

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL-]

RIN 2060-AE08

National Emission Standards for Hazardous Air Pollutants for
Source Categories: Ferroalloys Production, Mineral Wool
Production, Primary Lead Smelting, and Wool Fiberglass
Manufacturing; Supplement to Proposed Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplement to proposed rules; Notice of public hearing.

SUMMARY: Today's proposal would alter the national emission standards for hazardous air pollutants (NESHAP) previously proposed for the source categories of ferroalloys production, mineral wool production, primary lead smelting, and wool fiberglass manufacturing. Today's action proposes changes to the approach for determining compliance for owners or operators of fabric filters (i.e., baghouses) with bag leak detection systems, proposes changes to the approach for determining compliance through the use of defined monitoring parameters for air pollution control equipment and/or manufacturing processes, and proposes to add performance evaluation requirements for temperature monitoring devices. To determine which of these proposed changes would affect specific source categories, see the

appropriate Summary of Proposed Changes section for each source category.

Under section 112(j)(2) of the Clean Air Act (Act), the "hammer" date is the date by which affected facilities will be required to apply for a case-by-case emission limitation if the EPA has not promulgated a generally applicable emission standard. For these source categories, that date is May 15, 1999. The comment period for this action is 30 days. If a public hearing is held, the comment period for this action will be extended to 45 days. The comment period for this action is shorter than the normal comment period of 60 days so that these NESHAP may be promulgated by the May 15, 1999 "hammer" date.

DATES: Comments are requested only on information presented in this action. Comments on today's supplementary proposal must be received on or before _____ [Insert date 30 days after publication in the FEDERAL REGISTER], unless a request to speak at a public hearing is received by _____ [Insert date 10 days after publication in the FEDERAL REGISTER]. If a hearing is held, written comments must be received by _____ [Insert date 45 days after date of publication in the FEDERAL REGISTER]. If held, the hearing will take place at 10 a.m. on _____ [Insert date 14 days after publication in the FEDERAL REGISTER].

ADDRESSES: Comments. Comments should be submitted (in duplicate) to the docket for the source category being addressed, Air and Radiation Docket and Information Center (6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Docket numbers are as follows: ferroalloys production - Docket No. A-92-59; mineral wool production - Docket No. A-95-33; primary lead smelting - Docket No. A-97-33; and wool fiberglass manufacturing - Docket No. A-95-24. The EPA requests that a separate copy of the comments also be sent to the appropriate contact person for the specific source category listed below in the FOR FURTHER INFORMATION CONTACT section. Comments and data may also be submitted electronically by following the instructions provided in the SUPPLEMENTARY INFORMATION section. No confidential business information should be submitted through electronic mail.

Docket. The dockets, which contain supporting information used in developing the NESHAP, are located at the above address in Room M-1500, Waterside Mall (ground floor), and may be inspected from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. Copies of this information may be obtained by request from the Air Docket by calling (202) 260-7548. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Ferroalloys production.

Mr. Conrad Chin, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919)541-1512, electronic mail address "chin.conrad@epamail.epa.gov".

Mineral wool production. Ms. Mary Johnson, Minerals and Inorganic Chemicals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919)541-5025, electronic mail address "johnson.mary@epamail.epa.gov".

Primary lead smelting. Mr. Kevin Cavender, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919)541-2364, electronic mail address "cavender.kevin@epamail.epa.gov".

Wool fiberglass manufacturing. Mr. Bill Neuffer, Minerals and Inorganic Chemicals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919)541-5435, electronic mail address "neuffer.bill@epamail.epa.gov".

SUPPLEMENTARY INFORMATION: Technology Transfer Network. In addition to being available in the dockets, an electronic copy of today's notice is available through the Technology

Transfer Network (TTN). Following proposal, a copy of the supplement to the proposed rules, including the proposed regulatory text, will be posted at the TTN's policy and guidance page for newly proposed or promulgated rules (<http://www.epa.gov/ttn/oarpg/t3pfpr.html>). The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919)541-5384.

Public hearing. If anyone contacts the EPA requesting to speak at a public hearing by the required date (see DATES), a public hearing will be held at the EPA's Office of Administration Auditorium, 79 T.W. Alexander Drive, Research Triangle Park, North Carolina. Persons interested in attending the hearing or in making an oral presentation should notify Ms. Mary Hinson, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919)541-5601 by _____ [Insert date 10 days after publication in the FEDERAL REGISTER].

Electronic filing. Electronic comments can be sent directly to the EPA at "a-and-r-docket@epamail.epa.gov". Electronic comments and data must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on

disks in WordPerfect 5.1 or 6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the appropriate docket number. Electronic comments may be filed online at many Federal Depository Libraries.

Confidential Business Information. Commenters wishing to submit proprietary information for consideration should clearly distinguish such information from other comments and clearly label it "Confidential Business Information." Submissions containing such proprietary information should be sent directly to the appropriate contact person, c/o Ms. Melva Toomer, Document Control Officer, OAQPS/PRRMS (MD-11), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, and not to the public docket, to ensure that proprietary information is not inadvertently placed in the docket. Information covered by such claim of confidentiality will be disclosed by the EPA only to the extent allowed and by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies a submission when it is received by the EPA, the submission may be made available to the public without further notice to the commenter.

Regulated entities. Categories and entities potentially regulated by this action include:

Category	Examples of regulated entities
Industry	Ferroalloys production facilities (SIC 3313)
Industry	Mineral wool production facilities (SIC 3296)
Industry	Primary lead smelting facilities (SIC 3339)
Industry	Wool fiberglass manufacturing facilities (SIC 3296)
Federal government	None
State/local/tribal government	None

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by final action on this supplemental proposal. To determine whether your facility may be regulated by final action on this supplement to the proposed rules, you should carefully examine the applicability criteria in the proposed rule.

Outline. The information in this preamble is organized as follows:

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- K. Executive Order 13045 - Protection of Children from Environmental Health Risks and Safety Risks
- L. Clean Air Act

I. Statutory Authority

The statutory authority for this supplement to the

proposed rules is provided by sections 101, 112, 114, 116, and 301 of the Act, as amended (42 U.S.C. 7401, 7412, 7414, 7416, and 7601). This proposed rulemaking is also subject to section 307(d) of the Act (42 U.S.C. 7407(d)).

II. Background

A. Ferroalloys Production NESHAP

The proposed NESHAP for ferroalloys production was published in the Federal Register on August 4, 1998 (63 FR 41508). Only two existing facilities would be affected by the NESHAP, a producer of ferromagnesium alloys and a producer of ferronickel alloys. The proposed NESHAP would establish emission limits for particulate emissions from the two regulated facilities. The proposal requires owners and operators to develop and operate according to a Standard Operating Procedures (SOP) Manual for the operation and maintenance of baghouses. The proposal also requires owners and operators of new or reconstructed ferroalloys production facilities to install and operate a bag leak detection system as a part of the SOP for baghouses.

B. Mineral Wool Production NESHAP

The EPA proposed NESHAP for new and existing sources in mineral wool production facilities on May 8, 1997 (62 FR 25370). The proposed rule would establish emission limits for particulate matter (PM) emissions from existing cupolas. In addition to PM, emissions of carbon monoxide (CO) would

be regulated for new cupolas. Emissions of formaldehyde would be regulated for new and existing curing ovens. Particulate matter would serve as a surrogate for metal hazardous air pollutants (HAPs) and CO would be a surrogate for carbonyl sulfide (COS). As well as being a hazardous air pollutant (HAP), formaldehyde would serve as a surrogate for the HAP phenol. In addition to emission limits, the proposed rule specifies requirements for air pollution control equipment and/or manufacturing processes that would be enforceable and would be used to determine compliance with the applicable emission standards. The proposed rule requires that each affected source perform an initial compliance test to demonstrate compliance with the emission limits. The initial compliance tests would also be used to establish levels of control device parameters and process parameters used to monitor compliance. The proposed rule requires that these control device parameters and process parameters be monitored on a regular basis in order to determine that the control device or process equipment is operating properly. The proposed rule also specifies requirements for notifications, reporting, and recordkeeping.

C. Primary Lead Smelting NESHAP

The proposed NESHAP for primary lead smelting was published in the Federal Register on April 17, 1998 (63 FR

19200). Three existing primary lead facilities would be affected by the proposed rule. The proposal would establish a "plant wide" emission limit of 380 grams per megagram of lead produced from the aggregation of emissions discharged from eight identified process and process fugitive sources. The proposal also requires owners and operators of primary lead smelters to develop and operate according to SOP Manuals for the control of fugitive dust sources and for the operation and maintenance of baghouses. The SOP for baghouses requires owners and operators of primary lead smelters to install and operate bag leak detection systems.

D. Wool Fiberglass Manufacturing NESHAP

On March 31, 1997 (62 FR 15228), the EPA proposed the NESHAP for new and existing sources in wool fiberglass manufacturing facilities. The proposed rule would establish emission limits for PM emissions from glass melting furnaces located at wool fiberglass manufacturing plants and formaldehyde emission limits for affected rotary spin and flame attenuation manufacturing lines. The PM emission limits would serve as a surrogate for metal HAPs (arsenic, chromium, and lead compounds). Formaldehyde is a HAP and would serve as a surrogate for the HAPs phenol and methanol. The proposed rule would require that each affected source perform an initial compliance test to demonstrate compliance with the emission limits. For air pollution control devices

and process equipment used to comply with the emission limits, the initial compliance tests would also be used to establish levels of control device parameters and process parameters used to monitor compliance. The proposed rule would require that these control device parameters and process parameters be monitored on a regular basis in order to determine that the control device or process equipment is operating properly. The proposed rule would also specify requirements for notifications, reporting, and recordkeeping.

III. Summary of Proposed Changes

A. Ferroalloys Production NESHAP

This supplement to the proposed rule would enhance the requirements regarding bag leak detection systems in §§63.1625 and 63.1655 of the proposed rule to include an enforceable operating limit, such that the owner or operator would be in violation of the standard's operating limit if the alarm on a bag leak detection system sounds for more than five percent of the total operating time in each six-month reporting period. This supplementary proposal also specifies that each time the alarm sounds and the owner or operator initiates corrective actions within one hour of the alarm, one hour of alarm time would be counted. If the owner or operator takes longer than one hour to initiate corrective actions, the EPA proposes that alarm time would

be counted as the actual amount of time taken by the owner or operator to initiate corrective actions. If inspection of the fabric filter system demonstrates that no corrective actions are necessary, no alarm time would be counted. This supplementary proposal also proposes that owners and operators be required to continuously record the output from a bag leak detection system and to maintain these records as specified in §63.10 of the general provisions in subpart A of this part.

B. Mineral Wool Production NESHAP

This supplement to the proposed rule would enhance the requirements regarding bag leak detection systems in §63.1178 of the proposed rule to include an enforceable operating limit, such that the owner or operator would be in violation of the standard's operating limit if the alarm on a bag leak detection system sounds for more than five percent of the total operating time in each six-month reporting period. Section 63.1178(b)(9) of the proposed rule specifies that a quality improvement plan (QIP) be developed and implemented when the alarm on a bag leak detection system sounds for more than five percent of the total operating time in each six-month reporting period. The EPA determined that this requirement is not necessary because the proposed enforceable operating limit would address the EPA's concerns that the fabric filter be

properly operated and maintained, and would help assure that the emission limit would be met. Accordingly, this supplement to the proposed rule would delete the proposed requirement for a QIP.

This supplement to the proposed rule also specifies that each time the alarm sounds and the owner or operator initiates corrective actions within one hour of the alarm, one hour of alarm time would be counted. If the owner or operator takes longer than one hour to initiate corrective actions, the EPA proposes that alarm time would be counted as the actual amount of time taken by the owner or operator to initiate corrective actions. If inspection of the fabric filter system demonstrates that no corrective actions are necessary, no alarm time would be counted. This supplementary proposal also proposes that owners and operators be required to continuously record the output from a bag leak detection system and to maintain these records as specified in §63.10 of the general provisions in subpart A of this part.

This supplement to the proposed rule also would require the owner or operator to conduct a performance evaluation for each temperature monitoring device that is used to measure and record the operating temperature of an incinerator that is used to control formaldehyde emissions from new and existing curing ovens and CO emissions from new

cupolas according to §63.8(e) of the general provisions in subpart A of this part. The following requirements are proposed:

(1) The definitions, installation specifications, test procedures, and data reduction procedures for determining calibration drift, relative accuracy, and reporting described in sections 2, 3, 5, 7, 8, 9, and 10 of Performance Specification 2 of 40 CFR part 60 appendix B must be used to conduct the performance evaluation;

(2) the recorder response range must include zero and 1.5 times the average temperature level used to monitor compliance;

(3) the monitoring system calibration drift must not exceed two percent of 1.5 times the average temperature level used to monitor compliance;

(4) the monitoring system relative accuracy must not exceed 20 percent; and

(5) the reference method must be a National Institute of Standards and Technology calibrated reference thermocouple-potentiometer system, or an alternate reference system that must be approved by the Administrator.

The table that specifies which general provisions apply, or do not apply, to owners and operators subject to the requirements of the proposed NESHAP is proposed to be revised as necessary to reflect today's proposed changes.

C. Primary Lead Smelting NESHAP

This supplement to the proposed rule would enhance the requirements regarding bag leak detection systems in §63.1547 of the proposed rule to include an enforceable operating limit, such that the owner or operator would be in violation of the standard's operating limit if the alarm on a bag leak detection system sounds for more than five percent of the total operating time in each six-month reporting period. This supplementary proposal also specifies that each time the alarm sounds and the owner or operator initiates corrective actions within one hour of the alarm, one hour of alarm time would be counted. If the owner or operator takes longer than one hour to initiate corrective actions, the EPA proposes that alarm time would be counted as the actual amount of time taken by the owner or operator to initiate corrective actions. If inspection of the fabric filter system demonstrates that no corrective actions are necessary, no alarm time would be counted. This supplementary proposal also proposes that owners and operators be required to continuously record the output from a bag leak detection system and to maintain these records as specified in §63.10 of the general provisions in subpart A of this part.

D. Wool Fiberglass Manufacturing NESHAP

This supplement to the proposed rule would enhance the

monitoring requirements in §63.1386 of the proposed rule for control devices and process modifications that are used to comply with the PM emission limits for affected glass-melting furnaces and the formaldehyde emission limits for affected rotary spin and flame attenuation manufacturing lines. The proposed standard contains a number of operating parameters, the monitoring of which helps ensure continuous compliance with the emission limits through continuous emissions reductions. Several parameters (those associated with electrostatic precipitators (ESPs), glass-melting furnaces, and scrubbers, for instance) must be monitored during and after performance tests, which demonstrate on a site-specific basis that the source is complying with the emission limits under certain operating parameter conditions. Today's action would impose an enforceable operating limit, such that the owner or operator would be in violation of the standard's operating limits if the parameter(s) being monitored for a control device or a process modification deviate from the established limits for more than five percent of the total operating time, instead of the proposed ten percent of the total operating time, during each six-month reporting period.

Today's supplement to the proposed rule also changes the proposed monitoring requirements for cold top electric furnaces. This supplementary proposal would require the

owner or operator to operate each cold top electric furnace such that the air temperature, at a location 46 to 61 centimeters (18 to 24 inches) above the molten glass surface, does not exceed 120°C (250°F). The proposal does not specify that the air temperature above the glass melt must be monitored. The EPA has determined that because, by definition, a cold top electric furnace is designed and operated so that the air temperature, at a location 46 to 61 centimeters (18 to 24 inches) above the molten glass surface, does not exceed 120°C (250°F), it is not necessary to allow cold top electric furnaces to exceed this temperature for up to five percent of the total operating time in each six-month reporting period. Based on this proposed revision, a definition for cold top electric furnace is proposed to be added. The supplement to the proposed rule specifically requires that the air temperature above the molten glass surface of a cold top electric furnace be monitored and that records be maintained. This would not impose additional burden on the owner or operator since the proposed rule includes a general requirement to record numerous operating parameter data. See proposed §63.1386(d).

Today's action would also enhance the proposed rule's requirements regarding bag leak detection systems to include an enforceable operating limit, such that the owner or

operator would be in violation of the standard's operating limit if the alarm on a bag leak detection system sounds for more than five percent of the total operating time in each six-month reporting period. The proposed rule specifies that a QIP be developed and implemented when the alarm on a bag leak detection system sounds for more than five percent of the total operating time in each six-month reporting period, or when a monitored control device or process parameter is outside the level established during the performance test for more than five percent of the total operating time in each six-month reporting period. The EPA determined that this requirement is not necessary because the proposed enforceable operating limits would address the EPA's concerns that control devices and manufacturing processes be properly operated and maintained, and would help assure that the emission limits would be met. Accordingly, this supplement to the proposed rule would delete the proposed requirement for a QIP.

This supplement to the proposed rule also specifies that each time the alarm sounds and the owner or operator initiates corrective actions within one hour of the alarm, one hour of alarm time would be counted. If the owner or operator takes longer than one hour to initiate corrective actions, the EPA proposes that alarm time would be counted as the actual amount of time taken by the owner or operator

to initiate corrective actions. If inspection of the fabric filter system demonstrates that no corrective actions are necessary, no alarm time would be counted. This supplementary proposal also proposes that owners and operators be required to continuously record the output from a bag leak detection system and to maintain these records as specified in §63.10 of the general provisions in subpart A of this part.

This supplement to the proposed rule also would require the owner or operator to conduct a performance evaluation for each temperature monitoring device that is used to measure and record the operating temperature of an incinerator that is used to control formaldehyde emissions from rotary spin or flame attenuation manufacturing lines and for each temperature monitoring device that is used to measure and record the temperature above the molten glass surface in a cold top electric furnace according to §63.8(e) of the general provisions in subpart A of this part. The following requirements are proposed:

(1) The definitions, installation specifications, test procedures, and data reduction procedures for determining calibration drift, relative accuracy, and reporting described in sections 2, 3, 5, 7, 8, 9, and 10 of Performance Specification 2 of 40 CFR part 60 appendix B must be used to conduct the performance evaluation;

(2) the recorder response range must include zero and 1.5 times the average temperature level used to monitor compliance;

(3) the monitoring system calibration drift must not exceed two percent of 1.5 times the average temperature level used to monitor compliance;

(4) the monitoring system relative accuracy must not exceed 20 percent; and

(5) the reference method must be a National Institute of Standards and Technology calibrated reference thermocouple-potentiometer system, or an alternate reference system that must be approved by the Administrator.

The table that specifies which general provisions apply, or do not apply, to owners and operators subject to the requirements of the proposed NESHAP is proposed to be revised as necessary to reflect today's proposed changes.

IV. Rationale for Changes to the Proposed Rules

The EPA is proposing the changes to the monitoring provisions of the proposed rules in conformance with its policy governing monitoring. When determining appropriate monitoring options for the purpose of demonstrating continuous compliance, the EPA considers the availability and feasibility of the following monitoring options in a "top-down" fashion: (1) continuous emissions monitoring system (CEMS) for the HAP emitted, (2) CEMS for HAP

surrogates, (3) monitoring control device or process operating parameters, and (4) monitoring work practices. Thus, where available and feasible, the EPA specifies CEMS for continuous compliance monitoring of HAPs. This option allows continuous compliance with the emission limit to be determined directly. Where a CEMS for the regulated HAP is not available or feasible, the EPA specifies monitoring a surrogate pollutant with a CEMS or monitoring a control device or process operating parameter that is relevant to compliance status. Only when these options are not feasible does the EPA specify the monitoring of work practice requirements as a means of ensuring continuous compliance.

When compliance with a HAP or HAP surrogate emission limit cannot be directly monitored on a continuous basis, the rule generally will include a control device or process operating limit with which continuous compliance can be assessed. The operating limit becomes an enforceable limit of the rule. Section 302(k) of the Act specifically defines "emission standard" and "emission limitation" to include "any requirement relating to the operation or maintenance of a source to assure continuous emission reduction."

Monitoring of a control device or process operating parameter with an enforceable operating limit helps assure continuous compliance with the emission limit through continuous emission reduction. The operating limit is a

separately enforceable requirement of the rule and is not secondary to the emission limit.

By requiring sources to continuously monitor their compliance with specific control device and process operating parameters and by making deviations from such operating parameters for more than five percent of the total operating time in each six-month reporting period a violation of the operating limit, the monitoring requirements help assure continuous compliance with the emission limits through continuous emissions reductions. Likewise, the continuous monitoring of the fabric filter using a bag leak detection system, and the enforceable five percent threshold level, will help ensure that the fabric filter is being operated and maintained properly and thereby helps assure continuous compliance with the emission limit through continuous emission reduction. The EPA is proposing the requirement to continuously record bag leak detection system output to ensure that data necessary to assess compliance with the newly proposed operating limit for bag leak detection system alarms would be available. In the absence of such information, enforcement personnel would be unable to determine whether the operating limit is being met. The output records would also provide data necessary to assess the magnitude of the output level above the alarm set point, and would assist owners and operators in properly

operating and maintaining the fabric filter and in diagnosing fabric filter upsets. As proposed, an alarm simply indicates that the set point was exceeded, but it does not relate to the deviation or magnitude of the output level above the set point.

By requiring that each temperature monitoring device meet certain performance and equipment specifications, uniformity of requirements across the affected industry will be achieved. Also, by conducting a performance evaluation, the EPA can be sure that the temperature measurements and, therefore, the records being kept by the owner or operator, are accurate.

V. Administrative Requirements

A. Docket

The docket is intended to be an organized and complete file of the administrative records compiled by the EPA. The docket is a dynamic file because material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the docket will contain the record in case of judicial review. (See section 307(d)(7)(A) of the Act.) The location of the dockets, which will include all public

comments received regarding this supplement to the proposed rules, is in the ADDRESSES section at the beginning of this preamble.

B. Public Hearing

If a request to speak at a public hearing is received, a public hearing will be held on this proposal in accordance with section 307(d)(5) of the Act. If a public hearing is held, the EPA may ask clarifying questions during the oral presentation but will not respond to the presentations or comments. To provide an opportunity for all who may wish to speak, oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement (see DATES). Written statements and supporting information will be considered with equivalent weight as any oral statement and supporting information subsequently presented at a public hearing, if held. A verbatim transcript of the hearing and any written statements will be placed in the docket and will be available for public inspection and copying, or mailed upon request, at the EPA's Air and Radiation Docket and Information Center (see ADDRESSES).

C. Executive Order 12866 - Regulatory Planning and Review

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

of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this action is not a "significant regulatory action" under the terms of the Executive Order and is therefore not subject to OMB review.

D. Executive Order 12875 - Enhancing the Intergovernmental Partnership

Under Executive Order 12875, the 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 the EPA consults with those governments. If the EPA complies by consulting, Executive Order 12875 requires the EPA to provide to the OMB a description of the extent of the 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 the 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 supplement to the proposed rules does not create a mandate on State, local or tribal governments. The supplement to the proposed rules does not impose any enforceable duties on State, local or tribal governments, because they do not own or operate any sources that would be subject to this supplement to the proposed rules. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this supplement to the proposed rules.

E. Executive Order 13084 - Consultation and Coordination with Indian Tribal Governments

Under Executive Order 13084, the 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 the EPA consults with those governments. If the EPA complies by consulting, Executive Order 13084 requires the EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of the 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 the 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 supplement to the proposed rules does not significantly or uniquely affect the communities of Indian tribal governments. No affected facilities are owned or operated by Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not

apply to this supplement to the proposed rules.

F. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small

governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that this supplement to the proposed rules does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. This supplementary proposal would affect two ferroalloys production facilities, fifteen mineral wool production facilities, three primary lead smelting facilities, and twenty-seven wool fiberglass manufacturing facilities. The EPA projects that annual economic impacts would be far less than \$100 million. Thus, today's supplement to the proposed rules is not subject to the requirements of sections 202 and 205 of the UMRA. In addition, the EPA has determined that this supplement to the proposed rules contains no regulatory requirements that might significantly or uniquely affect small governments because it does not impose any enforceable duties on small

governments; such governments own or operate no sources subject to these proposed rules and therefore would not be required to purchase control systems to meet the requirements of these proposed rules.

G. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. None of the firms in the ferroalloys production, primary lead smelting, or wool fiberglass manufacturing industries are small businesses. The EPA has determined that seven of the ten mineral wool production firms that potentially would be subject to this supplement to the proposed rules are small firms. The EPA has met with all of these small firms and their trade association. Also, a representative of the EPA's Office of the Small Business Ombudsman participated in the development of the Mineral Wool Production NESHAP proposal as a work group member to ensure that the requirements of the standards were examined for potential adverse economic impacts.

Due to the nature of this supplement to the proposed rules, it is anticipated that there will be very little additional cost associated with its implementation. Revision of the requirements regarding bag leak detection systems on fabric filters such that it is a violation of the operating limit if the alarm sounds for more than five percent of the total operating time in each six-month reporting period does not impose any cost on the affected firms. The only additional cost associated with the proposed requirement to continuously record bag leak detection system output would be the cost of a data recording system (e.g., strip chart) and the cost of maintaining the associated records. Capital and annual costs for a strip chart are estimated to be \$1,500 and \$1,550/year, respectively, per bag leak detection system.

The EPA anticipates that no additional cost will result from the proposed performance evaluation requirements for temperature monitoring devices because the performance evaluation and calibration requirements simply provide uniform guidance on how to meet the requirements in the affected proposed rules to properly calibrate, operate, and maintain all monitoring devices. Therefore, based on this information, I certify that this action will not have a significant economic impact on a substantial number of small entities.

H. Paperwork Reduction Act

The information collection requirements associated with each of the proposed NESHAP were submitted for approval to the OMB under the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* at proposal. Today's supplement to the proposed rules would require owners and operators of fabric filters with bag leak detection systems to continuously record the output from each bag leak detection system. The annual monitoring, reporting, and recordkeeping burden for this requirement (averaged over the first three years after the effective date of the rule) is estimated to be 32 labor hours per year at a total annual cost of \$880/year per bag leak detection system. This estimate includes one-time purchase and installation of a data recording system (e.g., strip chart), and recordkeeping and reporting. Upon promulgation of each NESHAP, its information collection requirements will be revised as necessary.

An Agency may not conduct or sponsor, and a person is not required to respond to, a request for the collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

I. Pollution Prevention Act

The Pollution Prevention Act of 1990 states that pollution should be prevented or reduced at the source whenever feasible. During the development of the proposed NESHAP, the EPA explored opportunities to eliminate or reduce emissions through the application of new processes or work practices. Due to the nature of today's action, there are no additional opportunities to eliminate or reduce emissions through the application of new processes or work practices.

J. National Technology Transfer and Advancement Act

Under section 12(d) of the National Technology Transfer and Advancement Act (NTTAA), Pub. L. 104-113 (March 7, 1996), the EPA is required to use voluntary consensus standards in its regulatory and procurement 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, and business practices) which are developed or adopted by voluntary consensus standard bodies. Where available and potentially applicable voluntary consensus standards are not used by the EPA, the NTTAA requires the EPA to provide Congress, through the OMB, an explanation of the reasons for not using such standards. Today's action does not put forth any technical standards as part of the proposed revisions. Therefore, consideration of

voluntary consensus standards was not required.

K. Executive Order 13045 - Protection of Children from Environmental Health Risks and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns the environmental health or safety risk that the EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the EPA must evaluate the environmental health or safety effects 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 EPA.

The EPA interprets Executive Order 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 supplement to the proposed rules is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined by Executive Order 12866, and it is based on technology performance and not on health or safety risks.

L. Clean Air Act

Pursuant to section 112(d)(6) of the Act, the affected

NESHAP will be reviewed eight years from the date of promulgation. This review may include an evaluation of the residual health risks under section 112(f), any overlap with other programs, the existence of alternative methods, enforceability, improvements in emission control technology and health data, and the recordkeeping and reporting requirements.

LIST OF SUBJECTS IN 40 CFR PART 63

Environmental protection, Air pollution control, Hazardous substances, Recordkeeping and reporting requirements, Ferroalloys production, Mineral wool production, Primary lead smelting, Wool fiberglass manufacturing.

National Emission Standards for Hazardous Air Pollutants for
Source Categories: Ferroalloys Production, Mineral Wool
Production, Primary Lead Smelting, and Wool Fiberglass
Manufacturing; Supplement to Proposed Rules - page 38 of 52

Dated: _____.

Carol M. Browner,
Administrator.

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

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

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

AUTHORITY: 42 U.S.C. 7401 et seq.

SUBPART DDD - [AMENDED]

2. Section 63.1178, as proposed at 62 FR 25370 on May 8, 1997, is amended by revising paragraph (b)(9), by adding new paragraph (b)(10), and by removing the word "and" at the end of paragraph (b)(8) to read as follows:

§ 63.1178 Monitoring requirements.

* * * * *

(b) * * *

(9) The owner or operator shall operate and maintain the fabric filter so that the alarm on the bag leak detection system does not sound for more than five percent of the total operating time in a six-month reporting period. Each time the alarm sounds and the owner or operator initiates corrective actions within one hour of the alarm, one hour of alarm time will be counted. If the owner or operator takes longer than one hour to initiate corrective

actions, alarm time will be counted as the actual amount of time taken by the owner or operator to initiate corrective actions. If inspection of the fabric filter system demonstrates that no corrective actions are necessary, no alarm time will be counted; and

(10) The owner or operator shall continuously record the output from the bag leak detection system.

* * * * *

3. Section 63.1181, as proposed at 62 FR 25370 on May 8, 1997, is amended by redesignating paragraphs (d)(3), (d)(4), and (d)(5) as paragraphs (d)(4), (d)(5), and (d)(6) and by adding a new paragraph (d)(3) to read as follows:

§ 63.1181 Notification, recordkeeping, and reporting requirements.

* * * * *

(d) * * *

(3) Procedures for properly operating and maintaining each monitoring device. These procedures must be consistent with the requirements for continuous monitoring systems in the general provisions in subpart A of this part and must include a performance evaluation for each temperature monitoring device according to § 63.8(e) of the general provisions. The following requirements must be met:

(i) The definitions, installation specifications, test procedures, and data reduction procedures for determining

calibration drift, relative accuracy, and reporting described in sections 2, 3, 5, 7, 8, 9, and 10 of Performance Specification 2 of 40 CFR part 60 appendix B must be used to conduct the performance evaluation.

(ii) The recorder response range must include zero and 1.5 times the average temperature identified in § 63.1179(b)(5) of this subpart.

(iii) The monitoring system calibration drift must not exceed two percent of 1.5 times the average temperature identified in § 63.1179(b)(5) of this subpart.

(iv) The monitoring system relative accuracy must not exceed 20 percent.

(v) The reference method must be a National Institute of Standards and Technology calibrated reference thermocouple-potentiometer system, or an alternate reference system that must be approved by the Administrator.

* * * * *

4. Appendix B to Subpart DDD, as proposed at 62 FR 25370 on May 8, 1997, is amended by revising the entries "63.8(a)(2)," "63.8(d)," "63.8(e)," "63.10(c)(6)," and "63.10(c)(14)," by removing the entries "63.8(c)(4)-(c)(8)," "63.9(g)," and "63.10(e)(1)-(e)(2)," and by adding the entries "63.8(c)(4)," "63.8(c)(5)," "63.8(c)(6)-(c)(8)," "63.9(g)(1)," "63.9(g)(2)-(g)(3)," "63.10(e)(1)," "63.10(e)(2)(i)," and "63.10(e)(2)(ii)" to read as follows:

APPENDIX B TO SUBPART DDD OF PART 63--APPLICABILITY OF GENERAL PROVISIONS (40 CFR PART 63, SUBPART A) TO SUBPART DDD

Citation	Requirement	Applies to subpart DDD	Comment

63.8(a)(2)		Yes	

63.8(c)(4)		Yes	
63.8(c)(5)		No	Subpart DDD does not require COMS
63.8(c)(6)-(c)(8)		Yes	
63.8(d)	Quality Control	Yes	
63.8(e)	CMS Performance Evaluation	Yes	

63.9(g)(1)	Additional CMS Notifications	Yes	
63.9(g)(2)-(g)(3)		No	Subpart DDD does not require COMS or CEMS

63.10(c)(6)		Yes	

63.10(c)(14)		Yes	

63.10(e)(1)	Additional CMS Reports	No	Subpart DDD does not require CEMS

Citation	Requirement	Applies to subpart DDD	Comment
63.10(e)(2)(i)		Yes	
63.10(e)(2)(ii)		No	Subpart DDD does not require COMS

SUBPART NNN - [AMENDED]

5. Section 63.1381, as proposed at 62 FR 15228 on March 31, 1997, is amended by adding in alphabetical order the definition for "Cold top electric furnace" to read as follows:

§ 63.1381 Definitions.

* * * * *

Cold top electric furnace means an all-electric glass-melting furnace that operates with a temperature of 120 °C (250 °F) or less as measured at a location 46 to 61 centimeters (18 to 24 inches) above the molten glass surface.

* * * * *

6. Section 63.1386, as proposed at 62 FR 15228 on March 31, 1997, is amended by revising paragraphs (b)(9), (c)(3), (d)(3), (d)(4), (e)(4), (f)(1), (h)(3), and (i)(3), by removing paragraphs (c)(4), (e)(5), (h)(4), and (i)(4), and by adding new paragraph (b)(10) to read as follows:

§ 63.1386 Monitoring requirements.

* * * * *

(b) * * *

(9) The owner or operator shall operate and maintain the baghouse such that the alarm on the bag leak detection system does not sound for more than 5 percent of the total operating time in a 6-month block reporting period. Each time the alarm sounds and the owner or operator initiates corrective actions within one hour of the alarm, one hour of alarm time will be counted. If the owner or operator takes longer than one hour to initiate corrective actions, alarm time will be counted as the actual amount of time taken by the owner or operator to initiate corrective actions. If inspection of the baghouse demonstrates that no corrective actions are necessary, no alarm time will be counted.

(10) The owner or operator shall continuously record the output from the bag leak detection system.

(c)* * *

(3) The owner or operator shall operate the ESP such that the monitored ESP parameter(s) is not outside the limit(s) established during the performance test for more than 5 percent of the total operating time in a 6-month block reporting period.

(d)* * *

(3) The owner or operator shall operate each glass-

melting furnace, which uses no add-on controls and which is not a cold top electric furnace, such that the monitored parameter(s) is not outside the limit(s) established during the performance test for more than 5 percent of the total operating time in a 6-month block reporting period.

(4)(i) The owner or operator shall operate each cold top electric furnace such that the temperature does not exceed 120 °C (250 °F) as measured at a location 46 to 61 centimeters (18 to 24 inches) above the molten glass surface.

(ii) The owner or operator shall conduct a performance evaluation for each temperature monitoring device according to §63.8(e) of the general provisions. The definitions, installation specifications, test procedures, and data reduction procedures for determining calibration drift, relative accuracy, and reporting described in Performance Specification 2, 40 CFR part 60, appendix B, sections 2, 3, 5, 7, 8, 9, and 10 must be used to conduct the evaluation. The temperature monitoring device must meet the following performance and equipment specifications:

(A) The recorder response range must include zero and 180 °C (375 °F).

(B) The monitoring system calibration drift shall not exceed 2 percent of 180 °C (375 °F).

(C) The monitoring system relative accuracy shall not

exceed 20 percent.

(D) The reference system shall be a National Institute of Standards and Technology calibrated reference thermocouple-potentiometer system or an alternate reference, subject to the approval of the Administrator.

(e) * * *

(4)The owner or operator shall operate each glass-melting furnace such that the glass pull rate does not exceed, by more than 20 percent, the average glass pull rate established during the performance test for more than 5 percent of the total operating time in a 6-month block reporting period.

(f)(1)(i) The owner or operator who uses an incinerator to control formaldehyde emissions from forming or curing shall install, calibrate, maintain, and operate a monitoring device that continuously measures and records the operating temperature in the firebox of each incinerator.

(ii) The owner or operator shall conduct a performance evaluation for each temperature monitoring device according to §63.8(e) of the general provisions. The definitions, installation specifications, test procedures, and data reduction procedures for determining calibration drift, relative accuracy, and reporting described in Performance Specification 2, 40 CFR part 60, appendix B, sections 2, 3, 5, 7, 8, 9, and 10 must be used to conduct the evaluation.

The temperature monitoring device must meet the following performance and equipment specifications:

(A) The recorder response range must include zero and 1.5 times the average temperature identified in section § 63.1385(a)(12).

(B) The monitoring system calibration drift shall not exceed 2 percent of 1.5 times the average temperature identified in § 63.1387(a)(9).

(C) The monitoring system relative accuracy shall not exceed 20 percent.

(D) The reference system shall be a National Institute of Standards and Technology calibrated reference thermocouple-potentiometer system or an alternate reference, subject to the approval of the Administrator.

* * * * *

(h)* * *

(3) The owner or operator shall operate the process such that the monitored process parameter(s) is not outside the limit(s) established during the performance test for more than 5 percent of the total operating time in a 6-month block reporting period.

(i)* * *

(3) The owner or operator shall operate each scrubber such that each monitored parameter is not outside the limit(s) established during the performance test for more

than 5 percent of the total operating time in a 6-month block reporting period.

* * * * *

7. Section 63.1389, as proposed at 62 FR 15228 on March 31, 1997, is amended by adding paragraph (e)(2)(ix), by removing the word "and" at the end of paragraph (e)(2)(vii), and by removing the period at the end of paragraph (e)(2)(viii) and adding in its place "; and" to read as follows:

§ 63.1389 Notification, recordkeeping, and reporting requirements.

* * * * *

(e)(2) * * *

(ix) The temperature 46 to 61 centimeters (18 to 24 inches) above the molten glass surface for each cold top electric furnace that is not equipped with an add-on control device for PM emissions control including any period when the temperature exceeds 120 °C (250 °F) and a brief explanation of the cause of the exceedance and the corrective action taken.

8. Table 1 to Subpart NNN, as proposed at 62 FR 15228 on March 31, 1997, is amended by removing the entries "63.8(c)," "63.9(g)," and "63.10(e)(1)-(e)(3)," and by adding the entries "63.8(c)(1)-(c)(4)," "63.8(c)(5)," "63.8(c)(6)-(c)(8)," "63.9(g)(1)," "63.9(g)(2)-(g)(3),"

"63.10(e)(1)," "63.10(e)(2)(i)," "63.10(e)(2)(ii)," and "63.10(e)(3)" to read as follows:

TABLE 1 to SUBPART NNN--APPLICABILITY OF GENERAL PROVISIONS (40 CFR Part 63, Subpart A) to SUBPART NNN)

General provisions citation	Requirement	Applies to subpart NNN	Comment
* * * * *			
63.8(c)(1)-(c)(4)	CMS Operation/Maintenance	Yes	
63.8(c)(5)		No	Subpart NNN does not require COMS
63.8(c)(6)-(c)(8)		Yes	
* * * * *			
63.9(g)(1)	Additional CMS Notifications	Yes	
63.9(g)(2)-(g)(3)		No	Subpart NNN does not require COMS or CEMS
* * * * *			
63.10(e)(1)	Additional CMS Reports	No	Subpart NNN does not require CEMS
63.10(e)(2)(i)		Yes	
63.10(e)(2)(ii)		No	Subpart NNN does not require COMS
63.10(e)(3)	Excess Emissions/CMS Reports	Yes	
* * * * *			

9. Section 63.1547, as proposed at 63 FR 19200 on April 17, 1998, is amended by adding new paragraphs (e)(9) and (e)(10) to read as follows:

§ 63.1547 Monitoring requirements.

* * * * *

(e) * * *

(9) The owner or operator shall operate and maintain the fabric filter so that the alarm on the bag leak detection system does not sound for more than five percent of the total operating time in a six-month reporting period. Each time the alarm sounds and the owner or operator initiates corrective actions within one hour of the alarm, one hour of alarm time will be counted. If the owner or operator takes longer than one hour to initiate corrective actions, alarm time will be counted as the actual amount of time taken by the owner or operator to initiate corrective actions. If inspection of the fabric filter system demonstrates that no corrective actions are necessary, no alarm time will be counted.

(10) The owner or operator shall continuously record the output from the bag leak detection system.

* * * * *

SUBPART XXX - [AMENDED]

10. Section 63.1625, as proposed at 63 FR 41508 on

August 4, 1998, is amended by adding new paragraphs

(a)(4)(viii) and (a)(4)(ix) to read as follows:

§ 63.1625 Monitoring requirements.

* * * * *

(a)(4) * * *

(viii) The owner or operator shall operate and maintain the baghouse so that the alarm on the bag leak detection system does not sound for more than five percent of the total operating time in a six-month reporting period. Each time the alarm sounds and the owner or operator initiates corrective actions within one hour of the alarm, one hour of alarm time will be counted. If the owner or operator takes longer than one hour to initiate corrective actions, alarm time will be counted as the actual amount of time taken by the owner or operator to initiate corrective actions. If inspection of the baghouse demonstrates that no corrective actions are necessary, no alarm time will be counted.

(ix) The owner or operator shall continuously record the output from the bag leak detection system.

* * * * *