ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6330–3]

RIN 2060–AC19

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendments.

SUMMARY: This document amends certain portions of the final regulation ''National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks,'' which was published on January 17, 1997. This rule is commonly known as the Hazardous Organic NESHAP or the HON.

These amendments to the rule will not change the basic control requirements of the rule or the level of health protection it provides. The rule requires new and existing major sources to control emissions of hazardous air pollutants to the level reflecting application of the maximum achievable control technology.

EFFECTIVE DATE: April 26, 1999.

ADDRESSES: *Docket.* Docket Numbers A–90–19, A–90–20, A–90–21, A–90–22, and A–90–23 contain the supporting information for the original NESHAP and this action. These dockets are available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M–1500, first floor, 401 M Street SW, Washington, DC 20460, or by calling (202) 260–7548 or 260–7549. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For questions, contact Dr. Janet S. Meyer, Coatings and Consumer Products Group, at telephone (919) 541–5254 or e-mail meyer.jan@epa.gov, or contact Mary Tom Kissell, Waste and Chemical Processes Group, at telephone (919) 541–4516 or e-mail kissell.mary@epa.gov. The mailing address for both contacts is Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

I. Regulated Entities and Background Information

A. Regulated Entities

The regulated category and entities affected by this action include:

Category	Examples of regulated entities
Industry	Synthetic organic chemical manufacturing industry (SOCMI) units, e.g., producers of benzene, toluene, or any other chemical listed in Table 1 of 40 CFR part 63, subpart F.

This table is not intended to be exhaustive but, rather, provides a guide for readers regarding entities likely to be interested in the revisions to the regulation affected by this action. Entities potentially regulated by the HON are those which produce as primary intended products any of the chemicals listed in table 1 of 40 CFR part 63, subpart F and are located at facilities that are major sources as defined in section 112 of the Clean Air Act. Potentially regulated entities generally are companies that manufacture industrial organic chemicals and cyclic organic crude and intermediates. To determine whether your facility is regulated by this action, you should carefully examine all of the applicability criteria in 40 CFR 63.100. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Background on the Rule

On April 22, 1994 (59 FR 19402), and June 6, 1994 (59 FR 29196), the EPA published in the **Federal Register** the NESHAP for the SOCMI, and for several other processes subject to the equipment leaks portion of the rule. These regulations were promulgated as subparts F, G, H, and I in 40 CFR part 63, and are commonly referred to as the hazardous organic NESHAP, or the HON. Since the April 22, 1994 notice, there have been several amendments to clarify various aspects of the rule. Readers should see the following **Federal Register** documents for more information: September 20, 1994 (59 FR 48175); October 24, 1994 (59 FR 53359); October 28, 1994 (59 FR 54131); January 27, 1995 (60 FR 5321); April 10, 1995 (60 FR 18020); April 10, 1995 (60 FR 18026); December 12, 1995 (60 FR 63624); February 29, 1996 (61 FR 7716); June 20, 1996 (61 FR 31435); August 26, 1996 (61 FR 43698); December 5, 1996 (61 FR 64571); January 17, 1997 (62 FR 2721); August 22, 1997 (62 FR 44608); and December 9, 1998 (63 FR 67787).

II. Summary of Corrections

Today's changes are described in Table 2 to this preamble for the convenience of the reader.

Section 40 CFR, part 63	Change
63.100(g)(4)	Changes ''ceasing'' to ''ceases'' for grammatical reasons and makes cross reference correction by revising ''(g)(2)(i) and (g)(2)(iii) of this section'' to ''(g)(2)(i) and (g)(2)(ii) of this section.''
63.100(h)(3)	Makes cross reference correction.
63.100(i)(5)	Makes cross reference correction.
63.116(c)(3)(iii)(B)	Text currently reads ''[t]he concentration corrected to 3 percent oxygen (C_c) shall be computed using either of the following equations . . .'' Only one equation follows this text and the sentence was changed to reflect this.
63.129(a)(4)(ii)	The first sentence was inadvertently omitted from the final rule. Today's amendments corrects this oversight.
63.133(h)	Delay of repair provisions are intended to apply to any inspection done for the section. Today's action removes cross references to specific paragraphs.
63.134(b)(2)(ii)(B)	Makes cross reference correction.
63.139(d)(4)	This paragraph exempted certain boilers, process heaters, and incinerators from performance test or design evaluation requirements. Today's revisions adds an exemption from the monitoring requirements of § 63.143 for these cases.
63.145(d)(6)	Removes an equation that is not used in the compliance demonstration.

Section 40 CFR, part 63	Change
63.145(i)	Adds paragraph (i) introductory text. This paragraph was inadvertently deleted in the December 9, 1998 FEDERAL REGISTER notice. This paragraph was previously incorrectly designated as § 63.145(h)(2)(iii).
63.145(c)(2)	Replaces ''flow meter'' with ''flow measurement device.'' This makes it consistent with EPA's intent and terminology used elsewhere.
63.146(b)(8) introductory text	Makes cross reference corrections by revising ''§ 63.138(b)(1)(iii)(C), (c)(1)(iii)(D), (d), or (e) of this subpart'' to ''§ 63.138(b)(1), (c)(1), (d), (e), (f), or (g) of this subpart.''
63.146(b)(8)(i)	Adds a sentence clarifying that when using the design steam stripper option specified in § 63.138(d) to comply, some reports are not required.
63.147(b)(4)	Makes cross reference corrections by revising ''Item 1 and Item 2 of table 12 of this subpart'' to Item 1 and Item 3 of table 12 of this subpart.''
63.147(b)(5)	Makes cross reference corrections by revising ''paragraphs (e) and (g) of this subpart'' to ''paragraph (e) of this subpart'' and revising ''Item 3 of table 12 of this subpart'' to Item 2 of table 12 of this subpart.''
63.148(b)(3)	Removes the requirement for a Method 21 initial inspection. Initial visual inspection is still required. This makes it consistent with the requirements in §§ 63.133 through 63.137 and EPA's intent.
63.148(c), introductory text	Removes words ''fixed roof,'' ''cover,'' and ''enclosure'' from text to remove requirement for Method 21 initial inspection. Amendments make the rule text consistent with the requirements in table 11 of subpart G.
63.148(c)(4)(ii)	Makes cross reference corrections.
63.150(g)(5), (h)(5), and (j)(2)	Today's action: —Makes cross reference corrections throughout the wastewater portions of this section. —For consistency with the wastewater sections, replaces: ''organic HAP'' with ''table 9 HAP'; ''point of generation'' with ''point of determination''; and ''VOHAP'' with ''table 9 HAP.'' —Replaces § 63.150(g)(5)(i)(A)(*1*) and (*2*) with a reference to the sampling plan requirements in § 63.144(b)(5)(ii). —Replaces equation in § 63.150(h)(5)(v)(A) with correct equation. The FEDERAL REGISTER printed the wrong equation; it printed the equation in § 63.150(h)(5)(v)(B) twice. —Adds reference to § 63.145(a)(3) and (a)(4) as to what is meant by ''representative conditions.''
§ 63.151(j)(3)	Changes the reference to ''(e) of this section'' to ''(e)(1) through (e)(5) of this section'' and specifies the information shall be submitted to the EPA regional office where the source is located.
§ 63.152(c)(2)(ii)(C)	Makes no conceptual changes: revisions are clarifying edits.
§ 63.152(d)(1)	Removes ''semi-annual'' from the second sentence and makes the corresponding cross reference change. This correction clarifies the reporting obligations for instances where a source does not follow its start-up, shut-down, and malfunction plan. The correction also makes this paragraph consistent with § 63.10(d)(5).
Table 4 to subpart G	Makes terms consistent with rule text by replacing ''mass flow'' with ''mass or volumeric flow.''
Table 7 to subpart G	Makes terms consistent with rule text by replacing ''mass flow'' with ''mass or volumeric flow.''
63.160(a)	Replaces the word ''systems'' with ''closed vent systems.'' The change revises the paragraph to use a defined term and is the intended meaning of the text.
63.163(b)(1)	Makes cross reference correction.
63.164(h)	Makes cross reference correction.
63.173(j)	Makes cross reference correction.
63.181(b)(7)	Makes cross reference correction and corresponding grammatical change by replacing ''through'' with ''and.''
63.181(g)(3)	Makes cross reference correction and corresponding grammatical change by replacing ''through'' with ''and.''

III. Administrative Requirements

A. Good Cause Finding

By promulgating these technical corrections directly as a final rule, the EPA is foregoing an opportunity for public comment on a notice of proposed rulemaking. Section 553(b) of title 5 of the United States Code and section 307(b) of the CAA permit an agency to forego notice and comment when ''the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' The EPA finds that notice and comment regarding these minor technical corrections are unnecessary due to their noncontroversial nature and because they do not substantively change the requirements of the HON. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b) for a determination that the issuance of a notice of proposed rulemaking is unnecessary.

B. Executive Orders 12866, 13045, 13083, 13084, Unfunded Mandates Reform Act, Regulatory Flexibility Act, and Administrative Procedure Act

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655 (May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act

or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the December 9, 1998 **Federal Register** document.

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 effect, the agency 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. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of April 26, 1999. 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).

C. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (the NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standard bodies. The NTTAA requires the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This regulatory action makes technical amendments, such as cross reference corrections and does not involve any technical standards that would require the Agency to consider voluntary consensus standards pursuant to section 12(d) of the NTTAA.

List of Subjects in 40 CFR Part 63

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

Dated: April 12, 1999.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

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

PART 63—[AMENDED]

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

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

2. Section 63.100 is amended as follows:

a. By revising paragraph (g)(4);

b. In paragraph (h)(3), by revising the reference to ''(h)(2)(iv) of this section'' to read ''(h)(2)(iii) of this section'; and

c. In paragraph (i)(5), by revising the reference to ''(i)(2)(iv) of this section'' to read ''(i)(2)(iii) of this section.''

The revision to paragraph (g)(4) reads as follows:

§ 63.100 Applicability and designation of source.

* * * * *

(g) * * *

(4) If the storage vessel begins receiving material from (or sending material to) another chemical manufacturing process unit, or ceases to receive material from (or send material to) a chemical manufacturing process unit, or if the applicability of this subpart F and subpart G of this part to a storage vessel has been determined according to the provisions of paragraphs (g)(2)(i) and (g)(2)(ii) of this section and there is a change so that the predominant use may reasonably have changed, the owner or operator shall reevaluate the applicability of this subpart to the storage vessel.

* * * * *

3. Section 63.116 is amended by revising paragraph (c)(3)(iii)(B) to read as follows:

§ 63.116 Process vent provisions—performance test methods and procedures to determine compliance.

* * * * *

(c) * * *

(3) * * *

(iii) * * *

(B) The concentration corrected to 3 percent oxygen (C_c) shall be computed using the following equation:

$$C_c = C_m\left(\frac{17.9}{20.9 - \%O_{2d}}\right)$$

Where:

C_c=Concentration of TOC or organic HAP corrected to 3 percent oxygen, dry basis, parts per million by volume.

C_m=Concentration of TOC (minus methane and ethane) or organic HAP, dry basis, parts per million by volume.

$\%0_{2d}$=Concentration of oxygen, dry basis, percent by volume.

* * * * *

4. Section 63.129 is amended by revising paragraph (a)(4)(ii) to read as follows:

§ 63.129 Transfer operations provisions—reporting and recordkeeping for performance tests and notification of compliance status.

(a)* * *

(4) * * *

(ii) The percent reduction of total organic HAP or TOC achieved by the control device determined as specified in § 63.128(a) of this subpart, or the concentration of total organic HAP or TOC (parts per million by volume, by compound) determined as specified in § 63.128(a) of this subpart at the outlet of the control device. For combustion devices, the concentration shall be reported on a dry basis corrected to 3 percent oxygen.

* * * * *

5. Section 63.133 is amended by revising the second sentence of paragraph (h) to read as follows:

§ 63.133 Process wastewater provisions—wastewater tanks.

* * * * *

(h) * * * If a failure that is detected during inspections required by this section cannot be repaired within 45 calendar days and if the vessel cannot be emptied within 45 calendar days, the owner or operator may utilize up to 2 extensions of up to 30 additional calendar days each. * * *

6. In § 63.134, paragraph (b)(2)(ii)(B) is amended by revising the reference to ''(b)(2)(i) of this section'' to read ''(b)(2)(ii)(A) of this section.''

7. Section 63.139 is amended by revising paragraph (d)(4) introductory text to read as follows:

§ 63.139 Process wastewater provisions—control devices.

* * * * *

(d) * * *

(4) An owner or operator using any control device specified in paragraphs (d)(4)(i) through (d)(4)(iv) of this section is exempt from the requirements in paragraphs (d)(1) through (d)(3) of this section and from the requirements in § 63.6(f) of subpart A of this part, and from the requirements of paragraph (e) of this section.

* * * * *

8. Section 63.145 is amended as follows:

a. In paragraph (d)(6), by removing and reserving equation WW5;

b. By adding paragraph (i) introductory text; and

c. By revising paragraph (c)(2).

The addition of paragraph (i) introductory text and the revision of paragraph (c)(2) read as follows:

§ 63.145 Process wastewater provisions—test methods and procedures to determine compliance.

* * * * *

(c) * * *

(2) *Flow rate.* The flow rate of the entering and exiting wastewater streams shall be determined using inlet and outlet flow measurement devices, respectively. Where the outlet flow is not greater than the inlet flow, a flow measurement device shall be used, and may be used at either the inlet or outlet. Flow rate measurements shall be taken at the same time as the concentration measurements.

* * * * *

(i) *Performance tests for control devices other than flares.* This paragraph applies to performance tests that are conducted to demonstrate compliance of a control device with the efficiency limits specified in § 63.139(c). If complying with the 95-percent reduction efficiency requirement, comply with the requirements specified in paragraphs (i)(1) through (i)(9) of this section. If complying with the 20 ppm by volume requirement, comply with the requirements specified in paragraphs (i)(1) through (i)(6) and (i)(9) of this section. The 20 ppm by volume limit or 95-percent reduction efficiency requirement shall be measured as either total organic hazardous air pollutants or as TOC minus methane and ethane.

* * * * *

9. Section 63.146 is amended by revising paragraph (b)(8) introductory text and by adding two sentences to the end of paragraph (b)(8)(i) introductory text to read as follows:

§ 63.146 Process wastewater provisions—reporting.

* * * * *

(8) For each treatment process used to comply with § 63.138(b)(1), (c)(1), (d), (e), (f), or (g) of this subpart, the owner or operator shall submit the information specified in paragraphs (b)(8)(i) and (b)(8)(ii) of this section.

(i) * * * An owner or operator using the design steam stripper compliance option specified § 63.138(d) of this subpart does not have to submit the information specified in paragraph (b)(8)(i)(A) or (b)(8)(i)(B) of this section. However, the monitoring requirements specified in Item 2 of table 12 of this subpart still apply.

* * * * *

10. Section 63.147 is amended by revising paragraphs (b)(4) and (b)(5) to read as follows:

§ 63.147 Process wastewater provisions—recordkeeping.

* * * * *

(b) * * *

(4) For Item 1 and Item 3 of table 12 of this subpart, the owner or operator shall keep the records approved by the Administrator.

(5) Except as provided in paragraph (e) of this section, continuous records of the monitored parameters specified in Item 2 of table 12 and table 13 of this subpart, and in § 63.143(e)(2) of this subpart.

* * * * *

11. Section 63.148 is amended by revising paragraph (b)(3); revising paragraph (c) introductory text and revising the second sentence in paragraph (c)(4)(ii) to read as follows:

§ 63.148 Leak inspection provisions.

* * * * *

(b) * * *

(3) For each fixed roof, cover, and enclosure, the owner or operator shall conduct initial visual inspections and semi-annual visual inspections for visible, audible, or olfactory indications of leaks as specified in §§ 63.133 through 63.137 of this subpart.

(c) Each vapor collection system and closed vent system shall be inspected according to the procedures specified in paragraphs (c)(1) through (c)(5) of this section.

(4) * * *

(ii) * * * A calibration gas other than methane in air may be used if the instrument does not respond to methane or if the instrument does not meet the performance criteria specified in paragraph (c)(2)(i) of this section. * * *

* * * * *

12. Section 63.150 is amended as follows:

a. By revising paragraphs (g)(5) and (h)(5);

b. By adding a sentence to the end of the introductory text to paragraph (j)(2); and

c. By revising paragraphs (j)(2)(ii)(B) and (m)(5)(i) to read as follows:

§ 63.150 Emissions averaging provisions.

* * * * *

(g) * * *

(5) Emissions from wastewater shall be calculated as follows:

(i) The following equation shall be used for each wastewater stream i to calculate EWW_{ic}:

$$EWW_{ic} = \left(6.0 * 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left(1 - Fr_m\right) Fe_m HAP_{im} + (0.05)\left(6.0 * 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left(Fr_m HAP_{im}\right)$$

where:

EWW_{ic} = Monthly wastewater stream emission rate if wastewater stream i is controlled by the reference control technology, megagrams per month.

Q_i = Average flow rate for wastewater stream i, as determined by the procedure in § 63.144(c)(3), liters per minute.

H_i = Number of hours during the month that wastewater stream i was generated, hours per month.

s = Total number of table 9 HAP in wastewater stream i.

Fr_m = Fraction removed of table 9 HAP m in wastewater, from table 9, dimensionless.

Fe_m = Fraction emitted of table 9 HAP m in wastewater, from table 34, dimensionless.

HAP_{im} = Average concentration of table 9 HAP m in wastewater stream i, parts per million by weight.

(A) HAP_{im} shall be determined for the point of determination or, at a location downstream of the point of determination and adjusted according as specified in § 63.144(b)(6) of this subpart, by developing and using the sampling plan specified in § 63.144(b)(5)(ii) of this subpart. The samples collected may be analyzed by any of the methods specified in § 63.144(b)(5)(i)(B) through (b)(5)(i)(F) of this subpart. Concentration measurements based on Method 305 shall be adjusted by dividing each concentration by the compound-specific Fm factor listed on table 34 of this subpart. Concentration measurements other than Method 305 shall not be adjusted by the compound-specific Fm factor listed in table 34 of this subpart.

(B) Values for Q_i, HAP_{im}, and C_{im} shall be determined during a performance test conducted under representative conditions as specified in § 63.145(a)(3) and (a)(4) of this subpart. The average value obtained from three test runs shall be used. The values of Q_i, HAP_{im}, and C_{im} shall be established in the Notification of Compliance Status and must be updated as provided in paragraph (g)(5)(i)(C) of this section.

(C) If there is a change to the process or operation such that the previously measured values of Q_i, HAP_{im}, and C_{im} are no longer representative, a new performance test shall be conducted to determine new representative values of Q_i, HAP_{im}, and C_{im}. These new values shall be used to calculate debits and credits from the time of the change forward, and the new values shall be reported in the next Periodic Report.

(ii) The following equation shall be used to calculate $EWW_{iACTUAL}$ for each wastewater stream i that is not managed according to the provisions for waste management units of §§ 63.133 through 63.137 of this subpart, as applicable, which specify equipment and work practices for suppressing and controlling vapors. Q_i, H_i, s, Fe_m, and HAP_{im} are as defined and determined according to paragraph (g)(5)(i) of this section.

$$EWW_{iACTUAL} = \left(6.0 \times 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} Fe_m HAP_{im}$$

Where:

$EWW_{iACTUAL}$ = Monthly wastewater stream emission rate if wastewater stream i is uncontrolled or is controlled to a level less stringent than the reference control technology, megagrams per month.

(iii) The following equation shall be used to calculate $EWW_{iACTUAL}$ for each wastewater stream i that is managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable, and wastewater stream i is uncontrolled or is controlled to a level less stringent than the reference control technology (for the purposes of the wastewater emissions averaging provisions, the term control is used to mean treatment). Q_i, H_i, s, Fe_m, and HAP_{im} are as defined and determined according to paragraph (g)(5)(i) of this section.

$$EWW_{iACTUAL} = \left(6.0 * 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left[Fe_m HAP_{im}\left(1 - PR_{im}\right)\right] + \left(1 - \frac{R_i}{100\%}\right)\left(6.0 * 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left(HAP_{im} PR_{im}\right)$$

Where:

$EWW_{iACTUAL}$ = Monthly wastewater stream emission rate if wastewater stream i is uncontrolled or is controlled to a level less stringent than the reference control technology, megagrams per month.

PR_{im} = The efficiency of the treatment process, or series of treatment processes, which treat wastewater stream i, in reducing the emission potential of table 9 HAP m in wastewater, dimensionless, as calculated by:

$$PR_{im} = \frac{HAP_{im-in} - HAP_{im-out}}{HAP_{im-in}}$$

Where:

HAP_{im-in} = Average concentration of table 9 HAP m, parts per million by weight, as defined and determined according to paragraph (g)(5)(i) of this section, in the wastewater entering the first treatment process in the series.

HAP_{im-out} = Average concentration of table 9 HAP m, parts per million by weight, as defined and determined according to paragraph (g)(5)(i) of this section, in the wastewater exiting the last treatment process in the series.

R_i = Reduction efficiency of the device used to control any vapor streams emitted and collected from wastewater stream i during treatment, dimensionless, as determined according to the procedures in § 63.145(i) or (j) of this subpart.

* * * * *

(h) * * *

(5) Emissions from wastewater shall be determined as follows:

(i) $EWW1_{ic}$ shall be calculated according to the equation for EWW_{ic} in paragraph (g)(5)(i) of this section.

(ii) $EWW2_{iBASE}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (g)(5)(ii) of this section for each Group 2 wastewater stream i, which on November 15, 1990, was not managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable.

(iii) $EWW2_{iBASE}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (g)(5)(iii) of this section for each Group 2 wastewater stream i, which on November 15, 1990, was managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable, and was uncontrolled or controlled to a level less stringent than the reference control technology.

(iv) For Group 2 wastewater streams that are managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable, $EWW2_{iACTUAL}$ shall be calculated as follows:

(A) $EWW2_{iACTUAL}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (g)(5)(iii) of this section for each Group 2 wastewater stream i that is controlled to a level less stringent than, or equivalent to, the reference control technology.

(B) $EWW2_{iACTUAL}$ shall be calculated according to the procedures for calculating $EWW1_{iACTUAL}$ in paragraph (h)(5)(v) of this section for each Group 2 wastewater stream that is controlled to a level more stringent than the reference control technology.

(v) The following equations for EWW1iACTUAL shall be used to calculate emissions from each Group 1 wastewater stream i that is managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable, and is controlled to a level more stringent than the reference control technology.

(A) If the Group 1 wastewater stream i is controlled using a treatment process or series of treatment processes with an approved nominal reduction efficiency in the concentration of table 9 HAP for stream i greater than that of the design steam stripper specified in § 63.138(d) of this subpart, and the control device used to reduce table 9 HAP emissions from the vapor stream(s) vented from the treatment process(es) achieves a percent reduction equal to 95 percent, the following equation shall be used. All terms in this equation are as defined and determined in paragraph (g)(5) of this section.

$$EWW1_{iACTUAL} = \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left[Fe_m HAP_{im}\left(1-PR_{im}\right)\right] + 0.05\left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left[HAP_{im} PR_{im}\right]$$

(B) If the Group 1 wastewater stream i is not controlled using a treatment process or series of treatment processes with a nominal reduction efficiency in the table 9 HAP concentration greater than that of the design steam stripper specified in § 63.138(d) of this subpart, but the vapor stream(s) vented from the treatment process(es) are controlled using a device with an approved nominal efficiency greater than 95 percent, the following equation shall be used. All terms other than nominal efficiency are as defined and determined in paragraph (g)(5) of this section.

$$EWW1_{iACTUAL} = \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left[Fe_m HAP_{im}\left(1-Fr_m\right)\right] + \left(1-\frac{\text{Nominal efficiency\%}}{100}\right)\left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left[HAP_{im} Fr_m\right]$$

(C) If the Group 1 wastewater stream i is controlled using a treatment process or series of treatment processes with an approved nominal reduction efficiency in the table 9 HAP concentration greater than that of the design steam stripper specified in § 63.138(d) of this subpart, and the vapor stream(s) vented from the treatment process are controlled using a device with an approved nominal efficiency greater than 95 percent, the following equation shall be used. All terms other than nominal efficiency are as defined and determined in paragraph (g)(5) of this section.

$$EWW1_{iACTUAL} = \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left[Fe_m HAP_{im}\left(1-PR_{im}\right)\right] + \left(1-\frac{\text{Nominal efficiency\%}}{100}\right)\left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left[HAP_{im} PR_{im}\right]$$

* * * * *

(j) * * *

(2) * * * When the term ''organic HAP'' is used in § 63.150(j)(2) in reference to wastewater emission points, the term ''table 9 HAP'' shall apply for the purposes of this paragraph.

* * * * *

(ii) * * *

(B) For wastewater, E_B shall be calculated as follows:

$$E_B = \sum_{i=1}^{n}\left[\left(6.0*10^{-8}\right) Q_{Bi} H_{Bi} \sum_{m=1}^{s} Fe_m HAP_{Bim}\right]$$

Where:

n = Number of wastewater streams.

Q_{Bi} = Average flow rate for wastewater stream i before the pollution prevention measure, defined and determined according to paragraph

(g)(5)(i) of this section, liters per minute, before implementation of the pollution prevention measure.

H_{Bi} = Number of hours per month that wastewater stream i was discharged before the pollution prevention measure, hours per month.

s = Total number of table 9 HAP in wastewater stream i.

Fe_m = Fraction emitted of table 9 HAP m in wastewater of this subpart, dimensionless.

HAP_{Bim} = Average concentration of table 9 HAP m in wastewater stream i, defined and determined according to paragraph (g)(5)(i) of this section, before the pollution prevention measure, parts per million by weight, as measured before the implementation of the pollution measure.

* * * * *

(m) * * *

(5) * * *

(i) For wastewater treatment processes, conduct tests as specified in § 63.138(j) of this subpart.

* * * * *

13. Section 63.151 is amended by revising paragraph (j)(3) to read as follows:

§ 63.151 Initial notification.

* * * * *

(j) * * *

(3) Whenever an emission point or a chemical manufacturing process unit is added to a source, written information specified under paragraphs (e)(1) through (e)(5) of this section, containing information on the new emission point(s) shall be submitted to the EPA regional office where the source is located.

14. Section 63.152 is amended by revising paragraphs (c)(2)(ii)(C) and (d)(1) to read as follows:

§ 63.152 General reporting and continuous records.

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(C) A monitored parameter that is outside its established range or monitoring data that are not collected are excursions. However, if the conditions in paragraph (c)(2)(ii)(C)(*1*) or (c)(2)(ii)(C)(*2*) of this section are met, these excursions are not violations and do not count toward the number of excused excursions for determining compliance.

(*1*) *Periods of start-up, shutdown, or malfunction.* During periods of start-up, shutdown, or malfunction when the source is operated during such periods in accordance with the source's start-up, shutdown, and malfunction plan as required by § 63.6(e)(3) of subpart A.

(2) *Periods of nonoperation.* During periods of nonoperation of the chemical manufacturing process unit, or portion thereof, that results in cessation of the emissions to which the monitoring applies.

* * * * *

(d) * * *

(1) Reports of start-up, shutdown, and malfunction required by § 63.10(d)(5) of subpart A. The start-up, shutdown and malfunction reports may be submitted on the same schedule as the Periodic Reports required under paragraph (c) of this section instead of the schedule specified in § 63.10(d)(5) of subpart A.

* * * * *

15. The appendix to subpart G is amended by revising tables 4 and 7 to read as follows:

Appendix to Subpart G—Tables and Figures

* * * * *

TABLE 4. PROCESS VENTS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR MAINTAINING A TRE INDEX VALUE >1.0 AND ≤4.0

Final recovery device	Parameters to be monitored [a]	Recordkeeping and reporting requirements for monitored parameters
Absorber [b]	Exit temperature of the absorbing liquid [63.114(b)(1)], and.	1. Continuous records [c]. 2. Record and report the exit temperature of the absorbing liquid averaged over the full period of the TRE determination—NCS [d]. 3. Record the daily average exit temperature of the absorbing liquid for each operating day [e]. 4. Report all the daily average exit temperatures of the absorbing liquid that are outside the range established in the NCS or operating permit—PR [f].
	Exit specific gravity [63.114(b)(1)]	1. Continuous records. 2. Record and report the exit specific gravity averaged over the full period of the TRE determination—NCS. 3. Record the daily average exit specific gravity for each operating day [e]. 4. Report all daily average exit specific gravity values that are outside the range established in the NCS or operating permit—PR.
Condenser [d]	Exit (product side) temperature [63.114(b)(2)].	1. Continuous records. 2. Record and report the exit temperature averaged over the full period of the TRE determination—NCS. 3. Record the daily average exit temperature for each operating day [e]. 4. Report all daily average exit temperatures that are outside the range established in the NCS or operating permit—PR.
Carbon adsorber [d]	Total regeneration stream mass or volumetric flow during carbon bed regeneration cycle(s) [63.114(b)(3)], and.	1. Record of total regeneration stream mass or volumetric flow for each carbon bed regeneration cycle. 2. Record and report the total regeneration stream mass or volumetric flow during each carbon bed regeneration cycle during the period of the TRE determination—NCS. 3. Report all carbon bed regeneration cycles when the total regeneration stream mass or volumetric flow is outside the range established in the NCS or operating permit—PR.
	Temperature of the carbon bed after regeneration [and within 15 minutes of completing any cooling cycle(s)] [63.114(b)(3)].	1. Records of the temperature of the carbon bed after each regeneration. 2. Record and report the temperature of the carbon bed after each regeneration during the period of the TRE determination—NCS.

TABLE 4. PROCESS VENTS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR MAINTAINING A TRE INDEX VALUE >1.0 AND >4.0—Continued

Final recovery device	Parameters to be monitored [a]	Recordkeeping and reporting requirements for monitored parameters
All recovery devices (as an alternative to the above).	Concentration level or reading indicated by an organic monitoring device at the outlet of the recovery device [63.114 (b)].	3. Report all carbon bed regeneration cycles during which temperature of the carbon bed after regeneration is outside the range established in the NCS or operating permit—PR. 1. Continuous records. 2. Record and report the concentration level or reading averaged over the full period of the TRE determination—NCS. 3. Record the daily average concentration level or reading for each operating day [e]. 4. Report all daily average concentration levels or readings that are outside the range established in the NCS or operating permit—PR.

[a] Regulatory citations are listed in brackets.
[b] Alternatively, these devices may comply with the organic monitoring device provisions listed at the end of this table under ''All Recovery Devices.''
[c] ''Continuous records'' is defined in § 63.111 of this subpart.
[d] NCS = Notification of Compliance Status described in § 63.152 of this subpart.
[e] The daily average is the average of all values recorded during the operating day. If all recorded values during an operating day are within the range established in the NCS or operating permit, a statement to this effect can be recorded instead of the daily average.
[f] PR= Periodic Reports described in § 63.152 of this subpart.

* * * * *

TABLE 7.—TRANSFER OPERATIONS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAZARDOUS AIR POLLUTANTS EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME

Control device	Parameters to be monitored [a]	Recordkeeping and reporting requirements for monitored parameters
Thermal incinerator	Firebox temperature [b] [63.127(a)(1)(i)].	1. Continuous records [c] during loading. 2. Record and report the firebox temperature averaged over the full period of the performance test—NCS.[d] 3. Record the daily average firebox temperature for each operating day [e] 4. Report daily average temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR[g]
Catalytic incinerator	Temperature upstream and downstream of the catalyst bed [63.127(a)(1)(ii)].	1. Continuous records during loading. 2. Record and report the upstream and downstream temperatures and the temperature difference across the catalyst bed averaged over the full period of the performance test—NCS. 3. Record the daily average upstream temperature and temperature difference across catalyst bed for each operating day.[e] 4. Report all daily average upstream temperatures that are outside the range established in the NCS or operating permit—PR. 5. Report all daily average temperature differences across the catalyst bed that are outside the range established in the NCS or operating permit—PR. 6. Report all operating days when insufficient monitoring data are collected.[f]
Boiler or process heater with a design heat input capacity less than 44 megawatts and vent stream is not introduced with or as the primary fuel.	Firebox temperature [b] [63.127(a)(3)].	1. Continuous records during loading. 2. Record and report the firebox temperature averaged over the full period of the performance test—NCS. 3. Record the daily average firebox temperature for each operating day.[e] 4. Report all daily average firebox temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient data are collectedf—PR.
Flare	Presence of a flame at the pilot light [63.127(a)(2)].	1. Hourly records of whether the monitor was continuously operating and whether the pilot flame was continuously present during each hour. 2. Record and report the presence of a flame at the pilot light over the full period of the compliance determination—NCS. 3. Record the times and durations of all periods when all pilot flames are absent or the monitor is not operating. 4. Report the duration of all periods when all pilot flames of a flare are absent—PR.

TABLE 7.—TRANSFER OPERATIONS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAZARDOUS AIR POLLUTANTS EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME—Continued

Control device	Parameters to be monitored [a]	Recordkeeping and reporting requirements for monitored parameters
Scrubber for halogenated vent streams (Note: Controlled by a combustion device other than a flare).	pH of scrubber effluent [63.127(a)(4)(i)], and.	1. Continuous records during loading. 2. Record and report the pH of the scrubber effluent averaged over the full period of the performance test—NCS. 3. Record the daily average pH of the scrubber effluent for each operating day.[e] 4. Report all daily average pH values of the scrubber effluent that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
	Scrubber liquid and gas flow rates [63.127(a)(4)(ii)].	1. Continuous records during loading of scrubber liquid flow rate. 2. Record and report the scrubber liquid/gas ratio averaged over the full period of the performance test—NCS. 3. Record the daily average scrubber liquid/gas ratio for each operating day.[e] 4. Report all daily average scrubber liquid/gas ratios that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
Absorber [h]	Exit temperature of the absorbing liquid [63.127(b)(1)], and.	1. Continuous records during loading. 2. Record and report the exit temperature of the absorbing liquid averaged over the full period of the performance test—NCS. 3. Record the daily average exit temperature of the absorbing liquid for each operating day.[e] 4. Report all daily average exit temperatures of the absorbing liquid that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
	Exit specific gravity [63.127(b)(1)]	1. Continuous records during loading. 2. Record and report the exit specific gravity averaged over the full period of the performance test—NCS. 3. Record the daily average exit specific gravity for each operating day.[e] 4. Report all daily average exit specific gravity values that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
Condenser [h]	Exit (product side) temperature [63.127(b)(2)].	1. Continuous records during loading. 2. Record and report the exit temperature averaged over the full period of the performance test—NCS. 3. Record the daily average exit temperature for each operating day.[e] 4. Report all daily average exit temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
Carbon adsorber [h]	Total regeneration stream mass or volumetric or volumetric flow during carbon bed regeneration cycle(s) [63.127(b)(3)], and.	1. Record of total regeneration stream mass or volumetric flow for each carbon bed regeneration cycle. 2. Record and report the total regeneration stream mass or volumetric flow during each carbon bed regeneration cycle during the period of the performance test—NCS. 3. Report all carbon bed regeneration cycles when the total regeneration stream mass or volumetric flow is outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
	Temperature of the carbon bed after regeneration [and within 15 minutes of completing any cooling cycle(s)] [63.127(b)(3)].	1. Records of the temperature of the carbon bed after each regeneration. 2. Record and report the temperature of the carbon bed after each regeneration during the period of the performance test—NCS. 3. Report all the carbon bed regeneration cycles during which the temperature of the carbon bed after regeneration is outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
All recovery devices (as an alternative to the above).	Concentration level or reading indicated by an organic monitoring device at the outlet of the recovery device [63.127(b)].	1. Continuous records during loading. 2. Record and report the concentration level or reading averaged over the full period of the performance test—NCS. 3. Record the daily average concentration level or reading for each operating day.[d]

TABLE 7.—TRANSFER OPERATIONS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAZARDOUS AIR POLLUTANTS EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME—Continued

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
All control devices and vapor balancing systems.		4. Report all daily average concentration levels or readings that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.
	Presence of flow diverted to the atmosphere from the control device [63.127(d)(1)] or.	1. Hourly records of whether the flow indicator was operating and whether a diversion was detected at any time during each hour. 2. Record and report the duration of all periods when the vent stream is diverted through a bypass line or the monitor is not operating—PR.
	Monthly inspections of sealed valves [63.127(d)(2)].	1. Records that monthly inspections were performed. 2. Record and report all monthly inspections that show the valves are moved to the diverting position or the seal has been changed.

[a] Regulatory citations are listed in brackets.
[b] Monitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.
[c] ''Continuous records'' is defined in § 63.111 of this subpart.
[d] NCS = Notification of Compliance Status described in § 63.152 of this subpart.
[e] The daily average is the average of all recorded parameter values for the operating day. If all recorded values during an operating day are within the range established in the NCS or operating permit, a statement to this effect can be recorded instead of the daily average.
[f] The periodic reports shall include the duration of periods when monitoring data are not collected for each excursion as defined in § 63.152(c)(2)(ii)(A) of this subpart.
[g] PR = Periodic Reports described in § 63.152 of this subpart.
[h] Alternatively, these devices may comply with the organic monitoring device provisions listed at the end of this table under ''All Recovery Devices.''

16. Section 63.160 is amended by revising paragraph (a) to read as follows:

§ 63.160 Applicability and designation of source.

(a) The provisions of this subpart apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and control devices or closed vent systems required by this subpart that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR part 63 that references this subpart.

* * * * *

§ 63.163 [Amended]

17. Paragraph (b)(1) of § 63.163 is amended by revising the reference to ''(e) through (i) of this section'' to read ''(e) through (j) of this section.''

§ 63.164 [Amended]

18. Paragraph (h) of § 63.164 is amended by revising the reference to ''(a) through (f) of this section'' to read ''(a) through (g) of this section.''

§ 63.173 [Amended]

19. In § 63.173, paragraph (j) introductory text is amended by revising the reference to '' (b) through (d) of this section'' to read '' (a) through (d) of this section.''

20. Section 63.181 is amended by revising paragraph (b)(7) introductory text and revising paragraph (g)(3) introductory text to read as follows:

§ 63.181 Recordkeeping requirements.

* * * * *

(b) * * *

(7) The following information pertaining to all pumps subject to the provisions of § 63.163(j), valves subject to the provisions of § 63.168(h) and (i) of this subpart, agitators subject to the provisions of § 63.173(h) through (j), and connectors subject to the provisions of § 63.174(f) and (g) of this subpart shall be recorded:

* * * * *

(g) * * *

(3) Records of inspections of closed-vent systems subject to the provisions of § 63.172 of this subpart, as specified in paragraphs (g)(3)(i) and (g)(3)(ii) of this section.

* * * * *

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS–400141; FRL–6075–3]

Revised Policy for Amending Form R and Form A Submissions; Toxic Chemical Release Inventory Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Policy statement.

SUMMARY: EPA is making a minor administrative change to the Agency's management of data submitted each year to EPA under the Toxic Release Inventory (TRI) reporting program pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA) of 1990. Specifically, EPA is revising the period during which the Agency will accept voluntary revisions to Form R and Form A submissions each year for inclusion in the annual data release for that year. Facilities must now submit voluntary revisions to their Form R and Form A submissions to EPA within 30 days of the reporting deadline each year. The statutory annual reporting deadline is July 1. Therefore, revisions received after July 31 of each year, will not be included in the annual release of the TRI data for that year. EPA