. The basis for the difference is to allow an inspector to determine if the sub-hourly data is being properly reduced in both instances. In cases where the data reduction is automated, it is expected that data reduction procedures would not vary; hence, the Agency is only requiring the retention of sub-hourly measurements from the most recent three averaging periods, so as to allow a replicable check of the data reduction calculations. Where data is manually reduced, there is greater potential for variation between data reduction calculations; hence, it needs to be possible to confirm the accuracy of the periodic reports.

The agency has added language that requires the hourly averages include periods of CEMs malfunction or breakdown, for sources wishing to delete the sub-hourly data. This restriction is necessary to ensure that data which indicates potential emission violations are not both excluded from the hourly average and then destroyed due to mis-classification as a CEMs breakdown or malfunction. Since § 60.13(h) allows sources to exclude data from the hourly average which was collected during periods of monitor malfunction, § 60.13(h) has also been amended to reference the new provision at § 60.7(f) which allows for disposal of raw data in limited circumstances.

Finally a paragraph has been added to the final amendments to allow the Administrator or a delegated authority, such as the State or local agency, the ability to require an owner or operator to maintain all sub-hourly data, if the Administrator finds the data necessary to more accurately assess compliance.

As discussed above, two commenters (IV–D–01, IV–01–08) asserted that the current regulations do not require the retention of 15-minute data averages. EPA disagrees with this these commenters. In fact, § 63.10(b)(2)(vii) requires retention of all ''required measurements needed to achieve compliance with a relevant standard (including, but not limited to 15-minute averages of CMS data . . .),'' which is consistent with the monitoring requirements laid out in § 63.8. Similarly, § 60.7(f) requires retention of all continuous monitoring system device measurements, which builds from the requirement in § 60.13(e)(2) to measure and record data for each successive 15-minute period.

B. 40 CFR Part 60, Subparts D, Da, Db, and Dc

Several commenters supported the EPA's proposal to reduce reporting frequency for part 60 subparts D, Da, Db, and Dc boilers from quarterly to semi-annual. The EPA will implement the proposed changes with this document. In addition, the EPA has made other minor changes to related language in these subparts to clarify the semi-annual reporting requirements.

One commenter further suggested that the EPA accept the semi-annual reporting requirement for steam generators that are subject to part 75 (the acid rain program). This commenter explained that many units subject to subpart D are also subject to part 75, and would not benefit from the proposed revisions unless they were accepted for compliance with part 75 also. One commenter disagreed, preferring that both part 75 and part 60 retain the quarterly reporting requirement. This commenter stated that the quarterly data are used to determine continuous compliance, and the change would not reduce the reporting burden on sources.

One commenter suggested that the EPA could further reduce the regulatory

burden for subpart Dc boilers by eliminating the reporting requirement in §§ 60.48c(f)(1) and 60.48c(e)(11) regarding fuel supplier certification, and allowing record keeping to document compliance. This commenter said that the record keeping provisions in § 60.48c(e)(11) should also be simplified to allow the affected facility to maintain records that the supplier is contractually obligated to provide fuel oil.

Revisions to part 75 are not within the scope of this rulemaking. However, the EPA will consider whether part 75 should be amended to require semi-annual, rather than quarterly, reporting in future rulemakings. States are not precluded from adopting more stringent requirements than the Federal regulations and are free to maintain quarterly reporting requirements for any CEMs or COMs data that may be required under parts 60, 61, and 63. The EPA will also consider the proposal to replace the reporting requirements in §§ 60.48c(f)(1) and 60.48c(e)(11) with record keeping requirements in future rulemakings.

C. 40 CFR Part 60, Subpart Ea

One commenter opposed changing the reporting requirements for municipal waste combustors from quarterly to semi-annual because these sources may potentially be opt-in units subject to the part 75 regulations, which require quarterly reporting. This commenter reasoned that acid rain municipal waste combustors are controversial sources that the public perceives as an environmental problem, and that the change would not reduce the reporting burden.

The Agency recognizes that State and local agencies may elect to be more stringent than the Federal regulations and require quarterly reporting for identified source categories such as municipal waste combustors. However, the EPA does not believe that any changes from the proposed rule are needed, in this case. The EPA has made minor wording changes to the final language to clarify the reporting requirements for affected sources.

D. 40 CFR Part 51, Subpart Q

Two commenters opposed the EPA's proposal to raise the emission reporting threshold from 100 to 200 tons per year (tpy). Both commenters indicated that a higher threshold would not reduce the source reporting burden, as the 100 tpy threshold information would still be required by the States to determine whether other Clean Air Act programs would apply.

The EPA did not propose the change to reduce the amount of information collected by the States. The Agency recognizes that the States gather this information to support their own planning and permitting purposes and do not gather this information in response to this rule. The proposed change focuses on reducing the amount of the information that States transfer to the EPA (and the burden that results from this transfer of information).

One commenter suggested that the EPA should revamp the entire subpart. The commenter identified four ways in which the Agency should revise the regulation: (1) Allow an additional six months for facilities to provide information to the States and for the States to then enter the data into their system for transferral to the Aerometric Information Retrieval System (AIRS); (2) Decrease the reporting of data items; (3) Update the users' manuals and forms for data submittal; and (4) Delete the requirement for HATREMS in § 51.323, as it no longer exists.

In general, the purpose of the proposed change is directed at reducing the burden that results from the States transmitting data to the EPA. The burden on industry to report this data to the States does not result from this rule. States require their industries to report such information for the States' own planning and permitting purposes. The EPA also considered the specific suggestions raised by the commenters. During recent discussions in a joint EPA/State and local work group, State and local representatives (STAPPA/ALAPCO) agreed that a 6-month schedule made sense and was feasible even if extending the time period is contrary to the need for timely emissions data. Second, the rule does not require most of the data items supported by AIRS; however, AIRS includes these data items at the request of State and local agencies to support their own program needs. Reporting additional data items is completely voluntary. Third, the EPA has acknowledged the need for updating § 51.323 as part of the burden reduction exercise and has done so in the final amendments. Finally, the Agency agrees with the need for removing any reference to HATREMS; however, the Agency views moving data reporting to the facility level as inappropriate because of the limited usefulness of such data.

E. 40 CFR Part 60, Subpart AAA

As part of the record keeping and reporting burden reduction initiative, the Agency proposed to revise part 60, subpart AAA—NSPS; New Residential Wood Heaters. The proposed revisions included editorial changes for two provisions of the rule, and deletion of the entire prohibitions section.

Written comments on the proposed changes to the wood heater NSPS were submitted by the Hearth Products Association (HPA), which had no objection to the two proposed editorial changes. However, they did object to changes to the prohibitions section of the rule. The HPA's comments regarding changes to the prohibitions section and the Agency's response to those comments are addressed in a separate **Federal Register** notice (see Docket #A–95–50 IV–E–01 and 02).

After reviewing the comments received, the Agency is proceeding with the editorial changes. These modifications to the rule will make it easier to understand as well as administer; thereby, reducing the resources needed to achieve compliance with the rule. However, the Agency has decided to revise § 60.538, Prohibitions, in a separate **Federal Register** notice (see Docket #A–95–50 IV–E–01 and 02).

F. 40 CFR Part 61, Subpart F

As part of the record keeping and reporting burden reduction initiative, the Agency solicited comment on the concept of removing the requirement for the fixed-point monitoring system and associated record keeping from the vinyl chloride standard.

Written comments explained that area monitoring requirements in the vinyl chloride NESHAP rule should be eliminated because they are duplicative of and less effective than instrumental monitoring; that computerized leak detecting systems or other similar devices would be more effective in identifying major releases; that the Hazardous Organic NESHAP (HON) rule applies to all facilities subject to the vinyl chloride NESHAP and supersedes that rule; and that area monitoring is extremely costly. The commenter requested that the EPA consider replacing the area monitoring program with the use of the Leak Detection and Repair (LDAR) program.

The EPA agrees that a continuous area monitoring program has significant costs, and that the area monitoring program is less effective in detecting leaking equipment than a leak detection and repair program using instrumental monitoring. The EPA disagrees with the comment regarding the Hazardous Organic NESHAP (HON) applying to all facilities subject to the vinyl chloride NESHAP. The HON leak detection and repair program applies to operations which produce ethylene dichloride (EDC) and vinyl chloride monomer (VCM) as primary products, but does not apply to polyvinyl chloride or

copolymers production. And, the HON does not supersede the area monitoring requirements of the vinyl chloride NESHAP. The EPA regards the area monitoring role as distinctly different than that of a leak detection program, although at times the area monitoring is a helpful indicator when leaks exist. The EPA regards continuous area monitoring as the most reliable way to quickly detect major releases from process equipment including but not limited to leaking equipment. The EPA is open to innovative ways to achieve the same result in a less costly way. In recent cases, process related releases have occurred that would have been unnoticed by leak detection and repair procedures, and would have gone undetected for extended periods had it not been for an area monitoring program. These types of releases can be extremely harmful to human health and the environment, and the liability for these releases could be far more costly than the area monitoring requirements. For these reasons the EPA does not intend to make any change to the area monitoring requirements at this time.

G. Additional Burden Reductions

Suggestions for additional burden reduction included: (1) merging the part 60 reporting requirements with the emission inventory requirements to create a single coordinated set of requirements; (2) allowing the title V permitting authority to exempt area sources of hazardous air pollutants (HAP) from the startup, shutdown, and malfunction plan required under § 63.10(d)(5)(i) and (ii); (3) eliminating § 50.145(a)(2), as notifications of otherwise unrelated activities are good candidates for deletion; and (4) Eliminating all routine reports of compliance information under parts 60, 61, and 63 for sources that have title V permits.

One commenter requested that the EPA reduce the vinyl chloride NESHAP reporting requirement from quarterly to semi-annual.

One commenter explained in detail why the incidental wood furniture manufacturing requirements were onerous, and proposed three solutions to remedy the problems with the record keeping requirements of the rule: (1) eliminate the record keeping requirements for incidental wood manufacturers; (2) limit the record keeping requirement to incidental wood furniture manufacturers who make furniture for commercial sale; or (3) replace the record keeping requirements with a one-time certification that the facility does not use more than 100 gallons per month in manufacturing wood furniture. The commenter recommended the second approach, and suggested revisions to the language at § 63.800(a) to implement the change.

The EPA is committed to reducing regulatory burden. The Agency appreciates the positive response to its proposals, and will continue to seek ways to minimize record keeping and reporting requirements in future rulemakings.

II. Administrative Requirements

A. Docket

The docket for this rulemaking is A–95–50. The docket is an organized and complete file of all the information submitted to or otherwise considered by the EPA in the development of this rulemaking. The principle purposes of the docket are: (1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process; and (2) to serve as the record in case of judicial review (except for interagency review materials) (Section 307(d)(7)(A) of the Act). The docket is available for public inspection at the EPA's Air and Radiation Docket and Information Center, the location of which is given in the **ADDRESSES** section of this document.

B. Analysis Under E.O. 12866, the Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, and the Small Business Regulatory Enforcement Fairness Act of 1996

Because the regulatory revisions that are the subject of today's document would reduce the regulatory burden, this action is not a ''significant'' regulatory action within the meaning of Executive Order 12866, and does not impose any Federal mandate on State, local and tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995. Further, the EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this action under the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act of 1996. The regulatory changes proposed here are expected to reduce regulatory burdens on small businesses, and are not expected to have any adverse effect on small businesses. Therefore, the EPA certifies that this rule will not have a significant impact on a substantial number of small entities.

C. Paperwork Reduction Act

The revisions to existing standards are intended to reduce existing record keeping and reporting requirements. In the proposal notice (61 FR 47840), the EPA explained the changes, identified who would be affected by the changes, and estimated the reductions associated with each change. The EPA also requested comment on all aspects of the paperwork burden reductions, including the number of affected entities and estimate of burden reduction. Comments on the proposed rule revisions were generally favorable, and acknowledged the burden reduction that would occur due to the proposed changes. Although there were no quantitative estimates of burden reduction, public comments in particular recognized the burden reduction that would occur as a result of the changes from quarterly to semi-annual reporting and of deleting notification of the anticipated date of initial startup. There were no public comments on the EPA's numerical estimates of burden reduction in the proposal (61 FR 47841). As the result of EPA's analysis of the public comments received on technical aspects of the proposed changes, the EPA is making only minor, insignificant changes to the proposed rule in the promulgated version of the revisions. Therefore, the EPA's original estimate of the record keeping and reporting burden due to the revisions remains unchanged from proposal.

D. National Technology Transfer and Advancement Act

Under Section 12 of the National Technology Transfer and Advancement Act of 1995, the EPA must consider the use of ''voluntary consensus standards,'' if available and applicable, when implementing policies and programs, unless it would be ''inconsistent with applicable law or otherwise impractical.'' The intent of the National Technology Transfer and Advancement Act is to reduce the costs to the private and public sectors by requiring federal agencies to draw upon any existing, suitable technical standards used in commerce or industry.

A ''voluntary consensus standard'' is a technical standard developed or adopted by a legitimate standards-developing organization. The Act defines ''technical standards'' as ''performance-based or design-specific technical specifications and related management systems practices.'' A legitimate standards-developing organization must produce standards by consensus and observe principles of due process, openness, and balance of interests. Examples of organizations that are regarded as legitimate standards-developing organizations include the American Society for Testing and

Materials (ASTM), International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), American Petroleum Institute (API), National Fire Protection Association (NFPA) and Society of Automotive Engineers (SAE).

Since today's action does not involve the establishment or modification of technical standards, the requirements of the National Technology Transfer and Advancement Act do not apply.

E. Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that (1) OMB determines is ''economically significant'' as defined under Executive Order 12866, and (2) EPA determines the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety aspects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

These regulatory revisions are not subject to the Executive Order because it is not economically significant as defined in E.O. 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

F. Executive Order 13084—Consultation and Coordination with Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. These rule revisions impose no enforceable duties on these entities. Rather, these rule revisions reduce burdens associated with certain regulatory requirements. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

G. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule changes do not create a mandate on State, local or tribal governments. The rule changes do not impose any enforceable duties on these entities. Rather, the rule changes reduce recordkeeping and reporting burden for certain regulatory requirements. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

H. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take affect, the agecy promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective April 13, 1999.

Statutory Authority: The statutory authority for this action is provided by Sections 101, 112, 114, 116, and 301 of the Clean Air Act, as amended, 42 U.S.C. 7401, 7412, 7414, 7416, and 7601.

List of Subjects

40 CFR Part 51

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

40 CFR Part 60

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

40 CFR Part 61

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

40 CFR Part 63

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

Dated: February 4, 1999.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble title 40, chapter I of the Code of Federal Regulations is to be amended as follows:

PART 51—[AMENDED]

1. The authority citation for part 51 continues to read as follows:

Authority: 42 U.S. C. 7401–7671q.

Subpart Q—[Amended]

2. Section 51.322 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 51.322 Sources subject to emissions reporting.

(a) * * *

(1) For particulate matter, PM_{10}, sulfur oxides, VOC and nitrogen oxides, any facility that actually emits a total of 181.4 metric tons (200 tons) per year or more of any one pollutant. For particulate matter emissions, the reporting requirement ends with the

reporting of calendar year 1987 emissions. For PM_{10} emissions, the reporting requirement begins with the reporting of calendar year 1988 emissions.

(2) For carbon monoxide, any facility that actually emits a total of 1814 metric tons (2000 tons) per year or more.

* * * * *

3. Section 51.323 is amended by removing and reserving paragraph (a)(2) and revising paragraphs (a)(1), (a)(3), and (b) to read as follows:

§ 51.323 Reportable emissions data and information.

(a) * * *

(1) Emissions of particulate matter (PM10), sulfur oxides, carbon monoxide, nitrogen oxides, VOC and lead or lead compounds measured as elemental lead as specified by the AIRS Facility Subsystem User's Guide AF2 ''AFS Data Coding'' (EPA–454/B–94–004) point source coding form,

(2) [Reserved].

(3) Emissions of PM 2.5 as will be specified in a future guideline.

(b) Such emissions data and information specified in paragraph (a) of this section must be submitted to the AIRS/AFS database via either online data entry or batch update system.

* * * * *

PART 60—[AMENDED]

1. The authority citation for part 60 is revised to read as follows:

Authority: 42 U.S.C. 7401–7601.

Subpart A—[Amended]

2. Section 60.7 is amended by removing and reserving paragraph (a)(2) and revising paragraphs (a) introductory text and (c) introductory text, the last sentence of paragraph (f), and adding paragraphs (f)(1), (f)(2), and (f)(3) to read as follows:

§ 60.7 Notification and recordkeeping.

* * * * *

(a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

* * * * *

(c) Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and-or summary report form (see paragraph (d) of this section) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information:

* * * * *

(f) * * * The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows;

(1) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(2) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(3) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (f) of this section, if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

* * * * *

3. Section 60.8 is amended by revising paragraph (d) to read as follows:

§ 60.8 Performance tests.

* * * * *

(d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.

* * * * *

3A. Section 60.13 is amended by revising the fourth sentence in paragraph (h) to read as follows:

§ 60.13 Monitoring requirements.

* * * * *

(h) * * *Data recorded during periods of continuous system breakdown, repair, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. For owners and operators complying with the requirements in § 60.7(f) (1) or (2), data averages must include any data recorded during periods of monitor breakdown or malfunction. * * *

* * * * *

4. Section 60.19 is amended by revising paragraph (b) to read as follows:

§ 60.19 General notification and reporting requirements.

* * * * *

(b) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the

notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery, including the use of electronic media, agreed to by the permitting authority, is acceptable.

* * * * *

Subpart D—[Amended]

5. Section 60.45 is amended by revising paragraph (g) introductory text to read as follows:

§ 60.45 Emission and fuel monitoring.

* * * * *

(g) Excess emission and monitoring system performance reports shall be submitted to the Administrator semiannually for each six-month period in the calendar year. All semiannual reports shall be postmarked by the 30th day following the end of each six-month period. Each excess emission and MSP report shall include the information required in § 60.7(c). Periods of excess emissions and monitoring systems (MS) downtime that shall be reported are defined as follows:

* * * * *

Subpart Da—[Amended]

6. Section 60.49a is amended by revising paragraph (i) to read as follows:

§ 60.49a Reporting requirements.

* * * * *

(i) The owner or operator of an affected facility shall submit the written reports required under this section and subpart A to the Administrator semiannually for each six-month period. All semiannual reports shall be postmarked by the 30th day following the end of each six-month period.

* * * * *

Subpart Db—[Amended]

7. Section 60.49b is amended by revising paragraphs (d), (e), (h) introductory text, (i), (j), (k)(2), (k)(3), (m) introductory text, (n) introductory text, (n)(1), (n)(2), (q) introductory text, (q)(2), (q)(3), (r), and (s) to read as follows:

§ 60.49b Reporting and recordkeeping requirements.

* * * * *

(d) The owner or operator of an affected facility shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for coal, distillate oil, residual oil, natural gas, wood, and municipal-type solid waste for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.

(e) For an affected facility that combusts residual oil and meets the criteria under §§ 60.46b(e)(4), 60.44b (j), or (k), the owner or operator shall maintain records of the nitrogen content of the residual oil combusted in the affected facility and calculate the average fuel nitrogen content for the reporting period. The nitrogen content shall be determined using ASTM Method D3431–80, Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons (IBR-see § 60.17), or fuel suppliers. If residual oil blends are being combusted, fuel nitrogen specifications may be prorated based on the ratio of residual oils of different nitrogen content in the fuel blend.

* * * * *

(h) The owner or operator of any affected facility in any category listed in paragraphs (h) (1) or (2) of this section is required to submit excess emission reports for any excess emissions which occurred during the reporting period.

* * * * *

(i) The owner or operator of any affected facility subject to the continuous monitoring requirements for nitrogen oxides under § 60.48(b) shall submit reports containing the information recorded under paragraph (g) of this section.

(j) The owner or operator of any affected facility subject to the sulfur dioxide standards under § 60.42b shall submit reports.

(k) * * *

(2) Each 30-day average sulfur dioxide emission rate (ng/J or 1b/million Btu heat input) measured during the reporting period, ending with the last 30-day period; reasons for noncompliance with the emission standards; and a description of corrective actions taken.

(3) Each 30-day average percent reduction in sulfur dioxide emissions calculated during the reporting period, ending with the last 30-day period; reasons for noncompliance with the emission standards; and a description of corrective actions taken.

* * * * *

(m) For each affected facility subject to the sulfur dioxide standards under § 60.42(b) for which the minimum amount of data required under § 60.47b(f) were not obtained during the reporting period, the following information is reported to the Administrator in addition to that required under paragraph (k) of this section:

* * * * *

(n) If a percent removal efficiency by fuel pretreatment (i.e., % R_f) is used to determine the overall percent reduction (i.e., % R_o) under § 60.45b, the owner or operator of the affected facility shall submit a signed statement with the report.

(1) Indicating what removal efficiency by fuel pretreatment (i.e., % R_f) was credited during the reporting period;

(2) Listing the quantity, heat content, and date each pre-treated fuel shipment was received during the reporting period, the name and location of the fuel pretreatment facility; and the total quantity and total heat content of all fuels received at the affected facility during the reporting period.

* * * * *

(q) The owner or operator of an affected facility described in § 60.44b(j) or § 60.44b(k) shall submit to the Administrator a report containing:

* * * * *

(2) The average fuel nitrogen content during the reporting period, if residual oil was fired; and

(3) If the affected facility meets the criteria described in § 60.44b(j), the results of any nitrogen oxides emission tests required during the reporting period, the hours of operation during the reporting period, and the hours of operation since the last nitrogen oxides emission test.

(r) The owner or operator of an affected facility who elects to demonstrate that the affected facility combusts only very low sulfur oil under § 60.42b(j)(2) shall obtain and maintain at the affected facility fuel receipts from the fuel supplier which certify that the oil meets the definition of distillate oil as defined in § 60.41b. For the purposes of this section, the oil need not meet the fuel nitrogen content specification in the definition of distillate oil. Reports shall be submitted to the Administrator certifying that only very low sulfur oil meeting this definition was combusted in the affected facility during the reporting period.

(s) The reporting period for the reports required under this subpart is each six-month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period.

Subpart Dc—[Amended]

8. Section 60.48c is amended by revising paragraphs (c), (d), (e) introductory text, (e)(2), (e)(3), and (e)(11); and by adding paragraph (j) to read as follows:

§ 60.48c Reporting and recordkeeping requirements.

* * * * *

(c) The owner or operator of each coal-fired, residual oil-fired, or wood-fired affected facility subject to the opacity limits under § 60.43c(c) shall submit excess emission reports for any excess emissions from the affected facility which occur during the reporting period.

(d) The owner or operator of each affected facility subject to the SO_2 emission limits, fuel oil sulfur limits, or percent reduction requirements under § 60.42c shall submit reports to the Administrator.

(e) The owner or operator of each affected facility subject to the SO_2 emission limits, fuel oil sulfur limits, or percent reduction requirements under § 60.43c shall keep records and submit reports as required under paragraph (d) of this section, including the following information, as applicable.

* * * * *

(2) Each 30-day average SO_2 emission rate (nj/J or lb/million Btu), or 30-day average sulfur content (weight percent), calculated during the reporting period, ending with the last 30-day period; reasons for any noncompliance with the emission standards; and a description of corrective actions taken.

(3) Each 30-day average percent of potential SO_2 emission rate calculated during the reporting period, ending with the last 30-day period; reasons for any noncompliance with the emission standards; and a description of the corrective actions taken.

* * * * *

(11) If fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification as described under paragraph (f)(1), (2), or (3) of this section, as applicable. In addition to records of fuel supplier certifications, the report shall include a certified statement signed by the owner or operator of the affected facility that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.

* * * * *

(j) The reporting period for the reports required under this subpart is each six-month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period.

Subpart Ea—[Amended]

9. Section 60.59a is amended by revising paragraphs (e), (f), and (g) to read as follows:

§ 60.59a Reporting and recordkeeping requirements.

* * * * *

(e)(1) The owner or operator of an affected facility located within a large MWC plant shall submit annual compliance reports for sulfur dioxide, nitrogen oxide (if applicable), carbon monoxide, load level, and particulate matter control device temperature to the Administrator containing the information recorded under paragraphs (b)(1), (2)(ii), (4), (5), and (6) of this section for each pollutant or parameter. The hourly average values recorded under paragraph (b)(2)(i) of this section are not required to be included in the annual reports. Combustors firing a mixture of medical waste and other MSW shall also provide the information under paragraph (b)(15) of this section, as applicable, in each annual report. The owner or operator of an affected facility must submit reports semiannually once the affected facility is subject to permitting requirements under Title V of the Act.

(2) The owner or operator shall submit a semiannual report for any pollutant or parameter that does not comply with the pollutant or parameter limits specified in this subpart. Such report shall include the information recorded under paragraph (b)(3) of this section. For each of the dates reported, include the sulfur dioxide, nitrogen oxide, carbon monoxide, load level, and particulate matter control device temperature data, as applicable, recorded under paragraphs (b)(2)(ii)(A) through (D) of this section.

(3) Reports shall be postmarked no later than the 30th day following the end of the annual or semiannual period, as applicable.

(f)(1) The owner or operator of an affected facility located within a large MWC plant shall submit annual compliance reports, as applicable, for opacity. The annual report shall list the percent of the affected facility operating time for the reporting period that the opacity CEMS was operating and collecting valid data. Once the unit is subject to permitting requirements under Title V of the Act, the owner or operator of an affected facility must submit these reports semiannually.

(2) The owner or operator shall submit a semiannual report for all periods when the 6-minute average levels exceeded the opacity limit under § 60.52a. The semiannual report shall include all information recorded under paragraph (b)(3) of this section which pertains to opacity, and a listing of the 6-minute average opacity levels recorded under paragraph (b)(2)(i)(A) of this section, which exceeded the opacity limit.

(3) Reports shall be postmarked no later than the 30th day following the end of the annual of semiannual period, as applicable.

(g)(1) The owner or operator of an affected facility located within a large MWC plant shall submit reports to the Administrator of all annual performance tests for particulate matter, dioxin/furan, and hydrogen chloride as recorded under paragraph (b)(7) of this section, as applicable, from the affected facility. For each annual dioxin/furan compliance test, the maximum demonstrated MWC unit load and maximum demonstrated particulate matter control device temperature shall be reported. Such reports shall be submitted when available and in no case later than the date of required submittal of the annual report specified under paragraphs (e) and (f) of this section, or within six months of the date the test was conducted, whichever is earlier.

(2) The owner or operator shall submit a report of test results which document any particulate matter, dioxin/furan, and hydrogen chloride levels that were above the applicable pollutant limit. The report shall include a copy of the test report documenting the emission levels and shall include the corrective action taken. Such reports shall be submitted when available and in no case later than the date required for submittal of any semiannual report required in paragraphs (e) or (f) of this section, or within six months of the date the test was conducted, whichever is earlier.

* * * * *

Subpart J—[Amended]

10. Section 60.107 is amended by revising paragraphs (a), (c) introductory text, (d), and (e) to read as follows:

§ 60.107 Reporting and recordkeeping requirements.

* * * * *

(a) Each owner or operator subject to § 60.104(b) shall notify the Administrator of the specific provisions of § 60.104(b) with which the owner or operator seeks to comply. Notification

shall be submitted with the notification of initial startup required by § 60.7(a)(3). If an owner or operator elects at a later date to comply with an alternative provision of § 60.104(b), then the Administrator shall be notified by the owner or operator in the report described in paragraph (c) of this section.

* * * * *

(c) Each owner or operator subject to § 60.104(b) shall submit a report except as provided by paragraph (d) of this section. The following information shall be contained in the report:

* * * * *

(d) For any periods for which sulfur dioxide or oxides emissions data are not available, the owner or operator of the affected facility shall submit a signed statement indicating if any changes were made in operation of the emission control system during the period of data unavailability which could affect the ability of the system to meet the applicable emission limit. Operations of the control system and affected facility during periods of data unavailability are to be compared with operation of the control system and affected facility before and following the period of data unavailability.

(e) The owner or operator of an affected facility shall submit the reports required under this subpart to the Administrator semiannually for each six-month period. All semiannual reports shall be postmarked by the 30th day following the end of each six-month period.

* * * * *

11. Section 60.108 is amended by revising paragraph (e) to read as follows:

§ 60.108 Performance test and compliance provisions.

* * * * *

(e) Each owner or operator subject to § 60.104(b) who has demonstrated compliance with one of the provisions of § 60.104(b) but a later date seeks to comply with another of the provisions of § 60.104(b) shall begin conducting daily performance tests as specified under paragraph (d) of this section immediately upon electing to become subject to one of the other provisions of § 60.104(b). The owner or operator shall furnish the Administrator with a written notification of the change in the semiannual report required by § 60.107(e).

Subpart CC—[Amended]

12. Section 60.293 is amended by revising paragraphs (c)(4), (c)(5), (d)(3) introductory text and (d)(3)(iii) to read as follows:

§ 60.293 Standards for particulate matter from glass melting furnace with modified-processes.

* * * * *

(c) * * *

(4) Determine, based on the 6-minute opacity averages, the opacity value corresponding to the 99 percent upper confidence level of a normal distribution of average opacity values.

(5) For the purposes of § 60.7, report to the Administrator as excess emissions all of the 6-minute periods during which the average opacity, as measured by the continuous monitoring system installed under paragraph (c)(1) of this section, exceeds the opacity value corresponding to the 99 percent upper confidence level determined under paragraph (c)(4) of this section.

(d) * * *

(3) An owner or operator may redetermine the opacity value corresponding to the 99 percent upper confidence level as described in paragraph (c)(4) of this section if the owner or operator:

* * * * *

(iii) Uses the redetermined opacity value corresponding to the 99 percent upper confidence level for the purposes of paragraph (c)(5) of this section.

* * * * *

Subpart NN—[Amended]

13. Section 60.403 is amended by revising paragraph (f) to read as follows:

§ 60.403 Monitoring of emissions and operations.

* * * * *

(f) Any owner or operator subject to the requirements under paragraph (c) of this section shall report on a frequency specified in § 60.7(c) all measurement results that are less than 90 percent of the average levels maintained during the most recent performance test conducted under § 60.8 in which the affected facility demonstrated compliance with the standard under § 60.402.

Subpart XX—[Amended]

14. Section 60.502 is amended by revising paragraphs (e)(3) and (e)(4) to read as follows:

§ 60.502 Standards for Volatile Organic Compound (VOC) emissions from bulk gasoline terminals.

* * * * *

(e) * * *

(3)(i) The owner or operator shall cross-check each tank identification number obtained in paragraph (e)(2) of this section with the file of tank vapor tightness documentation within 2 weeks after the corresponding tank is loaded, unless either of the following conditions is maintained:

(A) If less than an average of one gasoline tank truck per month over the last 26 weeks is loaded without vapor tightness documentation then the documentation cross-check shall be performed each quarter; or

(B) If less than an average of one gasoline tank truck per month over the last 52 weeks is loaded without vapor tightness documentation then the documentation cross-check shall be performed semiannually.

(ii) If either the quarterly or semiannual cross-check provided in paragraphs (e)(3)(i) (A) through (B) of this section reveals that these conditions were not maintained, the source must return to biweekly monitoring until such time as these conditions are again met.

(4) The terminal owner or operator shall notify the owner or operator of each non-vapor-tight gasoline tank truck loaded at the affected facility within 1 week of the documentation cross-check in paragraph (e)(3) of this section.

* * * * *

Subpart AAA—[Amended]

15. Section 60.531 is amended by revising the definition for ''wood heater'' to read as follows:

§ 60.531 Definitions.

* * * * *

Wood heater means an enclosed, wood burning appliance capable of and intended for space heating or domestic water heating that meets all of the following criteria:

(1) An air-to-fuel ratio in the combustion chamber averaging less than 35-to-1 as determined by the test procedure prescribed in § 60.534 performed at an accredited laboratory;

(2) A usable firebox volume of less than 20 cubic feet;

(3) A minimum burn rate of less than 5 kg/hr as determined by the test procedure prescribed in § 60.534 performed at an accredited laboratory; and

(4) A maximum weight of 800 kg. In determining the weight of an appliance for these purposes, fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components that are not an integral part of the appliance or heat distribution ducting, shall not be included.

16. Section 60.536 is amended by revising paragraph (f)(3) to read as follows:

§ 60.536 Permanent label, temporary label, and owner's manual.

* * * * *

(f) * * *

(3) If an appliance is a coal-only heater as defined in § 60.530, the following statement shall appear on the permanent label:

U.S. Environmental Protection Agency

This heater is only for burning coal. Use of any other solid fuel except for coal ignition purposes is a violation of Federal law.

* * * * *

Subpart SSS—[Amended]

17. Section 60.714 is amended by revising paragraph (a) to read as follows:

§ 60.714 Installation of monitoring devices and recordkeeping.

* * * * *

(a) Each owner or operator of an affected coating operation that utilizes less solvent annually than the applicable cutoff provided in § 60.710(b) and that is not subject to § 60.712 (standards for coating operations) shall maintain records of actual solvent use.

* * * * *

18. Section 60.717 is amended by revising paragraphs (c) and (d) introductory text, to read as follows:

§ 60.717 Reporting and monitoring requirements.

* * * * *

(c) Each owner or operator of an affected coating operation initially utilizing less than the applicable volume of solvent specified in § 60.710(b) per calendar year shall report the first calendar year in which actual annual solvent use exceeds the applicable volume.

(d) Each owner or operator of an affected coating operation, or affected coating mix preparation equipment subject to § 60.712(c), shall submit semiannual reports to the Administrator documenting the following:

* * * * *

PART 61—[AMENDED]

1. The authority citation for part 61 continues to read as follows:

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

Subpart A—[Amended]

2. Section 61.04 is amended by revising paragraph (b) introductory text to read as follows:

§ 61.04 Address.

* * * * *

(b) Section 112(d) of the Act directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce national emission standards for hazardous air pollutants for stationary sources located in such State. If the authority to implement and enforce a standard under this part has been delegated to a State, all information required to be submitted to EPA under paragraph (a) of this section shall also be submitted to the appropriate State agency (provided, that each specific delegation may exempt sources from a certain Federal or State reporting requirement). The Administrator may permit all or some of the information to be submitted to the appropriate State agency only, instead of to EPA and the State agency. If acceptable to both the Administrator and the owner or operator of a source, notifications and reports may be submitted on electronic media. The appropriate mailing address for those States whose delegation request has been approved is as follows:

* * * * *

Subpart L—[Amended]

3. Section 61.139 is amended by removing paragraphs (i)(1)(ii), and paragraph (j)(3); re-designating paragraph (i)(1)(iv) as paragraph (i)(1)(ii); re-designating paragraph (i)(1)(v) as paragraph (i)(1)(iv); and revising newly designated paragraph (i)(1)(ii), and paragraphs (j)(2) introductory text, and (j)(2)(iv) to read as follows:

§ 61.139 Provisions for alternative means for process vessels, storage tanks, and tar-intercepting sumps.

* * * * *

(i) * * *

(1) * * *

(ii) For each carbon absorber, a plan for the method for handling captured benzene and removed carbon to comply with paragraphs (b)(1) and (2) of this section.

* * * * *

(j) * * *

(2) The following information shall be reported as part of the semiannual reports required in § 61.138(f).

* * * * *

(iv) For each vapor incinerator, the owner or operator shall specify the method of monitoring chosen under paragraph (f)(2) of this section in the first semiannual report. Any time the owner or operator changes that choice, he shall specify the change in the first semiannual report following the change.

* * * * *

Subpart M—[Amended]

4. Section 61.142 is amended by revising paragraph (b)(6) to read as follows:

§ 61.142 Standard for asbestos mills.

* * * * *

(b) * * *

(6) Submit semiannually a copy of visible emission monitoring records to the Administrator if visible emissions occurred during the report period. Semiannual reports shall be postmarked by the 30th day following the end of the six-month period.

* * * * *

5. Section 61.144 is amended by revising paragraph (b)(8) to read as follows:

§ 61.144 Standard for manufacturing.

* * * * *

(b) * * *

(8) Submit semiannually a copy of the visible emission monitoring records to the Administrator if visible emission occurred during the report period. Semiannual reports shall be postmarked by the 30th day following the end of the six-month period.

6. Section 61.147 is amended by revising paragraph (b)(8) to read as follows:

§ 61.147 Standard for fabricating.

* * * * *

(b) * * *

(8) Submit semiannually a copy of the visible emission monitoring records to the Administrator if visible emission occurred during the report period. Semiannual reports shall be postmarked by the 30th day following the end of the six-month period.

Subpart N—[Amended]

7. Section 61.163 is amended by revising paragraph (c)(3) to read as follows:

§ 61.163 Emission monitoring.

* * * * *

(c) * * *

(3) Determine, based on the 6-minute opacity averages, the opacity value corresponding to the 99 percent upper confidence level of a normal or log-normal (whichever the owner or operator determines is more representative) distribution of the average opacity values.

* * * * *

PART 63—[AMENDED]

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

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

Subpart A—[Amended]

2. Section 63.8 is amended by adding the last sentence in paragraph (g)(5) to read as follows:

§63.8 Monitoring requirements.

* * * * *

(g) * * *

(5) * * * For owners or operators complying with the requirements of § 63.10(b)(2)(vii) (A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

§ 63.9 [Amended]

3. Section 63.9 is amended by removing and reserving paragraph (b)(4)(iv).

4. Section 63.10 is amended by adding paragraphs (b)(2)(vii)(A), (b)(2)(vii)(B), and (b)(2)(vii)(C) and removing and reserving paragraph (e)(3)(i)(C) to read as follows:

§ 63.10 Recordkeeping and reporting requirements.

* * * * *

(b) * * *

(2) * * *

(vii) * * *

(A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(C) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

* * * * *

[FR Doc. 99–3252 Filed 2–11–99; 8:45 am]

BILLING CODE 6560–50–P