

(b) In the Register's discretion, four years after the close of any calendar year, the Register of Copyrights may close out the royalty payments account for that calendar year, including any sub-accounts, that are subject to a final distribution order under which royalty payments have been disbursed. Following closure of an account, the Register will treat any funds remaining in that account, or subsequent deposits that would otherwise be attributable to that calendar year, as attributable to the succeeding calendar year.

Dated: September 10, 2018.

Karyn Temple,

Acting Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2018-22372 Filed 10-12-18; 8:45 am]

BILLING CODE 1410-30-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA-HQ-OAR-2012-0133; FRL-9985-37-OAR]

RIN 2060-AS79

National Emission Standards for Hazardous Air Pollutants: Manufacture of Amino/Phenolic Resins Risk and Technology Review Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notification of final action on reconsideration.

SUMMARY: This action finalizes amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Manufacture of Amino/Phenolic Resins (APR). These final amendments are in response to petitions for reconsideration regarding the APR NESHAP rule revisions that were promulgated on October 8, 2014. In this action, we are revising the maximum achievable control technology (MACT) standard for continuous process vents (CPVs) at existing affected sources. In addition, we are extending the compliance date for CPVs at existing sources. We also are revising the requirements for storage vessels at new and existing sources during periods when an emission control system used to control vents on fixed roof storage vessels is undergoing planned routine maintenance. To improve the clarity of the APR NESHAP, we are also finalizing five

minor technical rule corrections. In this action, we have not reopened any other aspects of the October 2014 final amendments to the NESHAP for the Manufacture of APR, including other issues raised in petitions for reconsideration of the October 2014 rule.

DATES: This final rule is effective on October 15, 2018. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of October 15, 2018.

ADDRESSES: The Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA-HQ-OAR-2012-0133. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <https://www.regulations.gov> or in hard copy at the EPA Docket Center (EPA/DC), EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, please contact Mr. Art Diem, Sector Policies and Programs Division (Mail Code E143-01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-1185; email address: diem.art@epa.gov. For information about the applicability of the NESHAP to a particular entity, contact Ms. Maria Malave, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, EPA WJC South Building, Mail Code 2227A, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-7027; fax number: (202) 564-0050; and email address: malave.maria@epa.gov.

SUPPLEMENTARY INFORMATION:

Acronyms and Abbreviations. A number of acronyms and abbreviations are used in this preamble. While this may not be an exhaustive list, to ease

the reading of this preamble and for reference purposes, the following terms and acronyms are defined:

APR amino/phenolic resin
CAA Clean Air Act
CFR Code of Federal Regulations
CPV continuous process vent
CRA Congressional Review Act
EPA U.S. Environmental Protection Agency
FR Federal Register
HAP hazardous air pollutants
HON Hazardous Organic NESHAP
ICR information collection request
MACT maximum achievable control technology
MIR maximum individual risk
MON Miscellaneous Organic NESHAP
NAICS North American Industry Classification System
NESHAP national emission standards for hazardous air pollutants
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
RTO regenerative thermal oxidizer
TRE total resource effectiveness
UMRA Unfunded Mandates Reform Act
UPL upper predictive limit
VCS voluntary consensus standards

Organization of this Document. The information in this preamble is organized as follows:

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- K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
- L. Congressional Review Act (CRA)

I. General Information

A. Does this action apply to me?

Categories and entities potentially affected by this final rule include, but are not limited to, facilities having a North American Industry Classification System (NAICS) code 325211. Facilities with this NAICS code are described as plastics material and resin manufacturing establishments, which includes facilities engaged in manufacturing amino resins and phenolic resins, as well as other plastic and resin types.

To determine whether your facility would be affected by this final action, you should examine the applicability criteria in 40 CFR 63.1400. If you have any questions regarding the applicability of any aspect of this final action, please contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

The docket number for this final action regarding the APR NESHAP is Docket ID No. EPA-HQ-OAR-2012-0133.

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at <https://www.epa.gov/stationary-sourcesair-pollution/manufactureaminophenolic-resins-nationalemission-standards>. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents on this same website.

C. Judicial Review and Administrative Reconsideration

Under Clean Air Act (CAA) section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit (the Court) by December 14,

2018. Under CAA section 307(d)(7)(B), only an objection to this final rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Note, under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce these requirements.

This section also provides a mechanism for the EPA to reconsider the rule “[i]f the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.” Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, EPA WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background Information

On October 8, 2014, the EPA completed the residual risk and technology review of the January 20, 2000, APR MACT standards (65 FR 3276), and published its final rule amending the NESHAP for the APR Production source category at 40 CFR part 63, subpart OOO (79 FR 60898). Following promulgation of the October 2014 final rule, the EPA received three petitions for reconsideration from the Sierra Club, Tembec BTLRS (“Tembec”) (now Rayonier Advanced Materials Inc.), and Georgia-Pacific LLC (“Georgia-Pacific”), requesting administrative reconsideration of amended 40 CFR part 63, subpart OOO under CAA section 307(d)(7)(B).

In partial response to the petitions, the EPA reconsidered and requested comment on two distinct issues in the proposed rule amendments, published in the **Federal Register** on August 24, 2017 (82 FR 40103). These issues included: (1) The analysis, supporting data, and resulting emission standards for CPVs at existing sources; and (2) planned routine maintenance of emission control systems used to reduce

hazardous air pollutants (HAP) emissions from storage vessels.

In addition, while the EPA granted reconsideration on the pressure relief device issues raised in one of the petitions for reconsideration, the EPA did not address this issue in the August 24, 2017, proposal and intends to address those issues separately in a future action.

We received public comments on the proposed rule amendments from five parties. Copies of all comments submitted are available at the EPA Docket Center Public Reading Room. Comments are also available electronically through <https://www.regulations.gov> by searching Docket ID No. EPA-HQ-OAR-2012-0133.

In this document, the EPA is taking final action with respect to the issues on reconsideration addressed in the August 2017 proposal. Section III of this preamble summarizes the proposed rule amendments and the final rule amendments, presents public comments received on the proposed amendments and the EPA’s responses to those comments, and explains our rationale for the rule revisions published here.

III. Summary of Final Action on Issues Reconsidered

The two reconsideration issues for which amendments are being finalized in this rulemaking are: (1) The analysis, supporting data, and resulting emission standards for CPVs at existing sources; and (2) planned routine maintenance of emission control systems used to reduce HAP emissions from storage vessels. In this rulemaking, we are also finalizing several minor technical corrections to the regulation text of 40 CFR part 63, subpart OOO.

A. Analysis, Supporting Data, and Resulting Emission Standards for CPVs at Existing Sources

1. What changes did we propose regarding CPV standards at existing sources?

In the August 2017 proposed amendments to 40 CFR part 63, subpart OOO, we proposed a revised emissions limit for CPVs at existing sources, addressing only back-end CPVs.

In addition, we requested comments on the following issues: (1) Whether the existing compliance date or another date for back-end CPVs is appropriate if the standard is revised; and (2) whether the EPA should promulgate a separate standard for front-end CPVs at existing sources and whether there are other front-end CPVs in the source category beyond those identified by the EPA.

For back-end CPVs at existing sources, we proposed a production-based HAP emission limit of 8.6 pounds of HAP per ton of resin produced. This emissions limit represents the MACT floor based on 2015 test data provided by Georgia-Pacific and Tembec, the only two companies in the source category with back-end CPVs. We also solicited comments on whether existing facilities would need additional time to comply with the proposed revised back-end CPV standards, noting that the compliance date in the October 2014 final rule is October 9, 2017, and that the APR NESHAP at 40 CFR 63.1401(d) provides the opportunity for existing facilities, on a case-by-case basis, to request a compliance extension from their permitting authorities of up to 1 year, if necessary, to install controls to meet a standard.

The EPA identified two front-end CPVs at APR production existing sources at proposal and requested information about any other front-end CPVs in the source category. Due to the characteristics of these two CPVs, we noted that these CPVs could be subcategorized into two types—reactor and non-reactor front-end CPVs, and separate standards for the two types of front-end CPVs would be consistent with how reactor and non-reactor vents have been regulated for batch processes for the APR Production source category. We also stated that if no other reactor or non-reactor front-end CPVs at existing affected sources were identified, or if no additional data were provided for any such CPVs, the EPA would consider adopting final revised standards for front-end CPVs at existing sources based on existing information. Based on our analysis of the data provided by Georgia-Pacific for its front-end reactor CPVs, we proposed that the MACT floor for front-end reactor CPVs at existing sources would be 0.61 pounds of HAP per hour. Based on our analysis of the data provided by INEOS Melamines for its front-end non-reactor CPV, we proposed that the MACT floor for front-end non-reactor CPVs at existing sources would be 0.022 pounds of HAP per hour. We received no information about any additional front-end CPVs during the comment period.

2. What comments did we receive regarding proposed amendments to CPV standards at existing sources?

The following is a summary of the significant comments received on the proposed amendments to CPV standards at existing sources and our responses to these comments.

Comment: One commenter stated that the EPA's updated risk analysis for

INEOS Melamines and for the category are underestimated for reasons it has stated in comments on the October 2014 rule for this source category. The commenter also said the new analysis for INEOS Melamines only considers risks from formaldehyde and fails to consider the risks from other HAP emitted by the facility or the cumulative risks to the community from other pollution sources.

Response: We addressed the commenter's concerns regarding cumulative risks (and the various reasons the commenter claimed the risks were underestimated) in previous analyses in our October 2014 response to comments (Document EPA-HQ-OAR-2012-0133-0066). These same responses still apply and are not repeated here. Regarding the risk analysis for INEOS Melamines, the commenter is mistaken in asserting that the analysis only included formaldehyde. The risk analysis for the facility included all HAP emissions from equipment in the source category, and these HAP include both formaldehyde and methanol. As we noted in the August 2017 proposal, the 2014 risk modeling analysis indicated that the INEOS Melamines facility maximum individual risk (MIR) was estimated to be 0.4-in-1 million. As the risk driver was formaldehyde, we mentioned in the August 2017 proposal that the input files included 0.375 tons of formaldehyde emissions. We also discussed in the proposal that information received from INEOS Melamines indicated there were additional emissions of less than 0.03 tons per year from its non-reactor front-end CPV that were not accounted for in the 2014 modeling analysis. We explained in the proposal that when including these additional emissions in the risk estimate for the facility, the facility MIR would be about the same (less than 1-in-1 million), and we determined that additional quantitative risk analyses for this facility are not necessary. No updates to the risk analysis were made to other facilities, and the overall estimation of risks for the source category remain unchanged.

Comment: Several commenters were concerned about the proposed elimination of the use of the Total Resource Effectiveness (TRE) value as a compliance option for continuous process vents at an existing affected source. The commenters noted that the TRE provision is found in numerous other rules, such as the Hazardous Organic NESHAP (HON) and the Miscellaneous Organic NESHAP (MON). The commenters stated that the TRE provides facilities with the flexibility to

reduce emissions in the most cost-effective manner. The commenters also stated that the EPA has not articulated a rational basis for eliminating the TRE and that the EPA should maintain the current TRE for this and all other rules affecting continuous process vents. The commenters further stated that by keeping the TRE for continuous process vents at a new affected source, but eliminating it for existing sources, the requirements for existing sources would become more restrictive and costly than those for new affected sources.

Response: In the development of the MACT requirements for this NESHAP and in other rules, such as the HON and the MON, a TRE was included in the rule to help define the regulated process vents. In those rules, data for only a portion of the process vents in the existing source category were available to base the MACT floor and beyond-the-floor analyses upon. To ensure the rule required control for all process vents in the source category that were similar to those for which the MACT floor and the level of the standard was set, the TRE was used. This value ensures that all the process vents in the source category with comparable characteristics, such as flow rate, emission rate, net heating value, etc., as the process vents used to establish the level of the standard are the ones required to meet the established level of control. In this case, the EPA now has information for every CPV at an existing source in this source category, and the characteristics of every CPV were considered in establishing the proposed revised MACT standards. Therefore, a TRE value is not necessary to define the regulated CPVs at existing sources.

For CPVs at new sources, the EPA did not propose to eliminate the TRE. Keeping the TRE for CPVs at these sources will continue to ensure the representativeness of the process vent on which the emission standards were based to the process vents regulated by that standard, as it is unknown what characteristics any future process vents will have. The commenters are not correct in their assertion that without the inclusion of the TRE, the proposed revised existing source requirements will become more restrictive and costly than the standards for new sources. The CPVs at new sources with characteristics similar to the vent on which the standard is based will be required to have greater emissions reductions than the reductions effectively required for existing sources (*i.e.*, 85-percent reduction for new sources compared to approximately 50-percent reduction in emissions for the

two existing CPVs that require control to meet the MACT standard).

Comment: One commenter expressed dissatisfaction with the EPA's beyond-the-floor analysis for the proposed existing source standards for back-end CPVs. The commenter stated that the EPA only examined new regenerative thermal oxidizers (RTOs) and did not consider less costly options, such as using existing controls or conducting process changes. The commenter also stated that the EPA did not address whether additional beyond-the-floor reductions would be achievable. The commenter further stated that cost effectiveness is a measure of whether the benefits of a particular action are worth the cost, and the EPA's practice of comparing marginal cost for beyond-the-floor options relative to the costs of the reductions achieved by the MACT floor does not answer the question of whether the beyond-the-floor option is cost effective.

Response: In evaluating the beyond-the-floor emissions control options, we considered control technologies and strategies that would be technologically feasible for the facilities in the source category that have these process vents. In this case, RTO is the only control technology known that could treat the low HAP concentration, high air flow exhaust from these vents. We explained in the memorandum, "Proposed Revised MACT Floor and Beyond-the-Floor Analysis for Back-End Continuous Process Vents at Existing Sources in the Amino and Phenolic Resins Production Source Category," which is available in the docket for this action, that we also considered scrubbers and carbon adsorbers in this analysis, but found them to be technologically infeasible for this application. While it may be possible that a facility could make process changes to reduce emissions, this would be highly facility-specific, and the EPA does not have information to suggest any particular type of process change would reduce HAP from these vents. We did explain that RTOs are capable of achieving emission rates beyond the MACT floor. We used the EPA's control cost manual to evaluate costs of control. We did not have enough information to evaluate the cost effectiveness of process changes that could be used to meet the standard. Regarding the cost effectiveness of the technologically available option, *i.e.*, an RTO, we described the estimated cost of the beyond-the-floor option in the above-referenced memorandum. As shown in this memorandum, cost effectiveness was determined using capital and annual costs of an RTO, and the emissions reductions were

determined using a baseline of no control compared to control using an RTO. The beyond-the-floor option was found to not be cost effective using these estimates.

Back-End CPVs

Comment: One commenter generally supported the levels of the back-end CPV standards for existing sources, but has some concerns regarding the associated compliance assurance measures and definitions. For the back-end CPVs, the commenter requested that an option to achieve an 85 percent reduction be included to ensure the standards for existing sources are not more stringent than those for new sources. The commenter also requested that the EPA keep the formerly included 12-month rolling average emission rate for back-end CPVs to account for emissions variability between resin types. Additionally, the commenter suggested that the EPA not change the definitions for reactor batch process vent and non-reactor batch process vent to ensure there is no confusion regarding applicability of the batch process vent provisions. Further, the commenter stated that the EPA should specify that initial compliance performance tests be conducted at "maximum representative operating conditions."

Response: We are not revising the format of the proposed standard for existing source back-end CPVs as the commenter requested. The 12-month rolling average emissions rate, formerly included in the October 2014 rule, was used to help account for variability in emission rates before the EPA had the information submitted by the facilities for each CPV, in which the highest HAP emitting resin was tested. The proposed standard accounted for variability in emissions while the highest HAP emitting resin was produced. Therefore, there is no need for compliance to be determined over a long period to account for variability in resins produced or the conditions present while producing high HAP emitting resins. The EPA is also not adding an 85-percent reduction compliance option for existing source back-end CPVs. In calculating the MACT floor, we determined the emissions limitation achieved by the best performing existing sources in the category based on the emissions per unit of resin produced. This production-based standard accounts for variability associated with the manufacturing process, including fluctuations in the amount of product produced and different types of product produced (*i.e.*, various resin types), as well as possible future process

modifications to alter other production variables. An 85-percent emissions reduction compliance option does not reflect the MACT floor level of control for back-end CPVs at existing sources.

The proposed revised rule contains definitions for "batch process vent," "continuous process vent," "non-reactor process vent," and "reactor process vent." It is clear from these definitions that the rule provisions pertaining to "reactor batch process vents" and "non-reactor batch process vents" include only those vents that are "batch process vents." It is also clear that the rule provisions pertaining to "reactor continuous process vents" and "non-reactor continuous process vents" include only those vents that are "continuous process vents." Therefore, as the applicability of the rule provisions is sufficiently clear with these definitions, we have not added or changed the definitions related to these vents in the final rule beyond what was proposed.

We agree with the commenter that the initial compliance performance test should be conducted at "maximum representative operating conditions." However, as this is already a specified condition for performance tests in 40 CFR 63.1413(a)(2)(ii)(A), we have not further revised the regulatory text.

Comment: One commenter stated that use of an upper predictive limit (UPL) in the standards for back-end CPVs at existing sources is not justified, since the EPA has extensive data for all the sources subject to the standard. The commenter stated that with such a comprehensive data set, it is likely that all variability is already accounted for, and there is no justification to assume there is additional variability that needs to be accounted for. The commenter also stated that the EPA did not disclose the actual emissions levels obtained by the sources in the category in the units of measurement used for the proposed standards and only presents the emission rates estimated by the UPL. The commenter stated that the standards are further weakened by not being required to determine compliance using the resin resulting in the highest HAP emissions, the way the MACT floor was calculated, but instead requiring compliance based on the resin with the highest HAP content. The commenter also stated that the alternative percent-reduction and concentration-based limits do not reflect emissions reductions achieved by best-performing sources.

Response: While we agree with the commenter that the EPA has a comprehensive data set for the back-end CPVs in the source category, the use of

the UPL is justified to account for variability that occurs due to process conditions when producing the highest HAP-emitting resins. We calculated the UPL values for each back-end CPV with that CPV's highest HAP-emitting resin to take this variability into consideration. As discussed in detail in the MACT floor memorandum, "Proposed Revised MACT Floor and Beyond-the-Floor Analysis for Back-End Continuous Process Vents at Existing Sources in the Amino and Phenolic Resins Production Source Category," which is available in the docket for this action, we used the arithmetic average of the UPLs of the five best-performing back-end CPVs to calculate the MACT floor. To respond to the commenter's concerns about the calculation of the UPL, we have summarized the emissions information used to calculate the UPL values for each back-end CPV and included this information in a memorandum titled "Addendum to Proposed Revised MACT Floor and Beyond-the-Floor Analysis for Back-End Continuous Process Vents at Existing Sources in the Amino and Phenolic Resins Production Source Category" to the docket for this action. Regarding the compliance determination based on the resin with the highest HAP content, for these back-end CPVs, the liquid resin having the highest HAP content is the condition for which the highest HAP emissions result. This occurs because no significant quantities of HAP are created or destroyed in the drying process, and the drying process moves nearly all HAP in the liquid resin to the dryer vent (*i.e.*, back-end CPV). In addition, 40 CFR 63.1413(a)(2)(ii)(A) specifies that performance tests used to demonstrate compliance must be under "maximum representative operating conditions," as defined at 40 CFR 63.1402. This term specifies conditions which reflect the highest organic HAP emissions reasonably expected to be vented to the control device or emitted to the atmosphere.

Regarding the alternative standards included in the rule for CPVs, the alternative standard is not a percent reduction based standard and is only a concentration based alternative standard that represents the performance limits of combustion and non-combustion control technologies for low-HAP concentration airstreams. We did not propose to amend the alternative standard and are not making any amendments to the alternative standard in this action.

Comment: Two commenters responded to the EPA's request for comment about whether existing facilities would need additional time to

comply with the proposed revised back-end CPV standards. One commenter stated that the EPA should not extend the compliance deadline, asserting that such an extension would contravene the CAA's provisions stating that CAA section 112 standards become effective upon promulgation. The commenter also noted that sources would be in compliance with the more stringent 2014 standard by October 2017, and CAA section 307(d)(7)(B) provides that the EPA shall not delay the effective date of a regulation more than 3 months pending reconsideration. Another commenter recommended that all existing sources impacted by any of the proposed emission limits, definitions, and work practice standards have an additional year to meet the proposed compliance requirements. The commenter stated that facilities would need time to further evaluate the impact of the rule change, evaluate and/or modify its compliance strategy, and implement the compliance measures.

Response: Pursuant to CAA section 112(i)(3)(A), the Agency is establishing a compliance date of 1 year from the promulgation date of the final standards for back-end CPVs at existing sources. We are establishing this compliance date with recognition that the original October 2017 compliance date has already passed, that several state agencies have already given sources 1 year compliance date extensions, and that the amended emissions standard for back-end CPVs at existing sources changes the numerical emission limitation. After promulgation of these standards, facility owners or operators will require time to reevaluate compliance options, potentially revise compliance strategies, and implement the strategies, which the EPA anticipates will entail the purchase and installation of emissions control devices at two sources. We are providing 1 year to allow for this evaluation and implementation, which we consider as expeditious as practicable given the need to evaluate compliance options and the anticipated installation and initial compliance determination of emission control equipment in order to meet the standards in this final rule. Additionally, since we are revising the standards for front-end CPVs at existing facilities, we are also establishing the same compliance date as for the back-end CPVs at existing sources. The reasons for the revised compliance date for front-end CPVs at existing sources are the same as those for the back-end CPVs, except that the EPA anticipates that sources will not need to purchase and install emissions control devices to

achieve the front-end CPV standard. Regardless of whether control devices will need to be employed to achieve the standards for front-end CPVs at existing sources, the numeric value and format of the standard is revised and owners or operators of sources subject to these revised standards will need to alter how they demonstrate compliance. For front-end CPVs, the standard is being revised from 1.9 pounds of HAP per ton of resin produced, as specified in the October 2014 rule, to less than a pound of HAP per hour standard as revised in this action. This is a logical outgrowth of the proposal's discussion of the considered options for front-end CPVs at existing sources, for which the Agency solicited comments which yielded no identification of other front-end vents and no substantive comments regarding the discussed possible standards. The need to establish an expeditious yet reasonable compliance date for a revised standard is reasonable in light of our revising the standard in both numeric value and units of measure. The revised compliance deadline for CPVs at existing sources being established in this action is specified at 40 CFR 63.1401(b). In contrast, for the storage vessel standard for periods of planned routine maintenance, the option to comply through a work practice standard would only require planning not substantially different from what is necessary to implement the planned routine maintenance of the emissions control system and would not require any additional equipment. Therefore, the EPA has determined that this storage vessel standard can be implemented by the compliance date previously established, and we are not amending this compliance date for the finalized storage vessel amendments in this final action.

The EPA disagrees with the commenter's opinion that providing additional time to comply with the revised CPV standards is unlawful under the CAA. Although it is true that CAA section 112 provides that standards "shall be effective upon promulgation," the commenter overlooks the fact that CAA section 112(i)(3)(A) clearly provides the EPA discretion to establish an appropriate compliance period to follow the "effective date" of standards. Similarly, although CAA section 307(d)(7)(B) speaks of potential delays of the effectiveness of a standard following receipt of a petition for reconsideration, that provision has no relevance to the decision the Agency makes under CAA section 112(i)(3)(A) to establish a

compliance date following the promulgation of a standard.

Comment: One commenter noted there were several references in the proposed rule to 40 CFR 63.1405(b)(2)((i), (ii), and (iii), which were not included in the proposed rule language. The commenter also noted that there was no paragraph (i) or (ii) before 40 CFR 63.1413(h)(3)(ii)(B)(3)(iii). The commenter requested that the EPA correct the discrepancies and allow for an extended comment period on the technical corrections.

Response: The commenter is correct that several references to these paragraphs were included in the proposed rule language and that the paragraphs were not present in the proposed rule text. The paragraphs in which these references were located in the proposed rule text were 40 CFR 63.1413(c)(5), (c)(6), (h)(1)(i), (h)(3)(ii)(B)(4), and (h)(3)(iii), and 40 CFR 63.1416(f)(5) and (f)(6), and 40 CFR 63.1417(f)(15). In the final rule language, we have corrected this discrepancy by revising 40 CFR 63.1405(b) and including standards for reactor and non-reactor front-end CPVs at existing sources in 40 CFR 63.1405(b)(2)(ii) and (iii). We did not propose rule language for these front-end CPVs because we were taking comment on whether it would be appropriate to establish front-end CPV standards at existing sources for the source category and the associated value of the standard if there were front-end CPVs, other than the two we had identified, at existing affected sources. In the proposal, we discussed what the standard would be based on information available to the EPA at the time and provided a memorandum in the docket regarding calculation of the MACT floor and beyond-the-floor analysis. As no comments were received regarding additional front-end CPVs, and no other information indicates there are other existing source front-end CPVs in the source category, we have included the standards for front-end CPVs in the final rule. These standards are based on the existing information available to the EPA, as discussed at proposal. We have also corrected the numbering for 40 CFR 63.1413(h)(3)(ii)(B)(3). As the levels of the front-end CPV standards now included in the rule language were explained in our proposal, and no comments on the standards were received, we are not providing additional time for comment on these provisions.

3. What are the final rule amendments and our associated rationale regarding CPV standards at existing sources?

The analyses regarding the emission standards for CPVs at existing source APR facilities has not changed since proposal, and our rationale for the standards are provided in the preamble for the proposed rule and in the responses to the comments presented above. For these reasons, we are finalizing the revised back-end CPV standards for existing sources of 8.6 pounds of HAP per ton of resin produced, as proposed in August 2017. We are also finalizing, for the reasons provided above, separate standards for reactor and non-reactor front-end CPVs at existing sources, as described in the August 2017 proposal. The standard for front-end reactor CPVs is 0.61 pounds of HAP per hour, and the standard for front-end non-reactor CPVs is 0.022 pounds of HAP per hour.

B. Planned Routine Maintenance of Emission Control Systems Used To Reduce HAP Emissions From Storage Vessels

1. What changes did we propose regarding planned routine maintenance of storage vessel emissions control systems?

In its petition for reconsideration of the October 2014 final rule, Georgia Pacific requested that the EPA reconsider the applicability of the storage vessel HAP emissions standards when the emission control system for the vent on a fixed roof storage vessel is shut down for planned routine maintenance. In response to this request, the EPA reviewed and re-evaluated the standards for storage vessels, and we proposed a separate work practice standard for storage vessels during periods of planned routine maintenance of the storage vessel control device in the August 2017 proposed amendments to 40 CFR part 63, subpart OOO. This proposed work practice would allow owners or operators to bypass the control device for up to 240 hours per year during planned routine maintenance of the emission control system, provided there are no working losses from the vessel. This proposed standard would apply to fixed roof storage vessels at new and existing APR sources and represents the MACT floor level of control.

2. What comments did we receive regarding the proposed standards for planned routine maintenance of storage vessel emissions control systems?

The following is a summary of the significant comments received on the

proposed standards for planned routine maintenance of storage vessel emissions control systems and our responses to these comments.

Comment: One commenter stated that the EPA lacks authority to exempt sources from emissions standards during any period of time and asserted that the proposed work practice standard is merely an exemption for storage vessel emissions during control device planned routine maintenance. The commenter also asserted that the EPA has not met the statutory requirements specified in CAA section 112(h)(1)–(2) to authorize the Agency to issue a work practice standard rather than a numeric emission standard. The commenter further stated that the proposed work practice standards are not consistent with the requirements of CAA section 112(d), which sets forth requirements for determining the MACT floor and beyond-the-floor levels based on the emissions reductions achieved by the best performing similar sources. The commenter stated that the EPA has not determined the emissions achieved by the best performing sources or whether those sources have 240 hours of uncontrolled emissions annually. The commenter stated that the EPA failed to apply the CAA standards for beyond-the-floor determinations. On this point, the commenter noted that the EPA claims the use of carbon canisters for emissions control during storage vessel planned routine maintenance is achievable, but not cost effective, however, the EPA did not attempt to examine the benefits of reducing HAP during these periods. The commenter stated that the EPA did not disclose the data or methodology used in its estimate of 26 pounds per year per facility for routine maintenance emissions.

Response: First, there is no basis for the commenter's assertion that the proposed work practice standard is an exemption for storage vessel emissions during control device planned routine maintenance. The work practice standard establishes specific requirements that apply during up to 240 hours per year of planned routine maintenance of the control system. Specifically, the standard prohibits sources from increasing the level of material in the storage vessel during periods that the closed-vent system or control device is bypassed to perform planned routine maintenance. This standard minimizes emissions by ensuring that no working losses occur during such time periods. Working losses are the loss of stock vapors as a result of filling a storage vessel and are the majority of uncontrolled emissions for storage vessels having significant

throughput. The proposed work practice standard does not allow working losses to occur. With working losses eliminated during this period, the only emissions that would occur are breathing losses (a.k.a. standing losses). Breathing losses occur due to the expansion and contraction of the vapor space in a fixed roof storage vessel from diurnal temperature changes and barometric pressure changes. Breathing losses occur without any change to the liquid level in the storage vessel. The breathing losses from a fixed roof storage vessel are small and highly variable because they are dependent upon the volume of the vapor space in the storage vessel and the meteorological conditions at the time.

Second, the storage vessel requirements in this rule were originally promulgated as CAA section 112(h) standards. The provisions establish two control options. One option is for the installation of a floating roof pursuant to 40 CFR part 63, subpart WW. This option is a combination of design, equipment, work practice, and operational standards. The other option is to install a conveyance system (pursuant to 40 CFR part 63, subpart SS) and route the emissions to a control device that achieves a 95-percent reduction in HAP emissions or that achieves a specific outlet HAP concentration. The second option is a combination of design standards, equipment standards, operational standards, and a percent reduction or outlet concentration. See the preamble to the original rulemaking for 40 CFR part 63, subpart OOO at 63 FR 68832 (12/14/1998) and the preamble to the HON at 57 FR 62608 (12/31/1992). In this action, we neither reopened nor accepted comment on the standards that apply during all periods other than the up to 240 hours of planned routine maintenance or any aspect of the original justification for the standards.

Third, the specific work practice requirement added in this action fulfills the purposes of section 112(h)(1) of the CAA, which calls on the Administrator to include requirements in work practice standards sufficient to assure the proper operation and maintenance of the design or equipment. The work practice standard added simply allows for the planned routine maintenance of the control device and minimizes emissions during such periods of planned routine maintenance, consistent with the requirements of CAA section 112(h)(1).

Fourth, the commenter did not provide any evidence to show that there is a methodology that could be applied to breathing losses from a fixed roof

storage vessel that would be technologically and economically practicable. We have determined that it is not practicable due to technological and economic limitations, to apply measurement methodology to measure breathing losses from storage vessels during periods of planned routine maintenance. We have concluded that it would not be technically and economically practicable to measure breathing loss emissions with any degree of certainty to establish a numeric limit based upon the best performing sources because of the nature of the breathing losses. The breathing losses during the planned routine maintenance of the control system are highly dependent on the volume of the vapor space and the weather conditions during that time. It would be impractical to plan to test a storage vessel during the 10 days per year that have the both the weather conditions and the vapor space volume that would result in the most breathing losses. Specialized flow meters (such as mass flowmeters) would likely be needed in order to accurately measure any flow during these variable, no to low flow conditions. Measurement costs for these no to low flow durations of time would be economically impracticable, particularly in light of the small quantity of emissions. We have used AP-42 emissions estimate equations to estimate 10 days of breathing losses. See "Addendum to National Impacts Associated with Proposed Standards for CPVs and Storage Tanks in the Amino and Phenolic Resins Production Source Category" in the docket for this rule. We estimate that it would cost approximately \$25,000 for three 1-hour testing runs on a single day. We calculated these costs based on industry average costs of deploying qualified individuals for a day and costs of performing the necessary tests on required equipment to determine the concentration and emission rate of HAP. The extremely low flow rate present would require a greater degree of monitoring plan and quality assurance project plan development than is typical. Specialized equipment that is not typically available may be required to measure flow rates under these conditions. We are not aware of any measurement of breathing loss HAP emissions from a fixed roof storage vessel in the field.

In the proposed rule, we also evaluated whether a backup control device capable of achieving the 95-percent reduction standard would be cost effective at controlling the

remaining breathing losses. In the proposal, we explained that the use of such back-up control devices is not cost effective. To respond to the commenter's concern about the disclosure of the data and methodologies used to calculate the breathing losses for assessing the cost effectiveness of controlling such emissions, in the memorandum titled "Addendum to National Impacts Associated with Proposed Standards for CPVs and Storage Tanks in the Amino and Phenolic Resins Production Source Category," we are providing a summary of the information used to calculate the breathing losses in the docket for this rule.

Therefore, we are finalizing the amendments to the storage vessel requirements, as proposed, allowing owners or operators of fixed roof vessels at new and existing affected APR sources to perform planned routine maintenance of the emission control system for up to 240 hours per year, provided there are no working losses from the vessel during that time.

Comment: One commenter supported the EPA's proposed work practice standards for storage vessels during planned routine maintenance of emission control systems. The commenter requested that the work practice standard also cover periods of malfunctions of the control device when it is temporarily incapable of controlling any emissions from the storage vessel. The commenter stated this would reduce the burden associated with required notifications of unpreventable failure of control equipment, which may not result in an exceedance of the emissions standard.

Response: While emissions from most equipment can be eliminated completely during routine maintenance of a control device, simply by not operating the process during those times, the same is not true for a storage vessel. The stored material in the vessel will continue to emit small amounts of volatile compounds due to breathing losses even when the control device is not operating. The only ways to avoid these emissions are to route the vapors from the stored material to another control device or to completely empty and degas the storage vessel prior to the maintenance activity. We proposed the 240 hour work practice standard to avoid having owners or operators empty and degas a storage vessel prior to completing planned routine maintenance, as this activity results in higher emissions than the small amounts of breathing losses that would result during the time the control device was not operating. While this work

practice requirement prevents higher emissions than would result from the planned emptying and degassing activity that may take place prior to planned routine maintenance of a control device, the same emissions would not be avoided in the event of a malfunction. As malfunctions are not planned events, an owner or operator would not empty and degas a storage vessel prior to the malfunction. Since emissions would not be reduced and would possibly increase by including malfunctions in the work practice standard, we do not agree that it is not appropriate to include malfunctions in the standard. Consequently, the final rule does not adopt the commenter's suggestion.

Comment: One commenter requested that the EPA revise the proposed storage vessel control requirements to explicitly allow emissions to be routed to a process for re-use as a raw material rather than just to a control or recovery device, to be more consistent with the similar provisions contained in the HON.

Response: The standards in 40 CFR 63.1404(a)(1) refer to 40 CFR part 63, subpart SS, for storage vessel control requirements, stating, "Control shall be achieved by venting emissions through a closed vent system to any combination of control devices meeting the requirements of 40 CFR part 63, subpart SS (National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process)." The requirements of 40 CFR part 63, subpart SS, also include the ability to meet storage vessel emissions standards by routing emissions through a closed vent system to a fuel gas system or a process, which has been an option for control of storage vessel emissions meeting the standards of 40 CFR 63.1404(a)(1). We have revised 40 CFR 63.1404(a)(1) to clarify that compliance with the standards of 40 CFR 63.1404(a)(1) can be achieved by following the requirements of 40 CFR part 63, subpart SS, for routing emissions through a closed vent system to a fuel gas system or a process, which are included in the provisions and the title of the subpart. This clarification achieves the same result as the commenter's suggestion.

3. What are the final rule amendments and our associated rationale regarding the standards for planned routine maintenance of storage vessel emissions control systems?

The analysis of the alternative work practice standards for storage vessels at new and existing APR facilities during planned routine maintenance of

emission control systems has not changed since proposal. Therefore, for the reasons provided above, as well as in the preamble for the proposed rule, the EPA is finalizing, with minor clarifications, the proposed work practice standards for these periods of time. The work practice standards will permit owners or operators of fixed roof storage vessels at new and existing affected APR sources to bypass the emission control system for up to 240 hours per year during planned routine maintenance of the emission control system, provided there are no working losses from the fixed roof storage vessel. To prevent HAP emissions from working losses, owners or operators complying with the alternative work practice standards will not be permitted to add material to the storage vessel during control device planned routine maintenance periods.

We are making two minor clarifications to the requirements for storage vessels during planned routine maintenance of emission control systems. In this final rule, we have revised 40 CFR 63.1404(a)(1) to clarify that compliance with the standards of 40 CFR 63.1404(a)(1) can be achieved by following the requirements of 40 CFR part 63, subpart SS, for routing emissions through a closed vent system to a fuel gas system or a process. This revision will apply during times of normal operation, as well as during planned routine maintenance of the storage vessel emissions control system. We have also added language to the recordkeeping and reporting requirements in 40 CFR 63.1416(g)(6) and 40 CFR 63.1417(f)(16) for storage vessel control device planned routine maintenance. These requirements were inadvertently omitted from the proposed rule text.

C. Technical Corrections

In this rulemaking, we are making five technical corrections to improve the clarity of the APR NESHAP requirements.

First, the original APR NESHAP, promulgated in January 2000 (65 FR 3276), incorporated three voluntary consensus standards (VCS) by reference, as specified in 40 CFR 63.14. However, while the paragraphs in 40 CFR 63.14 for these three VCS include references to the NESHAP for which they are approved to be used, these references omit citations to 40 CFR 63, subpart OOO. In 40 CFR 63.14, we are adding citations to 40 CFR 63.1402 and 40 CFR 63.1412 for the following consensus standards: American Petroleum Institute Publication 2517, Evaporative Loss From External Floating-Roof Tanks;

American Society for Testing and Materials Method D2879-83; and American Society for Testing and Materials Method D1946-90.

Second, we are also correcting a citation reference to 40 CFR 63.1413(d)(6)(iii)(A) in 40 CFR 63.1417(3)(9). The correct citation is to 40 CFR 63.1414(d)(6)(iii)(A).

Third, at 40 CFR 63.1403(a) and 40 CFR 63.1405(a)(2), we are correcting the reference to the title of 40 CFR part 63, subpart SS, *i.e.*, "National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process."

Fourth, at 40 CFR 63.1412(g)(2)(ii), we are adding the phrase "(Reapproved 1994) (incorporated by reference, see § 63.14)" immediately following "American Society for Testing and Materials D1946-90."

Fifth, at 40 CFR 63.1404(c) and 40 CFR 63.1416(g)(6)(iii), we are replacing the undefined term "tank" with the defined term "storage vessel."

IV. Summary of Cost, Environmental, and Economic Impacts

A. What are the affected sources?

We estimate that 11 to 16 existing sources will be affected by one or more of the revised requirements being finalized in this action. We expect one existing source will be subject to the revised front-end and back-end CPV requirements, one existing source will be subject to the revised front-end CPV requirements, and three existing sources will be subject to the back-end CPV requirements. We expect four of these five existing sources (and an additional six to 11 sources) will be able to take advantage of the storage vessel work practice standards during periods of planned routine maintenance of an emission control system that is used to comply with emissions standards for vents on fixed roof storage vessels.

B. What are the air quality impacts?

We are finalizing a revised standard of 8.6 pounds of HAP per ton of resin produced for back-end CPVs at existing sources. We project the final standard will result in an estimated reduction of 207 tons of HAP per year beyond the January 2000 APR MACT standards, based on compliance with the alternative standard of 20 parts per million by volume for combustion control using RTOs. We estimate that the October 2014 rule would have required HAP emission reductions of 271 tons per year from CPVs at existing sources. We are also finalizing a standard of 0.61 pounds of HAP per

hour for front-end reactor CPVs at existing sources and a standard of 0.022 pounds of HAP per hour for front-end non-reactor CPVs at existing sources. The front-end CPVs are anticipated to be able to meet the emission standards without additional controls, and we project that these final standards will not result in HAP emission reductions beyond the January 2000 APR MACT standards.

We are finalizing work practice standards to address emissions during periods of storage vessel emissions control system planned routine maintenance. The standards require that storage vessels not be filled during these times, which eliminates working losses, and limit the amount of time allowed annually for use of this work practice. We anticipate the revised work practice standards will reduce HAP emissions from those allowed under the January 2000 APR MACT standards by preventing working losses and limiting the annual duration of the maintenance period for which the work practice can be used, resulting in an estimated decrease of 0.9 tons of HAP per year per facility beyond the January 2000 APR MACT standards. When compared to the October 2014 rule, which required compliance with the storage vessel emissions standards at all times, including during times of planned routine maintenance of the emissions control system, the HAP emissions reduction may be slightly less than the 0.08 tons of HAP per year projected under the 2014 final rule.

C. What are the cost impacts?

For back-end CPVs at existing affected sources, we are finalizing a revised standard of 8.6 pounds of HAP per ton of resin produced. We project that back-end CPVs at two existing affected sources will require emissions controls to meet the revised standard. For cost purposes, we assumed that each facility would install an RTO. Based on discussions with Georgia-Pacific and Tembec, we understand that the facilities are exploring other options, such as process changes, that may be more cost effective. However, the technical feasibility and potential costs of these options are currently unknown, and our estimate of compliance costs, assuming the use of RTOs, is based on the best information available. We estimate the nationwide capital costs to be \$4.8 million and annualized costs to be \$2.1 million per year. These costs are incremental to those of the 2000 rule, which did not regulate CPVs at existing sources. Compared to our revised estimate of the October 2014 rule costs of \$9.6 million in capital costs and

annualized costs of \$4.2 million,¹ the revised standard represents an approximate 50-percent reduction in industry-wide costs. For front-end CPVs, we anticipate compliance with the emissions standards to be met without additional control, and we estimate there will be no capital or annualized costs associated with achieving these standards.

We estimated the nationwide annualized cost reductions associated with the final work practice standards for periods of planned routine maintenance of an emission control system that is used to comply with emissions standards for vents on fixed roof storage vessels. Compared to our revised cost estimate of the October 2014 rule,² the final storage vessel work practice standards result in an annualized cost reduction for each facility of \$830 per year, which includes a capital cost reduction of \$1,600. We estimate the nationwide annualized cost reduction to be up to \$12,450 per year based on an estimated 15 facilities.

D. What are the economic impacts?

We performed a national economic impact analysis for APR production facilities affected by this final rule. We anticipate that two existing affected sources would install RTOs to comply with this rule at a total annualized cost of \$2.1 million (in 2014\$) per year compared to the January 2000 rule. These total annualized costs of compliance are estimated to be approximately 0.002 percent of sales. Accordingly, we do not project this final rule to have a significant economic impact on the affected entities.

The estimated total annualized cost of this final rule can also be compared to the estimated cost for the industry to comply with all provisions of the October 2014 rule. Based on information received since the October 2014 rule was finalized and the issues reconsidered in this action, we developed a revised estimate of the cost to comply with the 2014 final rule. We estimate the revised annualized cost of complying with the October 2014 rule to be \$4.2 million per year.³ Compared to this revised estimate of the cost of compliance with the October 2014 rule, this final rule will provide regulatory

relief by reducing annualized compliance costs by \$2.1 million in year 2014 dollars.

More information and details of this analysis, including the conclusions stated above, are provided in the technical document, "Economic Impact Analysis for the Final Amendments to the NESHAP for Amino/Phenolic Resins," which is available in the rulemaking docket.

E. What are the benefits?

We estimate that this final rule will result in an annual reduction of 207 tons of HAP, compared to the January 2000 rule baseline. The EPA estimates this rule will result in 64 tons per year fewer HAP emission reductions than what the EPA projects the 2014 rule would achieve based on the additional information and test data that the EPA obtained following issuance of the 2014 final rule, as described in section III.A.1 of this preamble. We have not quantified or monetized the effects of these emissions changes for this rulemaking. See section IV.B of this preamble for discussion of HAP emissions from CPVs at existing sources under this final rule compared to the October 2014 rule.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review. Details on the estimated cost savings of this final rule can be found in the EPA's analysis of the potential costs and benefits associated with this action, titled "Economic Impact Analysis for the Final Amendments to the NESHAP for Amino/Phenolic Resins," and included in the docket of this rule.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is considered an Executive Order 13771 deregulatory action. Details on the 13771 deregulatory figures of this final rule can be found in the EPA's analysis of the potential costs and benefits associated with this action, titled "Economic Impact Analysis for the Final Amendments to the NESHAP for

¹ See memorandum, "National Impacts Associated with Proposed Standards for CPVs and Storage Tanks in the Amino and Phenolic Resins Production Source Category," which is available in the rulemaking docket.

² Same as previous footnote.

³ See Table 3 and Table 4 of the memorandum, "National Impacts Associated with Final Standards for CPVs and Storage Tanks in the Amino and Phenolic Resins Production Source Category," which is available in the rulemaking docket.

Amino/Phenolic Resins,” and included in the docket of this rule.

C. Paperwork Reduction Act (PRA)

The information collection activities in this rule have been submitted for approval to OMB under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 1869.08. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

This final rule requires recordkeeping and reporting of occurrences when control devices used to comply with the storage vessel provisions undergo planned routine maintenance. Reporting of such occurrences are required to be disclosed in the Periodic Reports as specified at 40 CFR 63.1417.

Respondents/affected entities: The respondents affected by the amendments to 40 CFR part 63, subpart OOO, include, but are not limited to, facilities having a NAICS code 325211 (United States Standard Industrial Classification 2821). Facilities with a NAICS code of 325211 are described as Plastics Material and Resin Manufacturing establishments, which includes facilities engaged in manufacturing amino resins and phenolic resins, as well as other plastic and resin types.

Respondent's obligation to respond: Mandatory under sections 112 and 114 of the CAA.

Estimated number of respondents: 15.

Frequency of response: Once or twice per year.

Total estimated burden: 45 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$2,750 per year, including no annualized capital or operation and maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the Agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not

impose any requirements on small entities. The EPA has identified no small entities that are subject to the requirements of 40 CFR 63, subpart OOO.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The EPA's risk assessments for the October 2014 rule (Docket ID No. EPA-HQ-OAR-2012-0133) demonstrate that the current regulations are associated with an acceptable level of risk and provide an ample margin of safety to protect public health and prevent adverse environmental effects. This final action does not alter those conclusions.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This action involves technical standards. The EPA is formalizing the incorporation of three technical standards that were included in the January 2000 rule for which the EPA had previously not formally requested the Office of the Federal Register to include in 40 CFR 63.14 with a reference back to the sections in 40 CFR 63, subpart OOO. These three standards were included in the original January 2000 rule. These three standards were already incorporated in 40 CFR 63.14, and were formally requested for other rules. These standards are API Publication 2517, Evaporative Loss from External Floating-Roof Tanks, Third Edition, February 1989; ASTM D1946–90 (Reapproved 1994), Standard Method for Analysis of Reformed Gas by Gas Chromatography; and ASTM D2879–83, Standard Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isotenoscope. API Publication 2517 is used to determine the maximum true vapor pressure of HAP in liquids stored at ambient temperature. API Publication 2517 is available to the public for free viewing online in the Read Online Documents section on API's website at <https://publications.api.org>. In addition to this free online viewing availability on API's website, hard copies and printable versions are available for purchase from API. ASTM D2879 is also used to determine the maximum true vapor pressure of HAP in liquids stored at ambient temperature. ASTM D1946 is used to measure the concentration of carbon monoxide and hydrogen in a process vent gas stream. ASTM D2879 and ASTM D1946 are available to the public for free viewing online in the Reading Room section on ASTM's website at <https://www.astm.org/READINGLIBRARY/>. In addition to this free online viewing availability on ASTM's website, hardcopies and printable versions are available for purchase from ASTM. Additional information can be found at <http://www.api.org> and <https://www.astm.org/Standard/standards-and-publications.html>.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). In the October 2014 rule, the EPA determined that the current health risks posed by emissions from these source categories are acceptable and provide an ample margin of safety to protect public health and prevent adverse environmental effects. This final action does not alter the conclusions made in the October 2014 rule regarding these analyses.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: October 4, 2018.

Andrew R. Wheeler,
Acting Administrator.

Accordingly, 40 CFR part 63 is 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.*

■ 2. Section 63.14 is amended by revising paragraphs (e)(1), (h)(17), and (h)(27) to read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(e) * * *

(1) API Publication 2517, *Evaporative Loss from External Floating-Roof Tanks*, Third Edition, February 1989, IBR approved for §§ 63.111, 63.1402, and 63.2406.

* * * * *

(h) * * *

(17) ASTM D1946–90 (Reapproved 1994), *Standard Method for Analysis of*

Reformed Gas by Gas Chromatography, IBR approved for §§ 63.11(b) and 63.1412.

* * * * *

(27) ASTM D2879–83, *Standard Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope*, IBR approved for §§ 63.111, 63.1402, 63.2406, and 63.12005.

* * * * *

Subpart OOO—National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins

■ 3. Section 63.1400 is amended by revising paragraph (b)(4) to read as follows:

§ 63.1400 Applicability and designation of affected sources.

* * * * *

(b) * * *

(4) Equipment that does not contain organic hazardous air pollutants (HAP) and is located within an APPU that is part of an affected source;

* * * * *

■ 4. Section 63.1401 is amended by revising paragraph (b) to read as follows:

§ 63.1401 Compliance schedule.

* * * * *

(b) Existing affected sources shall be in compliance with this subpart (except §§ 63.1404, 63.1405, and 63.1411(c)) no later than 3 years after January 20, 2000. Existing affected sources shall be in compliance with the storage vessel requirements of § 63.1404 and the pressure relief device monitoring requirements of § 63.1411(c) by October 9, 2017. Existing affected sources shall be in compliance with the continuous process vent requirements of § 63.1405(b) by October 15, 2019.

* * * * *

■ 5. Section 63.1402 paragraph (b) is amended by:

■ a. Adding in alphabetical order definitions for “Back-end continuous process vent”, “Front-end continuous process vent”, “Non-reactor process vent”, and “Reactor process vent”; and

■ b. Removing the definitions for “Non-reactor batch process vent” and “Reactor batch process vent”

The additions read as follows:

§ 63.1402 Definitions.

* * * * *

(b) * * *

Back-end continuous process vent means a continuous process vent for operations related to processing liquid resins into a dry form. Back-end process operations include, but are not limited

to, flaking, grinding, blending, mixing, drying, pelletizing, and other finishing operations, as well as latex and crumb storage. Back-end does not include storage and loading of finished product or emission points that are regulated under §§ 63.1404 or 63.1409 through 63.1411 of this subpart.

* * * * *

Front-end continuous process vent means a continuous process vent for operations in an APPU related to producing liquid resins, including any product recovery, stripping and filtering operations, and prior to any flaking or drying operations.

* * * * *

Non-reactor process vent means a batch or continuous process vent originating from a unit operation other than a reactor. Non-reactor process vents include, but are not limited to, process vents from filter presses, surge control vessels, bottoms receivers, weigh tanks, and distillation systems.

* * * * *

Reactor process vent means a batch or continuous process vent originating from a reactor.

* * * * *

■ 6. Section 63.1403 is amended by revising paragraph (a) to read as follows:

(a) *Provisions of this subpart.* Except as allowed under paragraph (b) of this section, the owner or operator of an affected source shall comply with the provisions of §§ 63.1404 through 63.1410, as appropriate. When emissions are vented to a control device or control technology as part of complying with this subpart, emissions shall be vented through a closed vent system meeting the requirements of 40 CFR part 63, subpart SS (national emission standards for closed vent systems, control devices, recovery devices and routing to a fuel gas system or a process).

* * * * *

■ 7. Section 63.1404 is amended by revising paragraph (a)(1) introductory text and adding paragraph (c) to read as follows:

§ 63.1404 Storage vessel provisions.

(a) * * *

(1) Reduce emissions of total organic HAP by 95 weight-percent. Control shall be achieved by venting emissions through a closed vent system to any combination of control devices meeting the requirements of 40 CFR part 63, subpart SS (national emission standards for closed vent systems, control devices, recovery devices and routing to a fuel gas system or a process). When complying with the requirements of 40

CFR part 63, subpart SS, the following apply for purposes of this subpart:

* * * * *

(c) Whenever gases or vapors containing HAP are routed from a storage vessel through a closed-vent system connected to a control device used to comply with the requirements of paragraph (a) or (b) of this section, the control device must be operating except as provided for in paragraph (c)(1) or (2) of this section.

(1) The control device may only be bypassed for the purpose of performing planned routine maintenance of the control device. When the control device is bypassed, the owner or operator must comply with paragraphs (c)(1)(i) through (iii) of this section.

(i) The control device may only be bypassed when the planned routine maintenance cannot be performed during periods that storage vessel emissions are vented to the control device.

(ii) On an annual basis, the total time that the closed-vent system or control device is bypassed to perform routine maintenance shall not exceed 240 hours per each calendar year.

(iii) The level of material in the storage vessel shall not be increased during periods that the closed-vent system or control device is bypassed to perform planned routine maintenance.

(2) The gases or vapors containing HAP are routed from the storage vessel through a closed-vent system connected to an alternate control device meeting the requirements of paragraph (a)(1) or the alternative standard in paragraph (b) of this section.

■ 8. Section 63.1405 is amended by:

■ a. Revising paragraphs (a) introductory text and paragraph (a)(2) introductory text;

■ b. Removing paragraph (a)(3);

■ c. Revising paragraph (b); and

■ d. Adding paragraph (c).

The revisions and additions read as follows:

§ 63.1405 Continuous process vent provisions.

(a) *Emission standards for new affected sources.* For each continuous process vent located at a new affected source with a Total Resource Effectiveness (TRE) index value, as determined following the procedures specified in § 63.1412(j), less than or equal to 1.2, the owner or operator shall comply with either paragraph (a)(1) or (2) of this section. As an alternative to complying with paragraph (a) of this section, an owner or operator may comply with paragraph (c)(1) of this section.

* * * * *

(2) Reduce emissions of total organic HAP by 85 weight-percent. Control shall be achieved by venting emissions through a closed vent system to any combination of control devices meeting the requirements of 40 CFR part 63, subpart SS (national emission standards for closed vent systems, control devices, recovery devices and routing to a fuel gas system or process). When complying with the requirements of 40 CFR part 63, subpart SS, the following apply for purposes of this subpart:

* * * * *

(b) *Emission standards for existing affected sources.* For each continuous process vent located at an existing affected source, the owner or operator shall comply with either paragraph (b)(1) or (2) of this section. As an alternative to complying with paragraph (b) of this section, an owner or operator may comply with paragraph (c)(2) of this section.

(1) Vent all emissions of organic HAP to a flare.

(2) Reduce emissions as specified in paragraphs (b)(2)(i) through (iii) of this section, as applicable.

(i) The owner or operator of a back-end continuous process vent shall reduce total organic HAP emissions to less than or equal to 4.3 kilograms of total organic HAP per megagram of resin produced (8.6 pounds of total organic HAP per ton of resin produced).

(ii) The owner or operator of a front-end reactor continuous process vent shall reduce total organic HAP emissions to less than or equal to 0.28 kilograms of total organic HAP per hour (0.61 pounds of total organic HAP per hour).

(iii) The owner or operator of a front-end non-reactor continuous process vent shall reduce total organic HAP emissions to less than or equal to 0.010 kilograms of total organic HAP per hour (0.022 pounds of total organic HAP per hour).

(c) *Alternative emission standards.* As an alternative to complying with paragraphs (a) or (b) of this section, an owner or operator may comply with paragraph (c)(1) or (2) of this section, as appropriate.

(1) For each continuous process vent located at a new affected source, the owner or operator shall vent all organic HAP emissions from a continuous process vent meeting the TRE value specified in paragraph (a) of this section to a non-flare combustion control device achieving an outlet organic HAP concentration of 20 ppmv or less or to a non-combustion control device achieving an outlet organic HAP concentration of 50 ppmv or less. Any

continuous process vents that are not vented to a control device meeting these conditions shall be controlled in accordance with the provisions of paragraph (a)(1) or (2) of this section.

(2) For each continuous process vent located at an existing affected source, the owner or operator shall vent all organic HAP emissions from a continuous process vent to a non-flare combustion control device achieving an outlet organic HAP concentration of 20 ppmv or less or to a non-combustion control device achieving an outlet organic HAP concentration of 50 ppmv or less. Any continuous process vents that are not vented to a control device meeting these conditions shall be controlled in accordance with the provisions of paragraph (b)(1) or (2) of this section.

■ 9. Section 63.1412 is amended by revising paragraphs (a), (g)(2)(ii), and (k)(2) to read as follows:

§ 63.1412 Continuous process vent applicability assessment procedures and methods.

(a) *General.* The provisions of this section provide procedures and methods for determining the applicability of the control requirements specified in § 63.1405(a) to continuous process vents.

* * * * *

(g) * * *

(2) * * *

(ii) American Society for Testing and Materials D1946–90 (Reapproved 1994) (incorporated by reference, see § 63.14) to measure the concentration of carbon monoxide and hydrogen.

* * * * *

(k) * * *

(2) If the TRE index value calculated using engineering assessment is less than or equal to 4.0, the owner or operator is required either to perform the measurements specified in paragraphs (e) through (h) of this section for control applicability assessment or comply with the control requirements specified in § 63.1405(a).

* * * * *

■ 10. Section 63.1413 is amended by:

■ a. Revising paragraph (a) introductory text;

■ b. Adding paragraph (a)(1)(iii);

■ c. Revising paragraphs (a)(3) introductory text, (a)(4) introductory text, and paragraphs (c)(2) and (c)(4) through (6);

■ d. Adding paragraph (c)(7);

■ e. Revising paragraphs (f) and (h)(1);

■ f. Redesignating paragraph (h)(2) as (h)(3);

■ g. Adding new paragraph (h)(2);

■ h. Revising newly redesignated paragraphs (h)(3) introductory text

- (h)(3)(i), (h)(3)(ii) introductory text, (h)(3)(ii)(B)(1) and (3), and (h)(3)(iii);
- i. Adding paragraph (h)(4);
 - j. Revising paragraphs (i)(1)(iii) and (iv); and
 - k. Adding paragraph (i)(1)(v).

The revisions and additions read as follows:

§ 63.1413 Compliance demonstration procedures.

(a) *General.* For each emission point, the owner or operator shall meet three stages of compliance, with exceptions specified in this subpart. First, the owner or operator shall conduct a performance test or design evaluation to demonstrate either the performance of the control device or control technology being used or the uncontrolled total organic HAP emissions rate from a continuous process vent. Second, the owner or operator shall meet the requirements for demonstrating initial compliance (e.g., a demonstration that the required percent reduction or emissions limit is achieved). Third, the owner or operator shall meet the requirements for demonstrating continuous compliance through some form of monitoring (e.g., continuous monitoring of operating parameters).

* * * * *

(1) * * *

(iii) *Uncontrolled continuous process vents.* Owners or operators are required to conduct either a performance test or a design evaluation for continuous process vents that are not controlled through either a large or small control device.

* * * * *

(3) *Design evaluations.* As provided in paragraph (a) of this section, a design evaluation may be conducted to demonstrate the organic HAP removal efficiency for a control device or control technology, or the uncontrolled total organic HAP emissions rate from a continuous process vent. As applicable, a design evaluation shall address the organic HAP emissions rate from uncontrolled continuous process vents, the composition and organic HAP concentration of the vent stream(s) entering a control device or control technology, the operating parameters of the emission point and any control device or control technology, and other conditions or parameters that reflect the performance of the control device or control technology or the organic HAP emission rate from a continuous process vent. A design evaluation also shall address other vent stream characteristics and control device operating parameters as specified in any one of paragraphs (a)(3)(i) through (vi) of this section, for controlled vent streams, depending on

the type of control device that is used. If the vent stream(s) is not the only inlet to the control device, the efficiency demonstration also shall consider all other vapors, gases, and liquids, other than fuels, received by the control device.

* * * * *

(4) *Establishment of parameter monitoring levels.* The owner or operator of a control device that has one or more parameter monitoring level requirements specified under this subpart, or specified under subparts referenced by this subpart, shall establish a maximum or minimum level, as denoted on Table 4 of this subpart, for each measured parameter using the procedures specified in paragraph (a)(4)(i) or (ii) of this section. Except as otherwise provided in this subpart, the owner or operator shall operate control devices such that the hourly average, daily average, batch cycle daily average, or block average of monitored parameters, established as specified in this paragraph, remains above the minimum level or below the maximum level, as appropriate.

* * * * *

(c) * * *

(2) Initial compliance with § 63.1405(a)(1) or (b)(1) (venting of emissions to a flare) shall be demonstrated following the procedures specified in paragraph (g) of this section.

* * * * *

(4) Continuous compliance with § 63.1405(a)(1) or (b)(1) (venting of emissions to a flare) shall be demonstrated following the continuous monitoring procedures specified in § 63.1415.

(5) Initial and continuous compliance with the production-based emission limit specified in § 63.1405(b)(2)(i) shall be demonstrated following the procedures in paragraph (h)(1) of this section.

(6) Initial and continuous compliance with the emission rate limits specified in § 63.1405(b)(2)(ii) and (iii) shall be demonstrated following the procedures of either paragraphs (c)(6)(i) or (ii) of this section.

(i) Continuous process vents meeting the emission rate limit using a closed vent system and a control device or recovery device or by routing emissions to a fuel gas system or process shall follow the procedures in 40 CFR part 63, subpart SS. When complying with the requirements of 40 CFR part 63, subpart SS, the following apply for purposes of this subpart:

(A) The requirements specified in of § 63.1405 (a)(2)(i) through (viii).

(B) When 40 CFR part 63, subpart SS refers to meeting a weight-percent emission reduction or ppmv outlet concentration requirement, meeting an emission rate limit in terms of kilograms of total organic HAP per hour shall also apply.

(ii) Continuous process vents meeting the emission rate limit by means other than those specified in paragraph (c)(6)(i) of this section shall follow the procedures specified in paragraph (h)(2) of this section.

(7) Initial and continuous compliance with the alternative standards specified in § 63.1405(c) shall be demonstrated following the procedures in paragraph (f) of this section.

* * * * *

(f) *Compliance with alternative standard.* Initial and continuous compliance with the alternative standards in §§ 63.1404(b), 63.1405(c), 63.1406(b), 63.1407(b)(1), and 63.1408(b)(1) are demonstrated when the daily average outlet organic HAP concentration is 20 ppmv or less when using a combustion control device or 50 ppmv or less when using a non-combustion control device. To demonstrate initial and continuous compliance, the owner or operator shall follow the test method specified in § 63.1414(a)(6) and shall be in compliance with the monitoring provisions in § 63.1415(e) no later than the initial compliance date and on each day thereafter.

* * * * *

(h) * * *

(1) Each owner or operator complying with the mass emission limit specified in § 63.1405(b)(2)(i) shall determine initial compliance as specified in paragraph (h)(1)(i) of this section and continuous compliance as specified in paragraph (h)(1)(ii) of this section.

(i) *Initial compliance.* Initial compliance shall be determined by comparing the results of the performance test or design evaluation, as specified in paragraph (a)(1) of this section, to the mass emission limit specified in § 63.1405(b)(2)(i).

(ii) *Continuous compliance.* Continuous compliance shall be based on the daily average emission rate calculated for each operating day. The first continuous compliance average daily emission rate shall be calculated using the first 24-hour period or otherwise-specified operating day after the compliance date. Continuous compliance shall be determined by comparing the daily average emission rate to the mass emission limit specified in § 63.1405(b)(2)(i).

(2) As required by paragraph (c)(6)(ii) of this section, each owner or operator

complying with the emission rate limits specified in § 63.1405(b)(2)(ii) and (iii), as applicable, by means other than those specified in paragraph (c)(6)(i) of this section, shall determine initial compliance as specified in paragraph (h)(2)(i) of this section and continuous compliance as specified in paragraph (h)(2)(ii) of this section.

(i) *Initial compliance.* Initial compliance shall be determined by comparing the results of the performance test or design evaluation, as specified in paragraph (a)(1) of this section, to the emission rate limits specified in § 63.1405(b)(2)(ii) and (iii), as applicable.

(ii) *Continuous compliance.* Continuous compliance shall be based on the hourly average emission rate calculated for each operating day. The first continuous compliance average hourly emission rate shall be calculated using the first 24-hour period or otherwise-specified operating day after the compliance date. Continuous compliance shall be determined by comparing the average hourly emission rate to the emission rate limit specified in § 63.1405(b)(2)(ii) or (iii), as applicable.

(3) *Procedures to determine continuous compliance with the mass emission limit specified in § 63.1405(b)(2)(i).*

(i) The daily emission rate, kilograms of organic HAP per megagram of product, shall be determined for each operating day using Equation 5 of this section:

$$ER = \frac{E_i}{RP_m} \quad [\text{Eq.5}]$$

Where:

ER = Emission rate of organic HAP from continuous process vent, kg of HAP/Mg product.

E_i = Emission rate of organic HAP from continuous process vent i as determined using the procedures specified in paragraph (h)(3)(ii) of this section, kg/day.

RP_m = Amount of resin produced in one month as determined using the procedures specified in paragraph (h)(3)(iii) of this section, Mg/day.

(ii) The daily emission rate of organic HAP, in kilograms per day, from an individual continuous process vent (E_i) shall be determined. Once organic HAP emissions have been estimated, as specified in paragraph (h)(3)(ii)(A) of this section for uncontrolled continuous process vents or paragraphs (h)(3)(ii)(A) and (B) of this section for continuous process vents vented to a control device or control technology, the owner or operator may use the estimated organic HAP emissions (E_i) until the estimated

organic HAP emissions are no longer representative due to a process change or other reason known to the owner or operator. If organic HAP emissions (E_i) are determined to no longer be representative, the owner or operator shall redetermine organic HAP emissions for the continuous process vent following the procedures in paragraph (h)(3)(ii)(A) of this section for uncontrolled continuous process vents or paragraphs (h)(3)(ii)(A) and (B) of this section for continuous process vents vented to a control device or control technology.

* * * * *

(B) * * *

(1) Uncontrolled organic HAP emissions shall be determined following the procedures in paragraph (h)(3)(ii)(A) of this section.

* * * * *

(3) Controlled organic HAP emissions shall be determined by applying the control device or control technology efficiency, determined in paragraph (h)(3)(ii)(B)(2) of this section, to the uncontrolled organic HAP emissions, determined in paragraph (h)(3)(ii)(B)(1) of this section.

(iii) The rate of resin produced, RP_m (Mg/day), shall be determined based on production records certified by the owner or operator to represent actual production for the day. A sample of the records selected by the owner or operator for this purpose shall be provided to the Administrator in the Precompliance Report as required by § 63.1417(d).

(4) *Procedures to determine continuous compliance with the emission rate limit specified in § 63.1405(b)(2)(ii) or (iii).*

(i) The hourly emission rate, kilograms of organic HAP per hour, shall be determined for each hour during the operating day using Equation 6 of this section:

$$E_H = K_2 \left(\sum_{j=1}^n C_j M_j \right) Q_S \quad [\text{Eq.6}]$$

Where:

E_H = Hourly emission rate of organic HAP in the sample, kilograms per hour.

K_2 = Constant, 2.494×10^{-6} (parts per million) $^{-1}$ (gram-mole per standard cubic meter) (kilogram/gram) (minutes/hour), where standard temperature for (gram-mole per standard cubic meter) is 20 °C.

n = Number of components in the sample.

C_j = Organic HAP concentration on a dry basis of organic compound j in parts per million as determined by the methods specified in paragraph (h)(4)(ii) of this section.

M_j = Molecular weight of organic compound j , gram/gram-mole.

Q_S = Continuous process vent flow rate, dry standard cubic meters per minute, at a

temperature of 20 °C, as determined by the methods specified in paragraph (h)(4)(ii) of this section.

(ii) The average hourly emission rate, kilograms of organic HAP per hour, shall be determined for each operating day using Equation 7 of this section:

$$AE = \frac{\sum_{i=1}^n E_H}{n} \quad [\text{Eq.7}]$$

Where:

AE = Average hourly emission rate per operating day, kilograms per hour.

n = Number of hours in the operating day.

(ii) Continuous process vent flow rate and organic HAP concentration shall be determined using the procedures specified in § 63.1414(a), or by using the engineering assessment procedures in paragraph (h)(4)(iii) of this section.

(iii) *Engineering assessment.* For the purposes of determining continuous compliance with the emission rate limit specified in § 63.1405(b)(2)(ii) or (iii) using Equations 6 and 7, engineering assessments may be used to determine continuous process vent flow rate and organic HAP concentration. An engineering assessment includes, but is not limited to, the following examples:

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

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

(C) Maximum volumetric flow rate or organic HAP concentration specified or implied within a permit limit applicable to the continuous process vent.

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

(1) Estimation of maximum organic HAP concentrations based on process stoichiometry material balances or saturation conditions; and

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

* * * * *

(i) * * *

(1) * * *

(iii) Exceedance of the mass emission limit (*i.e.*, having an average value higher than the specified limit) monitored according to the provisions of paragraph (e)(2) of this section for batch process vents and according to the provisions of paragraph (h)(1) of this section for continuous process vents;

(iv) Exceedance of the organic HAP outlet concentration limit (*i.e.*, having an average value higher than the

specified limit) monitored according to the provisions of § 63.1415(e); and

(v) Exceedance of the emission rate limit (*i.e.*, having an average value higher than the specified limit) determined according to the provisions of paragraph (h)(2) of this section.

* * * * *

■ 11. Section 63.1415 is amended by revising paragraph (e) to read as follows:

§ 63.1415 Monitoring requirements.

* * * * *

(e) *Monitoring for the alternative standards.* For control devices that are used to comply with the provisions of § 63.1404(b), § 63.1405(c), § 63.1406(b), § 63.1407(b), or § 63.1408(b) the owner or operator shall conduct continuous monitoring of the outlet organic HAP concentration whenever emissions are vented to the control device. Continuous monitoring of outlet organic HAP concentration shall be accomplished using an FTIR instrument following Method PS-15 of 40 CFR part 60, appendix B. The owner or operator shall calculate a daily average outlet organic HAP concentration.

■ 12. Section 63.1416 is amended by:

■ a. Revising paragraphs (f)(1) and (3), (f)(5) introductory text, and (f)(5)(ii);

■ b. Adding paragraph (f)(5)(iii);

■ c. Redesignating paragraph (f)(6) as (f)(7);

■ d. Adding new paragraph (f)(6);

■ e. Revising newly redesignated paragraph (f)(7) introductory text and paragraph (g)(5)(v)(E); and

■ f. Adding paragraph (g)(6).

The revisions and additions read as follows:

§ 63.1416 Recordkeeping requirements.

* * * * *

(f) * * *

(1) *TRE index value records.* Each owner or operator of a continuous process vent at a new affected source shall maintain records of measurements, engineering assessments, and calculations performed according to the procedures of § 63.1412(j) to determine the TRE index value. Documentation of engineering assessments, described in § 63.1412(k), shall include all data, assumptions, and procedures used for the engineering assessments.

* * * * *

(3) *Organic HAP concentration records.* Each owner or operator shall record the organic HAP concentration as measured using the sampling site and organic HAP concentration determination procedures (if applicable) specified in § 63.1412(b) and (e), or determined through engineering assessment as specified in § 63.1412(k).

* * * * *

(5) If a continuous process vent is seeking to demonstrate compliance with the mass emission limit specified in § 63.1405(b)(2)(i), keep records specified in paragraphs (f)(5)(i) through (iii) of this section.

* * * * *

(ii) Identification of the period of time that represents an operating day.

(iii) The daily organic HAP emissions from the continuous process vent determined as specified in § 63.1413(h)(3).

(6) If a continuous process vent is seeking to demonstrate compliance with the emission rate limits specified in § 63.1405(b)(2)(ii) or (iii), keep records specified in paragraphs (f)(6)(i) through (iii) of this section.

(i) The results of the initial compliance demonstration specified in § 63.1413(h)(2)(i).

(ii) Identification of the period of time that represents an operating day.

(iii) The average hourly organic HAP emissions from the continuous process vent determined as specified in § 63.1413(h)(4).

(7) When using a flare to comply with § 63.1405(a)(1) or (b)(1), keep the records specified in paragraphs (f)(7)(i) through (f)(7)(iii) of this section.

* * * * *

(g) * * *

(5) * * *

(v) * * *

(E) The measures adopted to prevent future such pressure releases.

(6) An owner or operator shall record, on a semiannual basis, the information specified in paragraphs (g)(6)(i) through (iii) of this section, as applicable, for those planned routine maintenance operations that would require the control device not to meet the requirements of § 63.1404(a) or (b) of this subpart.

(i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next 6 months. This description shall include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.

(ii) A description of the planned routine maintenance that was performed for the control device during the previous 6 months. This description shall include the type of maintenance performed and the total number of hours during these 6 months that the control device did not meet the requirement of § 63.1404 (a) or (b) of this subpart, as applicable, due to planned routine maintenance.

(iii) For each storage vessel for which planned routine maintenance was

performed during the previous 6 months, record the height of the liquid in the storage vessel at the time the control device is bypassed to conduct the planned routine maintenance and at the time the control device is placed back in service after completing the routine maintenance. These records shall include the date and time the liquid height was measured.

■ 13. Section 63.1417 is amended by:

■ a. Revising paragraphs (d) introductory text, (d)(8), (e)(1) introductory text, (e)(9), (f) introductory text, (f)(1) and (2), (f)(5) introductory text, and (f)(12)(ii);

■ b. Adding paragraphs (f)(14) through (16); and

■ c. Revising paragraph (h)(7) introductory text.

The revisions and additions read as follows:

§ 63.1417 Reporting requirements.

* * * * *

(d) *Precompliance Report.* Owners or operators of affected sources requesting an extension for compliance; requesting approval to use alternative monitoring parameters, alternative continuous monitoring and recordkeeping, or alternative controls; requesting approval to use engineering assessment to estimate organic HAP emissions from a batch emissions episode as described in § 63.1414(d)(6)(i)(C); wishing to establish parameter monitoring levels according to the procedures contained in § 63.1413(a)(4)(ii); establishing parameter monitoring levels based on a design evaluation as specified in § 63.1413(a)(3); or following the procedures in § 63.1413(e)(2); or following the procedures in § 63.1413(h)(3), shall submit a Precompliance Report according to the schedule described in paragraph (d)(1) of this section. The Precompliance Report shall contain the information specified in paragraphs (d)(2) through (11) of this section, as appropriate.

* * * * *

(8) If an owner or operator is complying with the mass emission limit specified in § 63.1405(b)(2)(i), the sample of production records specified in § 63.1413(h)(3) shall be submitted in the Precompliance Report.

* * * * *

(e) * * *

(1) The results of any emission point applicability determinations, performance tests, design evaluations, inspections, continuous monitoring system performance evaluations, any other information used to demonstrate compliance, and any other information, as appropriate, required to be included

in the Notification of Compliance Status under 40 CFR part 63, subpart WW and subpart SS, as referred to in § 63.1404 for storage vessels; under 40 CFR part 63, subpart SS, as referred to in § 63.1405 for continuous process vents; under § 63.1416(f)(1) through (3), (f)(5)(i) and (ii), and (f)(6)(i) and (ii) for continuous process vents; under § 63.1416(d)(1) for batch process vents; and under § 63.1416(e)(1) for aggregate batch vent streams. In addition, each owner or operator shall comply with paragraphs (e)(1)(i) and (ii) of this section.

(9) Data or other information used to demonstrate that an owner or operator may use engineering assessment to estimate emissions for a batch emission episode, as specified in § 63.1414(d)(6)(iii)(A).

(f) *Periodic Reports.* Except as specified in paragraph (f)(12) of this section, a report containing the information in paragraph (f)(2) of this section or containing the information in paragraphs (f)(3) through (11) and (13) through (16) of this section, as appropriate, shall be submitted semiannually no later than 60 days after the end of each 180 day period. In addition, for equipment leaks subject to § 63.1410, the owner or operator shall submit the information specified in 40 CFR part 63, subpart UU, and for heat exchange systems subject to § 63.1409, the owner or operator shall submit the information specified in § 63.1409. Section 63.1415 shall govern the use of monitoring data to determine compliance for emissions points required to apply controls by the provisions of this subpart.

(1) Except as specified in paragraph (f)(12) of this section, a report containing the information in paragraph (f)(2) of this section or containing the information in paragraphs (f)(3) through (11) and (13) through (16) of this section, as appropriate, shall be submitted semiannually no later than 60 days after the end of each 180 day period. The first report shall be submitted no later than 240 days after the date the Notification of Compliance Status is due and shall cover the 6-month period beginning on the date the Notification of Compliance Status is due. Subsequent reports shall cover each preceding 6-month period.

(2) If none of the compliance exceptions specified in paragraphs (f)(3) through (11) and (13) through (16) of this section occurred during the 6-month period, the Periodic Report required by paragraph (f)(1) of this

section shall be a statement that the affected source was in compliance for the preceding 6-month period and no activities specified in paragraphs (f)(3) through (11) and (13) through (16) of this section occurred during the preceding 6-month period.

(5) If there is a deviation from the mass emission limit specified in § 63.1406(a)(1)(iii) or (a)(2)(iii), § 63.1407(b)(2), or § 63.1408(b)(2), the following information, as appropriate, shall be included:

(12) * * *

(ii) The quarterly reports shall include all information specified in paragraphs (f)(3) through (11) and (13) through (16) of this section applicable to the emission point for which quarterly reporting is required under paragraph (f)(12)(i) of this section. Information applicable to other emission points within the affected source shall be submitted in the semiannual reports required under paragraph (f)(1) of this section.

(14) If there is a deviation from the mass emission limit specified in § 63.1405(b)(2)(i), the report shall include the daily average emission rate calculated for each operating day for which a deviation occurred.

(15) If there is a deviation from the emission rate limit specified in § 63.1405(b)(2)(ii) or (iii), the report shall include the following information for each operating day for which a deviation occurred:

(i) The calculated average hourly emission rate.

(ii) The individual hourly emission rate data points making up the average hourly emission rate.

(16) For periods of storage vessel routine maintenance in which a control device is bypassed, the owner or operator shall submit the information specified in § 63.1416(g)(6)(i) through (iii) of this subpart.

(h) * * *

(7) Whenever a continuous process vent becomes subject to control requirements under § 63.1405, as a result of a process change, the owner or operator shall submit a report within 60 days after the performance test or applicability assessment, whichever is sooner. The report may be submitted as part of the next Periodic Report required by paragraph (f) of this section.

[FR Doc. 2018-22395 Filed 10-12-18; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2017-0311; FRL-9980-56]

Pyraclostrobin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of pyraclostrobin in or on multiple commodities which are identified and discussed later in this document. Interregional Research Project Number 4 (IR-4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective October 15, 2018. Objections and requests for hearings must be received on or before December 14, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2017-0311, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: RDPRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers

TABLE 3—ADDITIONAL REGULATIONS APPROVED FOR THE ENERGY FACILITIES SITE EVALUATION COUNCIL (EFSEC) JURISDICTION

[See the SIP-approved provisions of WAC 463–78–020 for jurisdictional applicability]

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	*	*
Washington Administrative Code, Chapter 173–400 Regulations Incorporated by Reference in WAC 463–78–005				
173–400–060 ..	Emission Standards for General Process Units.	2/10/05	5/30/17, 82 FR 24531.	*
*	*	*	*	*

* * * * *

TABLE 8—ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION

[Applicable in Clark, Cowlitz, Lewis, Skamania and Wahkiakum counties, excluding facilities subject to Energy Facilities Site Evaluation Council (EFSEC) jurisdiction, Indian reservations and any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and facilities subject to the applicability sections of WAC 173–405–012, 173–410–012, and 173–415–012]

State/local citation	Title/subject	State/local effective date	EPA approval date	Explanations
Southwest Clean Air Agency Regulations				
SWCAA 400—General Regulations for Air Pollution Sources				
400–113	Requirements for New Sources in Attainment or Nonclassifiable Areas.	10/09/16	04/10/17, 82 FR 17136	Except: 400–113(5).
*	*	*	*	*

* * * * *

[FR Doc. 2018–27774 Filed 2–7–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 63****[EPA–HQ–OAR–2017–0358; FRL–9988–69–OAR]****RIN 2060–AT66****National Emission Standards for Hazardous Air Pollutants: Friction Materials Manufacturing Facilities Residual Risk and Technology Review****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This action finalizes the residual risk and technology review (RTR) conducted for the Friction Materials Manufacturing Facilities source category regulated under

national emission standards for hazardous air pollutants (NESHAP). In addition, we are taking final action addressing periods of startup, shutdown, and malfunction (SSM). We are finalizing our proposed determination that the risks from the category are acceptable and that the current NESHAP provides an ample margin of safety to protect public health. We identified no new cost-effective controls under the technology review to achieve further emissions reductions. These final amendments include amendments to revise reporting requirements for deviations. These amendments are made under the authority of the Clean Air Act (CAA) and will improve the effectiveness of the rule. The amendments are environmentally neutral.

DATES: This final rule is effective on February 8, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2017–0358. All

documents in the docket are listed on the <https://www.regulations.gov> website. Although listed, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <https://www.regulations.gov>, or in hard copy at the EPA Docket Center, EPA WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact Korbin Smith, Sector Policies and Programs Division (D243-04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541-2416; fax number: (919) 541-4991; and email address: smith.korbin@epa.gov. For specific information regarding the risk modeling methodology, contact James Hirtz, Health and Environmental Impacts Division (C539-02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-0881; fax number: (919) 541-0840; and email address: hirtz.james@epa.gov. For information about the applicability of the NESHAP to a particular entity, contact Sara Ayres, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, EPA WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (312) 353-6266; and email address: ayres.sara@epa.gov.

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act
CFR Code of Federal Regulations
EPA Environmental Protection Agency
HAP hazardous air pollutant(s)
ICR Information Collection Request
km kilometer
MACT maximum achievable control technology
NAICS North American Industry Classification System
NESHAP national emission standards for hazardous air pollutants
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
RFPC Railroad Friction Products Corporation
RTC response to comment
RTR residual risk and technology review
SSM startup, shutdown, and malfunction
tpy tons per year
UMRA Unfunded Mandates Reform Act

Background information. On May 3, 2018, the EPA proposed revisions to the Friction Materials Manufacturing Facilities NESHAP based on our RTR. In this action, we are finalizing decisions and revisions for the rule. We summarize some of the more significant comments we timely received regarding

the proposed rule and provide our responses in this preamble. A summary of all other public comments on the proposal and the EPA's responses to those comments is available in "Summary of Public Comments and Responses for Friction Materials Manufacturing Facilities Risk and Technology Review," Docket ID No. EPA-HQ-OAR-2017-0358. A "track changes" version of the regulatory language that incorporates the changes in this action is available in the docket.

Organization of this document. The information in this preamble is organized as follows:

- I. General Information
 - A. Does this action apply to me?
 - B. Where can I get a copy of this document and other related information?
 - C. Judicial Review and Administrative Reconsideration
- II. Background
 - A. What is the statutory authority for this action?
 - B. What is the Friction Materials Manufacturing Facilities source category and how does the NESHAP regulate HAP emissions from the source category?
 - C. What changes did we propose for the Friction Materials Manufacturing Facilities source category in our May 3, 2018, proposal?
- III. What is included in this final rule?
 - A. What are the final rule amendments based on the risk review for the Friction Materials Manufacturing Facilities source category?
 - B. What are the final rule amendments based on the technology review for the Friction Materials Manufacturing Facilities source category?
 - C. What are the final rule amendments addressing emissions during periods of SSM?
 - D. What other changes have been made to the NESHAP?
 - E. What are the effective and compliance dates of the standards?
- IV. What is the rationale for our final decisions and amendments for the Friction Materials Manufacturing Facilities source category?
 - A. Residual Risk Review for the Friction Materials Manufacturing Facilities Source Category
 - B. Technology Review for the Friction Materials Manufacturing Facilities Source Category
 - C. SSM
- V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted
 - A. What are the affected sources?
 - B. What are the air quality impacts?
 - C. What are the cost impacts?
 - D. What are the economic impacts?
 - E. What are the benefits?
 - F. What analysis of environmental justice did we conduct?
 - G. What analysis of children's environmental health did we conduct?
- VI. Statutory and Executive Order Reviews
 - A. Executive Orders 12866: Regulatory Planning and Review and Executive

- Order 13563: Improving Regulation and Regulatory Review
- B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs
- C. Paperwork Reduction Act (PRA)
- D. Regulatory Flexibility Act (RFA)
- E. Unfunded Mandates Reform Act (UMRA)
- F. Executive Order 13132: Federalism
- G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
- I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
- J. National Technology Transfer and Advancement Act (NTTAA)
- K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
- L. Congressional Review Act (CRA)

I. General Information

A. Does this action apply to me?

Regulated entities. Categories and entities potentially regulated by this action are shown in Table 1 of this preamble.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

NESHAP and source category	NAICS ¹ code
Friction Materials Manufacturing Facilities.	33634, 327999, 333613.

¹ North American Industry Classification System.

Table 1 of this preamble is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by the final action for the source category listed. To determine whether your facility is affected, you should examine the applicability criteria in the appropriate NESHAP. If you have any questions regarding the applicability of any aspect of this NESHAP, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at: <https://www.epa.gov/epaosopr/odjs/2019/020819frmat.htm>

www.epa.gov/stationary-sources-air-pollution/friction-materials-manufacturing-facilities-national-emission. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents at this same website.

Additional information is available on the RTR website at <https://www.epa.gov/ttn/atw/risk/rtrpg.html>. This information includes an overview of the RTR program, links to project websites for the RTR source categories, and detailed emissions and other data we used as inputs to the risk assessments.

C. Judicial Review and Administrative Reconsideration

Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit (the Court) by April 9, 2019. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, EPA WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority for this action?

Section 112 of the CAA establishes a two-stage regulatory process to address emissions of hazardous air pollutants (HAP) from stationary sources. In the first stage, we must identify categories of sources emitting one or more of the HAP listed in CAA section 112(b) and then promulgate technology-based NESHAP for those sources. “Major sources” are those that emit, or have the potential to emit, any single HAP at a rate of 10 tons per year (tpy) or more, or 25 tpy or more of any combination of HAP. For major sources, these standards are commonly referred to as maximum achievable control technology (MACT) standards and must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). In developing MACT standards, CAA section 112(d)(2) directs the EPA to consider the application of measures, processes, methods, systems, or techniques, including, but not limited to, those that reduce the volume of or eliminate HAP emissions through process changes, substitution of materials, or other modifications; enclose systems or processes to eliminate emissions; collect, capture, or treat HAP when released from a process, stack, storage, or fugitive emissions point; are design, equipment, work practice, or operational standards; or any combination of the above.

For these MACT standards, the statute specifies certain minimum stringency requirements, which are referred to as MACT floor requirements, and which may not be based on cost considerations. See CAA section 112(d)(3). For new sources, the MACT floor cannot be less stringent than the emission control achieved in practice by the best-controlled similar source. The MACT standards for existing sources can be less stringent than floors for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources). In developing MACT standards, we must also consider control options that are more stringent than the floor under CAA section 112(d)(2). We may establish standards more stringent than the floor, based on the consideration of the cost of achieving the emissions reductions, any non-air quality health and

environmental impacts, and energy requirements.

In the second stage of the regulatory process, the CAA requires the EPA to undertake two different analyses, which we refer to as the technology review and the residual risk review. Under the technology review, we must review the technology-based standards and revise them “as necessary (taking into account developments in practices, processes, and control technologies)” no less frequently than every 8 years, pursuant to CAA section 112(d)(6). Under the residual risk review, we must evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. The residual risk review is required within 8 years after promulgation of the technology-based standards, pursuant to CAA section 112(f). In conducting the residual risk review, if the EPA determines that the current standards provide an ample margin of safety to protect public health, it is not necessary to revise the MACT standards pursuant to CAA section 112(f).¹ For more information on the statutory authority for this rule, see 83 FR 19499.

B. What is the Friction Materials Manufacturing Facilities source category and how does the NESHAP regulate HAP emissions from the source category?

The EPA promulgated the Friction Materials Manufacturing Facilities NESHAP on October 18, 2002 (67 FR 64498). The standards are codified at 40 Code of Federal Regulations (CFR) part 63, subpart QQQQ. The Friction Materials Manufacturing Facilities industry consists of facilities that manufacture friction materials using a solvent-based process. Friction materials are used in the manufacture of products used to accelerate or decelerate objects. Products that use friction materials include, but are not limited to, disc brake pucks, disc brake pads, brake linings, brake shoes, brake segments, blocks, brake discs, clutch facings, and clutches. The source category covered by this MACT standard currently includes two facilities.

¹ The Court has affirmed this approach of implementing CAA section 112(f)(2)(A): *NRDC v. EPA*, 529 F.3d 1077, 1083 (D.C. Cir. 2008) (“If EPA determines that the existing technology-based standards provide an ‘ample margin of safety,’ then the Agency is free to readopt those standards during the residual risk rulemaking.”).

The affected source is each friction material manufacturing solvent mixer. The NESHAP regulates emissions of HAP through emission standards for solvent, which are emitted from solvent mixers. Facilities subject to the NESHAP must reduce the emissions by using solvent recovery or another approved method. The emission standards are the same for new and existing solvent mixers, but are different for small and large solvent mixers. The emission limit for new, reconstructed, and existing large solvent mixers requires each facility that operates a large solvent mixer to limit HAP solvent emissions to the atmosphere to no more than 30 percent of that which would otherwise be emitted in the absence of solvent recovery and/or solvent substitution, based on a 7-day block average. The emission limit for new, reconstructed, and existing small solvent mixers requires facilities operating small solvent mixers to limit HAP solvent emissions to the atmosphere to no more than 15 percent of that which would otherwise be emitted in the absence of solvent recovery and/or solvent substitution, based on a 7-day block average.

C. What changes did we propose for the Friction Materials Manufacturing Facilities source category in our May 3, 2018, proposal?

On May 3, 2018, the EPA published a proposed rule in the **Federal Register** for the Friction Materials Manufacturing Facilities NESHAP, 40 CFR part 63, subpart QQQQQ, that took into consideration the RTR analyses. In the proposed rule, we proposed revisions to the SSM provisions of the MACT rule in order to ensure that they are consistent with the Court decision in *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008), which vacated two provisions in the EPA's "General Provisions" implementing CAA section 112 at 40 CFR part 63, subpart A, that exempted sources from the requirement to comply with otherwise applicable CAA section 112(d) emission standards during periods of SSM. In addition, we proposed to revise the rule's reporting requirements for deviations.

III. What is included in this final rule?

This action finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112 for the Friction Materials Manufacturing Facilities source category. This action also finalizes other changes to the NESHAP, including amendments to the SSM provisions of the MACT rule and revisions to the rule's reporting requirements for deviations.

A. What are the final rule amendments based on the risk review for the Friction Materials Manufacturing Facilities source category?

The EPA proposed no changes to the 40 CFR part 63, subpart QQQQQ, NESHAP based on the risk review conducted pursuant to CAA section 112(f). We are finalizing our proposed determination that risks from the source category following implementation of MACT standards are acceptable, considering all the health information and factors evaluated, and also considering risk estimation uncertainty. The EPA received no new data or other information during the public comment period that affected our determinations. Therefore, we are not requiring additional controls and, thus, are not making any revisions to the existing standards, in order to meet the requirements of CAA section 112(f). (However, as previously noted, we are making limited changes in order to improve implementation and to conform our standards to the 2008 *Sierra Club* ruling regarding SSM.)

B. What are the final rule amendments based on the technology review for the Friction Materials Manufacturing Facilities source category?

We determined that there are no developments in practices, processes, and control technologies that warrant revisions to the MACT standards for this source category. The EPA received no new data or other information during the public comment period that affected our determinations. Therefore, we are not finalizing revisions to the MACT standards in order to meet the requirements of CAA section 112(d)(6). (Again, however, we are making limited changes for other purposes, as previously noted and explained in detail below.)

C. What are the final rule amendments addressing emissions during periods of SSM?

In its 2008 decision in *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008), the Court vacated portions of two provisions in the EPA's CAA section 112 "General Provisions" regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some CAA section 112 standards apply continuously.

We have eliminated the SSM exemption in this rule. Consistent with *Sierra Club v. EPA*, the EPA has established standards in this rule that apply at all times. We have also revised Table 4 to subpart QQQQQ of Part 63 (the General Provisions applicability table) in several respects as is explained in more detail below. For example, we have eliminated the incorporation of the General Provisions' requirement that the source develop an SSM plan. We have also eliminated and revised certain recordkeeping and reporting that are related to the SSM exemption as described in detail in the proposal and summarized below.

D. What other changes have been made to the NESHAP?

The EPA is promulgating revisions to the rule's reporting requirements at 40 CFR 63.9540(c)(2) for deviations by requiring facilities to now report the date, time, a list of affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, a description of the method used to estimate the emissions, and the corrective action taken. In addition, facilities must continue to report the number, duration, and cause of deviations (including unknown cause, if applicable). To see how the revised regulatory text compares to the previous text, see the document, "Redline Version Showing Proposed Changes to 40 CFR part 63 subpart QQQQQ," presenting 40 CFR 63.9540(c)(2), in Docket ID No. EPA-HQ-OAR-2017-0358.

E. What are the effective and compliance dates of the standards?

The revisions to the NESHAP being promulgated in this action are effective on February 8, 2019. The compliance date for existing affected sources, whether subject to the existing or new source limits in the original rule, to comply with the revised requirements is no later than 180 days after the effective date of the final rule. Affected sources that commenced construction or reconstruction after May 3, 2018, must comply with the all of the standards immediately upon the effective date of the standard, February 8, 2019, or upon startup, whichever is later.

All affected existing facilities would have to continue to meet the current requirements of 40 CFR part 63, subpart QQQQQ, until the applicable compliance date of the amended rule. The final action is not a "major rule" as defined by 5 U.S.C. 804(2), so the effective date of the final rule will be the promulgation date as specified in CAA sections 112(d)(10) and 112(f)(3). For

existing sources, we are finalizing two changes that would impact ongoing compliance requirements for 40 CFR part 63, subpart QQQQQ. As discussed elsewhere in this preamble, we are changing the requirements for SSM by removing the exemption from the requirements to meet the standard during SSM periods and by removing the requirement to develop and implement an SSM plan. Our experience with similar industries shows that this sort of regulated facility generally requires a time period of 180 days to read and understand the amended rule requirements; evaluate their operations to ensure that they can meet the standards during periods of startup and shutdown as defined in the rule, and make any necessary adjustments in their practice of reporting deviations per the rule's revised requirements; adjust parameter monitoring and recording systems to accommodate revisions; and update their operations to reflect the revised requirements. From our assessment of the timeframe needed for compliance with the entirety of the revised requirements, the EPA considers a period of 180 days to be the most expeditious compliance period practicable and, thus, is finalizing that existing affected sources must be in compliance with all of this regulation's revised requirements within 180 days of the regulation's effective date.

IV. What is the rationale for our final decisions and amendments for the Friction Materials Manufacturing Facilities source category?

For each issue, this section provides a description of what we proposed and what we are finalizing, the EPA's rationale for the final decisions and amendments, and a summary of key comments and responses. For all comments not discussed in this preamble, comment summaries and the EPA's responses can be found in the comment summary and response document available in the docket, EPA-HQ-OAR-2017-0358.

A. Residual Risk Review for the Friction Materials Manufacturing Facilities Source Category

1. What did we propose pursuant to CAA section 112(f) for the Friction Materials Manufacturing Facilities source category?

For the 40 CFR part 63, subpart QQQQQ, category risk assessment conducted at proposal, the EPA estimated risks based on actual and allowable emissions from the two facilities subject to the Friction

Materials Manufacturing Facilities NESHAP. Allowable emissions for the Railroad Friction Products Corporation (RFPC) at proposal were estimated to be equal to actual emissions. Allowable emissions for Knowlton Technologies LLC were set to the standard minimum of 70 percent of what otherwise would be emitted. The estimated inhalation cancer risk to the individual most exposed to emissions from the source category was less than 1-in-1-million. The assessment showed that no people faced an increased cancer risk greater than 1-in-1 million due to inhalation exposure to HAP emissions from this source category. The risk analysis at proposal indicated very low cancer incidence (0.000005 excess cancer cases per year, or one excess case every 200,000 years), as well as low potential for adverse chronic noncancer health effects. The acute screening assessment indicated no pollutants or facilities exceeding a hazard quotient value of 1. Therefore, we found there was little potential concern of acute noncancer health impacts. In evaluating the potential for multipathway effects, no HAP emissions known to be persistent and bio-accumulative in the environment were found in this source category. Therefore, we estimate that there is no multipathway risk from HAP emissions from this source category. Considering all the health risk information, the EPA proposed that the risks from the Friction Materials Manufacturing Facilities source category were acceptable, and that implementation of the existing standards provide an ample margin of safety to protect public health.

2. How did the risk review change for the Friction Materials Manufacturing Facilities source category?

In response to comments on the proposed 40 CFR part 63, subpart QQQQQ RTR, the EPA acknowledges that, although the EPA's method of calculating cancer incidence was implemented correctly, with the results presented correctly in the RTR risk report, we agree that the average risk values provided for the demographic analysis were calculated incorrectly. The EPA corrected the values for the demographics analysis and provided those corrections in the final RTR risk report for this source category. After making this correction, the EPA finds that the risks presented by HAP emissions from this source category are still acceptable and that the NESHAP protects public health with an ample margin of safety. The demographic analysis provides information about the demographic composition of the

populations exposed to HAP emissions from this source category. The correction to the average risk values for the demographic analysis did not affect any decision in this rulemaking. All other parts of the risk review remained unchanged from proposal.

3. What key comments did we receive on the risk review, and what are our responses?

We received several comments regarding the proposed risk review and our determination that no revisions were warranted under CAA section 112(f)(2). Generally, the comments misunderstood the type of data used for the development of the risk review or suggested changes to the underlying risk assessment methodology. After review of these comments, we determined that no changes were necessary. The comments and our specific responses can be found in the document, "Summary of Public Comments and Responses for Friction Materials Manufacturing Facilities Risk and Technology Review," which is available in the docket for this action.

These comments resulted in the EPA correcting the demographic analysis, which did not result in a change in the EPA's determination that the risks for this source category are acceptable and that the NESHAP protects public health with an ample margin of safety.

Additionally, a stakeholder commented on how the EPA set allowable emissions equal to actual emissions at RFPC. The EPA agrees with the stakeholder that allowable emissions should have been calculated by setting the solvent mixer emissions at 30 percent of the total solvent used, which is the requirement in the rule. However, this would result in a lower emissions calculation than what was used at proposal to estimate risk at allowable emission levels. Therefore, the EPA has determined that the proposal risk estimates for allowable emissions were overestimated, and, since we found that even with this overestimate that risks are acceptable and that the current standards provide an ample margin of safety, it is not necessary to re-run the model file in order to reflect such a correction.

Lastly, one comment resulted in the EPA clarifying the inclusion of emissions that do not come from affected sources in the source category. The stakeholder points out that the EPA assumes fugitive emissions are controlled under this standard. The EPA clarifies in the response to comments (RTC) document that phenol and formaldehyde emissions from Knowlton are non-affected source fugitive

emissions. Including phenol and formaldehyde in the risk model results in a conservative assessment of risk presented by emissions that do not come from the affected sources in the source category, but from other points at the facility that are not subject to this NESHAP.

4. What is the rationale for our final approach and final decisions for the risk review?

We evaluated all the comments on the EPA's risk review and determined that other than the change in the demographic analysis calculation, which did not result in a change to the risk determination, no changes to the review are needed. For the reasons explained in the proposed rule, we determined that the risks from the Friction Materials Manufacturing Facilities source category are acceptable, and the current standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. Therefore, pursuant to CAA section 112(f)(2), we are finalizing our risk review determination as proposed.

B. Technology Review for the Friction Materials Manufacturing Facilities Source Category

1. What did we propose pursuant to CAA section 112(d)(6) for the Friction Materials Manufacturing Facilities source category?

Our review of the developments in technology for the Friction Materials Manufacturing Facilities source category did not reveal any changes in practices, processes, and controls that warrant revisions to the emission standards. Because our review did not identify any cost-effective practices, processes, or controls to reduce emissions in the category since promulgation of the current NESHAP, we proposed that no revisions to the NESHAP are necessary pursuant to CAA section 112(d)(6).

2. How did the technology review change for the Friction Materials Manufacturing Facilities source category?

The technology review did not change from proposal. Therefore, we are finalizing our proposal determination that no revisions to the NESHAP are necessary pursuant to CAA section 112(d)(6).

3. What key comments did we receive on the technology review, and what are our responses?

We received several comments regarding the proposed technology review and our determination that no

revisions were warranted under CAA section 112(d)(6). We received no comments that identified improved control technology, work practices, operational procedures, process changes, or pollution prevention approaches to reduce emissions in the category since promulgation of the current NESHAP. Generally, the commenters misunderstood the role of the technology review and the associated evaluations of technological advancements. After review of these comments, we determined that no changes were necessary. The comments and our specific responses can be found in the document, "Summary of Public Comments and Responses for Friction Materials Manufacturing Facilities Risk and Technology Review," which is available in the docket for this action.

Of the comments pertaining to the technology review, there were several comments that addressed the EPA's discussion of non-solvent mixers. Several comments addressed the concern that the EPA was appearing to endorse facilities' averaging among mixers in order to comply with the standard. The EPA stated in the RTC document and reiterates here that compliance determinations are not part of the RTR, that the current standards apply on a mixer-by-mixer basis, and that the EPA is not proposing any changes to the source category or affected source definitions in this action.

4. What is the rationale for our final approach for the technology review?

Our technology review looked for add-on control technology that was not identified during the original NESHAP development and for improvements to existing add-on controls. We also looked for new work practices, operational procedures, process changes, pollution prevention alternatives, coating formulations, or application techniques that have the potential to reduce emissions. Since our review did not identify any cost-effective improved control technology, work practices, operational procedures, process changes, or pollution prevention approaches to reduce emissions in the category since promulgation of the current NESHAP, we proposed that no revisions to the NESHAP are necessary pursuant to CAA section 112(d)(6). Since proposal, no information has been presented to cause us to change the proposed determination. Consequently, we are finalizing our CAA section 112(d)(6) determination as proposed.

C. SSM

1. What did we propose for the Friction Materials Manufacturing Facilities source category?

In its 2008 decision in *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008), the Court vacated portions of two provisions in the EPA's CAA section 112 General Provisions regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some CAA section 112 standards apply continuously.

We proposed amendments to the Friction Materials Manufacturing Facilities NESHAP to remove or revise provisions related to SSM that are not consistent with the requirement that the standards apply at all times. More information concerning SSM is in the preamble to the proposed rule (83 FR 19499).

2. How did the SSM provisions change for the Friction Materials Manufacturing Facilities source category?

The SSM provisions did not change from proposal.

3. What key comments did we receive on the SSM provisions, and what are our responses?

We received one comment supporting our proposed changes to the SSM provisions. The EPA acknowledges the comment supporting the proposed changes.

4. What is the rationale for our final approach for the SSM provisions?

We evaluated the comment on the EPA's proposed amendments to the SSM provisions. For the reasons explained in the proposed rule, we determined that these amendments remove or revise provisions related to SSM that are not consistent with the requirement that the standards apply at all times. More information concerning the proposed amendments to the SSM provisions is in the preamble to the proposed rule (83 FR 19499). We are finalizing the amendments to remove or revise provisions related to SSM, as proposed.

V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted

A. What are the affected facilities?

There are currently two friction materials manufacturing facilities operating in the United States that are subject to the Friction Materials Manufacturing Facilities NESHAP. The 40 CFR part 63, subpart QQQQQ, affected source is the solvent mixers used for friction manufacturing products. A new affected source is a completely new friction products manufacturing source where previously no friction products manufacturing had existed.

B. What are the air quality impacts?

At the current level of control, the EPA estimates emissions of total HAP are approximately 240 tpy. Because we are not finalizing revisions to the emission limits other than to make them applicable during SSM periods, we do not anticipate any air quality impacts as a result of the proposed amendments, since facilities are already in compliance with emission limits during all periods, including SSM.

C. What are the cost impacts?

The two existing friction materials manufacturing facilities that are subject to the final amendments would incur a net cost savings resulting from the revised recordkeeping and reporting requirements. The 2016 equivalent annualized value (in 2016 dollars) of these net cost savings from 2019

through 2026 is \$5,920 per year when costs are discounted at a 7-percent rate, and \$6,648 per year when costs are discounted at a 3-percent rate. For further information on the costs and cost savings associated with the requirements being revised, see the memorandum, "Economic Impact Analysis for Friction Material Manufacturing Final Rule," and the document, "Friction Materials Manufacturing 2018 Supporting Statement," which are both available in the docket for this action.

D. What are the economic impacts?

As noted earlier, this action will result in a net cost savings to affected entities. This cost savings is not expected to have adverse economic impacts.

E. What are the benefits?

The EPA did not change any of the emission limit requirements and estimates the final changes to SSM, recordkeeping, reporting, and monitoring are not economically significant. Because these final amendments are not considered economically significant, as defined by Executive Order 12866 and because no emission reductions were estimated, we did not estimate any benefits from reducing emissions.

F. What analysis of environmental justice did we conduct?

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental

justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

To examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of risks to individual demographic groups of the populations living within 5 kilometers (km) and within 50 km of the facilities. In the analysis, we evaluated the distribution of HAP-related cancer and noncancer risks from the Friction Materials Manufacturing Facilities source category across different demographic groups within the populations living near facilities.²

The results of the demographic analysis was updated from proposal to reflect corrections made to the analysis from comments received by the EPA and are summarized in Table 2 below. These results, for various demographic groups, are based on the estimated risks from actual emissions levels for the population living within 50 km of the facilities.

TABLE 2—FRICTION MATERIALS MANUFACTURING FACILITIES SOURCE CATEGORY DEMOGRAPHIC RISK ANALYSIS RESULTS

	Nationwide	Population with cancer risk at or above 1-in-1 million due to Friction Materials Manufacturing Facilities ¹	Population with chronic hazard index above 1 Friction Materials Manufacturing Facilities
Total Population	317,746,049	0	0
Race by Percent:			
White	62	0	0
All Other Races	38	0	0
Race by Percent:			
White	62	0	0
African American	12	0	0
Native American	0.8	0	0
Other and Multiracial	7	0	0
Ethnicity by Percent:			
Hispanic	18	0	0
Non-Hispanic	82	0	0
Income by Percent:			
Below Poverty Level	14	0	0
Above Poverty Level	86	0	0
Education by Percent:			

² Demographic groups included in the analysis are: White, African American, Native American, other races and multiracial, Hispanic or Latino,

children 17 years of age and under, adults 18 to 64 years of age, adults 65 years of age and over, adults without a high school diploma, people living below

the poverty level, people living two times the poverty level, and linguistically isolated people.

TABLE 2—FRICTION MATERIALS MANUFACTURING FACILITIES SOURCE CATEGORY DEMOGRAPHIC RISK ANALYSIS RESULTS—Continued

	Nationwide	Population with cancer risk at or above 1-in-1 million due to Friction Materials Manufacturing Facilities ¹	Population with chronic hazard index above 1 Friction Materials Manufacturing Facilities
Over 25 and without High School Diploma	14	0	0
Over 25 and with a High School Diploma	86	0	0
Linguistically Isolated by Percent:			
Linguistically Isolated	6	0	0

¹ Based on actual emissions in the category.

The results of the Friction Materials Manufacturing Facilities source category demographic analysis indicate that emissions from the source category do not expose people to a cancer risk at or above 1-in-1 million based on actual or allowable emissions. Also, no people are exposed to a chronic noncancer target organ-specific hazard index greater than 1 based on actual or allowable emissions. The percentages of the at-risk population are much smaller than their respective nationwide percentages for all demographic groups.

The EPA received comment on our proposed rule stating that we ignored unacceptably disproportionate effects on environmental justice communities. As noted above, we corrected our demographic analysis. For this source category, cancer risks were less than 1-in-1 million and the noncancer hazards were less than 1. At these risk levels, all populations are exposed to an acceptable level with an ample margin of safety without any demographic group (including Native American Indians) being disproportionately impacted. A more detailed demographic risk analysis may be conducted at the facility level if risk findings for the source category indicate a level that is unacceptable without an ample margin of safety.

The EPA has, therefore, reaffirmed its determination that this final rule will not have disproportionately high and adverse human health or environmental effects on minority, low income, or indigenous populations because it maintains the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority, low income, or indigenous populations.

The methodology and the results of the demographic analysis are presented in a technical report, "Risk and Technology Review—Analysis of

Demographic Factors for Populations Living Near Friction Materials Manufacturing Facilities Source Category," available in Docket ID No. EPA-HQ-OAR-2017-0358 for this action.

G. What analysis of children's environmental health did we conduct?

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in "Residual Risk Assessment for the Friction Materials Manufacturing Facilities Source Category in Support of the 2018 Risk and Technology Review Final Rule," available in Docket ID No. EPAHQ-OAR-2017-0358 for this action.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is considered an Executive Order 13771 deregulatory action. Details on the estimated cost savings of this final rule can be found in the EPA's analysis of the potential costs and benefits associated with this action.

C. Paperwork Reduction Act (PRA)

The information collection activities in this rule have been submitted for approval to OMB under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 2025.08. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

We are finalizing changes to the recordkeeping and reporting requirements associated with 40 CFR part 63, subpart QQQQQ, in the form of eliminating the SSM plan and reporting requirements and increasing reporting requirements for the semiannual report of deviation. We also recalculated the estimated recordkeeping burden for records of SSM to more accurately represent the removal of the SSM exemption, which is discussed in more detail in the memorandum, "Email Correspondence Estimating the Cost of SSM Reporting with Knowlton Technologies, LLC."

Respondents/affected entities: The respondents to the recordkeeping and reporting requirements are owners or operators of facilities that produce friction products subject to 40 CFR part 63, subpart QQQQQ.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart QQQQQ).

Estimated number of respondents: Two facilities.

Frequency of response: Initially and semiannually.

Total estimated burden: The annual recordkeeping and reporting burden for responding facilities to comply with all of the requirements in the NESHP, averaged over the 3 years of this ICR, is estimated to be 535 hours (per year). Of these, 115 hours (per year) is the reduced burden to comply with the rule amendments. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The annual recordkeeping and reporting cost for responding facilities to comply with all of the requirements in the NESHAP, averaged over the 3 years of this ICR, is estimated to be \$35,200 (rounded, per year), including \$544 annualized capital or operation and maintenance costs. This results in a decrease of \$7,400 (rounded, per year) to comply with the amendments to the rule.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the Agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. There are no small entities in this regulated industry.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments, or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. No tribal facilities are known to be engaged in the friction material manufacturing industry that would be affected by this action. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in sections III.A and IV.A and B of this preamble.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This action involves technical standards. Therefore, the EPA conducted a search to identify potentially applicable voluntary consensus standards. However, the Agency identified no such standards. Therefore, the EPA has decided to continue the use of the weighing procedures based on EPA Method 28 of 40 CFR part 60, appendix A (section 10.1) for weighing of recovered solvent. A thorough summary of the search conducted and results are included in the memorandum titled "Voluntary Consensus Standard Results for Friction Materials Manufacturing Facilities Residual Risk and Technology Review," which is available in the docket for this action.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The documentation for this decision is contained in the technical report, "Friction Materials Manufacturing Demographic Analysis," which is available in the docket for this action.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

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

Dated: December 20, 2018.

Andrew R. Wheeler,
Acting Administrator.

For the reasons stated in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is 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 QQQQQ—National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities

■ 2. Section 63.9495 is amended by revising paragraphs (a) and (b) and adding paragraph (e) to read as follows:

§ 63.9495 When do I have to comply with this subpart?

(a) If you have an existing solvent mixer, you must comply with each of the requirements for existing sources no later than October 18, 2005, except as otherwise specified at this section and §§ 63.9505, 63.9530, 63.9540, 63.9545, and Table 1 to this subpart.

(b) If you have a new or reconstructed solvent mixer for which construction or reconstruction commenced after October 18, 2002, but before May 4, 2018, you must comply with the requirements for new and reconstructed sources upon initial startup, except as otherwise specified at this section and §§ 63.9505, 63.9530, 63.9540, 63.9545, and Table 1 to this subpart.

(e) Solvent mixers constructed or reconstructed after May 3, 2018, must be in compliance with this subpart at startup or by February 8, 2019, whichever is later.

■ 3. Revise § 63.9505 to read as follows:

§ 63.9505 What are my general requirements for complying with this subpart?

(a) Before August 7, 2019, for each existing source and each new or reconstructed source for which construction or reconstruction commenced after October 18, 2002, but

before May 4, 2018, you must be in compliance with the emission limitations in this subpart at all times, except during periods of startup, shutdown, or malfunction. On and after August 7, 2019, for each such source you must be in compliance with the emission limitations in this subpart at all times. For new and reconstructed sources for which construction or reconstruction commenced after May 3, 2018, you must be in compliance with the emissions limitations in this subpart at all times.

(b) Before August 7, 2019, for each existing source, and for each new or reconstructed source for which construction or reconstruction commenced after October 18, 2002, but before May 4, 2018, you must always operate and maintain your affected source, including air pollution control and monitoring equipment, according to the provisions in § 63.6(e)(1)(i). On and after August 7, 2019 for each such source, and after February 8, 2019 for new and reconstructed sources for which construction or reconstruction commenced after May 3, 2018, at all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(c) Before August 7, 2019, for each existing source, and for each new or reconstructed source for which construction commenced after October 18, 2002, but before May 4, 2018, you must develop a written startup, shutdown, and malfunction plan according to the provisions in § 63.6(e)(3). For each such source, a startup, shutdown, and malfunction plan is not required on and after August 7, 2019. No startup, shutdown, and malfunction plan is required for any new or reconstructed source for which construction or reconstruction commenced after May 3, 2018.

■ 4. Section 63.9530 is amended by revising paragraphs (a)(1) and (e) to read as follows:

§ 63.9530 How do I demonstrate continuous compliance with the emission limitation that applies to me?

(a) * * *

(1) For existing sources and for new or reconstructed sources for which construction or reconstruction commenced after October 18, 2002, but before May 4, 2018, before August 7, 2019, except for during malfunctions of your weight measurement device and associated repairs, you must collect and record the information required in § 63.9520(a)(1) through (8) at all times that the affected source is operating and record all information needed to document conformance with these requirements. On and after August 7, 2019 for such sources, and after February 8, 2019 for new or reconstructed sources that commenced construction after May 3, 2018, you must collect and record the information required in § 63.9520(a)(1) through (8) at all times that the affected source is operating and record all information needed to document conformance with these requirements.

* * * * *

(e) For existing sources and for new or reconstructed sources which commenced construction or reconstruction after October 18, 2002, but before May 4, 2018, before August 7, 2019, consistent with §§ 63.6(e) and 63.7(e)(1), deviations that occur during a period of startup, shutdown, or malfunction are not violations if you demonstrate to the Administrator's satisfaction that you were operating in accordance with § 63.6(e)(1). The Administrator will determine whether deviations that occur during a period of startup, shutdown, or malfunction are violations, according to the provisions in § 63.6(e). On and after August 7, 2019 for such sources, and after February 8, 2019 for new or reconstructed sources which commence construction or reconstruction after May 3, 2018, all deviations are considered violations.

■ 5. Section 63.9540 is amended by revising paragraphs (b)(4), (c)(2), and (d) to read as follows:

§ 63.9540 What reports must I submit and when?

* * * * *

(b) * * *

(4) For existing sources and for new or reconstructed sources for which construction or reconstruction commenced after October 18, 2002, but before May 4, 2018, before August 7, 2019, if you had a startup, shutdown, or

malfunction during the reporting period and you took actions consistent with your startup, shutdown, and malfunction plan, the compliance report must include the information in § 63.10(d)(5)(i). A startup, shutdown, and malfunction plan is not required for such sources on and after August 7, 2019.

* * * * *

(c) * * *

(2) For existing sources and for new or reconstructed sources which commenced construction or reconstruction after October 18, 2002, but before May 4, 2018, before August 7, 2019, information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken. On and after August 7, 2019 for such sources, and after February 8, 2019 for new or reconstructed sources which commenced construction or reconstruction after May 3, 2018, information on the number of deviations to meet an emission limitation. For each instance, include the date, time, duration, and cause of deviations (including unknown cause, if applicable), as applicable, a list of the affected source or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions, and the corrective action taken.

(d) For existing sources and for new or reconstructed sources which commenced construction or reconstruction after October 18, 2002, but before May 4, 2018, before August 7, 2019, if you had a startup, shutdown, or malfunction during the semiannual reporting period that was not consistent with your startup, shutdown, and malfunction plan, you must submit an immediate startup, shutdown, and malfunction report according to the requirements in § 63.10(d)(5)(ii). An immediate startup, shutdown, and malfunction report is not required for such sources on and after August 7, 2019.

* * * * *

■ 6. Section 63.9545 is amended by revising paragraph (a)(2) and adding paragraph (a)(3) to read as follows:

§ 63.9545 What records must I keep?

(a) * * *

(2) For existing sources and for new or reconstructed sources which commenced construction or reconstruction after October 18, 2002, but before May 4, 2018, before August 7, 2019, the records in § 63.6(e)(3)(iii)

through (v) related to startup, shutdown, or malfunction. For such sources, it is not required to keep records in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, or malfunction on and after August 7, 2019.

(3) After February 8, 2019 for new or reconstructed sources which commenced construction or reconstruction after May 3, 2018, and on and after August 7, 2019 for all other affected sources, in the event that an affected unit fails to meet an applicable standard, record the number of deviations. For each deviation, record the date, time and duration of each deviation.

(i) For each deviation, record and retain cause of deviations (including

unknown cause, if applicable), a list of the affected source or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

(ii) Record actions taken to minimize emissions in accordance with § 63.9505, and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

* * * * *

■ 7. Table 1 to subpart QQQQQ of part 63 is amended by:

■ a. Removing the entry “§ 63.6(a)–(c), (e)–(f), (i)–(j)”;

■ b. Adding the entries “§ 63.6(a)–(c), (i)–(j)”, “§ 63.6(e)(1)(i)–(ii)”,

“§ 63.6(e)(1)(iii), (e)(2)”, “§ 63.6(e)(3)”, “§ 63.6(f)(1)”, and “§ 63.6(f)(2)–(3)” in numerical order;

■ c. Removing the entry “§ 63.8(a)(1)–(2), (b), (c)(1)–(3), (f)(1)–(5)”;

■ d. Adding the entries “§ 63.8(a)(1)–(2)”, “§ 63.8(b)”, “§ 63.8(c)(1)(i), (iii)”, “§ 63.8(c)(1)(ii), (c)(2), (c)(3)”, and “§ 63.8(f)(1)–(5)” in numerical order;

■ e. Removing the entry “§ 63.10(a), (b), (d)(1), (d)(4)–(5), (e)(3), (f)”;

■ f. Adding the entries “§ 63.10(a), (b)(1), (d)(1), (d)(4), (e)(3), (f)”, “§ 63.10(b)(2)(i), (ii), (iv), (v)”, “§ 63.10(b)(2)(iii), (vi)–(xiv)”, and “§ 63.10(d)(5)” in numerical order.

The revisions and additions read as follows:

TABLE 1 TO SUBPART QQQQQ OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART QQQQQ

Citation	Subject	Applies to subpart QQQQQ?	Explanation
§ 63.6(a)–(c), (i)–(j).	Compliance with Standards and Maintenance Requirements.	Yes.	
§ 63.6(e)(1)(i)–(ii)	SSM Operation and Maintenance Requirements.	No, for new or reconstructed sources which commenced construction or reconstruction after May 3, 2018. Yes, for all other affected sources before August 7, 2019, and No thereafter.	Subpart QQQQQ requires affected units to meet emissions standards at all times. See § 63.9505 for general duty requirement.
§ 63.6(e)(1)(iii), (e)(2).	Operation and Maintenance.	Yes.	
§ 63.6(e)(3)	SSM Plan Requirements.	No, for new or reconstructed sources which commenced construction or reconstruction after May 3, 2018. Yes, for all other affected sources before August 7, 2019, and No thereafter.	Subpart QQQQQ requires affected units to meet emissions standards at all times.
§ 63.6(f)(1)	SSM Exemption	No, for new or reconstructed sources which commenced construction or reconstruction after May 3, 2018. Yes, for all other affected sources before August 7, 2019, and No thereafter.	Subpart QQQQQ requires affected units to meet emissions standards at all times.
§ 63.6(f)(2)–(3) ..	Compliance with Nonopacity Emission Standards.	Yes.	
§ 63.8(a)(1)–(2)	Applicability and Relevant Standards for CMS.	Yes.	
§ 63.8(b)	Conduct of Monitoring.	Yes.	
§ 63.8(c)(1)(i), (iii).	Continuous Monitoring System (CMS) SSM Requirements.	No, for new or reconstructed sources which commenced construction or reconstruction after May 3, 2018. Yes, for all other affected sources before August 7, 2019, and No thereafter..	
§ 63.8(c)(1)(ii), (c)(2), (c)(3).	CMS Repairs, Operating Parameters, and Performance Tests.	Yes.	
§ 63.8(f)(1)–(5) ..	Alternative Monitoring Procedure.	Yes.	

TABLE 1 TO SUBPART QQQQQ OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART QQQQQ—Continued

Citation	Subject	Applies to subpart QQQQQ?	Explanation
§ 63.10(a), (b)(1), (d)(1), (d)(4), (e)(3), (f).	Recordkeeping and Reporting Requirements.	Yes.	
§ 63.10(b)(2)(i), (ii), (iv), (v).	Recordkeeping for Startup, Shutdown and Malfunction.	No, for new or reconstructed sources which commenced construction or reconstruction after May 3, 2018. Yes, for all other affected sources before August 7, 2019, and No thereafter.	See § 63.9545 for recordkeeping requirements.
§ 63.10(b)(2)(iii), (vi)–(xiv).	Owner/Operator Recordkeeping Requirements.	Yes.	
§ 63.10(d)(5)	SSM reports	No, for new or reconstructed sources which commenced construction or reconstruction after May 3, 2018. Yes, for all other affected sources before August 7, 2019, and No thereafter.	See § 63.9540 for malfunction reporting requirements.

[FR Doc. 2019–00786 Filed 2–7–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 0, 1, 5, 73, and 74****[MB Docket No. 18–121; FCC 18–174]****Posting of Station Licenses and Related Information****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) eliminates provisions of our rules that require broadcasters to post and maintain copies of their licenses and related information in specific locations. These rules have become redundant and obsolete now that licensing information is readily accessible online through the Commission's databases, including CDBS, LMS, and ULS. It therefore finds that eliminating these rules, which apply in some form to all broadcast licensees, will serve the public interest.

DATES: Effective February 8, 2019.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Jonathan Mark, Jonathan.Mark@fcc.gov, of the Media Bureau, Policy Division, (202) 418–3634. Direct press inquiries to Janice Wise at (202) 418–8165.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (*Order*), FCC 18–174, adopted December 10, 2018 and released on December 11, 2018. The full text of this document is available electronically via the FCC's Electronic Document Management System (EDOCS) website at http://fjallfoss.fcc.gov/edocs_public/ or via the FCC's Electronic Comment Filing System (ECFS) website at <http://fjallfoss.fcc.gov/ecfs2/>. (Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.) This document is also available for public inspection and copying during regular business hours in the FCC Reference Information Center, which is located in Room CY–A257 at FCC Headquarters, 445 12th Street SW, Washington, DC 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Friday from 8:00 a.m. to 11:30 a.m. The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW, Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to fcc504@fcc.gov or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis**I. Report and Order**

1. In this Report and Order (*Order*), we eliminate the provisions in parts 1, 5, 73 and 74 of our rules that require the posting and maintenance of broadcast licenses and related information in specific locations.¹ In May 2018, the Federal Communications Commission (Commission) issued a Notice of Proposed Rulemaking (*NPRM*) (83 FR 30901) seeking comment on whether to eliminate license posting rules that appeared to be redundant and obsolete now that licensing information is readily accessible online through the Commission's databases. Commenters in this proceeding unanimously support the elimination of these rules. As detailed below, we find that eliminating these requirements, which apply in some form to all broadcast licensees, will serve the public interest. In doing so, we advance the Commission's goal of modernizing our media rules and remove unnecessary regulatory burdens that impede competition and innovation in the media marketplace.

2. Broadcast license posting rules predate the establishment of the Commission. As explained in the *NPRM*, the Federal Radio Commission promulgated the earliest iteration of broadcast license posting requirements on record in 1930. Subsequent Commission decisions revised and

¹ By this Order, we also eliminate provisions in our rules which reference or cross-reference broadcast license posting rules.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 15, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ammonia, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 12, 2018.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(513)(ii)(B) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *
(513) * * *
(ii) * * *

(B) *South Coast Air Quality*

Management District. (1) The following portions of the “Final 2016 Air Quality Management Plan (March 2017),” adopted March 3, 2017: Chapter 5 (“PM_{2.5} Modeling Approach”), pages 5–17 through 5–27; Appendix III (“Base and Future Emission Inventory”), Attachment A (“Annual Average Emissions by Source Category in South Coast Air Basin”) for PM_{2.5}, NO_x, SO₂, VOC, and NH₃ for years 2012, 2017, 2019, and 2020 and Attachment D, tables D–1, D–3, D–7 and D–9; Appendix IV–A (“SCAQMD’s Stationary and Mobile Source Control Measures”), Table IV–A–4 and section 2 (“PM_{2.5} Control Measures”); Appendix IV–C

(“Regional Transportation Strategy and Control Measures”), section IV (“TCM Best Available Control Measure (BACM) Analysis for 2006 24-Hour and 2012 Annual PM_{2.5} NAAQS”); Appendix V (“Modeling and Attainment Demonstration”), Chapter 7 (“24-hour PM_{2.5} Demonstration”) and Attachment 8 (“24-hour Unmonitored Area Analysis Supplement”); Appendix VI–A (“Reasonably Available Control Measures (RACM)/Best Available Control Measures (BACM) Demonstration”), pages VI–A–13 through VI–A–42, Attachment VI–A–1 (“Evaluation of SCAQMD Rules and Regulations”), Attachment VI–A–2 (“Control Measure Assessment”), and Attachment VI–A–3 (“California Mobile Source Control Program Best Available Control Measures/Reasonably Available Control Measures Assessment”); Appendix VI–C (“Reasonable Further Progress (RFP) and Milestone Years”), pages VI–C–5 through VI–C–8, and Attachment VI–C–1 (“California Existing Mobile Source Control Program”); Appendix VI–D (“General Conformity and Transportation Conformity Budget”), pages VI–D–2 through VI–D–6 and excluding tables VI–D–1 through 3; and Appendix VI–F (“Precursor Requirements”).

(2) Letter dated March 14, 2018 from Philip Fine, Deputy Executive Officer, Planning, Rule Development, and Area Sources, South Coast Air Quality Management District, to Amy Zimpfer, Associate Director, Air Division, EPA Region IX.

(3) Letter dated June 15, 2018 from Philip Fine, Deputy Executive Officer, Planning, Rule Development, and Area Sources, South Coast Air Quality Management District, to Amy Zimpfer, Associate Director, Air Division, EPA Region IX, regarding “Condensable and Filterable Portions of PM_{2.5} Emissions in the 2016 AQMD.”

* * * * *

[FR Doc. 2019–01922 Filed 2–11–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2003–0194; FRL–9988–83–OAR]

RIN 2060–AT70

National Emission Standards for Hazardous Air Pollutants: Leather Finishing Operations Residual Risk and Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action finalizes the residual risk and technology review (RTR) conducted for the Leather Finishing Operations source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, we are taking final action addressing startup, shutdown, and malfunction (SSM), electronic reporting, and clarification of rule provisions. These final amendments address emissions during periods of SSM, add electronic reporting, and revise certain rule requirements and provisions. Although these amendments will not reduce emissions of hazardous air pollutants (HAP), they are expected to improve compliance and implementation of the rule.

DATES: This final rule is effective on February 12, 2019.

ADDRESSES: The Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA–HQ–OAR–2003–0194. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <https://www.regulations.gov>, or in hard copy at the EPA Docket Center, EPA WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time, Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact Mr. Bill Schrock, Natural Resources Group, Sector Policies and Programs Division (E143–03), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5032; fax number: (919) 541–0516; and email address: schrock.bill@epa.gov. For specific information regarding the risk modeling methodology, contact Matthew Woody, Health and Environmental Impacts Division (C539–

02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-1535; fax number: (919) 541-0840; and email address: woody.matthew@epa.gov. For information about the applicability of the NESHAP to a particular entity, contact John Cox, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, EPA WJC South Building (Mail Code 2227A), 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-1395; and email address: cox.john@epa.gov.

SUPPLEMENTARY INFORMATION: Preamble acronyms and abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act
CDX Central Data Exchange
CEDRI Compliance and Emissions Data Reporting Interface
CRA Congressional Review Act
ERT Electronic Reporting Tool
HAP hazardous air pollutant(s)
HI hazard index
HQ hazard quotient
ICR Information Collection Request
MACT maximum achievable control technology
NEI National Emissions Inventory
NESHAP national emission standards for hazardous air pollutants
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
REL recommended exposure limit
RFA Regulatory Flexibility Act
RIN Regulatory Information Number
RTO regenerative thermal oxidizer
RTR risk and technology review
SSM startup, shutdown, and malfunction
TOSHI target organ-specific hazard index
UMRA Unfunded Mandates Reform Act
VCS voluntary consensus standards

Background information. On March 14, 2018 (83 FR 11314), the EPA proposed revisions to the Leather Finishing Operations NESHAP based on our RTR. On May 15, 2018 (83 FR 22438), the EPA re-opened the comment period on the proposed rule that closed on April 30, 2018, extending the comment period to June 14, 2018. In this action, we are finalizing decisions and revisions for the rule. We summarize some of the more significant comments we timely received regarding the proposed rule and provide our responses in this preamble. A summary of all other public comments on the proposal and the EPA's responses to those comments is available in the

document titled *Summary of Public Comments and the EPA's Responses for the Proposed Risk and Technology Review and Amendments for the Leather Finishing Operations NESHAP*, in Docket ID No. EPA-HQ-OAR-2003-0194. A "track changes" version of the regulatory language that incorporates the changes in this action is available in the docket.

Organization of this document. The information in this preamble is organized as follows:

- I. General Information
 - A. Does this action apply to me?
 - B. Where can I get a copy of this document and other related information?
 - C. Judicial Review and Administrative Reconsideration
- II. Background
 - A. What is the statutory authority for this action?
 - B. What is the Leather Finishing Operations source category and how does the NESHAP regulate HAP emissions from the source category?
 - C. What changes did we propose for the Leather Finishing Operations source category in our March 14, 2018, proposal?
- III. What is included in this final rule?
 - A. What are the final rule amendments based on the risk review for the Leather Finishing Operations source category?
 - B. What are the final rule amendments based on the technology review for the Leather Finishing Operations source category?
 - C. What are the final rule amendments addressing emissions during periods of startup, shutdown, and malfunction?
 - D. What other changes have been made to the NESHAP?
 - E. What are the effective and compliance dates of the standards?
 - F. What are the requirements for submission of performance test data to the EPA?
- IV. What is the rationale for our final decisions and amendments for the Leather Finishing Operations source category?
 - A. Residual Risk Review for the Leather Finishing Operations Source Category
 - B. Technology Review for the Leather Finishing Operations Source Category
 - C. Startup, Shutdown, and Malfunction for the Leather Finishing Operations Source Category
 - D. Requirements for Submission of Performance Tests for the Leather Finishing Operations Source Category
 - E. Technical Revisions and Corrections for the Leather Finishing Operations Source Category
- V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted
 - A. What are the affected facilities?
 - B. What are the air quality impacts?
 - C. What are the cost impacts?
 - D. What are the economic impacts?
 - E. What are the benefits?
 - F. What analysis of environmental justice did we conduct?

- G. What analysis of children's environmental health did we conduct?
- VI. Statutory and Executive Order Reviews
 - A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
 - B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs
 - C. Paperwork Reduction Act (PRA)
 - D. Regulatory Flexibility Act (RFA)
 - E. Unfunded Mandates Reform Act (UMRA)
 - F. Executive Order 13132: Federalism
 - G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
 - H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
 - I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
 - J. National Technology Transfer and Advancement Act (NTTAA)
 - K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
 - L. Congressional Review Act (CRA)

I. General Information

A. Does this action apply to me?

Regulated entities. Categories and entities potentially regulated by this action are shown in Table 1 of this preamble.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

NESHAP and source category	NAICS ¹ code
Leather finishing operations	3161

¹ North American Industry Classification System.

Table 1 of this preamble is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by the final action for the source category listed. To determine whether your facility is affected, you should examine the applicability criteria in the appropriate NESHAP. If you have any questions regarding the applicability of any aspect of this NESHAP, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the

internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at: <https://www.epa.gov/stationary-sources-air-pollution/leather-finishing-operations-national-emission-standards-hazardous>. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents at this same website.

Additional information is available on the RTR website at <https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html>. This information includes an overview of the RTR program, links to project websites for the RTR source categories, and detailed emissions and other data we used as inputs to the risk assessments.

C. Judicial Review and Administrative Reconsideration

Under Clean Air Act (CAA) section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit (the Court) by April 15, 2019. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, EPA WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority for this action?

Section 112 of the CAA establishes a two-stage regulatory process to address emissions of HAP from stationary sources. In the first stage, we must identify categories of sources emitting one or more of the HAP listed in CAA section 112(b) and then promulgate technology-based NESHAP for those sources. "Major sources" are those that emit, or have the potential to emit, any single HAP at a rate of 10 tons per year (tpy) or more, or 25 tpy or more of any combination of HAP. For major sources, these standards are commonly referred to as maximum achievable control technology (MACT) standards and must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). In developing MACT standards, CAA section 112(d)(2) directs the EPA to consider the application of measures, processes, methods, systems, or techniques, including, but not limited to those that reduce the volume of or eliminate HAP emissions through process changes, substitution of materials, or other modifications; enclose systems or processes to eliminate emissions; collect, capture, or treat HAP when released from a process, stack, storage, or fugitive emissions point; are design, equipment, work practice, or operational standards; or any combination of the above.

For these MACT standards, the statute specifies certain minimum stringency requirements, which are referred to as MACT floor requirements, and which may not be based on cost considerations. See CAA section 112(d)(3). For new sources, the MACT floor cannot be less stringent than the emission control achieved in practice by the best-controlled similar source. The MACT standards for existing sources can be less stringent than floors for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources). In developing MACT standards, we must also consider control options that are more stringent than the floor under CAA section 112(d)(2). We may establish standards more stringent than the floor, based on the consideration of the cost of achieving the emissions reductions, any non-air quality health and

environmental impacts, and energy requirements.

In the second stage of the regulatory process, the CAA requires the EPA to undertake two different analyses, which we refer to as the technology review and the residual risk review. Under the technology review, we must review the technology-based standards and revise them "as necessary (taking into account developments in practices, processes, and control technologies)" no less frequently than every 8 years, pursuant to CAA section 112(d)(6). Under the residual risk review, we must evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. The residual risk review is required within 8 years after promulgation of the technology-based standards, pursuant to CAA section 112(f). In conducting the residual risk review, if the EPA determines that the current standards provide an ample margin of safety to protect public health, it is not necessary to revise the MACT standards pursuant to CAA section 112(f).¹ For more information on the statutory authority for this rule, see 83 FR 11314, March 14, 2018.

B. What is the Leather Finishing Operations source category and how does the NESHAP regulate HAP emissions from the source category?

The EPA promulgated the Leather Finishing Operations NESHAP on February 27, 2002 (67 FR 9156). The standards are codified at 40 CFR part 63, subpart TTTT. The leather finishing industry consists of facilities that adjust and improve the physical and aesthetic characteristics of the leather surface through the multistage application of a coating comprised of dyes, pigments, film-forming materials, and performance modifiers dissolved or suspended in liquid carriers. The Leather Finishing Operations NESHAP does not apply to equipment used solely for leather tanning operations or to portions of leather finishing operations using a solvent degreasing process subject to the Halogenated Solvent Cleaning NESHAP (see 40 CFR 63.5290(c)). The source category covered by this MACT

¹ The Court has affirmed this approach of implementing CAA section 112(f)(2)(A): *NRDC v. EPA*, 529 F.3d 1077, 1083 (D.C. Cir. 2008) ("If EPA determines that the existing technology-based standards provide an 'ample margin of safety,' then the Agency is free to readopt those standards during the residual risk rulemaking.").

standard currently includes four facilities.

Leather finishing is considered a dry operation as opposed to the “wet-end” operations associated with leather tanning. As further discussed in section II.B of the proposal preamble (83 FR 11314, March 14, 2018), leather finishing operations can be co-located with wet-end tannery operations or performed in stand-alone facilities; however, equipment used solely for leather tanning (or retanning) operations is not subject to the Leather Finishing Operations NESHAP. In the dry-end leather finishing operations, coatings are typically applied to the leather substrate using spray, roll, and flow coating techniques. The emission source types subject to the emission limits under the Leather Finishing Operations NESHAP include, but are not limited to, coating and spraying equipment, coating storage and mixing, and dryers. Refer to section II.B of the proposal preamble (83 FR 11314, March 14, 2018) for discussion of emissions from these and additional emission source types, including the HAP emitted.

The MACT standards address emissions from four types of leather product process operations: (1) Upholstery leather with greater than or equal to 4 grams of add-on finish per square foot of leather, (2) upholstery leather with less than 4 grams of add-on finish per square foot of leather, (3) water-resistant leather, and (4) non-water-resistant leather. The standards limit emissions from new and existing leather finishing operations and are expressed in terms of total HAP emissions per 1,000 square feet of leather processed over a rolling 12-month compliance period. Sources must record the mass of HAP in coatings applied to the leather either through an inventory mass balance or “measure-as-applied” approach. Using the mass balance approach, sources may choose to account for disposal of excess finish instead of assuming any excess finish is also emitted. Emissions are calculated based on the assumption that the entire HAP content of the applied finish is released to the environment. Sources using an add-on control device may account for the emission reduction achieved from the control device as measured by a performance test conducted in accordance with the requirements of the Leather Finishing Operations NESHAP. We are not finalizing any revisions to the numerical emission limits nor to the methods for determining compliance with these limits.

C. What changes did we propose for the Leather Finishing Operations source category in our March 14, 2018, proposal?

On March 14, 2018, the EPA published a proposed rule in the **Federal Register** for the Leather Finishing Operations NESHAP, 40 CFR part 63, subpart TTTT, that took into consideration the RTR analyses. In the proposed rule, we proposed amendments to the SSM provisions of the MACT rule, a new requirement to electronically report performance test data, and clarifications to certain monitoring, recordkeeping, and reporting requirements for control devices and the provisions for alternative schedules, as well as a correction to the title of Table 2 to 40 CFR part 63, subpart TTTT. We proposed no revisions to the numerical emission limits based on our technology review and risk analyses.

III. What is included in this final rule?

This action finalizes the EPA’s determinations pursuant to the RTR provisions of CAA section 112 for the Leather Finishing Operations source category. This action also finalizes other changes to the NESHAP, including amendments to the SSM provisions, addition of electronic reporting of performance test data, and clarifications to certain monitoring, recordkeeping, and reporting requirements for control devices and the provisions for alternative schedules, as well as a correction to the title of Table 2 to 40 CFR part 63, subpart TTTT.

A. What are the final rule amendments based on the risk review for the Leather Finishing Operations source category?

We found risk due to emissions of air toxics to be acceptable from this source category and determined that the current NESHAP provides an ample margin of safety to protect public health and prevents an adverse environmental effect. Therefore, we did not propose and are not finalizing any revisions to the Leather Finishing Operations NESHAP based on our analyses conducted under CAA section 112(f).

B. What are the final rule amendments based on the technology review for the Leather Finishing Operations source category?

We determined that there are no developments in practices, processes, and control technologies that warrant revisions to the MACT standards for this source category. Therefore, we are not finalizing revisions to the MACT standards under CAA section 112(d)(6).

C. What are the final rule amendments addressing emissions during periods of startup, shutdown, and malfunction?

We are finalizing the proposed amendments to the Leather Finishing Operations NESHAP to remove and revise provisions related to SSM. In its 2008 decision in *Sierra Club v. EPA*, 551 F.3d 1019 (DC Cir. 2008), the Court vacated portions of two provisions in the EPA’s CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA’s requirement that some CAA section 112 standards apply continuously. As detailed in section IV.C of the proposal preamble (83 FR 11314, March 14, 2018), the Leather Finishing Operations NESHAP requires that the standards apply at all times (see 40 CFR 63.5320(a)), consistent with the Court decision in *Sierra Club v. EPA*, 551 F. 3d 1019 (DC Cir. 2008). The EPA took into account startup and shutdown periods in the 2002 rulemaking by applying a standard based on total coating used and HAP content and requiring a mass balance compliance method that was applicable for all operations, even periods of startup and shutdown. As a result, the EPA is not finalizing any changes to the current requirement that all standards apply during those periods. Refer to section IV.C of the March 14, 2018, proposal preamble for further discussion of the EPA’s rationale for this decision.

Further, the EPA is not finalizing standards for malfunctions. As discussed in section IV.C of the March 14, 2018, proposal preamble, the EPA interprets CAA section 112 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 112 standards, although the EPA has the discretion to set standards for malfunctions where feasible. For the Leather Finishing Operations source category, it is unlikely that a malfunction would result in a violation of the standards, and no comments were submitted that would suggest otherwise. There are no instances where pollution control equipment could malfunction because none of the four facilities subject to the Leather Finishing Operations NESHAP use pollution control equipment. Further, the standards are expressed as a yearly rolling average, and compliance is primarily dependent on the coating’s

HAP composition. Therefore, a malfunction of process equipment is not likely to result in a violation of the standards, and we have no information to suggest that it is feasible or necessary to establish standards for any type of malfunction associated with leather finishing operations. Refer to section IV.C of the March 14, 2018, proposal preamble for further discussion of the EPA's rationale for the decision not to set standards for malfunctions, as well as a discussion of the actions a source could take in the unlikely event that a source fails to comply with the applicable CAA section 112(d) standards as a result of a malfunction event, given that administrative and judicial procedures for addressing exceedances of the standards fully recognize that violations may occur despite good faith efforts to comply and can accommodate those situations.

As is explained in more detail below, we are finalizing two proposed revisions to the General Provisions table to 40 CFR part 63, subpart TTTT, to eliminate two General Provisions that include rule language providing an exemption for periods of SSM. Additionally, we are finalizing our proposal to eliminate language related to SSM that treats periods of startup and shutdown the same as periods of malfunction, as explained further below. Finally, we are finalizing our proposal to revise the Deviation Notification Report and related records as they relate to malfunctions, as further described below. As discussed in section IV.C of the March 14, 2018, proposal preamble, these revisions are consistent with the requirement in 40 CFR 63.5320(a) that the standards apply at all times. Refer to sections III.C.1 through 5 of this preamble for a detailed discussion of these amendments.

1. 40 CFR 63.5320(b) General Duty

We are finalizing as proposed revision of the General Provisions table to 40 CFR part 63, subpart TTTT (Table 2), entry for 40 CFR 63.6(e) by combining all of paragraph (e) into one row and changing the "yes" in column four to "no." We are replacing reference to 40 CFR 63.6(e) with new general duty regulatory text at 40 CFR 63.5320(b) that reflects the general duty to minimize emissions while eliminating the reference in 40 CFR 63.6(e) to periods covered by an SSM exemption. Refer to section IV.D.1.a of the proposal preamble (83 FR 11314, March 14, 2018) for further discussion of this revision.

2. 40 CFR 63.5360(b) Compliance With Standards

We are finalizing as proposed removal of the sentence, "This includes periods of startup, shutdown, and malfunction." in 40 CFR 63.5360(b), which refers to the requirement to report each instance in which a source did not meet the standard. Refer to section IV.D.1.b of the proposal preamble (83 FR 11314, March 14, 2018) for further discussion of this revision.

3. 40 CFR 63.5380 Performance Testing

We are finalizing as proposed revision of the General Provisions table to 40 CFR part 63, subpart TTTT (Table 2), entry for 40 CFR 63.7(e)(1) by adding a separate row for 40 CFR 63.7(e)(1) and specifying "no" in column four. We are replacing reference to 40 CFR 63.7(e)(1) with a performance testing requirement at 40 CFR 63.5380(b). Refer to section IV.D.1.c of the proposal preamble (83 FR 11314, March 14, 2018) for further discussion of these revisions.

4. 40 CFR 63.5430 Recordkeeping

We are finalizing as proposed revision of the Deviation Notification Report to include two new reporting elements: (1) An estimate of the quantity of HAP emitted during the 12-month period of the report in excess of the standard, and (2) the cause of the events that resulted in the deviation from the standard (including unknown cause, if applicable). We are finalizing the proposed requirement that any source submitting a Deviation Notification Report also keep a record of this information, as well as a record of the actions taken to minimize emissions, and we are finalizing revision of 40 CFR 63.5420(b)(3) to clarify records already required. Finally, we are finalizing as proposed revision of the General Provisions table to 40 CFR part 63, subpart TTTT (table 2), entry for 40 CFR 63.10(b)(2) to clarify the recordkeeping requirements for facilities that deviate from the standards as a result of a malfunction. Refer to section IV.D.1.d of the proposal preamble (83 FR 11314, March 14, 2018) for further discussion of these revisions.

5. 40 CFR 63.5420 Reporting

We are finalizing as proposed revision of the General Provisions table to subpart TTTT (Table 2) entry for 40 CFR 63.10(d)(5) to clarify the reporting requirements for facilities that deviate from the standards as a result of a malfunction. We are finalizing as proposed revision of 40 CFR 63.5420(b)(3) to clarify that the Deviation Notification Report should include an indication of the 12-month

period of the report. We are also finalizing as proposed two new reporting elements to include in the Deviation Notification Report: (1) the cause of the events that resulted in the source failing to meet the standard as determined under 40 CFR 63.5330 (*i.e.*, the compliance ratio exceeds 1.00) during the 12-month period (including unknown cause, if applicable) and (2) an estimate of the quantity of HAP (in pounds) emitted during the 12-month period of the report in excess of the standard, calculated by subtracting the "Allowable HAP Loss" from the "Actual HAP Loss." Refer to section IV.D.1.e of the proposal preamble (83 FR 11314, March 14, 2018) for further discussion of these revisions.

6. 40 CFR 63.5460 Definitions

We are finalizing as proposed revision of the definition of "Deviation" to read "Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source, fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limits or work practice standards." This revision removes language that differentiated between normal operations, startup, and shutdown, and malfunction events. Refer to section IV.D.1.f of the proposal preamble (83 FR 11314, March 14, 2018) for further discussion of this revision.

D. What other changes have been made to the NESHAP?

We are finalizing as proposed amendments to the Leather Finishing Operations NESHAP to clarify the monitoring, recordkeeping, and reporting requirements for control devices and the provisions for alternative schedules and to correct the title of Table 2 to 40 CFR part 63, subpart TTTT. Refer to section IV.D.3 of the proposal preamble (83 FR 11314, March 14, 2018) for a detailed description of these amendments.

E. What are the effective and compliance dates of the standards?

The revisions to the MACT standards being promulgated in this action are effective on February 12, 2019. The compliance date for existing leather finishing operations is February 12, 2019. New sources must comply with all of the standards immediately upon the effective date of the standard, February 12, 2019, or upon startup, whichever is later. The tasks necessary for existing facilities to comply with these proposed amendments related to SSM periods will require no time or resources. No facilities will be subject to

the requirement to submit reports electronically (see below). Therefore, existing facilities will be able to comply with these proposed amendments related to SSM periods and the use of the electronic reporting software discussed in section III.F of this preamble as soon as the final rule is effective, which will be the date of publication of the final rule in the **Federal Register**.

F. What are the requirements for submission of performance test data to the EPA?

As we proposed, the EPA is taking a step to increase the ease and efficiency of data submittal and data accessibility. Specifically, the EPA is finalizing the requirement for owners and operators of leather finishing operations facilities to submit electronic copies of certain required performance test reports.

Data will be collected by direct computer-to-computer electronic transfer using EPA-provided software. This EPA-provided software is an electronic performance test report tool called the Electronic Reporting Tool (ERT). The ERT will generate an electronic report package, which will be submitted to the Compliance and Emissions Data Reporting Interface (CEDRI) and then archived to the EPA's Central Data Exchange (CDX). A description of the ERT and instructions for using ERT can be found at <https://www3.epa.gov/ttn/chief/ert/index.html>. CEDRI can be accessed through the CDX website (<https://www.epa.gov/cdx>).

The EPA estimates that no existing leather finishing operation subject to the Leather Finishing Operations NESHP uses a control device to comply with the NESHP. As such, no existing leather

finishing operation will conduct performance tests or submit electronic copies of test reports.

The requirement to submit performance test data electronically to the EPA does not create any additional performance testing and will apply only to those performance tests conducted using test methods that are supported by the ERT. A listing of the pollutants and test methods supported by the ERT is available at the ERT website. The EPA believes, through this approach, industry will save time in the performance test submittal process. Additionally, this rulemaking benefits industry by reducing recordkeeping costs as the performance test reports that are submitted to the EPA using CEDRI are no longer required to be kept in hard copy.

State, local, and tribal agencies may benefit from more streamlined and accurate review of performance test data that will become available to the public through WebFIRE. Having such data publicly available enhances transparency and accountability. For a more thorough discussion of electronic reporting of performance tests using direct computer-to-computer electronic transfer and using EPA-provided software, see the discussion in the preamble of the proposal (83 FR 11314, March 14, 2018).

In summary, in addition to supporting regulation development, control strategy development, and other air pollution control activities, having an electronic database populated with performance test data will save industry, state, local, tribal agencies, and the EPA significant time, money, and effort while improving the quality of emission inventories and air quality regulations.

IV. What is the rationale for our final decisions and amendments for the Leather Finishing Operations source category?

For each issue, this section provides a description of what we proposed and what we are finalizing for the issue, the EPA's rationale for the final decisions and amendments, and a summary of key comments and responses. For all comments not discussed in this preamble, comment summaries and the EPA's responses can be found in the document titled *Summary of Public Comments and the EPA's Responses for the Proposed Risk and Technology Review and Amendments for the Leather Finishing Operations NESHP*, in the docket for this action.

A. Residual Risk Review for the Leather Finishing Operations Source Category

1. What did we propose pursuant to CAA section 112(f) for the Leather Finishing Operations source category?

Pursuant to CAA section 112(f), we conducted a residual risk review and presented the results for the review, along with our proposed decisions regarding risk acceptability and ample margin of safety, in the March 14, 2018, proposed rule for the Leather Finishing Operations source category (83 FR 11314). The results of the risk assessment are presented briefly in Table 2 of this preamble and in more detail in the residual risk document titled *Residual Risk Assessment for the Leather Finishing Operations Source Category in Support of the December 2017 Risk and Technology Review Proposed Rule*, in the docket for this action.

TABLE 2—LEATHER FINISHING OPERATIONS INHALATION RISK ASSESSMENT RESULTS IN THE MARCH 2018 PROPOSAL [83 FR 11314, March 14, 2018]

Number of facilities ¹	Maximum individual cancer risk (in 1 million) ²		Estimated population at increased risk of cancer ≥1-in-1 million		Estimated Annual cancer incidence (cases per year)		Maximum chronic noncancer TOSHI ³		Maximum screening acute noncancer hazard quotient (HQ) ⁴
	Based on actual emissions level ²	Based on allowable emissions level	Based on actual emissions level ²	Based on allowable emissions level	Based on actual emissions level ²	Based on allowable emissions level	Based on actual emissions level	Based on allowable emissions level	Based on actual emissions level
4.	0	0	0	0	0	0	0.04	0.3	H _{QREL} = 3 (propyl cellosolve and glycol ethers).

¹ Number of facilities evaluated in the risk analysis.

² Maximum individual excess lifetime cancer risk due to HAP emissions from the source category.

³ Maximum target organ-specific hazard index (TOSHI). The target organ with the highest TOSHI for the Leather Finishing Operations source category is the reproductive target organ.

⁴ The maximum estimated acute exposure concentration was divided by available short-term threshold values to develop an array of HQ values. HQ values shown use the lowest available acute threshold value; for propyl cellosolve and glycol ethers, this is the recommended exposure limit (REL).

The results of the inhalation risk modeling using actual emissions data, as shown in Table 2 of this preamble, indicate the maximum chronic

noncancer TOSHI value could be up to 0.04. While we would have estimated incremental individual lifetime cancer risks as discussed in section III.C.3.b of

the preamble to the proposed amendments (83 FR 11314, March 14, 2018), there were no carcinogenic HAP emissions from this source category, so

the maximum lifetime individual cancer risk is 0, and the total estimated national cancer incidence from these facilities based on actual emission levels is no excess cancer cases per year.

Table 2 of this preamble indicates that for the Leather Finishing Operations source category, the maximum HQ is 3, driven by propyl cellosolve and glycol ethers. The only acute dose-response value for propyl cellosolve and glycol ethers is the REL; therefore, only the HQ_{REL} is provided. Refinement of the acute risk results was performed using aerial photos to ensure that the location where the maximum risk was projected to occur was, in fact, a location where the general public could be exposed. The result of this refinement confirmed that the maximum acute risk result occurred where the public could potentially be exposed. This refinement, therefore, had no impact on the maximum HQ. For more detailed acute risk results, refer to the draft residual risk document titled *Residual Risk Assessment for the Leather Finishing Operations Source Category in Support of the December 2017 Risk and Technology Review Proposed Rule*, in the docket for this action.

An assessment of risk from facility-wide emissions was performed to provide context for the source category risks. Using the National Emissions Inventory (NEI) data described in sections II.C and III.C of the preamble to the proposed amendments (83 FR 11314, March 14, 2018), the maximum cancer risk in the facility-wide assessment was 0.09-in-1 million, and the maximum chronic noncancer hazard index (HI) was 0.1 (for the reproductive system), both driven by emissions from external combustion boilers.

To examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of risks to individual demographic groups of the populations living within 5 kilometers (km) and within 50 km of the facilities, and we found that no one is exposed to a cancer risk at or above 1-in-1 million or to a chronic noncancer TOSHI greater than 1. The methodology and the results of the demographic analysis are presented in a technical report titled *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Leather Finishing Operations*, in the docket for this action.

We weighed all health risk factors in our risk acceptability determination and we proposed that the risk posed by emissions from this source category is acceptable. We then considered whether the NESHP provides an ample margin

of safety to protect public health and whether more stringent standards were necessary to prevent an adverse environmental effect by taking into consideration costs, energy, safety, and other relevant factors. In determining whether the standards provide an ample margin of safety to protect public health, we examined the same risk factors that we investigated for our acceptability determination and also considered the costs, technological feasibility, and other relevant factors related to emissions control options that might reduce risk associated with emissions from the source category. As noted in the discussion of the ample margin of safety analysis in the preamble to the proposed rule on March 14, 2018 (83 FR 11328), we considered options for further reducing gaseous organic HAP emissions from leather finishing operations. We considered the reduction in gaseous organic HAP emissions that could be achieved by the application of a biological treatment unit, the use of a concentrator followed by a regenerative thermal oxidizer (RTO), and the use of a concentrator followed by biological treatment. The total annual cost per facility of a rotary concentrator alone or biological treatment alone ranges from \$43,000 to \$417,000 per year. Application of a concentrator followed by an RTO would achieve an estimated annual HAP emission reduction of 5.2 tpy, and application of a concentrator plus biological treatment would achieve an estimated annual HAP emission reduction of 4.5 tpy. The corresponding cost effectiveness for application of a rotary concentrator or biological treatment would range from \$30,000 and \$110,000 per ton of HAP removed, respectively. Due to our determinations that cancer risk is below 1-in-1 million and that the maximum chronic noncancer TOSHI value is below 1, uncertainties associated with the acute screening risk estimate (refer to the risk report titled *Residual Risk Assessment for the Leather Finishing Operations Source Category in Support of the December 2017 Risk and Technology Review Proposed Rule*, in the docket for this action), and the substantial costs associated with the control options, we proposed that additional standards for this source category are not required to provide an ample margin of safety to protect public health, and that the current standards provide an ample margin of safety to protect public health. Based on the results of our environmental risk screening assessment, we also proposed that more stringent standards are not necessary to

prevent an adverse environmental effect.

2. How did the risk review change for the Leather Finishing Operations source category?

Since proposal (83 FR 11314, March 14, 2018), neither the risk assessment nor our determinations regarding risk acceptability, ample margin of safety or adverse environmental effects have changed.

3. What key comments did we receive on the risk review, and what are our responses?

We received various comments related to the risk review and some commenters requested that we make changes to our residual risk review results and approach. However, we evaluated the comments and determined that no changes to our risk assessment methods or conclusions are warranted. An in-depth account of the comments and responses is located in the memorandum titled *Summary of Public Comments and the EPA's Responses for the Proposed Risk and Technology Review and Amendments for the Leather Finishing Operations NESHP*, in the docket for this action. The following paragraphs discuss the major comments we received and our responses.

Comment: One commenter stated that there is evidence of hexavalent chromium emissions from leather finishing operations and leather tanning processes and products, questioning why the EPA did not evaluate these emissions and health risks and establish emission standards accordingly. The commenter referenced NEI data showing hexavalent chromium emissions from leather finishing facilities.

Response: We disagree that there is evidence of hexavalent chromium emissions from the Leather Finishing Operations source category. The NEI data cited by the commenter represent hexavalent chromium emissions from boilers at the Tasman and S.B. Foot facilities subject to the Leather Finishing Operations NESHP, but boilers are not subject to the Leather Finishing Operations NESHP, and, thus, such data do not create a basis for the EPA to evaluate emissions and health risks of hexavalent chromium for source types at any facility subject to the Leather Finishing Operations NESHP. The NEI does not include hexavalent chromium emission data for any other emission source types at any facility subject to the Leather Finishing Operations NESHP. The EPA is not aware of any source of hexavalent chromium emissions data for the leather

finishing operations subject to the Leather Finishing Operations NESHAP, and the commenters have provided no such data. The references cited by the commenters focus primarily on the leather tanning processes, which do not occur at the facilities covered by the Leather Finishing Operations NESHAP. Additionally, the references cited do not directly address air emissions of hexavalent chromium from leather finishing operations and are, therefore, not relevant to this rulemaking. Two references cited by the commenter mention the possibility of spontaneous oxidation of trivalent chromium into its hexavalent form in post-tanning operations, but the references do not provide any hexavalent chromium emissions data, and no such data exist for any of the leather finishing operations subject to the Leather Finishing Operations NESHAP. As a result, there is no basis for the EPA to evaluate the emissions and health risks of hexavalent chromium from these four facilities.

Comment: One commenter provided data for actual monthly HAP use for the S.B. Foot Tanning Co. facility subject to the Leather Finishing Operations NESHAP, stating that the data indicate that hourly emissions could be up to 1.5 times greater than the emissions rate that the EPA used to estimate acute exposures. The data provided by the commenter show monthly HAP emissions for the S.B. Foot Tanning Co. facility based on data of actual monthly HAP use by the facility over a 4-year period (*i.e.*, 51 data points). To compare with the EPA's calculated acute HAP emissions rate (*i.e.*, 0.00467 tons/hour) for the facility, the commenter estimated the average hourly rate of HAP emissions for each month in the 4-year period using the facility's actual monthly HAP usage values and monthly operating hours. To show months in which the facility's estimated hourly HAP emissions rate exceeded the EPA's estimated acute hourly HAP emissions rate for the S.B. Foot Tanning Co. facility, the commenter calculated for each month the ratio of the commenter's hourly HAP emissions rate to the EPA's calculated acute HAP emissions rate. Ratios above 1.0 would show months in which the facility's estimated hourly HAP emissions rate exceeds the EPA's acute hourly HAP emissions rate, calling into question the EPA's calculated acute HAP emissions rate of 0.00467 tons per hour and the EPA's acute factor of 1.8.

Response: The EPA reviewed the commenter's submitted data and determined that the data support the EPA's acute HAP emissions rate of

0.00467 tons/hour and acute factor of 1.8. The ratios calculated by the commenter indicate an average ratio of 0.41 and a median of 0.392. Of the 51 months of data provided by the commenter, only two values exceed 1.0, and five values exceed 0.8. To investigate the two data points that exceed 1.0, we contacted the commenter, and the commenter referred us to S.B. Foot Tanning Co. The S.B. Foot Tanning Co. facility representative indicated that HAP emissions referred to in the commenter's data are primarily associated with a storage tank and that the two data points in question resulted from the inaccurate process of measuring the material's volume (see the memorandum titled *Clarification of Hazardous Air Pollutant (HAP) Usage Data for S.B. Foot Tanning Co., Submitted by the Minnesota Pollution Control Agency*, in the docket for this action). From this information, we conclude that the two data points are erroneous. Based on these results, the data, excluding the two erroneous data points, submitted by the commenter support our acute factor of 1.8 and we are not revising the factor.

Comment: Two commenters objected to the EPA's decision that the acute risk result for the Leather Finishing Operations source category (*i.e.*, HQ of 3) is acceptable. One commenter noted that the HQ of 3 is driven entirely by propyl cellosolve and expressed concern for the toxicity of this pollutant. The commenter expressed concern that short-term outdoor human exposures have a high potential of occurring and the highest HQ was predicted well within residential areas. One commenter asserted that the EPA provides no rational justification for ignoring the acute risk (HQ of 3) and the finding that there are chronic noncancer risks to the reproductive system. The commenter listed various human health effects associated with propyl cellosolve and cited references for these health effects.

Response: We disagree that the risk acceptability determination as it relates to the acute risk HQ of 3 for propyl cellosolve is not sufficiently justified. For this source category, we concluded that the risks are acceptable based on all of the available health information—cancer, chronic noncancer, and acute noncancer risk assessment results—and associated uncertainties. It is important to note that we have not established, under section 112(f)(2) of the CAA, a numerical range for risk acceptability for noncancer effects (chronic or acute), nor have we determined that there is a bright line above which acceptability is denied. However, we have established

that, as exposure increases above a reference level (as indicated by a HQ or TOSHI greater than 1), confidence that the public will not experience adverse health effects decreases and the likelihood that an effect will occur increases.

As discussed in the preamble to the proposed amendments (83 FR 11314, March 14, 2018), in conducting risk assessments for a group of compounds that are unspecified (*e.g.*, glycol ethers), we conservatively use the most protective dose-response value of an individual compound in that group to estimate risk. Similarly, for an individual compound in a group (*e.g.*, ethylene glycol diethyl ether) that does not have a specified dose-response value, we apply the most protective dose-response value from the other compounds in the group to estimate risk. In the case of propyl cellosolve, for acute screening-level assessment, we used the acute REL for ethylene glycol monomethyl ether as a surrogate for propyl cellosolve since there is no specific acute inhalation health benchmark for this glycol ether. Given that ethylene glycol monomethyl ether is more toxic than other glycol ethers, the use of this surrogate is a health-protective choice in the EPA's risk assessment.

The acute screening analysis resulted in a maximum acute noncancer HQ of 3 based on the acute REL for ethylene glycol monomethyl ether. For acute screening-level assessments, to better characterize the potential health risks associated with estimated worst-case acute exposures to HAP, we typically examine a wider range of available acute health metrics than we do for our chronic risk assessments. This is in acknowledgement that there are generally more data gaps and uncertainties in acute reference values than there are in chronic reference values. By definition, the acute REL represents a health-protective level of exposure, with effects not anticipated below those levels, even for repeated exposures; however, the level of exposure that would cause health effects is not specifically known. As the exposure concentration increases above the acute REL, the potential for effects increases. Therefore, when an REL is exceeded and an AEGL-1 or ERPG-1 is available (*i.e.*, levels at which mild, reversible effects are anticipated in the general population for a single exposure), we typically use them as additional comparative measures. However, neither of these is available for propyl cellosolve or for ethylene glycol monomethyl ether. Taking into account the conservatism included in

the acute screening-level assessment, including use of an acute REL for a highly toxic glycol ether, we would not expect acute exposures at levels that would cause adverse effects.

Additional conservatism in the acute exposure assessment that the EPA conducts as part of the risk review under section 112 of the CAA includes several factors. The degree of accuracy of an acute inhalation exposure assessment depends on the simultaneous occurrence of independent factors that may vary greatly, such as hourly emissions rates, meteorology, and the presence of humans at the location of the maximum concentration. We also assume that peak emissions from each emission point in the source category and worst-case meteorological conditions co-occur, thus, resulting in maximum ambient concentrations. These two events are unlikely to occur at the same time, making these assumptions conservative. We then include the additional assumption that a person is located at this point during the same time period. For this source category, these assumptions are likely to overestimate the true worst-case actual exposures as it is unlikely that a person would be located at the point of maximum exposure during the time when peak emissions and worst-case meteorological conditions occur simultaneously. Thus, as discussed in the document titled *Residual Risk Assessment for the Leather Finishing Operations Source Category in Support of the Risk and Technology Review December 2017 Proposed Rule*, in the docket for this action, by assuming the co-occurrence of independent factors for the acute screening assessment, the results are intentionally biased high and are, thus, health-protective.

For the Leather Finishing Operations source category, we considered all of the health risk information and factors discussed above, including other uncertainties associated with the risk assessment, to ensure that our decisions are health and environmentally protective (a discussion of these uncertainties is available in section III.C of the preamble to the proposed amendments (83 FR 11314, March 14, 2018) and in the document titled *Residual Risk Assessment for the Leather Finishing Operations Source Category in Support of the Risk and Technology Review December 2017 Proposed Rule*, in the docket for this action), in proposing that the risks from the Leather Finishing Operations source category are acceptable. The risk analysis for the proposed rule amendments indicated that the cancer

risks to the individual most exposed are below 1-in-1 million from both actual and allowable emissions. These risks are considerably less than 100-in-1 million, which is the presumptive upper limit of acceptable risk. The risk analysis also showed no cancer incidence, as well as maximum chronic noncancer TOSHI value of 0.04, which is significantly below 1. In addition, the risk assessment indicated no significant potential for multipathway health effects.

4. What is the rationale for our final approach and final decisions for the risk review?

We evaluated all of the comments on the EPA's risk review and determined that no changes to the review are needed. For the reasons explained in the proposed rule, we determined that the risks from the Leather Finishing Operations source category are acceptable, and the current standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. Therefore, pursuant to CAA section 112(f)(2), we are finalizing our residual risk review as proposed.

B. Technology Review for the Leather Finishing Operations Source Category

1. What did we propose pursuant to CAA section 112(d)(6) for the Leather Finishing Operations source category?

Pursuant to CAA section 112(d)(6), we conducted a technology review, which focused on identifying and evaluating developments in practices, processes, and control technologies for the emission sources in the source category. After conducting the CAA section 112(d)(6) technology review of the Leather Finishing Operations NESHP, we proposed that revisions to the standards are not necessary because we identified no cost-effective developments in practices, processes, or control technologies. More information concerning our technology review is in the memorandum titled *CAA section 112(d)(6) Technology Review for the Leather Finishing Source Category*, in the docket for this action and in the preamble to the proposed rule (83 FR 11314–11337, March 14, 2018).

2. How did the technology review change for the Leather Finishing Operations source category?

Since proposal (83 FR 11314, March 14, 2018), the technology review has not changed.

3. What key comments did we receive on the technology review, and what are our responses?

No commenters provided input on the proposed technology review.

4. What is the rationale for our final approach for the technology review?

For the reasons explained in the proposed rule, we determined that no cost-effective developments in practices, processes, or control technologies were identified in our technology review to warrant revisions to the standards. We evaluated all of the comments on the EPA's technology review and determined that no changes to the review are needed. More information concerning our technology review is in the memorandum titled *CAA section 112(d)(6) Technology Review for the Leather Finishing Source Category*, in the docket for this action, and in the preamble to the proposed rule (83 FR 11314–11337, March 14, 2018). Therefore, pursuant to CAA section 112(d)(6), we are finalizing our technology review as proposed.

C. SSM for the Leather Finishing Operations Source Category

1. What did we propose for the Leather Finishing Operations source category?

We proposed amendments to the Leather Finishing Operations NESHP to remove and revise provisions related to SSM that are not consistent with the requirement that the standards apply at all times. More information concerning the elimination of SSM provisions is in the preamble to the proposed rule (83 FR 11314–11337, March 14, 2018).

2. How did the SSM provisions change for the Leather Finishing Operations source category?

We are finalizing the SSM provisions as proposed with no changes (83 FR 11314, March 14, 2018).

3. What key comments did we receive on the SSM provisions, and what are our responses?

We received two comments related to our proposed revisions to the SSM provisions. One commenter generally supported the proposed revisions to the SSM provisions. One commenter requested that we revise our approach to handling force majeure events. We evaluated the comments and determined that no changes to the proposed SSM provisions are warranted. A summary of these comments and our responses are located in the memorandum titled *Summary of Public Comments and the EPA's Responses for the Proposed Risk and*

Technology Review and Amendments for the Leather Finishing Operations NESHAP, in the docket for this action.

Comment: One commenter expressed concern that proposed 40 CFR 63.5420(c)(5) provides an exemption from reporting due to force majeure events. The commenter noted that the Court rejected similar “affirmative defense” to civil penalties for malfunctions (*NRDC v. EPA*, 749 F.3d 1055 (D.C. Cir. 2014)). The commenter also argued that adding such an exemption would be arbitrary and unlawful because it would undermine the reporting requirements by providing a justification to delay reporting, and, thus, undermine compliance, enforcement, and fulfillment of the emissions standards designed to protect public health and the environment at the core of the CAA’s and section 7412’s purpose (42 U.S.C. 740).

Response: The commenter is incorrect in referring to 40 CFR 63.5420(c)(5) as an “exemption.” This provision provides instructions for actions an affected source should take if it is unable to submit an electronic report (required under 40 CFR 63.5420(c)) “due to a force majeure event that is about to occur, occurs, or has occurred, or if there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due” under 40 CFR 63.5420(c). We note that there is no exception or exemption to reporting, only a method for requesting an extension of the reporting deadline. As specified in 40 CFR 63.5420(c)(5), “[t]he decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.” There is no predetermined timeframe for the length of extension that can be granted, as this is something best determined by the Administrator when reviewing the circumstances surrounding the request. Different circumstances may require a different length of extension for electronic reporting. For example, a tropical storm may delay electronic reporting for a day, but a category 5 hurricane event may delay electronic reporting much longer, especially if the facility has no power, and, as such, the owner or operator has no ability to access electronically stored data or to submit reports electronically. The Administrator will be the most knowledgeable on the events leading to the request for extension and will assess whether an extension is appropriate and, if so, determine a reasonable length. The Administrator may even request that the report be sent in hardcopy until electronic reporting can

be resumed. While no new fixed duration deadline is set, the regulation does require that the report be submitted electronically as soon as possible after the CEDRI outage is resolved or after the force majeure event occurs.

We also note that the force majeure mimics long-standing language in 40 CFR 63.7(a)(4) and 60.8(a)(1) regarding the time granted for conducting a performance test and such language has not undermined compliance or enforcement.

Moreover, we disagree that the reporting extension will undermine enforcement because the Administrator has full discretion to accept or reject the claim of a CEDRI system outage or force majeure. As such, an extension is not automatic and is agreed to on an individual basis by the Administrator. If the Administrator determines that a facility has not acted in good faith to reasonably report in a timely manner, the Administrator can reject the claim and find that the failure to report timely is a deviation from the regulation. CEDRI system outages are infrequent, but the EPA knows when they occur and whether a facility’s claim is legitimate. Force majeure events (e.g., natural disasters impacting a facility) are also usually well-known events.

We also disagree that the ability to request a reporting extension would undermine compliance and fulfillment of the emissions standards. While reporting is an important mechanism for the EPA and air agencies to assess whether owners and operators are in compliance with emissions standards, reporting obligations have nothing to do with whether an owner or operator is required to be in compliance with an emissions standard, especially where the deadline for meeting the standard has already passed and the owner or operator has certified that they are in compliance with the standard.

Additionally, the ability to request a reporting extension does not apply to a broad category of circumstances; on the contrary, the scope for submitting a reporting extension request is very limited in that claims can only be made for events outside of the owner’s or operator’s control that occur in the 5 business days prior to the reporting deadline. The claim must then be approved by the Administrator, and, in approving such a claim, the Administrator agrees that something outside the control of the owner or operator prevented the owner or operator from meeting its reporting obligation. In no circumstance does this reporting extension allow for the owner

or operator to be out of compliance with the emissions standards.

The reporting deadline extension differs from the affirmative defense to civil penalties for malfunctions the D.C. Circuit vacated as beyond EPA’s authority under the CAA in *NRDC v. EPA*, 749 F.3d 1055 (D.C. Cir. 2014). Unlike the affirmative defense addressed in *NRDC*, the reporting provision does not address penalty liability for noncompliance with emission standards, but merely addresses, under a narrow set of circumstances outside the control of the facilities, the deadline for reporting.

Based on our evaluation of the comments, we have determined that no changes to our proposed revisions to the SSM provisions are warranted.

4. What is the rationale for our final approach for the SSM provisions?

We evaluated all of the comments on the EPA’s proposed amendments to the SSM provisions. For the reasons explained in the proposed rule, we determined that these amendments remove and revise provisions related to SSM that are not consistent with the requirement that the standards apply at all times. More information concerning the proposed amendments to the SSM provisions is in the preamble to the proposed rule (83 FR 11314–11337, March 14, 2018). Therefore, we are finalizing our approach for the SSM provisions as proposed.

D. Requirements for Submission of Performance Tests for the Leather Finishing Operations Source Category

1. What did we propose for the Leather Finishing Operations source category?

We proposed amendments to the Leather Finishing Operations NESHAP to require owners and operators of leather finishing operations facilities to submit electronic copies of certain required performance test reports. More information concerning these proposed revisions is in the preamble to the proposed rule (83 FR 11314–11337, March 14, 2018).

2. How did the requirements for submission of performance tests change for the Leather Finishing Operations source category?

Since proposal (83 FR 11314, March 14, 2018), the requirement for owners and operators of leather finishing operations facilities to submit electronic copies of certain required performance test reports has not changed.

3. What key comments did we receive on submission of performance tests, and what are our responses?

We received one comment providing input on the proposed requirement for owners and operators of leather finishing operations facilities to submit electronic copies of certain required performance test reports, and the commenter generally supported our amendments. We evaluated the comment and determined that no changes to our proposed electronic reporting requirements are warranted. A summary of this comment and our response are located in the memorandum titled *Summary of Public Comments and the EPA's Responses for the Proposed Risk and Technology Review and Amendments for the Leather Finishing Operations NESHAP*, in the docket for this action.

4. What is the rationale for our final approach on requirements for submission of performance tests?

We evaluated the comment on the EPA's proposed amendments requiring owners and operators of leather finishing operations facilities to submit electronic copies of certain required performance test reports. In light of this evaluation and for the reasons explained in the proposed rule, we determined that these amendments would increase the ease and efficiency of data submittal and data accessibility. Further, the EPA estimates that while no existing leather finishing operation subject to the Leather Finishing Operations NESHAP uses a control device to comply with the NESHAP, the rule allows for a source to use a control device to comply, and these electronic reporting provisions are necessary. As such, no existing leather finishing operation is required to conduct performance tests, submit test reports, or submit electronic copies of test reports. More information concerning the proposed requirement for owners and operators of leather finishing operations facilities to submit electronic copies of certain required performance test reports is in the preamble to the proposed rule (83 FR 11314–11337). Therefore, we are finalizing our approach on requirements for submission of performance tests as proposed.

E. Technical Revisions and Corrections for the Leather Finishing Operations Source Category

1. What did we propose for the Leather Finishing Operations source category?

We proposed amendments to the Leather Finishing Operations NESHAP to clarify the monitoring, recordkeeping,

and reporting requirements for control devices and the provisions for alternative schedules, and to correct the title of Table 2 to 40 CFR part 63, subpart TTTT. More information concerning these proposed revisions is in the preamble to the proposed rule (83 FR 11314–11337).

2. How did the technical revisions and corrections change for the Leather Finishing Operations source category?

Since proposal (83 FR 11314, March 14, 2018), the technical revisions and corrections have not changed.

3. What key comments did we receive on the technical revisions and corrections, and what are our responses?

No commenters provided input on the proposed technical revisions and corrections to clarify the monitoring, recordkeeping, and reporting requirements for control devices and the provisions for alternative schedules, and to correct the title of Table 2 to 40 CFR part 63, subpart TTTT.

4. What is the rationale for our final approach for the technical revisions and corrections?

For the reasons explained in the proposed rule, we determined that these amendments clarify the monitoring, recordkeeping, and reporting requirements for control devices and the provisions for alternative schedules. More information concerning the proposed technical revisions and correction is in the preamble to the proposed rule (83 FR 11314–11337). Therefore, we are finalizing our technical revisions and corrections as proposed.

V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted

A. What are the affected facilities?

There are currently four existing leather finishing operations facilities that were identified as subject to the Leather Finishing Operations NESHAP: S.B. Foot Tanning Company of Red Wing, Minnesota; Alliance Leather, Inc. of Peabody, Massachusetts; Pearl Leather Finishers, Inc. of Johnstown, New York; and Tasman Leather Group, LLC of Hartland, Maine.

B. What are the air quality impacts?

The EPA estimates that annual organic HAP emissions from the four leather finishing operations facilities subject to the rule are approximately 22.5 tpy. This final rule does not require compliance with more stringent emission limits or require additional controls; therefore, no air quality

impacts are expected as a result of the amendments.

C. What are the cost impacts?

The four leather finishing operations facilities subject to these final amendments will incur costs to review the final amendments. Nationwide annual costs associated with the final amendments are estimated to be a total of \$832 for the initial year only. We believe that the four leather finishing operations facilities that are known to be subject to final amendments can comply without incurring additional capital or operational costs. Therefore, the only costs associated with these final amendments are related to reviewing the rule. For further information on the final amendments, see section IV of the proposal preamble (83 FR 11314, March 14, 2018). For further information on the costs associated with the final amendments, see the supporting statement for the Leather Finishing Operations NESHAP (EPA Information Collection Request (ICR) Number 1985.09, Office of Management and Budget (OMB) Control Number 2060–0478), the memorandum titled *Costs for the Leather Finishing Operations Source Category Risk and Technology Review—Final Amendments*, and the memorandum titled *CAA section 112(d)(6) Technology Review for the Leather Finishing Source Category*, in the docket for this action.

D. What are the economic impacts?

The total national cost to comply with these final amendments is estimated to be \$832 in 2016 dollars, which is a one-time cost that will be incurred in the first year following promulgation of these final amendments. There are no additional emission control costs or additional emission reductions associated with this rule. The estimated cost of \$832 consists of equal costs incurred by each of the four affected facilities, with each facility estimated to incur one-time labor costs of approximately \$208 in order to become familiar with the rule. These costs are not expected to result in business closures, significant price increases, or substantial profit loss. No impacts on employment are expected given the minimal economic impact of the action on the affected firms. For further information on the economic impacts associated with these final amendments, see the memorandum titled *Final Economic Impact Analysis for the Reconsideration of the Risk and Technology Review: Leather Finishing Operations Source Category*, in the docket for this action.

E. What are the benefits?

Although the amendments in this final rule will not result in reductions in emissions of HAP, this final rule will improve implementation of the Leather Finishing Operations NESHAP by clarifying the rule requirements as discussed in sections IV.D.1 and IV.D.3 of the proposal preamble (83 FR 11314, March 14, 2018). Also, adding electronic reporting of test reports for any control devices used in the future to comply with these final amendments will provide the benefits discussed in section IV.D.2 of the proposal preamble (83 FR 11314, March 14, 2018), including assisting state and local agencies that elect to use ERT to track compliance of the rule.

F. What analysis of environmental justice did we conduct?

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low income populations, and/or indigenous peoples, as specified in Executive Order 12898 (58 FR 7629, February 16, 1994). The documentation for this decision is contained in section IV.A of this preamble and the technical report titled *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Leather Finishing Operations*, in the docket for this action. As discussed in section IV.A of this preamble, we performed a demographic analysis, which is an assessment of risks to individual demographic groups of the populations living within 50 km and within 5 km of the facilities. In this analysis, we evaluated the distribution of HAP-related cancer risks and noncancer hazards from the leather finishing operations across different social, demographic, and economic groups within the populations living near operations identified as having the highest risks.

The analysis indicates that the minority population living within 50 km (4,632,781 people, of which 25 percent are minority) and within 5 km (158,482 people, of which 13 percent are minority) of the four leather finishing operations facilities is less than the minority population found nationwide (38 percent). The proximity results indicate that the population percentage for the “Other and Multiracial” demographic group within 50 km of leather finishing operations emissions is slightly greater than the corresponding nationwide percentage for that same demographic. The percentage of people ages 65 and older residing within 5 km of leather finishing

operations (18 percent) is 4 percentage points higher than the corresponding nationwide percentage (14 percent). The other demographic groups included in the assessment within 5 km of leather finishing operations emissions were the same or lower than the corresponding nationwide percentages.

When examining the cancer risk levels of those exposed to emissions from the four leather finishing operations, we find that there are no people within a 50-km radius of modeled facilities exposed to a cancer risk greater than or equal to 1-in-1 million as a result of emissions from leather finishing operations. There are no known cancer risks posed by HAP emissions from the four facilities, because the HAP emitted have no known cancer risks. When examining the noncancer risk levels, we find that there are no people within a 50-km radius of modeled facilities exposed to a noncancer risk (in this analysis, reproductive HI) greater than 1 as a result of emissions from leather finishing operations.

The EPA has determined that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples because the health risks based on actual emissions are low (below 2-in-1 million), the population exposed to risks greater than 1-in-1 million is relatively small (750 persons), and the rule maintains or increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority, low-income, or indigenous populations. Further, the EPA believes that implementation of this rule will provide an ample margin of safety to protect public health of all demographic groups.

G. What analysis of children’s environmental health did we conduct?

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action’s health and risk assessments are contained in sections III and IV of the proposal preamble (83 FR 11314, March 14, 2018) and further documented in the report titled *Residual Risk Assessment for the Leather Finishing Operations Source Category in Support of the December 2017 Risk and Technology Review*

Proposed Rule, in the docket for this action.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to OMB for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

The information collection activities in this rule have been submitted for approval to OMB under the PRA. The ICR document that the EPA prepared has been assigned EPA ICR number 1985.09. You can find a copy of the ICR in the docket for this action (Docket ID No. EPA-HQ-OAR-2003-0194), and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

The information requirements are based on notification, recordkeeping, and reporting requirements in the NESHAP General Provisions, which are essential in determining compliance and mandatory for all operators subject to national emissions standards. These recordkeeping and reporting requirements are specifically authorized by CAA section 114 (42 U.S.C. 7414). All information submitted to the EPA pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to Agency policies set forth in 40 CFR part 2, subpart B.

We are finalizing changes to the Leather Finishing Operations NESHAP paperwork requirements in the form of requiring review of the final rule in the initial year. We are finalizing no new reporting or recordkeeping requirements for the Leather Finishing Operations source category.

Respondents/affected entities: Respondents include leather finishing operations.

Respondent's obligation to respond: Mandatory (authorized by section 114 of the CAA).

Estimated number of respondents:

Four leather finishing operations.

Frequency of response: Initially.

Total estimated burden: 9 hours (per year) for the responding facilities and 0 hours (per year) for the Agency.

Total estimated cost: \$832 (per year).

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The Agency has determined that of the four entities subject to this action, three are small businesses. The Agency has determined that each of the three small entities impacted by this action may experience an impact of less than 0.01 percent of sales. Details of this analysis are presented in the memorandum titled *Final Economic Impact Analysis for the Reconsideration of the Risk and Technology Review: Leather Finishing Operations Source Category*, in the docket for this action. We have, therefore, concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive

Order 13175. No tribal facilities are known to be engaged in the leather finishing operations industry that would be affected by this action. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in sections III and IV of the proposal preamble (83 FR 11314, March 14, 2018) and further documented in the report titled *Residual Risk Assessment for the Leather Finishing Operations Source Category in Support of the December 2017 Risk and Technology Review Proposed Rule*, in the docket for this action.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This action involves technical standards. Therefore, the EPA conducted searches for the Leather Finishing Operations Sector RTR through the Enhanced National Standards Systems Network Database managed by the American National Standards Institute. We also contacted voluntary consensus standards (VCS) organizations and accessed and searched their databases. We conducted searches for EPA Methods 24 and 311 and identified six VCS as potentially acceptable alternatives for the purpose of this rule. Refer to section VIII.J of the proposal preamble (83 FR 11314, March 14, 2018) for a list of these methods. As proposed, we are not including these VCS in the final rule as alternative test methods because the methods are either impractical as an alternative to EPA Methods 24 and 311, do not address the parameter required to be measured, or have expired. Further, no alternative test methods were brought to our attention in public comments on the March 14, 2018, proposal. A brief summary of these results is provided in section VIII.J of the March 14, 2018,

proposal preamble. A thorough summary of the search conducted, and results are included in the memorandum titled *Voluntary Consensus Standard Results for National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations*, in the docket for this action.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The documentation for this decision is contained in section V.F of this preamble and the technical report titled *Risk and Technology Review—Analysis of Socio-Economic Factors for Populations Living Near Leather Finishing Operations*, in the public docket for this action.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

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

Dated: December 21, 2018.

Andrew R. Wheeler,
Acting Administrator.

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—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 TTTT—National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations

■ 2. Section 63.5320 is amended by revising paragraphs (a) and (b) to read as follows:

§ 63.5320 How does my affected major source comply with the HAP emission standards?

(a) All affected sources must be in compliance with the requirements of this subpart at all times.

(b) At all times, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the affected source.

* * * * *

■ 3. Section 63.5360 is amended by revising paragraphs (a)(2) and (b) to read as follows:

§ 63.5360 How do I demonstrate continuous compliance with the emission standards?

(a) * * *

(2) If you use an emission control device, you must comply with § 63.982(a)(2) (subpart SS of this part) and collect the monitoring data as specified therein.

* * * * *

(b) You must report each instance in which you did not meet the emission standards in § 63.5305. These deviations must be reported according to the requirements in § 63.5420(b).

* * * * *

■ 4. Section 63.5375 is revised to read as follows:

§ 63.5375 When must I conduct a performance test or initial compliance demonstration?

You must conduct performance tests after the installation of any emission control device that reduces HAP emissions and will be used to comply with the HAP emission requirements of this subpart. You must complete your performance tests not later than 60 calendar days before the end of the 12-month period used in the initial compliance determination.

■ 5. Section 63.5380 is amended by revising paragraphs (a) and (b) to read as follows:

§ 63.5380 How do I conduct performance tests?

(a) Each performance test must be conducted according to the requirements in § 63.7(e)(2) through (4) and the procedures of § 63.997(e)(1) and (2).

(b) Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance of the affected source for the period being tested. Representative conditions exclude periods of startup and shutdown. The owner or operator may not conduct performance tests during periods of malfunction. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

* * * * *

■ 6. Section 63.5420 is amended by revising paragraphs (b) introductory text and (b)(3) and (4) and adding paragraphs (b)(5) and (6) and (c) to read as follows:

§ 63.5420 What reports must I submit and when?

* * * * *

(b) You must submit a Deviation Notification Report for each compliance determination you make in which the compliance ratio exceeds 1.00, as determined under § 63.5330. Submit the deviation report by the fifteenth of the following month in which you determined the deviation from the compliance ratio. The Deviation Notification Report must include the items in paragraphs (b)(1) through (6) of this section:

* * * * *

(3) The 12-month period covered by the report and each type of leather product process operation performed during the 12-month period.

(4) The compliance ratio comprising the deviation. You may reduce the frequency of submittal of the Deviation Notification Report if the Administrator of these NESHAP approves an alternative schedule.

(5) An estimate of the quantity of HAP (in pounds) emitted during the 12 months specified in paragraph (b)(3) of this section in excess of the allowable HAP loss. Calculate this estimate of excess emissions by subtracting the allowable HAP loss determined as

specified in § 63.5340 from the actual HAP loss determined as specified in § 63.5335.

(6) The cause of the events that resulted in the source failing to meet an applicable standard (including unknown cause, if applicable).

(c) Within 60 days after the date of completing each performance test (as defined in § 63.2) required by this subpart, you must submit the results of the performance test following the procedures specified in paragraphs (c)(1) through (3) of this section.

(1) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronicreporting-air-emissions/electronicreporting-tool-ert>) at the time of the test, you must submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). The CEDRI Interface can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). Performance test data must be submitted in a file format generated through the use of the EPA's ERT or an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test, you must submit the results of the performance test to the Administrator at the appropriate address listed in § 63.13 unless the Administrator agrees to or specifies an alternate reporting method.

(3) If you claim that some of the performance test information being submitted under paragraph (c)(1) of this section is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website, including information claimed to be CBI, on a compact disc, flash drive or other commonly used electronic storage medium to the EPA. The electronic medium must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (c)(1) of this section.

(4) If you are required to electronically submit a report through the CEDRI in the EPA's CDX, and due

to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX and submitting a required report within the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description identifying the date, time and length of the outage; a rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved. The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) If you are required to electronically submit a report through CEDRI in the EPA's CDX and a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due, the owner or operator may assert a claim of force majeure for failure to timely comply with the reporting requirement. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the

time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage). If you intend to assert a claim of force majeure, you must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs. The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

■ 7. Section 63.5430 is amended by revising the introductory text and paragraph (g) and adding paragraphs (h) and (i) to read as follows:

§ 63.5430 What records must I keep?

You must satisfy the recordkeeping requirements in paragraphs (a) through (i) of this section by the compliance date specified in § 63.5295.

* * * * *

(g) If you use an emission control device, you must keep records of monitoring data as specified at § 63.982(a)(2) (subpart SS of this part).

(h) In the event that the compliance ratio exceeded 1.00, as determined under § 63.5330, keep a record of the information specified in paragraphs (h)(1) through (5) of this section for each exceedance.

(1) The 12-month period in which the exceedance occurred, as reported in § 63.5420(b).

(2) Each type of leather product process operation performed during the 12-month period in which the exceedance occurred, as reported in § 63.5420(b).

(3) Estimate of the quantity of HAP (in pounds) emitted during the 12 months specified in § 63.5420(b)(3) in excess of the allowable HAP loss, as reported in § 63.5420(b).

(4) Cause of the events that resulted in the source failing to meet an applicable standard (including unknown cause, if applicable), as reported in § 63.5420(b).

(5) Actions taken to minimize emissions in accordance with § 63.5320(b), and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(i) Any records required to be maintained by this part that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

■ 8. Section 63.5460 is amended by revising the definition for "Deviation" to read as follows:

§ 63.5460 What definitions apply to this subpart?

* * * * *

Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limits or work practice standards.

* * * * *

■ 9. Table 2 to subpart TTTT of part 63 is revised to read as follows:

As required in § 63.5450, you must meet the appropriate NESHAP General Provision requirements in the following table:

TABLE 2 TO SUBPART TTTT OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART TTTT

General provisions citation	Subject of citation	Brief description of requirement	Applies to subpart	Explanation
§ 63.1	Applicability	Initial applicability determination; applicability after standard established; permit requirements; extensions, notifications..	Yes.	
§ 63.2	Definitions	Definitions for Part 63 standards.	Yes	Except as specifically provided in this subpart.
§ 63.3	Units and abbreviations	Units and abbreviations for Part 63 standards.	Yes.	

TABLE 2 TO SUBPART TTTT OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART TTTT—Continued

General provisions citation	Subject of citation	Brief description of requirement	Applies to subpart	Explanation
§ 63.4	Prohibited activities and circumvention.	Prohibited activities; compliance date; circumvention, severability.	Yes.	
§ 63.5	Construction/reconstruction	Applicability; applications; approvals.	Yes	Except for paragraphs of § 63.5 as listed below.
§ 63.5(c)	[Reserved]			
§ 63.5(d)(1)(ii)(H)	Application for approval	Type and quantity of HAP, operating parameters..	No	All sources emit HAP. Subpart TTTT does not require control from specific emission points.
§ 63.5(d)(1)(i)	[Reserved].			
§ 63.5(d)(1)(iii), (d)(2), (d)(3)(ii)		Application for approval	No	The requirements of the application for approval for new and reconstructed sources are described in § 63.5320(b). General provision requirements for identification of HAP emission points or estimates of actual emissions are not required. Descriptions of control and methods, and the estimated and actual control efficiency of such do not apply. Requirements for describing control equipment and the estimated and actual control efficiency of such equipment apply only to control equipment to which the subpart TTTT requirements for quantifying solvent destroyed by an add-on control device would be applicable.
§ 63.6	Applicability of general provisions.	Applicability of general provisions.	Yes	Except for paragraphs of § 63.6 as listed below.
§ 63.6(b)(1)–(3)	Compliance dates, new and reconstructed sources.		No	Section § 63.5283 specifies the compliance dates for new and reconstructed sources.
§ 63.6(b)(6)	[Reserved].			
§ 63.6(c)(3)–(4)	[Reserved].			
§ 63.6(d)	[Reserved].			
§ 63.6(e)(1)	Operation and maintenance requirements.		No	See § 63.5320(b) for general duty requirement.
§ 63.6(e)(2)	[Reserved].			
§ 63.6(e)(3)	Operation and maintenance requirements.	Startup, shutdown, and malfunction plan requirements.	No	Subpart TTTT does not have any startup, shutdown, and malfunction plan requirements.
§ 63.6(f)–(g)	Compliance with nonopacity emission standards except during SSM.	Comply with emission standards at all times except during SSM.	No	Subpart TTTT does not have nonopacity requirements.
§ 63.6(h)	Opacity/visible emission (VE) standards.		No	Subpart TTTT has no opacity or visual emission standards.
§ 63.6(i)	Compliance extension	Procedures and criteria for responsible agency to grant compliance extension.	Yes.	
§ 63.6(j)	Presidential compliance exemption.	President may exempt source category from requirement to comply with subpart.	Yes.	
§ 63.7	Performance testing requirements.	Schedule, conditions, notifications and procedures.	Yes	Except for paragraphs of § 63.7 as listed below. Subpart TTTT requires performance testing only if the source applies additional control that destroys solvent. § 63.5311 requires sources to follow the performance testing guidelines of the General Provisions if a control is added.
§ 63.7(a)(2) (i) and (iii)	Performance testing requirements.	Applicability and performance dates.	No	§ 63.5310(a) of subpart TTTT specifies the requirements of performance testing dates for new and existing sources.
§ 63.7(e)(1)	Conduct of performance tests ..	Defines representative conditions; provides an exemption from the standards for periods of startup, shutdown, and malfunction; requires that, upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.	No	See § 63.5380.
§ 63.8	Monitoring requirements	Applicability, conduct of monitoring, operation and maintenance, quality control, performance evaluations, use of alternative monitoring method, reduction of monitoring data.	No	See § 63.5360(a)(2) for monitoring requirements.
§ 63.9	Notification requirements	Applicability and State delegation.	Yes	Except for paragraphs of § 63.9 as listed below.
§ 63.9(e)	Notification of performance test	Notify responsible agency 60 days ahead.	Yes	Applies only if performance testing is performed.
§ 63.9(f)	Notification of VE/opacity observations.	Notify responsible agency 30 days ahead.	No	Subpart TTTT has no opacity or visual emission standards.

TABLE 2 TO SUBPART TTTT OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART TTTT—Continued

General provisions citation	Subject of citation	Brief description of requirement	Applies to subpart	Explanation
§ 63.9(g)	Additional notifications when using a continuous monitoring system (CMS).	Notification of performance evaluation; notification using COMS data; notification that exceeded criterion for relative accuracy.	No	See § 63.5360(a)(2) for CMS requirements.
§ 63.9(h)	Notification of compliance status.	Contents	No	§ 63.5320(d) specifies requirements for the notification of compliance status.
§ 63.10	Recordkeeping/reporting	Schedule for reporting, record storage.	Yes	Except for paragraphs of § 63.10 as listed below.
§ 63.10(b)(2)	Recordkeeping	CMS recordkeeping; CMS records of startup, shutdown, and malfunction events.	No	See § 63.5360 for CMS recordkeeping requirements, except see § 63.5430(h) for CMS recordkeeping requirements if there is a deviation from the standard.
§ 63.10(c)	Recordkeeping	Additional CMS recordkeeping	No	See § 63.5360(a)(2) for CMS recordkeeping requirements.
§ 63.10(d)(2)	Reporting	Reporting performance test results.	Yes	Applies only if performance testing is performed.
§ 63.10(d)(3)	Reporting	Reporting opacity or VE observations.	No	Subpart TTTT has no opacity or visible emission standards.
§ 63.10(d)(4)	Reporting	Progress reports	Yes	Applies if a condition of compliance extension.
§ 63.10(d)(5)	Reporting	Startup, shutdown, and malfunction reporting.	No	See § 63.5420(b) for reporting requirements if there is a deviation from the standard.
§ 63.10(e)	Reporting	Additional CMS reports	No	See § 63.5360(a)(2) for monitoring requirements.
§ 63.11	Control device requirements	Requirements for flares	Yes	Applies only if your source uses a flare to control solvent emissions. Subpart TTTT does not require flares.
§ 63.12	State authority and delegations	State authority to enforce standards.	Yes.	
§ 63.13	State/regional addresses	Addresses where reports, notifications, and requests are sent.	Yes.	
§ 63.14	Incorporation by reference	Test methods incorporated by reference.	Yes.	
§ 63.15	Availability of information and confidentiality.	Public and confidential information.	Yes.	

[FR Doc. 2019-01317 Filed 2-11-19; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 122, 124 and 125****[EPA-HQ-OW-2016-0145; FRL9988-87-OW]****RIN 2040-AF25****National Pollutant Discharge Elimination System (NPDES): Applications and Program Updates****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing certain revisions to the National Pollutant Discharge Elimination System permitting regulations proposed on May 18, 2016. The final regulatory changes are minor and will improve and clarify the regulations in the following major categories: Regulatory definitions (“new discharger” and two definitions related to the discharge of pesticides from pesticides application); permit applications; and public notice. This

final rule also updates the EPA contact information and web addresses for electronic databases, updates outdated references to best management practices guidance documents, and deletes a provision relating to best practicable waste treatment technology for publicly owned treatment works that is no longer applicable. The final revisions modernize the NPDES regulations, promote submission of complete permit applications, and clarify regulatory requirements to allow more timely development of NPDES permits that protect human health and the environment.

DATES: This final rule is effective on June 12, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-HQ-OW-2016-0145. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are

available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Frank Sylvester, Water Permits Division, Office of Wastewater Management, Mail Code 4203M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-1279; email address: sylvester.francis@epa.gov; or Janita Aguirre, Water Permits Division, Office of Wastewater Management, Mail Code 4203M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566-1149; email address: aguirre.janita@epa.gov.

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southeast (from west to east). The area is defined as that airspace upward from 700 feet above the surface within the area bounded by a line beginning at lat. 58°27'33" N, long. 134°37'40" W, to lat. 58°13'13" N, long. 134°11'51" W, to lat. 58°05'59" N, long. 134°21'04" W, to lat. 58°10'51" N, long. 134°59'18" W, to lat. 58°23'41" N, long. 135°31'13" W, to lat. 58°32'22" N, long. 135°18'32" W, to lat. 58°27'17" N, long. 135°01'27" W, thence to the point of beginning. This modification reduces the airspace area to only that area necessary to contain IFR operations as they transition between the airport and en route environments. Also, Class E airspace extending upward from 1,200 feet above the surface designated for Juneau International Airport is removed since this airspace is wholly contained within the Southeast Alaska Class E en route airspace, and duplication is not necessary.

This action also makes an editorial change to the Class D airspace legal description replacing Airport/Facility Directory with Chart Supplement.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71 —DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 5000 Class D Airspace.
 * * * * *

AAL AK D Juneau, AK [Amended]

Juneau International Airport, AK
 (Lat. 58°21'17" N, long. 134°34'42" W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 3-mile radius of Juneau International Airport, and within 2.5 miles each side of the 271° bearing from the airport extending from the 3-mile radius to 5.2 miles west of the airport, and within 1 mile southwest and 2.6 miles northeast of the airport 135° bearing extending from the airport 3-mile radius to 5 miles southeast of the airport, excluding that airspace below 2,000 feet MSL within the area bounded by a line beginning at lat. 58°19'35" N, long. 134°24'31" W, to lat. 58°19'02" N, long. 134°25'33" W, to lat. 58°20'16" N, long. 134°27'28" W, to lat. 58°20'34" N, long. 134°26'22" W, thence to the point of beginning. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.
 * * * * *

AAL AK E2 Juneau, AK [Amended]

Juneau International Airport, AK
 (Lat. 58°21'17" N, long. 134°34'42" W)

That airspace extending upward from the surface within a 3-mile radius of Juneau International Airport, and within 2.5 miles each side of the 271° bearing from the airport extending from the 3-mile radius to 5.2 miles west of the airport, and within 1 mile southwest and 2.6 miles northeast of the airport 135° bearing extending from the

airport 3-mile radius to 5 miles southeast of the airport, excluding that airspace below 2,000 feet MSL within the area bounded by a line beginning at lat. 58°19'35" N, long. 134°24'31" W, to lat. 58°19'02" N, long. 134°25'33" W, to lat. 58°20'16" N, long. 134°27'28" W, to lat. 58°20'34" N, long. 134°26'22" W, thence to the point of beginning. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D or Class E Surface Area.
 * * * * *

AAL AK E4 Juneau, AK [Removed]

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.
 * * * * *

AAL AK E5 Juneau, AK [Amended]

Juneau International Airport, AK
 (Lat. 58°21'17" N, long. 134°34'42" W)

That airspace upward from 700 feet above the surface within the area bounded by a line beginning at lat. 58°27'33" N, long. 134°37'40" W, to lat. 58°13'13" N, long. 134°11'51" W, to lat. 58°05'59" N, long. 134°21'04" W, to lat. 58°10'51" N, long. 134°59'18" W, to lat. 58°23'41" N, long. 135°31'13" W, to lat. 58°32'22" N, long. 135°18'32" W, to lat. 58°27'17" N, long. 135°01'27" W, thence to the point of beginning.

Issued in Seattle, Washington, on November 1, 2018.

Shawn M. Kozica,
 Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–24721 Filed 11–13–18; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 60, and 63

[EPA–HQ–OAR–2016–0510; FRL–9986–42–OAR]

RIN 2060–AS95

Testing Regulations for Air Emission Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action amends certain existing testing regulations to reflect corrections, updates, and the addition of alternative equipment and methods for source testing of emissions. These revisions will improve the quality of data and provide flexibility in the use of

approved alternative procedures. The revisions do not impose any new substantive requirements on source owners or operators.

DATES: The final rule is effective on January 14, 2019. The incorporation by reference materials listed in the rule are approved by the Director of the Federal Register as of January 14, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2016-0510. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Lula H. Melton, Office of Air Quality Planning and Standards, Air Quality Assessment Division (E143-02), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541-2910; fax number: (919) 541-0516; email address: melton.lula@epa.gov.

SUPPLEMENTARY INFORMATION: The supplementary information in this preamble is organized as follows:

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 - K. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
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I. General Information

A. Does this action apply to me?

The revisions promulgated in this final rule apply to industries that are subject to the current provisions of 40 Code of Federal Regulations (CFR) parts 51, 60, and 63. We did not list all of the specific affected industries or their North American Industry Classification System (NAICS) codes herein since there are many affected sources in numerous NAICS categories. If you have any questions regarding the applicability of this action to a particular entity, consult either the air permitting authority for the entity or your EPA Regional representative as listed in 40 CFR 63.13.

B. What action is the agency taking?

We are promulgating corrections and updates to regulations for source testing of emissions. More specifically, we are correcting typographical and technical errors, updating obsolete testing procedures, adding approved testing alternatives, and clarifying testing requirements.

C. Judicial Review

Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of this final rule is available by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by January 14, 2019. Under section 307(d)(7)(B) of the CAA, only an objection to this final rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under section 307(b)(2) of the CAA, the requirements that are the subject of this final rule may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

II. Background

The revisions to testing regulations for air emission sources were proposed in the **Federal Register** on January 26, 2018 (83 FR 3636). The public comment period ended March 27, 2018, and 83 comment letters were received from the public; 23 of the comment letters were relevant, and the other 60 comment letters were considered beyond the scope of the proposed rule. This final rule was developed based on public comments that the agency received on the proposed rule.

III. Summary of Amendments

~~A. Method 201A of Appendix M of Part 51~~

~~In Method 201A, in section 12.5, the denominator of equation 24 is corrected~~

as proposed; the proposed C_p in the denominator is changed to C_p' to be consistent with the nomenclature in section 12.1. The C_p in the numerator is changed to C_p also to be consistent with the nomenclature in section 12.1.

B. Method 204 of Appendix M of Part 51

In Method 204, in section 8.2, the statement regarding equation 204-2 is corrected to: "The NEAR must be ≤ 0.05 ," as proposed.

C. Method 205 of Appendix M of Part 51

In Method 205, section 2.1.1 is revised to allow the use of National Institute of Standards and Technology (NIST) traceable transfer standards to calibrate the gas dilution system as proposed. The agency continues to believe that these standards are widely available and provide the accuracy necessary to perform the calibration. Section 2.1.1 is also revised as proposed to require testers to report the results of the calibration of the dilution system to enable the regulatory authority to review this information.

D. General Provisions (Subpart A) of Part 60

In the General Provisions of part 60, § 60.17(h) is revised as proposed to add ASTM D6216-12 to the list of incorporations by reference and to renumber the remaining consensus standards that are incorporated by reference in alpha-numeric order.

E. Fossil-Fuel-Fired Steam Generators (Subpart D) Part 60

In a change from proposal, the allowed filter temperature in § 60.46(b)(2)(i) is not revised. Based on comments we received on the proposed revisions, we are deferring finalizing the proposed revisions of the temperature tolerances of probe and filter holder heating systems as part of this rulemaking. We will continue to review supporting information and data we received on the proposed rule and may propose either revisions or similar requirements as part of future rulemakings.

F. Electric Utility Steam-Generating Units (Subpart Da) Part 60

In a change from proposal, the allowed filter temperature in § 60.50Da(b)(1)(ii)(A) is not revised. Based on comments we received on the proposed revisions, we are deferring finalizing the proposed revisions of the temperature tolerances of probe and filter holder heating systems as part of this rulemaking. We will continue to review

supporting information and data we received on the proposed rule and may propose either revisions or similar requirements as part of future rulemakings.

G. Industrial-Commercial-Institutional Steam-Generating Units (Subpart Db) Part 60

In a change from proposal, the allowed filter temperature in § 60.46b(d)(4) is not revised. Based on comments we received on the proposed revisions, we are deferring finalizing the proposed revisions of the temperature tolerances of probe and filter holder heating systems as part of this rulemaking. We will continue to review supporting information and data we received on the proposed rule and may propose either revisions or similar requirements as part of future rulemakings.

H. Small Industrial-Commercial-Institutional Steam-Generating Units (Subpart De) Part 60

In a change from proposal, the allowed filter temperature in § 60.45e(a)(5) is not revised. Based on comments we received on the proposed revisions, we are deferring finalizing the proposed revisions of the temperature tolerances of probe and filter holder heating systems as part of this rulemaking. We will continue to review supporting information and data we received on the proposed rule and may propose either revisions or similar requirements as part of future rulemakings.

I. Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994 (Subpart Ea) Part 60

In a change from proposal, the allowed filter temperature in § 60.58a(b)(3) is not revised. Based on comments we received on the proposed revisions, we are deferring finalizing the proposed revisions of the temperature tolerances of probe and filter holder heating systems as part of this rulemaking. We will continue to review supporting information and data we received on the proposed rule and may propose either revisions or similar requirements as part of future rulemakings.

J. Glass-Manufacturing Plants (Subpart Gc) Part 60

In a change from proposal, the allowed filter temperatures in §§ 60.293(f) and 60.296(d)(2) are not revised. Based on comments we received on the proposed revisions, we

are deferring finalizing the proposed revisions of the temperature tolerances of probe and filter holder heating systems as part of this rulemaking. We will continue to review supporting information and data we received on the proposed rule and may propose either revisions or similar requirements as part of future rulemakings.

K. New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces (Subpart QQQQ) Part 60

In subpart QQQQ, in Method 28WHH, in section 13.5.1, equation 8 is corrected as proposed.

L. Method 2B of Appendix A-1 of Part 60

In Method 2B, in section 12.1, the definition of ambient carbon dioxide concentration is revised as proposed. The agency continues to believe that the global monthly mean (CO_2)_a concentration varies over time. Also, a website link is added to the definition as specified at proposal.

M. Method 5 of Appendix A-3 of Part 60

In a change from proposal, allowed filter temperatures in Method 5, sections 2.0, 6.1.1.2, 6.1.1.6, 6.1.1.7, and 8.5 are not revised. Based on comments we received on the proposed revisions, we are deferring finalizing the proposed revisions of the temperature tolerances of probe and filter holder heating systems as part of this rulemaking. We will continue to review supporting information and data we received on the proposed rule and may propose either revisions or similar requirements as part of future rulemakings.

Section 6.1.1.9 is revised as proposed to allow the use of a single temperature sensor in lieu of two temperature sensors on the dry gas meter as allowed by Technical Information Document 19 (TID-19) and the approved broadly applicable alternative, ALT-117 (see <https://www.epa.gov/emo>). Consistent with our response to the comment regarding allowing flexibility for the weighing container in section 11.2.1, Method 5B, the first sentence in section 11.2.1, Method 5 is revised similarly.

N. Method 5B of Appendix A-3 of Part 60

In a change from proposal, the allowed filter temperatures in Method 5B, sections 2.0, 6.1, and 8.2 are not revised. Based on comments we received on the proposed revisions, we are deferring finalizing the proposed revisions of the temperature tolerances of probe and filter holder heating

systems as part of this rulemaking. We will continue to review supporting information and data we received on the proposed rule and may propose either revisions or similar requirements as part of future rulemakings.

Section 11.0 is revised as proposed to replace the reference to Method 5, section 11.0 with specific analytical procedures and to report the results using Figure 5B-1 for complete data review. Section 17.0 is revised as proposed to delete the word "Reserved" from the title, and Figure 5B-1 (Analytical Data Sheet) is added.

G. Method 5I of Appendix A-3 of Part 60.

In a change from proposal, Method 5I, sections 2.1 and 8.5.2.2 are not revised to tighten the allowed filter temperatures. Based on comments we received on the proposed revisions, we are deferring finalizing the proposed revisions of the temperature tolerances of probe and filter holder heating systems as part of this rulemaking. We will continue to review supporting information and data we received on the proposed rule and may propose either revisions or similar requirements as part of future rulemakings.

R. Method 7 of Appendix A-4 of Part 60.

In Method 7, sections 10.1.2 and 11.3 reference erroneous sections; the correct section is inserted, as proposed. The proposed referenced section 10.1.1.2 is changed to 10.1.1 to include procedures in both sections 10.1.1.1 and 10.1.1.2.

Q. Method 8 of Appendix A-4 of Part 60.

As proposed, Method 8, sections 6.1.1.1 through 6.1.1.4 are renumbered to 6.1.1.2 through 6.1.1.5; a new section 6.1.1.1 is added to clarify the requirements that apply to the probe nozzle; and, in response to comments, Figure 8-1 (Sulfuric Acid Sampling Train) is corrected by: (1) Modifying the impinger graphics to make it consistent with the text in section 6.1.1.4 and (2) revising the proposed label S-Type Pitot Tube to Type S Pitot Tube for consistency. The proposed first sentence in section 6.1.1.1 is revised to "Borosilicate or quartz glass with a sharp, tapered leading edge and coupled to the probe liner using a polytetrafluoroethylene (PTFE) or glass-lined union (e.g., fused silica, Silco, or equivalent)." Based on a public comment that recommended adding Silco coated stainless steel unions as an option for Teflon unions; and for consistency with other test methods, we have replaced Teflon with the generic option polytetrafluoroethylene (PTFE).

R. Method 18 of Appendix A-6 of Part 60.

In Method 18, in section 13.1, the erroneous paragraph (c) designation is re-designated as (b), as proposed.

S. Method 22 of Appendix A-7 of Part 60.

In Method 22, sections 11.2.1 and 11.2.2 are revised as proposed to allow digital photography to be used for a subset of the recordkeeping requirements. As proposed, section 11.2.3 is added to specify the requirements for digital photographic records. In response to comments on the proposal, the next to the last sentence in section 11.2.3 regarding photographs that must be taken within 15 minutes of the observation period is revised from the proposal, and another sentence is added to provide clarity. The revised and new sentences read: "The photograph(s) representing the environmental conditions including the sky conditions and the position of the sun relative to the observer and the emission point must be taken within a reasonable time of the observation (i.e., 15 minutes). When observations are taken from exactly the same observation point on a routine basis (e.g., daily) and as long as there are no modifications to the units depicted, only a single photograph each day is necessary to document the observer's location relative to the emissions source, the process unit being observed, and the location of potential and actual emission points." The agency notes that ALT-109 (see <https://www.epa.gov/emc>) is the associated broadly applicable alternative that allows the use of digital photographs for specific recordkeeping requirements.

T. Method 26 of Appendix A-8 of Part 60.

As proposed, Method 26, section 6.2.2 is revised to allow the use of glass sample storage containers as an option to allow flexibility and to be consistent with Method 26A. The proposed title of section 6.2.2, "Storage Bottles," is changed to "Storage Containers" to be consistent with the language in section 6.2.2.

U. Method 26A of Appendix A-8 of Part 60.

As proposed, in Method 26A, section 6.2.1 is revised to remove the language regarding sample storage containers. In response to comments on our proposal, we have determined that high-density polyethylene is an acceptable material for sample storage containers in addition to the currently allowed glass. Therefore, in a new section 6.2.4, we

have specified that both high-density polyethylene and glass are acceptable sample storage containers.

V. Test Method 28WHH of Appendix A-8 of Part 60.

In Test Method 28WHH, equation 8 in section 13.5.1 is corrected, as proposed.

W. Performance Specification 1 of Appendix B of Part 60.

As proposed, in Performance Specification 1, references to ASTM D6216-98 (in sections 2.1; 3.1; 6.1; 8.1(1); 8.1(3)(ii); 8.2(1); 8.2(2); 8.2(3); 9.0; 12.1; 13.0; 13.1; 13.2; and 16.0 paragraph 8) are replaced with ASTM D6216-12. As noted at proposal, if the initial certification of the continuous opacity monitoring system (COMS) has already occurred using D6216-98, D6216-03, or D6216-07, it will not be necessary to recertify using D6216-12. In response to comments on our decision to add ASTM D6216 to the list of consensus standards, the April 1998 publication date for ASTM D6216 in paragraph 8 in section 16.0 is replaced with October 2012; the ASTM D6216-12 publication date. In response to comments, for consistency with section 2.1, and for purposes of clarification, the note at the end of section 2.1 is added to section 13.0.

X. Performance Specification 2 of Appendix B of Part 60.

In Performance Specification 2, section 13.2 is replaced with a table that indicates the relative accuracy performance specifications, as proposed. Given that the equals to (=) signs were erroneously omitted from several of the < and > values during publication of the table in the proposed rule, these values have been corrected.

Y. Performance Specification 3 of Appendix B of Part 60.

In Performance Specification 3, the two sentences in section 12.0 that read; "Calculate the arithmetic difference between the RM and the GEMS output for each run. The average difference of the nine (or more) data sets constitute the RA," are deleted, as proposed; these two sentences are no longer necessary since equations 3-1 and 3-2 would be moved from section 13.2 to section 12.0. The sentence, "Calculate the RA using equations 3-1 and 3-2," is added to the beginning of section 12.0.

Z. Performance Specification 11 of Appendix B of Part 60.

In Performance Specification 11, section 13.1, the word "average" erroneously exists in the second sentence and is deleted, as proposed.

~~AA. Performance Specification 15 of Appendix B of Part 60~~

~~As proposed, in Performance Specification 15, section 13.0 is added as “Method Performance (Reserved).”~~

~~BB. Performance Specification 18 of Appendix B of Part 60~~

~~As proposed, in Performance Specification 18, in section 11.8.7, the last sentence is revised to clarify the duration of the drift check. In Table 1, the erroneous acronym “NO₂” is replaced with “NO,” as proposed. In the appendix of Performance Specification 18, the inadvertently omitted reserved section 12.0 is added, as proposed.~~

~~GG. Procedure 1 of Appendix F of Part 60~~

~~As proposed, in Procedure 1, in section 5.1.2 (1), the sentence immediately following the table that reads, “Challenge the GEMS three times at each audit point, and use the average of the three responses in determining accuracy,” is replaced with, “Introduce each of the audit gases, three times each, for a total of six challenges. Introduce the gases in such a manner that the entire GEMS is challenged. Do not introduce the same gas concentration twice in succession.” In order to obtain six distinct readings during the cylinder gas audit (GGA), the same gas must not be introduced twice in succession, and this revised language accurately reflects this standard scientific practice. As also proposed, in section 5.1.2 (3), the reference to EPA’s traceability protocol for gaseous calibration standards is updated, and the language regarding the use of EPA Method 205 for dilution of audit gases is clarified.~~

~~DD. General Provisions (Subpart A) of Part 63~~

Sections 63.7(g)(2), 63.7(g)(2)(v), and 63.8(c)(5)(i) of the General Provisions (subpart A) of part 63 are revised, as proposed, to require the reporting of specific test data for continuous monitoring system performance evaluation tests and ongoing quality assurance (QA) tests. These data elements are required regardless of the format of the report, *i.e.*, electronic or paper. These modifications will ensure that performance evaluation and QA test reporting include all data necessary for the compliance authority to assess and assure the quality of the reported data and that the reported information describes and identifies the specific unit covered by the evaluation test report. In response to comment, we specified the level of reporting needed for continuous parameter monitoring systems (CPMS) versus other continuous monitoring

systems including continuous emission monitoring systems (CEMS), COMS, and predictive emissions monitoring systems (PEMS).

~~EE. Wool Fiberglass Manufacturing (Subpart NNN) Part 63~~

In a change from proposal, the allowed filter temperature in § 63.1385(a)(5) is not revised. Based on comments we received on the proposed revisions, we are deferring finalizing proposed revisions of the temperature tolerances of probe and filter holder heating systems as part of this rulemaking. We will continue to review supporting information and data we received on the proposed rule and may propose either revisions or similar requirements as part of future rulemakings.

~~FF. Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (Subpart DDDDD) Part 63~~

As proposed, in Table 6 of subpart DDDDD, row 1.f. is revised to allow the use of EPA SW-846-7471B (for liquid samples) in addition to EPA SW-846-7470A for measuring mercury to allow for compliance flexibility.

~~GG. Coal- and Oil-Fired Electric Utility Steam Generating Units (Subpart UUUUU) Part 63~~

In a change from proposal, the allowed filter temperature in § 63.10010(h)(7)(i)(1) is not revised. Based on comments we received on the proposed revisions, we are deferring finalizing proposed revisions of the temperature tolerances of probe and filter holder heating systems as part of this rulemaking. We will continue to review supporting information and data we received on the proposed rule and may propose either revisions or similar requirements as part of future rulemakings.

As proposed, in Table 5, Method 5I is specified as a test method option because, as explained at proposal, Method 5I is designed for low particulate matter (PM) application.

~~HH. Method 303 of Appendix A of Part 63~~

In Method 303, section 12.4, equation 303–3 is corrected, as proposed, by inserting “where $y =$ ” in front of the equation.

~~II. Method 308 of Appendix A of Part 63~~

As proposed, in Method 308, deionized distilled water replaces the aqueous n-propanol solution; the affected sections are 2.0, 7.2.2, 7.2.3.3, and 11.3.2. Section 7.2.2, which defines

the aqueous n-propanol solution, is removed, as proposed. In section 7.2.3.3, the erroneous “four” is replaced as proposed, with “three” in the sentence that reads “Pipette 5, 15, and 25 ml of this standard, respectively into four 50-ml volumetric flasks.” Section 8.1.2 is revised, as proposed, to require a leak check prior to the sampling run (in addition to after the sampling run) for QA purposes; as explained at proposal, requiring a leak check prior to the sampling run would potentially save time and money. In section 9.1, methanol spike recovery check is added as a quality control (QC) measure in Table 9.1, as proposed. In section 12.1, variables used in equations 308–4 and 308–5 are added and section 12.5, which includes equations 308–4 and 308–5, is added, as proposed. In section 13.0, the title “Reserved” is replaced with “Method Performance” and QA requirements would be added to be consistent with other methods, as proposed. The erroneous proposed paragraph (a) of section 13.0 is replaced, as proposed, with “Calibration standards must meet the requirements in section 10.2.1 or 10.2.2 as applicable.”

~~JJ. Method 320 of Appendix A of Part 63~~

In section 8.2.2.4, the denominator in equation 2 is corrected from P_{ss} to P_s , as proposed. In section 9.2.3, the word “where” in the statement, “Calculate the dilution ratio using the tracer gas as follows: where:” is deleted, as proposed. Also in section 9.2.3, the inadvertently superscripted “dir” on the definition of spike is subscripted, as proposed.

~~KK. Method 323 of Appendix A of Part 63~~

In Method 323, section 12.9, the denominator in equation 323–8 is corrected, as proposed.

~~LL. Method 325A of Appendix A of Part 63~~

In Method 325A, section 8.2.1.3 is revised, as proposed, to clarify that only one extra sampling site is required near known sources of volatile organic compounds (VOCs) when the source is located both within 50 meters of the boundary and between two monitors. Based on a public comment we received on the proposed regulatory text, wording changes have been made to the language in section 8.2.1.3. As proposed, the label under Figure 8.1 is corrected from “Refinery (20% angle)” to “Refinery (20° angle).” Section 8.2.3.2 is revised, as proposed, to include facilities with a monitoring perimeter length equal to 7,315 meters (24,000 feet). Section 8.2.3.3 is added, as

proposed, to provide clarification and an equivalent procedure in Option 2 (linear distance between sites) for site locations that parallel section 8.2.2.2.4 in Option 1 (radial distance between sites). In response to comments, section 8.4.3 is added to address worker safety during extenuating circumstances.

MM. Method 325B of Appendix A of Part 63

In Method 325B, section 9.3.2 is revised, as proposed, to correct an error in the number of field blank samples required for a sampling period and to provide consistency with the sample analysis required in Method 325B. In sections 9.13 and 11.3.2.5, the erroneous reference to section 10.6.3 is corrected to 10.0, as proposed. Also in section 11.3.2.5, the erroneous reference to section 10.9.5 is corrected to 9.13, as proposed. Section 12.2.2 is revised, as proposed, to correct the calculation of target compound concentrations at standard conditions, and the erroneous reference to U_{std} in the note in section 12.2.2 is revised to U_{NTP} . Sections 12.2.3 and 12.2.4 are deleted, as proposed, because the equations for target concentrations are incorrect. Table 17–1 is revised, as proposed, to add inadvertently omitted QC criteria from section 9.3.3.

IV. Public Comments on the Proposed Rule

Eighty-three (83) comment letters were received from the public; 23 of the comment letters were relevant, and the other 60 comment letters were considered as beyond the scope of the proposed rule. The public comments and the agency's responses are summarized in the Response to Comments document located in the docket for this rule. See the **ADDRESSES** section of this preamble.

A summary of the relevant portions of significant comments that we received on the proposal and agency responses are presented below.

Comment: Three commenters provided comments on our proposed revisions to the General Provisions (Subpart A) of Part 63. One commenter stated that the proposed revisions impose new requirements on CMS performance evaluations and QA testing for types of monitors not previously subject to such requirements. Another commenter remarked that the proposed revisions to various requirements in Part 63 revisions were vague. Yet another commenter remarked that the proposed revisions to § 63.8(c)(5) would shorten the CMS performance evaluation reporting period for CMS associated with performance tests.

Response: We disagree with the comment that the proposed changes to § 63.8(c)(5)(i) would impose new requirements given that at proposal, the agency had explained that they were intended to clarify and codify data elements and reporting requirements that are already routinely requested by the Administrator's delegated authorities. With regard to § 63.8(c)(5), in a change from proposal, we have retained the existing requirement that allows for the simultaneous submission of the report of a CMS performance evaluation with results of performance testing required under 40 CFR 63.7. We also edited the final rule language for 40 CFR 63.7(g)(2)(v) to improve clarity and to eliminate confusion.

Comment: Fifteen commenters provided comments arguing against the proposal to tighten the filter temperature tolerance in 40 CFR 60.46(b)(2)(i); 60.50Da(b)(1)(ii)(A); 60.45c(a)(5); 60.58a(b)(3); 60.293(f); 60.296(d)(2); 63.1385(a)(5); and sections 2.0, 6.1.1.2, 6.1.1.6, 6.1.1.7 and 8.5 of Method 5, Appendix A–3 of Part 60. They cited issues that included: weather (e.g., ambient temperature fluctuations and windy conditions); costs; lack of justification and data for the revision; inconsistent language (e.g., the use of “shall” vs. “may” and proposed revisions to temperature tolerance in Methods 5, 5B, and 5I but not in Methods 5D, 5E, and 5F); and safety risks. Nine commenters remarked that ambient conditions (cold climates, wind gusts, etc.) can cause temperature fluctuations that are difficult to manage. More specifically, one commenter stated that the reduced allowable temperature range would be problematic during testing in cold, windy ambient conditions that are persistent in the winter months in northern climates because the time required for temperature recovery after a component change in these conditions could add hours and possibly days to testing programs. One commenter remarked that the proposed ± 5 °C is unattainable for sources in cold or windy climates.

Eight commenters stated that alteration or replacement of equipment components would likely be necessary to achieve the proposed temperature tolerances resulting in additional costs. One commenter noted potential equipment improvements, such as increased probe sheath tubing diameter to make room for added insulation around every probe heater; re-design of filter heating ovens; improved sealing and insulation of the openings at the inlet and outlet of filter heating ovens; and/or for sources with high stack temperatures, more frequent use of air-

cooled or water-cooled probes. One commenter remarked that this revision would force cold weather stack testers to replace or retrofit equipment with higher power heating devices and possibly more refined control devices which would be costly. One commenter remarked that this revision will most likely require air sampling equipment suppliers to redesign sample probes by either increasing sheath diameter, altering the placement or increasing the number of thermocouples used to control the probe heating system, and/or increasing the insulation around the sample liner. The commenter added that an increase in the diameter of the probe sheath would have a cascading effect either requiring test companies to purchase new sample hot boxes or retrofit existing sample hot boxes to accommodate the increased probe sheath diameter.

Seven commenters stated that neither information nor data was provided to support, justify, or quantify the claimed increased precision of filterable PM measurements, and a few of these commenters noted that the Electric Power Research Institute (EPRI) paper that the EPA used as the basis for tightening the filter temperature tolerance was from a comparison of results measured at four coal-fired power plants.

One commenter requested that the statement in § 60.50Da(b)(1)(ii)(A), “The probe and filter holder heating system in the sampling train may be set to provide an average gas temperature of no greater than 160 ± 5 °C (320 ± 9 °F),” be changed to, “The probe and filter holder heating system in the sampling train shall be set to provide an average gas temperature of 160 ± 5 °C (320 ± 9 °F),” because they believe that this was the agency's intent. Similarly, another commenter requested that the statement in § 60.296(d)(2), “The probe and filter holder heating system may be set to provide a gas temperature no greater than 177 ± 5 °C (320 ± 9 °F),” be changed to, “The probe and filter holder heating system shall be set to provide an average gas temperature 160 ± 5 °C (320 ± 9 °F),” because they believe that this was the agency's intent. One commenter also recommended changing the sentence in Method 5B to, “The collected sample is then heated in an oven at 160 °C (320 °F) for 6 hours . . . ,” to, “The collected sample is then heated in an oven at 160 ± 5 °C (320 ± 9 °F) for 6 hours . . . ,” to be internally consistent.

Three commenters noted that if the temperature tolerances are changed in Method 5, methods that reference Method 5 (namely Method 5D, section

2.1; Method 5E, section 2.0; and Method 5F, section 2.0) would also need to be revised.

Three commenters remarked that tightening the filter temperature tolerance conflicts with the assertion that the proposed rule will improve the quality of data but will not impose new substantive requirements. Two of the three commenters further remarked that the proposed rule does not meet the requirements of Executive Order 13771 nor the Paperwork Reduction Act (PRA).

Three commenters acknowledged that an improvement in measurement precision could benefit the data quality in limited situations, such as the Mercury and Air Toxics Standards (MATS).

Four commenters remarked that if the proposed revisions to the temperature tolerances lead to a measurable change in reported PM emissions, sources that were previously in compliance with their emission standards may become non-compliant; one commenter added that the opposite situation may occur. One commenter stated that the proposed revision may have the unintended consequence of redefining the filterable PM being measured leading to either higher or lower PM measurements as compared to sampling runs conducted with wider tolerances.

Two commenters mentioned that this revision could result in a potential safety risk. One of the commenters remarked that the added weight and handling difficulties associated with air- or water-cooled probes (if necessary to control the probe temperature) can increase safety risks to testing personnel, and the other commenter remarked that the proposed requirements may require the use of encapsulated probes which are heavy and cumbersome resulting in hazards.

Response: In response to these comments and in a change from proposal, we are deferring finalizing proposed revisions of the temperature tolerances of probe and filter holder heating systems as part of this rulemaking. We will continue to review supporting information and data we received on the proposed rule and may propose either revisions or similar requirements as part of future rulemakings.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is considered an Executive Order 13771 deregulatory action. This final rule provides meaningful burden reduction by allowing regulated facilities the flexibility to use newly-approved alternative procedures for compliance demonstration purposes, which may result in lower labor costs for some facilities (e.g., allowing digital photography in lieu of manual documentation in EPA Method 22); lower compliance testing costs (e.g., additional sample storage container options now allowed by Method 26); reducing the likelihood of re-testing (e.g., revised QA requirements in Method 308); and expediting data processing (e.g., simplified calculations in Method 325B).

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. The revisions do not substantively revise the existing information collection requirements but simply corrects, updates, and clarifies performance testing and continuous monitoring requirements.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This action will not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard. We have, therefore, concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. This action simply corrects and updates existing testing regulations. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR part 51

This action involves technical standards. The EPA used ASTM D6216–12 for continuous opacity monitors in Performance Specification 1. The ASTM D6216–12 standard covers the procedure for certifying continuous opacity monitors and includes design and performance specifications, test procedures, and QA requirements to ensure that continuous opacity monitors meet minimum design and calibration

requirements necessary, in part, for accurate opacity monitoring measurements in regulatory environmental opacity monitoring applications subject to 10 percent or higher opacity standards.

The ASTM D6216–12 standard was developed and adopted by the American Society for Testing and Materials (ASTM). The standard may be obtained from <http://www.astm.org> or from the ASTM at 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This action is a technical correction to previously promulgated regulatory actions and does not have an impact on human health or the environment.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to

each house of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 51

Environmental protection, Air pollution control, Performance specifications, Test methods and procedures.

40 CFR Part 60

Environmental protection, Air pollution control, Incorporation by reference, Performance specifications, Test methods and procedures.

40 CFR Part 63

Environmental protection, Air pollution control, Incorporation by reference, Performance specifications, Test methods and procedures.

Dated: November 5, 2018.

Andrew R. Wheeler,
Acting Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency amends title 40, chapter I of the Code of Federal Regulations as follows:

$$t_n = \frac{C_p \sqrt{\Delta P_n}}{C_p [\Delta p]^{0.5}_{avg}} \left[\frac{t_z}{N_{cp}} \right]$$

(Eq. 24)

✻ ✻ ✻ ✻ ✻

Method 204—Criteria for and Verification of a Permanent or Temporary Total Enclosure

✻ ✻ ✻ ✻ ✻

8.2.....✻✻✻✻✻

The NEAR must be ≤0.05.

✻ ✻ ✻ ✻ ✻

Method 205—Verification of Gas Dilution Systems for Field Instrument Calibrations

✻ ✻ ✻ ✻ ✻

2.1.1...The gas dilution system shall be recalibrated once per calendar year using NIST-traceable flow standards with an uncertainty ≤0.25 percent. You shall report the results of the calibration by the person or manufacturer who carried out the calibration whenever the dilution system is used; listing the date of the most recent calibration; the due date for the next calibration; calibration point; reference flow device (ID, S/N); and acceptance criteria. Follow the manufacturer's instructions for the operation and use of the gas dilution system. A copy of the manufacturer's instructions for the operation of the instrument, as well as the most recent calibration documentation, shall

be made available for inspection at the test site.

✻ ✻ ✻ ✻ ✻

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 3: The authority citation for part 60 continues to read as follows:

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

■ 4: In § 60.17, revise paragraph (h)(177) to read as follows:

§ 60.17—Incorporations by reference.

✻ ✻ ✻ ✻ ✻

(h).....✻✻✻✻✻

(177) ASTM D6216–12, Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications, approved October 1, 2012; IBR approved for appendix B to part 60.

✻ ✻ ✻ ✻ ✻

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

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

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

■ 2: Amend appendix M to part 51 as follows:

■ a: Revise section 12.5; equation 24; in Method 201A.

■ b: Revise the last sentence in section 8.2 in Method 204.

■ c: Revise section 2.1.1 in Method 205.

The revisions read as follows:

Appendix M to Part 51—Recommended Test Methods for State Implementation Plans

✻ ✻ ✻ ✻ ✻

Method 201A—Determination of PM₁₀ and PM_{2.5} Emissions From Stationary Sources (Constant Sampling Rate Procedure)

✻ ✻ ✻ ✻ ✻

12.5.....✻✻✻✻✻

■ 5: In Appendix A–1 to part 60, revise “(CO₂)_a” in section 12.1 in Method 2B to read as follows:

Appendix A–1 to Part 60—Test Methods 1 through 2F

✻ ✻ ✻ ✻ ✻

Method 2B—Determination of Exhaust Gas Volume Flow Rate From Gasoline Vapor Incinerators

✻ ✻ ✻ ✻ ✻

12.1.....✻✻✻✻✻

(CO₂)_a—Ambient carbon dioxide concentration, ppm (if not measured during the test period, may be assumed to equal the global monthly mean CO₂ concentration posted at http://www.esrl.noaa.gov/gmd/ccgg/trends/global.html#global_data).

✻ ✻ ✻ ✻ ✻

■ 6: In appendix A–3 to part 60:

■ a: Revise sections 6.1.1.9 and 11.2.1 in Method 5.

■ b: Revise section 11.0 in Method 5B.

■ c: Add section 17.0 in Method 5B.

The revisions and addition read as follows:

Appendix A-3 to Part 60—Test Methods 4 through 51

§ 60.111. § 60.112. § 60.113. § 60.114. § 60.115.

Method 5—Determination of Particulate Matter Emissions From Stationary Sources

§ 60.111. § 60.112. § 60.113. § 60.114. § 60.115.

6.1.1.9—Metering System: Vacuum gauge; leak-free pump; calibrated temperature sensors; dry-gas meter (DGM) capable of measuring volume to within 2 percent; and related equipment, as shown in Figure 5-4. Other metering systems capable of maintaining sampling rates within 10 percent of isokinetic and of determining sample volumes to within 2 percent may be used, subject to the approval of the Administrator. When the metering system is used in conjunction with a pitot tube, the system shall allow periodic checks of isokinetic rates. The average DGM temperature for use in the calculations of section 12.0 may be obtained by averaging the two temperature sensors located at the inlet and outlet of the DGM as shown in Figure 5-3 or alternatively from a single temperature sensor located at the immediate outlet of the DGM or the plenum of the DGM.

§ 60.111. § 60.112. § 60.113. § 60.114. § 60.115.

11.2.1—Container No. 1: Leave the contents in the shipping container or transfer the filter and any loose PM from the sample container to a tared weighing container. Desiccate for 24 hours in a desiccator containing anhydrous calcium sulfate. Weigh to a constant weight, and report the results to the nearest 0.1 mg. For the purposes of this section, the term “constant weight” means a difference of no more than 0.5 mg or 1 percent of total weight less tare weight, whichever is greater, between two

consecutive weighings, with no less than 6 hours of desiccation time between weighings. Alternatively, the sample may be oven dried at 104 °C (220 °F) for 2 to 3 hours, cooled in the desiccator, and weighed to a constant weight, unless otherwise specified by the Administrator. The sample may be oven dried at 104 °C (220 °F) for 2 to 3 hours. Once the sample has cooled, weigh the sample, and use this weight as a final weight.

§ 60.111. § 60.112. § 60.113. § 60.114. § 60.115.

Method 5B—Determination of Nonsulfuric Acid Particulate Matter Emissions From Stationary Sources

§ 60.111. § 60.112. § 60.113. § 60.114. § 60.115.

11.0—Analytical Procedure

11.1—Record and report the data required on a sheet such as the one shown in Figure 5B-1.

11.2—Handle each sample container as follows:

11.2.1—Container No. 1: Leave the contents in the shipping container or transfer the filter and any loose PM from the sample container to a tared non-reactive oven-proof container. Oven-dry the filter sample at a temperature of 160 ± 5 °C (320 ± 9 °F) for 6 hours. Cool in a desiccator for 2 hours, and weigh to constant weight. Report the results to the nearest 0.1 mg. For the purposes of this section, the term “constant weight” means a difference of no more than 0.5 mg or 1 percent of total weight less tare weight, whichever is greater, between two consecutive weighings, with no less than 6 hours of desiccation time between weighings.

11.2.2—Container No. 2: Note the level of liquid in the container, and confirm on the analysis sheet whether leakage occurred during transport. If a noticeable amount of

leakage has occurred, either void the sample or use methods, subject to the approval of the Administrator, to correct the final results. Measure the liquid in this container either volumetrically to ± 1 ml or gravimetrically to ± 0.5 g. Transfer the contents to a tared 250-ml beaker, and evaporate to dryness at ambient temperature and pressure. Then oven-dry the probe sample at a temperature of 160 ± 5 °C (320 ± 9 °F) for 6 hours. Cool in a desiccator for 2 hours, and weigh to constant weight. Report the results to the nearest 0.1 mg.

11.2.3—Container No. 3: Weigh the spent silica gel (or silica gel plus impinger) to the nearest 0.5 g using a balance. This step may be conducted in the field.

11.2.4—Acetone Blank Container: Measure the acetone in this container either volumetrically or gravimetrically. Transfer the acetone to a tared 250-ml beaker, and evaporate to dryness at ambient temperature and pressure. Desiccate for 24 hours, and weigh to a constant weight. Report the results to the nearest 0.1 mg.

Note: The contents of Container No. 2 as well as the acetone blank container may be evaporated at temperatures higher than ambient. If evaporation is done at an elevated temperature, the temperature must be below the boiling point of the solvent; also, to prevent “bumping,” the evaporation process must be closely supervised, and the contents of the beaker must be swirled occasionally to maintain an even temperature. Use extreme care, as acetone is highly flammable and has a low flash point.

§ 60.111. § 60.112. § 60.113. § 60.114. § 60.115.

17.0—Tables, Diagrams, Flowcharts, and Validation Data

Container number	Weight of particulate collected, mg		
	Final weight	Tare weight	Weight gain
1			
2			
Total			
Less acetone blank			
Weight of particulate matter			
Final Initial Liquid collected Total volume collected	Volume of liquid water collected		
	Impinger volume, ml	Silica gel weight, g	
		g ² /ml	

* Convert weight of water to volume by dividing total weight increase by density of water (1 g/ml).

Figure 5B-1—Analytical Data Sheet

§ 60.111. § 60.112. § 60.113. § 60.114. § 60.115.

■ 7. In appendix A-4 to part 60.

■ a. Revise sections 10.1.2 and 11.3 in Method 7.

■ b. Redesignate sections 6.1.1.1 through 6.1.1.4 as sections 6.1.1.2 through 6.1.1.5 in Method 8.

■ c. Add a new section 6.1.1.1 in Method 8.

■ d. Revise Figure 8-1 in Method 8.

The revisions and addition read as follows:

Appendix A-4 to Part 60—Test Methods 6 Through 10B

§ 60.111. § 60.112. § 60.113. § 60.114. § 60.115.

Method 7—Determination of Nitrogen Oxide Emissions From Stationary Sources

* * * * *

10.1.2 Determination of

Spectrophotometer-Calibration-Factor, K_{λ} :

Add 0-ml, 2-0-ml, 4-0-ml, 6-0-ml, and 8-0-ml of the KNO_3 working standard solution (1-ml = 100 $\mu\text{g NO}_3^-$) to a series of five 50-ml volumetric flasks. To each flask, add 25-ml of absorbing solution and 10-ml water. Add 1-N NaOH to each flask until the pH is between 9 and 12 (about 25 to 35 drops). Dilute to the mark with water. Mix thoroughly, and pipette a 25-ml aliquot of each solution into a separate porcelain evaporating dish. Beginning with the evaporation step, follow the analysis procedure of section 11.2 until the solution has been transferred to the 100-ml volumetric flask and diluted to the mark. Measure the absorbance of each solution at the optimum wavelength as determined in section 10.1.1. This calibration procedure must be repeated.

on each day that samples are analyzed.

Calculate the spectrophotometer calibration factor as shown in section 12.2.

,,*,*,*

11:1.3.3 Sample Analysis: Mix the contents of the flask thoroughly, and measure the absorbance at the optimum wavelength used for the standards (section 10.1.1), using the blank solution as a zero reference. Dilute the sample and the blank with equal volumes of water if the absorbance exceeds A_r ; the absorbance of the 400- μg NO_2 standard (see section 10.1.3).

* * * * *

Method 8—Determination of Sulfuric Acid and Sulfur Dioxide Emissions From Stationary Sources

6.1.1.1.1. Probe Nozzle: Borosilicate or quartz glass with a sharp, tapered leading edge and coupled to the probe liner using a polytetrafluoroethylene (PTFE) or glass-lined

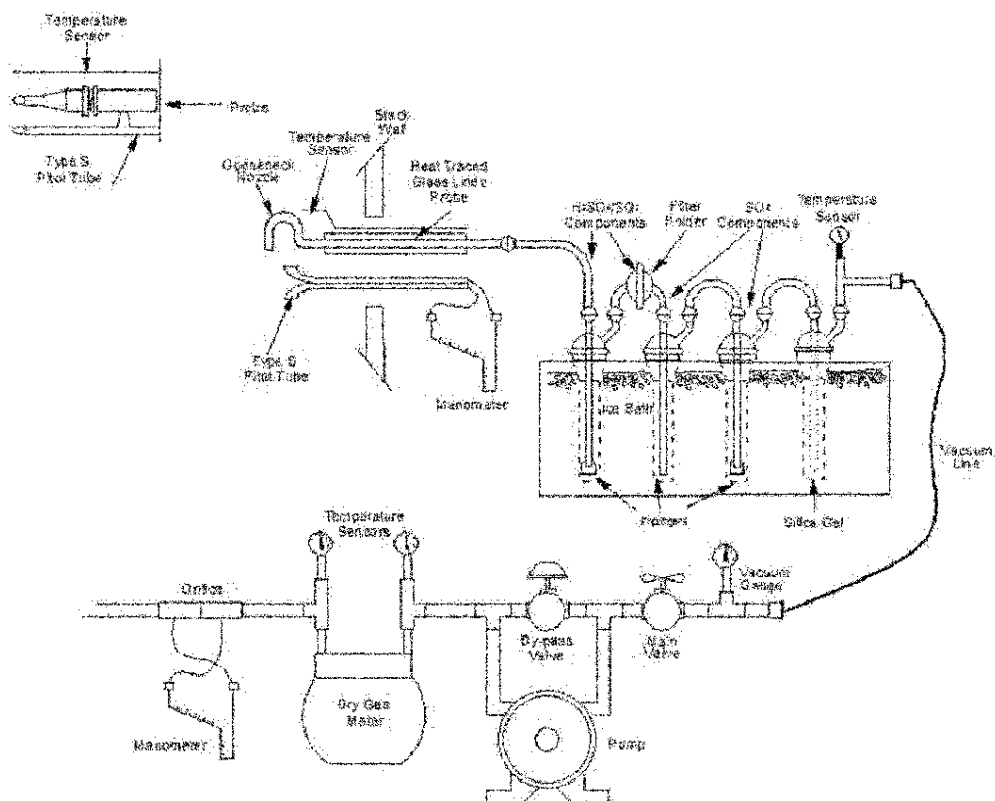
union (e.g., fused silica; Slice, or equivalent). When the stack temperature exceeds 210.°C (410.°F), a leak-free ground-glass fitting or other leak-free, non-contaminating fitting must be used to couple the nozzle to the probe liner. It is also acceptable to use a one-piece glass nozzle/liner assembly. The angle of the taper shall be ≤30°, and the taper shall be on the outside to preserve a constant internal diameter. The probe nozzle shall be of the button hook or elbow design, unless otherwise specified by the Administrator. Other materials of construction may be used, subject to the approval of the Administrator. A range of nozzle sizes suitable for isokinetic sampling should be available. Typical nozzle sizes range from 0.32 to 1.27 cm (1/8 to 1/2 in) inside diameter (ID) in increments of 0.16 cm (5/16 in). Larger nozzle sizes are also available if higher volume sampling trains are used.







~~17.0*~*~*~~



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Appendix A-6 to Part 60—[Amended]

■ 8. In Appendix A-6 to part 60, redesignate paragraph (c) as paragraph (b) in section 13.1 in Method 18.

■ 9. In appendix A-7 to part 60:

■ a. Revise sections 11.2.1 and 11.2.2 in Method 22.

■ b. Add section 11.2.3 in Method 22.

The revisions and addition read as follows:

Appendix A-7 to Part 60—Test Methods 19 Through 25E

*, *, *, *, *

Method 22—Visual Determination of Fugitive Emissions From Material Sources and Smoke Emissions From Flares

*, *, *, *, *

11.2.1 Outdoor Location. Record the following information on the field data sheet (Figure 22-1): Company name; industry; process unit; observer's name; observer's affiliation; and date. Record also the estimated wind speed; wind direction; and sky condition. Sketch the process unit being observed; and note the observer location relative to the source and the sun. Indicate the potential and actual emission points on the sketch. Alternatively, digital photography as described in section 11.2.3 may be used for a subset of the recordkeeping requirements of this section.

11.2.2 Indoor Location. Record the following information on the field data sheet (Figure 22-2): Company name; industry; process unit; observer's name; observer's affiliation; and date. Record as appropriate the type, location, and intensity of lighting on the data sheet. Sketch the process unit

being observed; and note the observer location relative to the source. Indicate the potential and actual fugitive emission points on the sketch. Alternatively, digital photography as described in section 11.2.3 may be used for a subset of the recordkeeping requirements of this section.

11.2.3 Digital Photographic Records. Digital photographs, annotated or unaltered, may be used to record and report sky conditions; observer's location relative to the source; observer's location relative to the sun; process unit being observed; potential emission points and actual emission points for the requirements in sections 11.2.1 and 11.2.2. The image must have the proper lighting, field of view and depth of field to properly distinguish the sky condition (if applicable); process unit; potential emission point and actual emission point. At least one digital photograph must be from the point of the view of the observer. The photograph(s) representing the environmental conditions including the sky conditions and the position of the sun relative to the observer and the emission point must be taken within a reasonable time of the observation (i.e., 15 minutes). When observations are taken from exactly the same observation point on a routine basis (i.e., daily) and as long as there are no modifications to the units depicted, only a single photograph each is necessary to document the observer's location relative to the emissions source; the process unit being observed; and the location of potential and actual emission points. Any photographs altered or annotated must be retained in an unaltered format for recordkeeping purposes.

*, *, *, *, *

■ 10. In appendix A-8 to part 60:

■ a. Revise section 6.2.2 in Method 26.

■ b. Revise section 6.2.1 in Method 26A.

■ c. Add section 6.2.4 in Method 26A.

$$\rho_i = (62.56 + (-0.0003413 \times T_{3i}) + (-0.00006225 \times T_{3i}^2)) 0.1337, \text{ lbs/gal} \quad \text{Eq. 8}$$

*, *, *, *, *

■ 11. In appendix B to part 60:

■ a. Add the following entries to the list of Performance Specifications in numeric order:

■ i. Performance Specification 12B—Specifications and Test Procedures for Monitoring Total Vapor Phase Mercury Emissions From Stationary Sources Using A Sorbent Trap Monitoring System.

■ ii. Performance Specification 17—[Reserved]

■ iii. Performance Specification 18—Performance Specifications and Test Procedures for Gaseous Hydrogen Chloride (HCl) Continuous Emission Monitoring Systems at Stationary Sources.

■ iv. PS-18—Appendix A Standard Addition Procedures

■ b. In Performance Specification 1, remove “D-6216-98” wherever it appears and add in its place “D6216-

12”; and revise section 2.1; the introductory text of section 13.0; sections 13.1 and 13.2; and paragraph 8 of section 16.0.

■ c. In Performance Specification 2, revise section 13.2.

■ d. In Performance Specification 3, revise sections 12.0 and 13.2.

■ e. In Performance Specification 11, revise section 13.1.

■ f. In Performance Specification 15, add reserved section 13.0.

■ g. In Performance Specification 18, revise section 11.8.7 and table 1 in section 17.0; and add reserved section 12.0 to PS-18.

The revisions and additions read as follows:

Appendix B to Part 60—Performance Specifications

*, *, *, *, *

■ d. Revise equation 8 in section 13.5.1 in Test Method 28WHH.

The revisions and additions read as follows:

Appendix A-8 to Part 60—Test Methods 26 Through 30B

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Method 26—Determination of Hydrogen Halide and Halogen Emissions From Stationary Sources Non-Isokinetic Method

*, *, *, *, *

6.2.2 Storage Containers. 400- or 250-ml; high-density polyethylene or glass sample storage containers with Teflon screw cap liners to store impinger samples.

*, *, *, *, *

Method 26A—Determination of Hydrogen Halide and Halogen Emissions From Stationary Sources Isokinetic Method

*, *, *, *, *

6.2.1 Probe Liner and Probe Nozzle. Brushes; Wash Bottles; Petri Dishes; Graduated Cylinder and/or Balance; and Rubber Policeman. Same as Method 5, sections 6.2.1; 6.2.2; 6.2.4; 6.2.5; and 6.2.7.

*, *, *, *, *

6.2.4 Sample Storage Containers. High-density polyethylene or glass sample storage containers with Teflon screw cap liners to store impinger samples.

*, *, *, *, *

Test Method 28WHH for Measurement of Particulate Emissions and Heating Efficiency of Wood-Fired Hydronic Heating Appliances

*, *, *, *, *

13.5.1

Performance Specification 1—Specifications and Test Procedures for Continuous Opacity Monitoring Systems in Stationary Sources

*, *, *, *, *

2.1 ASTM D6216-12 (incorporated by reference; see § 60.17) is the reference for design specifications; manufacturer's performance specifications; and test procedures. The opacity monitor manufacturer must periodically select and test an opacity monitor, that is representative of a group of monitors produced during a specified period or lot, for conformance with the design specifications in ASTM D6216-12. The opacity monitor manufacturer must test each opacity monitor for conformance with the manufacturer's performance specifications in ASTM D6216-12. Note: If the initial certification of the opacity monitor occurred before November 14, 2018 using D6216-98; D6216-03; or D6216-07; it is not necessary to recertify using D6216-12.

*, *, *, *, *

13.0 What Specifications Does a COMS Have to Meet for Certification?

A GOMS must meet the following design, manufacturer's performance, and field audit performance specifications:

Note: If the initial certification of the opacity monitor occurred before November 14, 2018 using D6216-08, D6216-03, or D6216-07, it is not necessary to recertify using D6216-12. A GOMS must meet the following design, manufacturer's performance, and field audit performance specifications:

13.1 Design Specifications: The opacity monitoring equipment must comply with the design specifications of ASTM D6216-12.

13.2 Manufacturer's Performance Specifications: The opacity monitor must comply with the manufacturer's performance specifications of ASTM D6216-12.

16.0 16.0

8. ASTM D6216-12, Standard Practice for Opacity Monitor Manufacturers to Certify

Conformance with Design and Performance Specifications, ASTM, October 2012.

13.2 Relative Accuracy Performance Specification.

Performance Specification 2—Specifications and Test Procedures for SO₂ and NO_x Continuous Emission Monitoring Systems in Stationary Sources.

13.2 Relative Accuracy Performance Specification.

	Calculate	RA criteria (%)
If average emissions during the RATA are ≥50% of emission standard:	Use Eq. 2-6, with RM in the denominator	≤20.0
If average emissions during the RATA are <50% of emission standard:	Use Eq. 2-6, emission standard in the denominator	≤10.0
For SO ₂ emission standards ≤130 but ≥86 ng/J (0.30 and 0.20 lb/million Btu):	Use Eq. 2-6, emission standard in the denominator	≤15.0
For SO ₂ emission standards <86 ng/J (0.20 lb/million Btu)	Use Eq. 2-6, emission standard in the denominator	≤20.0

13.2 Relative Accuracy Performance Specification.

Performance Specification 3—Specifications and Test Procedures for O₂ and CO₂ Continuous Emission Monitoring Systems in Stationary Sources.

13.2 Relative Accuracy Performance Specification.

12.0 Calculations and Data Analysis

Calculate the RA using equations 3-1 and 3-2. Summarize the results on a data sheet similar to that shown in Figure 2.2 of PS2.

$$RA = \frac{[|\bar{z}| + |CC|]}{\overline{RM}} \times 100$$

Eq. 3-1

Where:

$|\bar{z}|$ = Absolute value of the mean of the differences (from Equation 2-3 of Performance Specification 2).

$|CC|$ = Absolute value of the confidence coefficient (from Equation 2-5 of Performance Specification 2).

$\overline{RM}$ = Average Reference Method Value

$$RA = \frac{|\overline{RM} - \overline{CEMS}|}{\overline{RM}} \times 100 \quad \text{Eq. 3-2}$$

$\overline{RM}$ = Average Reference Method Value

$\overline{CEMS}$ = Average CEMS Value

13.2 Relative Accuracy Performance Specification.

The RA of the CEMS must be no greater than 20.0 percent of the mean value of the reference method (RM) data when calculated using equation 3-1. The results are also acceptable if the result of Equation 3-2 is less than or equal to 1.0 percent O₂ (or CO₂).

13.2 Relative Accuracy Performance Specification.

Performance Specification 11—Specifications and Test Procedures for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources.

13.2 Relative Accuracy Performance Specification.

13.1 What is the 7-day drift check performance specification? Your daily PM CEMS internal drift checks must demonstrate that the daily drift of your PM CEMS does not deviate from the value of the reference light, optical filter, Beta attenuation signal, or other technology suitable reference standard by more than 2 percent of the response range.

If your CEMS includes diluent and/or auxiliary monitors (for temperature, pressure, and/or moisture) that are employed as a necessary part of this performance specification, you must determine the calibration drift separately for each ancillary monitor in terms of its respective output (see the appropriate performance specification for the diluent CEMS specification). None of the calibration drifts may exceed their individual specification.

13.2 Relative Accuracy Performance Specification.

Performance Specification 15—Performance Specification for Extractive FTIR Continuous Emissions Monitor Systems in Stationary Sources

§ 63.7011 [Reserved]

13.0 Method Performance [Reserved]

§ 63.7012 [Reserved]

Performance Specification 16—Performance Specifications and Test Procedures for Gaseous Hydrogen Chloride (HCl) Continuous Emission Monitoring Systems at Stationary Sources

§ 63.7013 [Reserved]

11.9.7 The zero-level and mid-level GD for each day must be less than 5.0 percent of the span value as specified in section 13.2 of this PS. You must meet this criterion for 7 consecutive operating days.

§ 63.7014 [Reserved]

17.0 [Reserved]

TABLE 1—INTERFERENCE TEST GAS CONCENTRATIONS

Potential interferent gas ¹	Approximate concentration (balance N ₂)
CO ₂	15% ± 1% CO ₂
CO	100 ± 20 ppm
CH ₂ O	20 ± 5 ppm
CH ₄	100 ± 20 ppm
NH ₃	10 ± 5 ppm (extractive GEMS only)
NO	250 ± 50 ppm
SO ₂	200 ± 20 ppm
O ₂	3% ± 1% O ₂
H ₂ O	10% ± 1% H ₂ O
N ₂	Balance

¹ Any of these specific gases can be tested at a lower level if the manufacturer has provided reliable means for limiting or scrubbing that gas to a specified level in GEMS field installations.

² Gases for short-path IR cell interference tests cannot be added above 100 percent stack equivalent concentration. Add these gases at the indicated percentages to make up the remaining cell volume.

§ 63.7015 [Reserved]

PS-18 Appendix A Standard Addition Procedures

§ 63.7016 [Reserved]

12.0 [Reserved]

§ 63.7017 [Reserved]

■ 12. Revise sections 5.1.2(1) and (3) in Procedure 1 of appendix F to part 60 to read as follows:

Appendix F to Part 60—Quality Assurance Procedures

Procedure 1—Quality Assurance Requirements for Gas Continuous Emission Monitoring Systems Used For Compliance Determination

§ 63.7018 [Reserved]

5.1.2 [Reserved]

(1) Challenge the GEMS (both pollutant and diluent portions of the GEMS, if applicable) with an audit gas of known concentration at two points within the following ranges:

Audit point	Pollutant monitors	Audit range	
		Diluent monitors for	
		CO ₂	O ₂
1	20 to 30% of span value	5 to 8% by volume	4 to 6% by volume
2	50 to 60% of span value	10 to 14% by volume	8 to 12% by volume

Introduce each of the audit gases, three times each for a total of six challenges. Introduce the gases in such a manner that the entire GEMS is challenged. Do not introduce the same gas concentration twice in succession.

Use of separate audit gas cylinder for audit points 1 and 2. Do not dilute gas from audit cylinder when challenging the GEMS.

The monitor should be challenged at each audit point for a sufficient period of time to assure adsorption-desorption of the GEMS sample transport surfaces has stabilized.

§ 63.7019 [Reserved]

(3) Use Certified Reference Materials (CRM's) (See Citation 1) and audit gases that have been certified by comparison to National Institute of Standards and Technology (NIST) Standard Reference Materials (SRM's) or EPA Protocol Gases following the most recent edition of the EPA Traceability Protocol for Assay and Certification of Gaseous Calibration Standards (See Citation 2). Procedures for preparation of CRM's are described in Citation 1. Procedures for preparation of EPA Protocol Gases are described in Citation 2. In the case that a suitable audit gas level is not commercially available, Method 205 (See Citation 3) may be used to dilute CRM's or EPA Protocol Gases to the needed level. The difference between the actual concentration of the audit gas and the concentration indicated by the monitor is used to assess the accuracy of the GEMS.

§ 63.7020 [Reserved]

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

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

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

■ 14. In § 63.7, revise paragraphs (g)(2) introductory text and (g)(2)(v) to read as follows:

§ 63.7 Performance testing requirements.

§ 63.7 [Reserved]

(g) [Reserved]

(2) Contents of a performance test, CMS performance evaluation, or CMS quality assurance test report (electronic or paper submitted copy). Unless otherwise specified in a relevant standard, test method, CMS performance specification, or quality assurance requirement for a CMS, or as otherwise approved by the Administrator in writing, the report shall include the elements identified in paragraphs (g)(2)(i) through (vi) of this section.

§ 63.7 [Reserved]

(v) Where a test method, CEMS, PEMS, or COMS performance specification, or on-going quality assurance requirement for a CEMS, PEMS, or COMS requires you record or

report, the following shall be included in your report: Record of preparation of standards, record of calibrations, raw data sheets for field sampling, raw data sheets for field and laboratory analyses, chain-of-custody documentation, and example calculations for reported results.

§ 63.7 [Reserved]

■ 15. In § 63.8, revise paragraph (c)(5)(i) to read as follows:

§ 63.8 Monitoring requirements.

§ 63.8 [Reserved]

(c) [Reserved]

(5) [Reserved] (i) The owner or operator shall furnish the Administrator a copy of a written report of the results of the performance evaluation containing the information specified in § 63.7(g)(2)(i) through (vi) simultaneously with the results of the performance test required under § 63.7 or within 60 days of completion of the performance evaluation, unless otherwise specified in a relevant standard.

§ 63.8 [Reserved]

■ 16. Revise Table 6 to Subpart DDDDD of part 63 to read as follows:

Table 6 to Subpart DDDDD of Part 63—Fuel Analysis Requirements

As stated in § 63.7521, you must comply with the following requirements

for fuel analysis testing for existing, new defined in § 63.7575) may be used in discretion of the source owner or or reconstructed affected sources. lieu of the prescribed methods at the operator: However, equivalent methods (as

To conduct a fuel analysis for the following pollutant . . .	You must . . .	Using . . .
1. Mercury	a. Collect fuel samples b. Composite fuel samples c. Prepare composited fuel samples. d. Determine heat content of the fuel type. e. Determine moisture content of the fuel type. f. Measure mercury concentration in fuel sample. g. Convert concentration into units of pounds of mercury per MMBtu of heat content.	Procedure in § 63.7521(c) or ASTM D5192^a, or ASTM D7430^a, or ASTM D6883^a, or ASTM D2234/D2234M^a (for coal) or EPA 1631 or EPA 1631E or ASTM D6323^a (for solid), or EPA 821-R-01-013 (for liquid or solid), or ASTM D4177^a (for liquid), or ASTM D4057^a (for liquid), or equivalent. Procedure in § 63.7521(d) or equivalent. EPA SW-846-3050B^a (for solid samples), ASTM D2013/D2013M^a (for coal), ASTM D5198^a (for biomass), or EPA 3050^a (for solid fuel), or EPA 821-R-01-013^a (for liquid or solid), or equivalent. ASTM D5865^a (for coal) or ASTM E711^a (for biomass), or ASTM D5864^a for liquids and other solids, or ASTM D240^a or equivalent. ASTM D3173^a, ASTM E871^a, or ASTM D5864^a, or ASTM D240^a, or ASTM D95^a (for liquid fuels), or ASTM D4006^a (for liquid fuels), or equivalent. ASTM D6722^a (for coal), EPA SW-846-7471B^a or EPA 1631 or EPA 1631E^a (for solid samples), or EPA SW-846-7470A^a or EPA SW-846-7471B^a (for liquid samples), or EPA 821-R-01-013^a (for liquid or solid), or equivalent. For fuel mixtures use Equation 8 in § 63.7530.
2. HCl	a. Collect fuel samples b. Composite fuel samples c. Prepare composited fuel samples. d. Determine heat content of the fuel type. e. Determine moisture content of the fuel type. f. Measure chlorine concentration in fuel sample. g. Convert concentrations into units of pounds of HCl per MMBtu of heat content.	Procedure in § 63.7521(c) or ASTM D5192^a, or ASTM D7430^a, or ASTM D6883^a, or ASTM D2234/D2234M^a (for coal) or ASTM D6323^a (for coal or biomass), ASTM D4177^a (for liquid fuels) or ASTM D4057^a (for liquid fuels), or equivalent. Procedure in § 63.7521(d) or equivalent. EPA SW-846-3050B^a (for solid samples), ASTM D2013/D2013M^a (for coal), or ASTM D5198^a (for biomass), or EPA 3050^a or equivalent. ASTM D5865^a (for coal) or ASTM E711^a (for biomass), ASTM D5864^a, ASTM D240^a or equivalent. ASTM D3173^a, or ASTM E871^a, or D5864^a, or ASTM D240^a, or ASTM D95^a (for liquid fuels), or ASTM D4006^a (for liquid fuels), or equivalent. EPA SW-846-9250^a, ASTM D6721^a, ASTM D4208^a (for coal), or EPA SW-846-5050^a or ASTM E776^a (for solid fuel), or EPA SW-846-9056^a or SW-846-9076^a (for solids or liquids) or equivalent. For fuel mixtures use Equation 7 in § 63.7530 and convert from chlorine to HCl by multiplying by 1.028.
3. Mercury Fuel Specification for other gas 1 fuels.	a. Measure mercury concentration in the fuel sample and convert to units of micrograms per cubic meter, or. b. Measure mercury concentration in the exhaust gas when firing only the other gas 1 fuel is fired in the boiler or process heater.	Method 30B (M30B) at 40 CFR part 60, appendix A-8 of this chapter or ASTM D5954^a, ASTM D6350^a, ISO 6978-1:2003(E)^a, or ISO 6978-2:2003(E)^a, or EPA-1631^a or equivalent. Method 29, 30A, or 30B (M29, M30A, or M30B) at 40 CFR part 60, appendix A-8 of this chapter or Method 101A or Method 102 at 40 CFR part 61, appendix B of this chapter, or ASTM Method D6784^a or equivalent.
4. TSM	a. Collect fuel samples b. Composite fuel samples c. Prepare composited fuel samples. d. Determine heat content of the fuel type. e. Determine moisture content of the fuel type. f. Measure TSM concentration in fuel sample.	Procedure in § 63.7521(c) or ASTM D5192^a, or ASTM D7430^a, or ASTM D6883^a, or ASTM D2234/D2234M^a (for coal) or ASTM D6323^a (for coal or biomass), or ASTM D4177^a, (for liquid fuels), or ASTM D4057^a (for liquid fuels), or equivalent. Procedure in § 63.7521(d) or equivalent. EPA SW-846-3050B^a (for solid samples), ASTM D2013/D2013M^a (for coal), ASTM D5198^a or TAPPI T266^a (for biomass), or EPA 3050^a or equivalent. ASTM D5865^a (for coal) or ASTM E711^a (for biomass), or ASTM D5864^a for liquids and other solids, or ASTM D240^a or equivalent. ASTM D3173^a or ASTM E871^a, or D5864^a, or ASTM D240^a, or ASTM D95^a (for liquid fuels), or ASTM D4006^a (for liquid fuels), or ASTM D4177^a (for liquid fuels) or ASTM D4057^a (for liquid fuels), or equivalent. ASTM D3683^a, or ASTM D4606^a, or ASTM D6357^a or EPA 200.8^a or EPA SW-846-6020^a, or EPA SW-846-6020A^a, or EPA SW-846-6010C^a, EPA 7060^a or EPA 7060A^a (for arsenic only), or EPA SW-846-7740^a (for selenium only).

To conduct a fuel analysis for the following pollutant . . .	You must . . .	Using . . .
	g. Convert concentrations into units of pounds of TSM per MMBtu of heat content.	For fuel mixtures use Equation 9 in § 63.7530.

^aIncorporated by reference, see § 63.14.

* * * * *

■ 17. Revise Table 5 to Subpart UUUUU of part 63 to read as follows:

**Table 5 to Subpart UUUUU of Part 63—
Performance Testing Requirements**

As stated in § 63.10007, you must comply with the following requirements

for performance testing for existing, new or reconstructed affected sources: ¹

To conduct a performance test for the following pollutant . . .	Using . . .	You must perform the following activities, as applicable to your input- or output-based emission limit . . .	Using . . . ²
1. Filterable Particulate matter (PM).	Emissions Testing ...	a. Select sampling ports location and the number of traverse points. b. Determine velocity and volumetric flow-rate of the stack gas. c. Determine oxygen and carbon dioxide concentrations of the stack gas. d. Measure the moisture content of the stack gas. e. Measure the filterable PM concentration f. Convert emissions concentration to lb/MMBtu or lb/MWh emissions rates.	Method 1 at appendix A–1 to part 60 of this chapter. Method 2, 2A, 2C, 2F, 2G or 2H at appendix A–1 or A–2 to part 60 of this chapter. Method 3A or 3B at appendix A–2 to part 60 of this chapter, or ANSI/ASME PTC 19.10–1981. ³ Method 4 at appendix A–3 to part 60 of this chapter. Methods 5 and 5I at appendix A–3 to part 60 of this chapter. For positive pressure fabric filters, Method 5D at appendix A–3 to part 60 of this chapter for filterable PM emissions. Note that the Method 5 or 5I front half temperature shall be 160° ±14 °C (320° ±25 °F). Method 19 F-factor methodology at appendix A–7 to part 60 of this chapter, or calculate using mass emissions rate and gross output data (see § 63.10007(e)).
	OR PM CEMS	OR a. Install, certify, operate, and maintain the PM CEMS. b. Install, certify, operate, and maintain the diluent gas, flow rate, and/or moisture monitoring systems. c. Convert hourly emissions concentrations to 30 boiler operating day rolling average lb/MMBtu or lb/MWh emissions rates.	Performance Specification 11 at appendix B to part 60 of this chapter and Procedure 2 at appendix F to part 60 of this chapter. Part 75 of this chapter and § 63.10010(a), (b), (c), and (d). Method 19 F-factor methodology at appendix A–7 to part 60 of this chapter, or calculate using mass emissions rate and gross output data (see § 63.10007(e)).
2. Total or individual non-Hg HAP metals.	Emissions Testing ...	a. Select sampling ports location and the number of traverse points. b. Determine velocity and volumetric flow-rate of the stack gas. c. Determine oxygen and carbon dioxide concentrations of the stack gas. d. Measure the moisture content of the stack gas.	Method 1 at appendix A–1 to part 60 of this chapter. Method 2, 2A, 2C, 2F, 2G or 2H at appendix A–1 or A–2 to part 60 of this chapter. Method 3A or 3B at appendix A–2 to part 60 of this chapter, or ANSI/ASME PTC 19.10–1981. ³ Method 4 at appendix A–3 to part 60 of this chapter.

¹Regarding emissions data collected during periods of startup or shutdown, see §§ 63.10020(b) and (c) and 63.10021(h).

To conduct a performance test for the following pollutant . . .	Using . . .	You must perform the following activities, as applicable to your input- or output-based emission limit . . .	Using . . . ²
3. Hydrogen chloride (HCl) and hydrogen fluoride (HF).	Emissions Testing ...	e. Measure the HAP metals emissions concentrations and determine each individual HAP metals emissions concentration, as well as the total filterable HAP metals emissions concentration and total HAP metals emissions concentration. f. Convert emissions concentrations (individual HAP metals, total filterable HAP metals, and total HAP metals) to lb/MMBtu or lb/MWh emissions rates. a. Select sampling ports location and the number of traverse points. b. Determine velocity and volumetric flow-rate of the stack gas. c. Determine oxygen and carbon dioxide concentrations of the stack gas. d. Measure the moisture content of the stack gas. e. Measure the HCl and HF emissions concentrations.	Method 29 at appendix A–8 to part 60 of this chapter. For liquid oil-fired units, Hg is included in HAP metals and you may use Method 29, Method 30B at appendix A–8 to part 60 of this chapter; for Method 29, you must report the front half and back half results separately. When using Method 29, report metals matrix spike and recovery levels. Method 19 F-factor methodology at appendix A–7 to part 60 of this chapter, or calculate using mass emissions rate and gross output data (see §63.10007(e)). Method 1 at appendix A–1 to part 60 of this chapter. Method 2, 2A, 2C, 2F, 2G or 2H at appendix A–1 or A–2 to part 60 of this chapter. Method 3A or 3B at appendix A–2 to part 60 of this chapter, or ANSI/ASME PTC 19.10–1981.³ Method 4 at appendix A–3 to part 60 of this chapter. Method 26 or Method 26A at appendix A–8 to part 60 of this chapter or Method 320 at appendix A to part 63 of this chapter or ASTM D6348–03³ with (1) the following conditions when using ASTM D6348–03: (A) The test plan preparation and implementation in the Annexes to ASTM D6348–03, Sections A1 through A8 are mandatory; (B) For ASTM D6348–03 Annex A5 (Analyte Spiking Technique), the percent (%) R must be determined for each target analyte (see Equation A5.5); (C) For the ASTM D6348–03 test data to be acceptable for a target analyte, %R must be 70% ≥R ≤130%; and

3.c.1(D) The %R value for each compound must be reported in the test report and all field measurements corrected with the calculated %R value for that compound using the following equation:

$$\text{Reported Result} = \frac{(\text{Measured Concentration in Stack})}{\%R} \times 100$$

and

To conduct a performance test for the following pollutant . . . (cont'd)	Using . . . (cont'd)	You must perform the following activities, as applicable to your input- or output-based emission limit . . . (cont'd)	Using . . . ² (cont'd)
			(2) spiking levels nominally no greater than two times the level corresponding to the applicable emission limit. Method 26A must be used if there are entrained water droplets in the exhaust stream.

To conduct a performance test for the following pollutant . . . (cont'd)	Using . . . (cont'd)	You must perform the following activities, as applicable to your input- or output-based emission limit . . . (cont'd)	Using . . . ² (cont'd)
4. Mercury (Hg)	OR HCl and/or HF CEMS.	f. Convert emissions concentration to lb/MMBtu or lb/MWh emissions rates.	Method 19 F-factor methodology at appendix A–7 to part 60 of this chapter, or calculate using mass emissions rate and gross output data (see §63.10007(e)).
	Emissions Testing ...	OR a. Install, certify, operate, and maintain the HCl or HF CEMS. b. Install, certify, operate, and maintain the diluent gas, flow rate, and/or moisture monitoring systems. c. Convert hourly emissions concentrations to 30 boiler operating day rolling average lb/MMBtu or lb/MWh emissions rates.	Appendix B of this subpart. Part 75 of this chapter and §63.10010(a), (b), (c), and (d). Method 19 F-factor methodology at appendix A–7 to part 60 of this chapter, or calculate using mass emissions rate and gross output data (see §63.10007(e)).
		a. Select sampling ports location and the number of traverse points. b. Determine velocity and volumetric flow-rate of the stack gas. c. Determine oxygen and carbon dioxide concentrations of the stack gas. d. Measure the moisture content of the stack gas. e. Measure the Hg emission concentration	Method 1 at appendix A–1 to part 60 of this chapter or Method 30B at Appendix A–8 for Method 30B point selection. Method 2, 2A, 2C, 2F, 2G or 2H at appendix A–1 or A–2 to part 60 of this chapter. Method 3A or 3B at appendix A–1 to part 60 of this chapter, or ANSI/ASME PTC 19.10–1981. ³ Method 4 at appendix A–3 to part 60 of this chapter. Method 30B at appendix A–8 to part 60 of this chapter, ASTM D6784, ³ or Method 29 at appendix A–8 to part 60 of this chapter; for Method 29, you must report the front half and back half results separately.
		f. Convert emissions concentration to lb/TBtu or lb/GWh emission rates.	Method 19 F-factor methodology at appendix A–7 to part 60 of this chapter, or calculate using mass emissions rate and gross output data (see §63.10007(e)).
	OR Hg CEMS	OR a. Install, certify, operate, and maintain the CEMS. b. Install, certify, operate, and maintain the diluent gas, flow rate, and/or moisture monitoring systems. c. Convert hourly emissions concentrations to 30 boiler operating day rolling average lb/TBtu or lb/GWh emissions rates.	Sections 3.2.1 and 5.1 of appendix A of this subpart. Part 75 of this chapter and §63.10010(a), (b), (c), and (d). Section 6 of appendix A to this subpart.
	OR Sorbent trap monitoring system.	OR a. Install, certify, operate, and maintain the sorbent trap monitoring system. b. Install, operate, and maintain the diluent gas, flow rate, and/or moisture monitoring systems. c. Convert emissions concentrations to 30 boiler operating day rolling average lb/TBtu or lb/GWh emissions rates.	Sections 3.2.2 and 5.2 of appendix A to this subpart. Part 75 of this chapter and §63.10010(a), (b), (c), and (d).
	OR LEE testing	OR a. Select sampling ports location and the number of traverse points.	Section 6 of appendix A to this subpart. Single point located at the 10% centroidal area of the duct at a port location per Method 1 at appendix A–1 to part 60 of this chapter or Method 30B at Appendix A–8 for Method 30B point selection.
		b. Determine velocity and volumetric flow-rate of the stack gas. c. Determine oxygen and carbon dioxide concentrations of the stack gas.	Method 2, 2A, 2C, 2F, 2G, or 2H at appendix A–1 or A–2 to part 60 of this chapter or flow monitoring system certified per appendix A of this subpart. Method 3A or 3B at appendix A–1 to part 60 of this chapter, or ANSI/ASME PTC 19.10–1981, ³ or diluent gas monitoring systems certified according to part 75 of this chapter.

To conduct a performance test for the following pollutant . . . (cont'd)	Using . . . (cont'd)	You must perform the following activities, as applicable to your input- or output-based emission limit . . . (cont'd)	Using . . . ² (cont'd)
5. Sulfur dioxide (SO ₂)	SO ₂ CEMS	d. Measure the moisture content of the stack gas. e. Measure the Hg emission concentration f. Convert emissions concentrations from the LEE test to lb/TBtu or lb/GWh emissions rates. g. Convert average lb/TBtu or lb/GWh Hg emission rate to lb/year, if you are attempting to meet the 29.0 lb/year threshold. a. Install, certify, operate, and maintain the CEMS. b. Install, operate, and maintain the diluent gas, flow rate, and/or moisture monitoring systems. c. Convert hourly emissions concentrations to 30 boiler operating day rolling average lb/MMBtu or lb/MWh emissions rates.	Method 4 at appendix A-3 to part 60 of this chapter, or moisture monitoring systems certified according to part 75 of this chapter. Method 30B at appendix A-8 to part 60 of this chapter; perform a 30 operating day test, with a maximum of 10 operating days per run (<i>i.e.</i>, per pair of sorbent traps) or sorbent trap monitoring system or Hg CEMS certified per appendix A of this subpart. Method 19 F-factor methodology at appendix A-7 to part 60 of this chapter, or calculate using mass emissions rate and gross output data (see §63.10007(e)). Potential maximum annual heat input in TBtu or potential maximum electricity generated in GWh. Part 75 of this chapter and §63.10010(a) and (f). Part 75 of this chapter and §63.10010(a), (b), (c), and (d). Method 19 F-factor methodology at appendix A-7 to part 60 of this chapter, or calculate using mass emissions rate and gross output data (see §63.10007(e)).

- 18. In appendix A to Part 63:
- a. Revise section 12.4 in Method 303.
- b. Revise section 2.0 in Method 308.
- c. Remove and reserve section 7.2.2 in Method 308.
- d. Revise sections 7.2.3.3, 8.1.2, 9.1, 11.3.2, and 12.1 in Method 308.
- e. Add sections 12.5 and 13.0 in Method 308.
- f. Revise sections 8.2.2.4 and 9.2.3 in Method 320.
- g. Revise section 12.9 in Method 323.

- h. Revise section 8.2.1.3, Figure 8.1, and section 8.2.3.2 in Method 325A.
 - i. Add sections 8.2.3.3 and 8.4.3 in Method 325A.
 - j. Revise sections 9.3.2, 9.13, 11.3.2.5, and 12.2.2 in Method 325B.
 - k. Remove sections 12.2.3 and 12.2.4 in Method 325B.
 - l. Revise table 17.1 in Method 325B.
- The revisions and additions read as follows:

Appendix A to Part 63—Test Methods

* * * * *

Method 303—Determination of Visible Emissions From By-Product Coke Oven Batteries

* * * * *

12.4 Average Duration of VE from Charging Operations. Use Equation 303-3 to calculate the daily 30-day rolling log average of seconds of visible emissions from the charging operation for each battery using these current day's observations and the 29 previous valid daily sets of observations.

$$\text{logarithmic average} = e^y - 1$$

(Eq. 303-3)

$$\text{where } y = \frac{\ln(X_1 + 1) + \ln(X_2 + 1) + \dots + \ln(X_n + 1)}{A}$$

Method 308—Procedure for Determination of Methanol Emission From Stationary Sources

* * * * *

2.0 Summary of Method

A gas sample is extracted from the sampling point in the stack. The methanol is collected in deionized distilled water and adsorbed on silica gel. The sample is

returned to the laboratory where the methanol in the water fraction is separated from other organic compounds with a gas chromatograph (GC) and is then measured by a flame ionization detector (FID). The fraction adsorbed on silica gel is extracted with deionized distilled water and is then separated and measured by GC/FID.

* * * * *

7.2.2 [Reserved]

* * * * *

7.2.3.3 Methanol Standards for Adsorbent Tube Samples. Prepare a series of methanol standards by first pipetting 10 ml of the methanol working standard into a 100-ml volumetric flask and diluting the contents to exactly 100 ml with deionized distilled water. This standard will contain 10 µg/ml of methanol. Pipette 5, 15, and 25 ml of this

² See Tables 1 and 2 to this subpart for required sample volumes and/or sampling run times.

³ Incorporated by reference, see § 63.14.

standard, respectively, into three 50-ml volumetric flasks. Dilute each solution to 50 ml with deionized distilled water. These standards will have 1, 3, and 5 µg/ml of methanol, respectively. Transfer all four standards into 40-ml glass vials capped with Teflon[®]-lined septa and store under refrigeration. Discard any excess solution.

* * * * *

8.1.2 Leak Check. A leak check before and after the sampling run is mandatory. The leak-check procedure is as follows:

Temporarily attach a suitable (e.g., 0- to 40-ml/min) rotameter to the outlet of the DGM, and place a vacuum gauge at or near the probe inlet. Plug the probe inlet, pull a vacuum of at least 250 mm (10 inch) Hg or the highest vacuum experienced during the sampling run, and note the flow rate as

indicated by the rotameter. A leakage rate in excess of 2 percent of the average sampling rate is acceptable.

Note: Carefully release the probe inlet plug before turning off the pump.

* * * * *

9.1 Miscellaneous Quality Control Measures. The following quality control measures are required:

Section	Quality control measure	Effect
8.1.2, 8.1.3, 10.1	Sampling equipment leak check and calibration	Ensures accurate measurement of sample volume.
10.2	GC calibration	Ensures precision of GC analysis.
13.0	Methanol spike recovery check	Verifies all methanol in stack gas is being captured in impinging/adsorbent tube setup.

* * * * *

11.3.2 Desorption of Samples. Add 3 ml of deionized distilled water to each of the stoppered vials and shake or vibrate the vials for 30 minutes.

* * * * *

12.1 Nomenclature.

C_{af} = Concentration of methanol in the front of the adsorbent tube, µg/ml.

C_{ab} = Concentration of methanol in the back of the adsorbent tube, µg/ml.

C_1 = Concentration of methanol in the impinger portion of the sample train, µg/ml.

E = Mass emission rate of methanol, µg/hr (lb/hr).

m_s = Total mass of compound measured in impinger and on adsorbent with spiked train (mg).

m_u = Total mass of compound measured in impinger and on adsorbent with unspiked train (mg).

m_v = Mass per volume of spiked compound measured (mg/L).

M_{tot} = Total mass of methanol collected in the sample train, µg.

P_{bar} = Barometric pressure at the exit orifice of the DGM, mm Hg (in. Hg).

P_{std} = Standard absolute pressure, 760 mm Hg (29.92 in. Hg).

Q_{std} = Dry volumetric stack gas flow rate corrected to standard conditions, dscm/hr (dscf/hr).

R = fraction of spiked compound recovered
 s = theoretical concentration (ppm) of spiked target compound

T_m = Average DGM absolute temperature, degrees K (°R).

T_{std} = Standard absolute temperature, 293 degrees K (528 °R).

V_{af} = Volume of front half adsorbent sample, ml.

V_{ab} = Volume of back half adsorbent sample, ml.

V_1 = Volume of impinger sample, ml.

V_m = Dry gas volume as measured by the DGM, dry cubic meters (dcm), dry cubic feet (dcf).

$V_{m(std)}$ = Dry gas volume measured by the DGM, corrected to standard conditions, dry standard cubic meters (dscm), dry standard cubic feet (dscf).

* * * * *

12.5 Recovery Fraction (R)

Equation 308-4

$$m_v = \frac{m_s}{V_s} - \frac{m_u}{V_u}$$

$$R = \frac{m_v \times v_s}{s}$$

Equation 308-5

13.0 Method Performance

Since a potential sample may contain a variety of compounds from various sources, a specific precision limit for the analysis of field samples is impractical. Precision in the range of 5 to 10 percent relative standard deviation (RSD) is typical for gas chromatographic techniques, but an experienced GC operator with a reliable instrument can readily achieve 5 percent RSD. For this method, the following combined GC/operator values are required.

(a) Precision. Calibration standards must meet the requirements in section 10.2.1 or 10.2.2 as applicable.

(b) Recovery. After developing an appropriate sampling and analytical system for the pollutants of interest, conduct the following spike recovery procedure at each

sampling point where the method is being applied.

i. Methanol Spike. Set up two identical sampling trains. Collocate the two sampling probes in the stack. The probes shall be placed in the same horizontal plane, where the first probe tip is 2.5 cm from the outside edge of the other. One of the sampling trains shall be designated the spiked train and the other the unspiked train. Spike methanol into the impinger, and onto the adsorbent tube in the spiked train prior to sampling. The total mass of methanol shall be 40 to 60 percent of the mass expected to be collected with the unspiked train. Sample the stack gas into the two trains simultaneously. Analyze the impingers and adsorbents from the two trains utilizing identical analytical procedures and instrumentation. Determine the fraction of

spiked methanol recovered (R) by combining the amount recovered in the impinger and in the adsorbent tube, using the equations in section 12.5. Recovery values must fall in the range: $0.70 \leq R \leq 1.30$. Report the R value in the test report.

ii. [Reserved]

* * * * *

Method 320—Measurement of Vapor Phase Organic and Inorganic Emissions By Extractive Fourier Transform Infrared (FTIR) Spectroscopy

* * * * *

8.2.2.4 Determine the percent leak volume % V_L for the signal integration time t_{ss} and for ΔP_{max} , i.e., the larger of ΔP_v or ΔP_p , as follows:

$$\%V_L = 50t_{ss} \frac{\Delta P_{max}}{P_s} \quad (2)$$

Where:

50 = 100% divided by the leak-check time of 2 minutes.

9.2.3 Calculate the dilution ratio using the tracer gas as follows:

* * * * *

$$DF = \frac{SF_{6(spik)}}{SF_{6(dir)}}$$

(3)

Where :

$$CS = DF * Spike_{dir} + Unspike (1 - DF)$$

(4)

DF = Dilution factor of the spike gas; this value shall be ≥10.

SF_{6(dir)} = SF₆ (or tracer gas) concentration measured directly in undiluted spike gas.

SF_{6(spik)} = Diluted SF₆ (or tracer gas) concentration measured in a spiked sample.

Spike_{dir} = Concentration of the analyte in the spike standard measured by filling the FTIR cell directly.

CS = Expected concentration of the spiked samples.

Unspike = Native concentration of analytes in unspiked samples.

* * * * *

Method 323—Measurment of Formaldehyde Emissions From Natural Gas-Fired Stationary Sources-Acetyl Acetone Derivitization Method

* * * * *

12.9 Formaldehyde Concentration Corrected to 15% Oxygen

* * * * *

$$C_{form@15\%O_2} = C_{form} \frac{(20.9-15)}{(20.9-O_{2d})}$$

Eq. 323-8

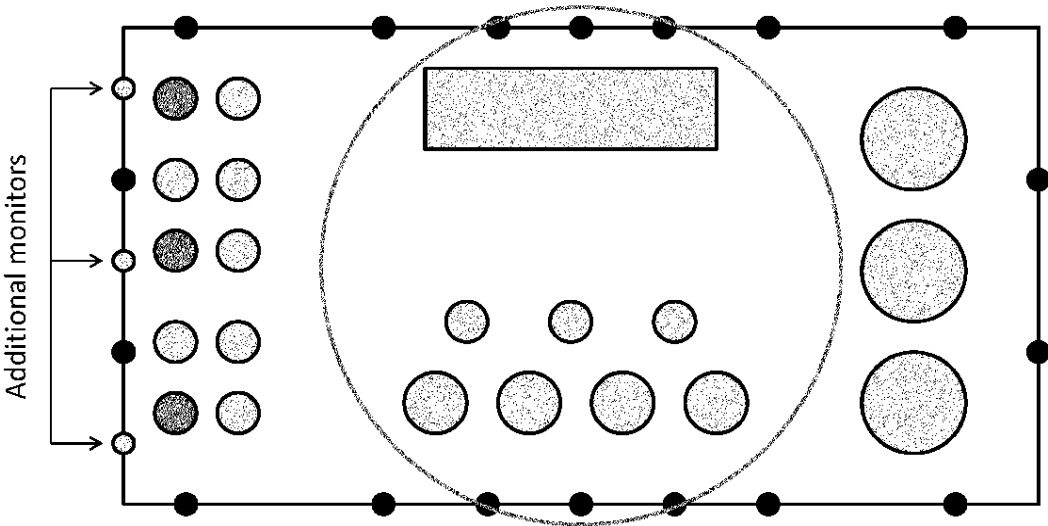
Method 325A—Volatile Organic Compounds From Fugitive and Area Sources: Sampler Deployment and VOC Sample Collection

* * * * *

8.2.1.3 An extra sampler must be placed near known sources of VOCs if potential emission sources are within 50 meters (162

feet) of the boundary and the source or sources are located between two monitors. Measure the distance (x) between the two monitors and place another monitor approximately halfway between (x/2 ±10 percent) the two monitors. Only one extra sampler is required between two monitors to

account for known sources of VOCs. For example, in Figure 8.1, the facility added three additional monitors (i.e., light shaded sampler locations), and in Figure 8.2, the facility added two additional monitors to provide sufficient coverage of all area sources.



Refinery (20° Angle)

Note: Shaded sources are within 50 meters of the property boundary and are located between two monitors. Additional coverage required by this method was accomplished by placing the monitors halfway between two existing monitors.

Figure 8.1. Facility with a Regular Shape Between 750 and 1,500 Acres in Area

* * * * *

8.2.3.2 For facilities with a monitoring perimeter length greater than or equal to 7,315 meters (24,000 feet), sampling locations are spaced 610 ± 76 meters ($2,000 \pm 250$ feet) apart.

8.2.3.3 Unless otherwise specified in an applicable regulation, permit or other requirement, for small disconnected subareas with known sources within 50 meters (162 feet) of the monitoring perimeter, sampling points need not be placed closer than 152 meters (500 feet) apart as long as a minimum of 3 monitoring locations are used for each subarea.

* * * * *

8.4.3 When extenuating circumstances do not permit safe deployment or retrieval of passive samplers (e.g., extreme weather, power failure), sampler placement or retrieval earlier or later than the prescribed

schedule is allowed but must occur as soon as safe access to sampling sites is possible.

* * * * *

Method 325B—Volatile Organic Compounds From Fugitive and Area Sources: Sampler Preparation and Analysis

* * * * *

9.3.2 Field blanks must be shipped to the monitoring site with the sampling tubes and must be stored at the sampling location throughout the monitoring exercise. The field blanks must be installed under a protective hood/cover at the sampling location, but the long-term storage caps must remain in place throughout the monitoring period (see Method 325A). The field blanks are then shipped back to the laboratory in the same container as the sampled tubes. Collect at least two field blank samples per sampling period to ensure sample integrity associated with shipment, collection, and storage.

* * * * *

9.13 Routine CCV at the Start of a Sequence. Run CCV before each sequence of

analyses and after every tenth sample to ensure that the previous multi-level calibration (see section 10.0) is still valid.

* * * * *

11.3.2.5 Whenever the thermal desorption—GC/MS analytical method is changed or major equipment maintenance is performed, you must conduct a new five-level calibration (see section 10.0). System calibration remains valid as long as results from subsequent CCV are within 30 percent of the most recent 5-point calibration (see section 9.13). Include relevant CCV data in the supporting information in the data report for each set of samples.

* * * * *

12.2.2 Determine the equivalent concentrations of compounds in atmospheres as follows. Correct target compound concentrations determined at the sampling site temperature and atmospheric pressure to standard conditions (25°C and 760 mm mercury) using Equation 12.5.

$$C_c = \frac{(m_{meas}) * 10^6}{U_{NTP} * \left[\frac{t_{ss}}{298.15} \right]^{\frac{1}{2}} * t}$$

Eq. 12.5

Where:

m_{meas} = The mass of the compound as measured in the sorbent tube (μg).

t = The exposure time (minutes).

t_{ss} = The average temperature during the collection period at the sampling site (K).

U_{NTP} = The method defined diffusive uptake rate (sampling rate) (mL/min).

Note: Diffusive uptake rates (U_{NTP}) for common VOCs, using carbon sorbents packed into sorbent tubes of the dimensions specified in section 6.1, are listed in Table 12.1. Adjust analytical conditions to keep expected sampled masses within range (see sections 11.3.1.3 to 11.3.1.5). Best possible method detection limits are typically in

the order of 0.1 ppb for 1,3-butadiene and 0.05 ppb for volatile aromatics such as benzene for 14-day monitoring. However, actual detection limits will depend upon the analytical conditions selected.

* * * * *

TABLE 17.1—SUMMARY OF GC/MS ANALYSIS QUALITY CONTROL PROCEDURES

Parameter	Frequency	Acceptance criteria	Corrective action
Bromofluorobenzene Instrument Tune Performance Check.	Daily ^a prior to sample analysis	Evaluation criteria presented in Section 9.5 and Table 9.2.	(1) Retune and or (2) Perform Maintenance.
Five point calibration bracketing the expected sample concentration.	Following any major change, repair or maintenance or if daily CCV does not meet method requirements. Recalibration not to exceed three months.	(1) Percent Deviation (%DEV) of response factors $\pm 30\%$. (2) Relative Retention Times (RRTs) for target peaks ± 0.06 units from mean RRT.	(1) Repeat calibration sample analysis. (2) Repeat linearity check. (3) Prepare new calibration standards as necessary and repeat analysis.
Calibration Verification (CCV Second source calibration verification check).	Following the calibration curve	The response factor $\pm 30\%$ DEV from calibration curve average response factor.	(1) Repeat calibration check. (2) Repeat calibration curve.
Laboratory Blank Analysis	Daily ^a following bromofluoro benzene and calibration check; prior to sample analysis.	(1) ≤ 0.2 ppbv per analyte or ≤ 3 times the LOD, whichever is greater. (2) Internal Standard (IS) area response $\pm 40\%$ and IS Retention Time (RT) ± 0.33 min. of most recent calibration check.	(1) Repeat analysis with new blank tube. (2) Check system for leaks, contamination. (3) Analyze additional blank.
Blank Sorbent Tube Certification ...	One tube analyzed for each batch of tubes cleaned or 10 percent of tubes whichever is greater.	< 0.2 ppbv per VOC targeted compound or 3 times the LOD, whichever is greater.	Re-clean all tubes in batch and reanalyze.
Samples—Internal Standards	All samples	IS area response $\pm 40\%$ and IS RT ± 0.33 min. of most recent calibration validation.	Flag Data for possible invalidation.

TABLE 17.1—SUMMARY OF GC/MS ANALYSIS QUALITY CONTROL PROCEDURES—Continued

Parameter	Frequency	Acceptance criteria	Corrective action
Field Blanks	Two per sampling period	No greater than one-third of the measured target analyte or compliance limit.	Flag Data for possible invalidation due to high blank bias.

^a Every 24 hours.

* * * * *

[FR Doc. 2018–24747 Filed 11–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2018–0222; FRL–9986–31–Region 9]

Approval of Arizona Air Plan; Hayden Lead Nonattainment Area Plan for the 2008 Lead Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the State of Arizona to meet Clean Air Act (CAA or “Act”) requirements applicable to the Hayden lead nonattainment area (“Hayden Lead NAA”). The EPA is approving the base year emissions inventory, the attainment demonstration, the control strategy, including reasonably available control technology and reasonably available control measures demonstrations, the reasonable further progress demonstration, and the contingency measure as meeting the requirements of the CAA and the EPA’s implementing regulations for the 2008 lead national ambient air quality standard (NAAQS). We also find that the State has demonstrated that the Arizona SIP meets the new source review (NSR) requirements of CAA section 172(c)(5) for the Hayden Lead NAA.

DATES: This final rule is effective on December 14, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2018–0222. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on

the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Ginger Vagenas, EPA Region IX, 415–972–3964, Vagenas.Ginger@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, the terms “we,” “us,” and “our” mean the EPA.

Table of Contents

- I. Background
- II. Proposed Action and Public Comment
- III. Final Action
- IV. Statutory and Executive Order Reviews

I. Background

Lead is generally emitted in the form of particles that are deposited in water, soil, and dust. People may be exposed to lead by inhaling it or by ingesting lead-contaminated food, water, soil, or dust. Once in the body, lead is quickly absorbed into the bloodstream and can result in a broad range of adverse health effects including damage to the central nervous system, cardiovascular function, kidneys, immune system, and red blood cells. Children are particularly vulnerable to lead exposure, in part because they are more likely to ingest lead and in part because their still-developing bodies are more sensitive to the effects of lead. The harmful effects to children’s developing nervous systems (including their brains) arising from lead exposure may include IQ¹ loss, poor academic achievement, long-term learning disabilities, and an increased risk of delinquent behavior.

The EPA first established a lead standard in 1978 at 1.5 micrograms per meter cubed (µg/m³) as a quarterly average.² Based on new health and scientific data, the EPA revised the federal lead standard to 0.15 µg/m³ and

revised the averaging time for the standard on October 15, 2008.³ A violation of the standard occurs when ambient lead concentrations exceed 0.15 µg/m³ averaged over a 3-month rolling period.

Following the promulgation of a new or revised NAAQS, the EPA is required by the CAA to designate areas throughout the United States as attaining or not attaining the NAAQS. This process is set forth in section 107(d)(1) of the Act. After initially being designated unclassifiable due to insufficient monitoring data, the Hayden area was redesignated nonattainment on September 3, 2014, effective October 3, 2014.^{4,5} The designation of the Hayden area as nonattainment for the 2008 lead NAAQS triggered requirements under section 191(a) of the CAA requiring Arizona to submit a SIP revision with a plan to attain the standard as expeditiously as practicable, but no later than October 3, 2019.

The Arizona Department of Environmental Quality (ADEQ) is the air quality agency that develops SIP revisions for the Hayden area. The SIP revision for the Hayden Lead NAA, entitled “SIP Revision: Hayden Lead Nonattainment Area” (“2017 Hayden Lead Plan” or “Plan”) was adopted by ADEQ on March 3, 2017, and submitted to the EPA on the same day.⁶ The Plan includes a 2012 base year emissions inventory, a demonstration that controls required under the Plan are sufficient to bring the area into attainment of the 2008 lead NAAQS, an analysis that demonstrates reasonably available control measures/reasonably available control technology (RACM/RACT) levels of control are required to be implemented, a demonstration that the Plan provides for reasonable further progress (RFP) towards attainment, and a contingency measure that will be implemented if the area fails to make

¹ 73 FR 66964 (November 12, 2008) (“lead NAAQS rule”).

² 79 FR 52205.

³ For an exact description of the Hayden Lead NAA, see 40 CFR 81.303.

⁴ Letter dated March 3, 2017, from Timothy S. Franquist, Director, Air Quality Division, ADEQ, to Alexis Strauss, Acting Regional Administrator, EPA Region IX.

¹ IQ (intelligence quotient) is a score created by dividing a person’s mental age score, obtained by administering an intelligence test, by the person’s chronological age, both expressed in terms of years and months. “Glossary of Important Assessment and Measurement Terms,” Philadelphia, PA: National Council on Measurement in Education. 2016.

² 43 FR 46246 (October 5, 1978).

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–1014 to read as follows:

§ 165.T08–1014 Security Zone; Corpus Christi Ship Channel. Corpus Christi, TX.

(a) *Location.* The following area is a security zone:

(1) For LNG GOLAR TUNDRA transiting shoreward of the seaward extremity of the Aransas Pass Jetties in the Corpus Christi Ship Channel and La Quinta Channel, the waters within a 500 yards of LNG GOLAR TUNDRA while transiting until moored.

(2) The mooring basin bound by 27°52′53.38″ N, 097°16′20.66″ W on the northern shoreline; thence to 27°52′45.58″ N, 097°16′19.60″ W; thence to 27°52′38.55″ N, 097°15′45.56″ W; thence to 27°52′49.30″ N, 097°15′45.44″ W; thence west along the shoreline to 27°52′53.38″ N, 097°16′20.66″ W, while LNG GOLAR TUNDRA is moored.

(b) *Effective/enforcement period.* This section is effective without actual notice from November 20, 2018 until November 21, 2018. For the purposes of enforcement, actual notice will be used from November 11, 2018 through November 20, 2018. Enforcement of this section began from the time LNG GOLAR TUNDRA entered the Corpus Christi Ship Channel on November 11, 2018 and will continue until LNG

GOLAR TUNDRA's departure on or about November 21, 2018.

(c) *Regulations.* (1) The general regulations in § 165.33 of this part apply. Entry into these zones are prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Corpus Christi.

(2) Persons or vessels desiring to enter or pass through the zones must request permission from the COTP Sector Corpus Christi on VHF–FM channel 16 or by telephone at 361–939–0450.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate of the enforcement times and date for these security zones.

Dated: November 9, 2018.

J.E. Smith,

Captain, U.S. Coast Guard, Acting Captain of the Port Sector Corpus Christi.

[FR Doc. 2018–25251 Filed 11–19–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 60, and 63

[EPA–HQ–OAR–2016–0510; FRL–9986–42–OAR]

RIN 2060–AS95

Revisions to Testing Regulations for Air Emission Sources

Correction

In rule document 2018–24747, appearing on pages 56713 through 56734 in the issue of Wednesday, November 14, 2018 make the following correction:

■ On page 56732, the asterisks directly above Eq. 323–8 were printed in error and those after were omitted. The equation is corrected to appear as set forth below:

Appendix A to Part 63 [Corrected]

Method 323-Measurement of Formaldehyde Emissions From Natural Gas-Fired Stationary Sources-Acetyl Acetone Derivatization Method

* * * * *

$$C_{form@15\%O_2} = C_{form} \frac{(20.9-15)}{(20.9-O_{2d})}$$

Eq. 323-8

* * * * *

[FR Doc. C1–2018–24747 Filed 11–19–18; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0460; FRL–9985–98]

Bacillus amyloliquefaciens strain ENV503; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of *Bacillus amyloliquefaciens* strain ENV503 in or on all food commodities when this pesticide chemical is used in

accordance with label directions and good agricultural practices. Envera, LLC submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *Bacillus*

amyloliquefaciens strain ENV503 in or on all food commodities under FFDCA.

DATES: This regulation is effective November 20, 2018. Objections and requests for hearings must be received on or before January 22, 2019, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0460, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs

Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: BPPDFRNotices@epa.gov.

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 110

[Docket ID: DOD-2018-OS-0046]

RIN 0790-AK32

Standard Rates of Subsistence Allowance and Commutation Instead of Uniforms for Members of the Senior Reserve Officers' Training Corps**AGENCY:** Office of the Under Secretary for Personnel and Readiness, DoD.**ACTION:** Final rule.

SUMMARY: This final rule removes DoD's regulation which provides internal processes and accounting information in order to provide subsistence and commutation instead of uniforms to members of Senior Reserve Officers' Training Corps (ROTC) programs located at eligible colleges and universities. Examples of eligible colleges and universities include The Citadel and Virginia Military Institute where students wear a uniform prescribed by the institution instead of Service-specific uniforms.

DATES: This rule is effective on February 28, 2019.**FOR FURTHER INFORMATION CONTACT:** LTCOL Naomi Y. Henigin, 703-695-5529.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures that are publicly available on the Department's issuance website. DoD internal guidance concerning subsistence and commutation to members of Senior ROTC programs located at eligible colleges and universities will continue to be published in DoD Instruction 1215.08, "Senior Reserve Officers' Training Corps (ROTC) Programs," available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/121508p.pdf?ver=2019-01-29-121836-737>.

This rule is not significant under Executive Order (E.O.) 12866, "Regulatory Planning and Review," therefore, E.O. 13771, "Reducing Regulation and Controlling Regulatory Costs" does not apply.

List of Subjects in 32 CFR Part 110

Armed forces reserves, Colleges and universities. Reporting and recordkeeping requirements. Wages.

PART 110—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 110 is removed.

Dated: February 25, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019-03517 Filed 2-27-19; 8:45 am]

BILLING CODE 5001-06-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA-HQ-OAR-2004-0309; FRL-9988-79-OAR]

RIN 2060-AT47

National Emission Standards for Hazardous Air Pollutants: Wet-Formed Fiberglass Mat Production Residual Risk and Technology Review**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This action finalizes the residual risk and technology review (RTR) conducted for the Wet-Formed Fiberglass Mat Production source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, we are taking final action addressing startup, shutdown, and malfunction (SSM), electronic reporting, and clarification of rule provisions. These final amendments address emissions during periods of SSM; add electronic reporting; revise certain monitoring, recordkeeping, and reporting requirements; and include other miscellaneous technical and editorial changes. These final amendments will result in improved compliance and implementation of the rule.

DATES: This final rule is effective on February 28, 2019. The incorporation by reference (IBR) of certain publications listed in the rule is approved by the Director of the Federal Register as of February 28, 2019.

ADDRESSES: The Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA-HQ-OAR-2004-0309. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material,

is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <https://www.regulations.gov>, or in hard copy at the EPA Docket Center, EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Docket Center is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact Keith Barnett, Sector Policies and Programs Division (D243-04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-5605; fax number: (919) 541-4991; and email address: barnett.keith@epa.gov. For specific information regarding the risk modeling methodology, contact Ted Palma, Health and Environmental Impacts Division (C539-02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-5470; fax number: (919) 541-0840; and email address: palma.ted@epa.gov. For information about the applicability of the NESHAP to a particular entity, contact Sara Ayres, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, U.S. EPA Region 5 (Mail Code E-19J), 77 West Jackson Boulevard, Chicago, Illinois 60604; telephone number: (312) 353-6266; and email address: ayres.sara@epa.gov.

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act
CDX Central Data Exchange
CEDRI Compliance and Emissions Data Reporting Interface
CFR Code of Federal Regulations
EPA Environmental Protection Agency
ERT Electronic Reporting Tool
HAP hazardous air pollutant(s)
HI hazard index
HQ hazard quotient
IBR incorporation by reference
ICR information collection request
km kilometer
MACT maximum achievable control technology

MIR maximum individual risk
 NAICS North American Industry Classification System
 NESHAP national emission standards for hazardous air pollutants
 NRDC Natural Resources Defense Council
 NTTAA National Technology Transfer and Advancement Act
 OMB Office of Management and Budget
 OSHA Office of Safety and Health Administration
 PRA Paperwork Reduction Act
 REL reference exposure level
 RFA Regulatory Flexibility Act
 RTR residual risk and technology review
 SDS safety data sheet
 SSM startup, shutdown, and malfunction
 the Court United States Court of Appeals for the District of Columbia Circuit
 TOSHI target organ-specific hazard index
 tpy tons per year
 UMRA Unfunded Mandates Reform Act
 VCS voluntary consensus standards

Background information. On April 6, 2018, the EPA proposed revisions to the Wet-Formed Fiberglass Mat Production NESHAP based on our RTR (83 FR 14997). In this action, we are finalizing decisions and revisions for the rule. We summarize some of the more significant comments we timely received regarding the proposed rule and provide our responses in this preamble. A summary of all other public comments on the proposal and the EPA's responses to those comments is available in "Summary of Public Comments and Responses for Wet-Formed Fiberglass Mat Production Risk and Technology Review," Docket ID No. EPA-HQ-OAR-2004-0309. A "track changes" version of the regulatory language that incorporates the changes in this action is available in the docket.

Organization of this document. The information in this preamble is organized as follows:

I. General Information

- A. Does this action apply to me?
- B. Where can I get a copy of this document and other related information?
- C. Judicial Review and Administrative Reconsideration

II. Background

- A. What is the statutory authority for this action?
- B. What is the Wet-Formed Fiberglass Mat Production source category and how does the NESHAP regulate HAP emissions from the source category?
- C. What changes did we propose for the Wet-Formed Fiberglass Mat Production source category in our April 6, 2018, proposal?

III. What is included in this final rule?

- A. What are the final rule amendments based on the risk review for the Wet-Formed Fiberglass Mat Production source category?
- B. What are the final rule amendments based on the technology review for the Wet-Formed Fiberglass Mat Production source category?

- C. What are the final rule amendments addressing emissions during periods of startup, shutdown, and malfunction?
 - D. What other changes have been made to the NESHAP?
 - E. What are the effective and compliance dates of the standards?
 - F. What are the requirements for submission of performance test data to the EPA?
- IV. What is the rationale for our final decisions and amendments for the Wet-Formed Fiberglass Mat Production source category?
- A. Residual Risk Review for the Wet-Formed Fiberglass Mat Production Source Category
 - B. Technology Review for the Wet-Formed Fiberglass Mat Production Source Category
 - C. Startup, Shutdown, and Malfunction for the Wet-Formed Fiberglass Mat Production Source Category
 - D. Other Revisions To Monitoring, Performance Testing, and Reporting Requirements for the Wet-Formed Fiberglass Mat Production Source Category
 - E. Requirements for Submission of Performance Tests for the Wet-Formed Fiberglass Mat Production Source Category
- V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted
- A. What are the affected facilities?
 - B. What are the air quality impacts?
 - C. What are the cost impacts?
 - D. What are the economic impacts?
 - E. What are the benefits?
 - F. What analysis of environmental justice did we conduct?
 - G. What analysis of children's environmental health did we conduct?
- VI. Statutory and Executive Order Reviews
- A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
 - B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs
 - C. Paperwork Reduction Act (PRA)
 - D. Regulatory Flexibility Act (RFA)
 - E. Unfunded Mandates Reform Act (UMRA)
 - F. Executive Order 13132: Federalism
 - G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
 - H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
 - I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
 - J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR part 51
 - K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
 - L. Congressional Review Act (CRA)

I. General Information

A. Does this action apply to me?

Regulated entities. Categories and entities potentially regulated by this action are shown in Table 1 of this preamble.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

NESHAP and source category	NAICS code ¹
Wet-Formed Fiberglass Mat Production	327212

¹ North American Industry Classification System.

Table 1 of this preamble is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by the final action for the source category listed. To determine whether your facility is affected, you should examine the applicability criteria in the appropriate NESHAP. If you have any questions regarding the applicability of any aspect of this NESHAP, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at: <https://www.epa.gov/stationary-sources-air-pollution/wet-formed-fiberglass-mat-production-national-emission-standards>. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents at this same website.

Additional information is available on the RTR website at <https://www3.epa.gov/ttn/atw/rtr/rtrpg.html>. This information includes an overview of the RTR program, links to project websites for the RTR source categories, and detailed emissions and other data we used as inputs to the risk assessments.

C. Judicial Review and Administrative Reconsideration

Under Clean Air Act (CAA) section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit (the Court) by April

29, 2019. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, EPA WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority for this action?

Section 112 of the CAA establishes a two-stage regulatory process to address emissions of hazardous air pollutants (HAP) from stationary sources. In the first stage, we must identify categories of sources emitting one or more of the HAP listed in CAA section 112(b) and then promulgate technology-based NESHAP for those sources. "Major sources" are those that emit, or have the potential to emit, any single HAP at a rate of 10 tons per year (tpy) or more, or 25 tpy or more of any combination of HAP. For major sources, these standards are commonly referred to as maximum achievable control technology (MACT) standards and must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). In developing MACT standards, CAA section 112(d)(2) directs the EPA to consider the application of measures, processes, methods, systems, or techniques, including, but not limited

to those that reduce the volume of or eliminate HAP emissions through process changes, substitution of materials, or other modifications; enclose systems or processes to eliminate emissions; collect, capture, or treat HAP when released from a process, stack, storage, or fugitive emissions point; are design, equipment, work practice, or operational standards; or any combination of the above.

For these MACT standards, the statute specifies certain minimum stringency requirements, which are referred to as MACT floor requirements, and which may not be based on cost considerations. See CAA section 112(d)(3); *National Lime Ass'n v. EPA*, 233 F.3d 625, 640 (D.C. Cir. 2000). For new sources, the MACT floor cannot be less stringent than the emission control achieved in practice by the best-controlled similar source. The MACT standards for existing sources can be less stringent than floors for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources). In developing MACT standards, we must also consider control options that are more stringent than the floor under CAA section 112(d)(2). We may establish standards more stringent than the floor, based on the consideration of the cost of achieving the emissions reductions, any non-air quality health and environmental impacts, and energy requirements.

In the second stage of the regulatory process, the CAA requires the EPA to undertake two different analyses, which we refer to as the technology review and the residual risk review. Under the technology review, we must review the technology-based standards and revise them "as necessary (taking into account developments in practices, processes, and control technologies)" no less frequently than every 8 years, pursuant to CAA section 112(d)(6). Under the residual risk review, we must evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. The residual risk review is required within 8 years after promulgation of the technology-based standards, pursuant to CAA section 112(f). In conducting the residual risk review, if the EPA

determines that the current standards provide an ample margin of safety to protect public health, it is not necessary to revise the MACT standards pursuant to CAA section 112(f).¹ For more information on the statutory authority for this rule, see 83 FR 14984, April 6, 2018.

B. What is the Wet-Formed Fiberglass Mat Production source category and how does the NESHAP regulate HAP emissions from the source category?

The EPA promulgated the Wet-Formed Fiberglass Mat Production NESHAP on April 11, 2002 (67 FR 17824). The standards are codified at 40 CFR part 63, subpart HHHH. The Wet-Formed Fiberglass Mat Production industry consists of facilities that use formaldehyde-based resins to bond glass fibers together to make wet-formed fiberglass mat, which can be used as a substrate for multiple roofing products, as reinforcement for various plastic, cement, and gypsum products, and in miscellaneous specialty products. Methanol is also present in some, but not all, resins used to produce wet-formed fiberglass mat. In a typical wet-formed fiberglass mat production line, glass fibers are mixed with water and emulsifiers in large mixing vats to form a slurry of fibers and water. The glass fiber slurry is then pumped to a mat forming machine, where it is dispensed in a uniform curtain over a moving screen belt. The mat is then carried beneath a binder saturator, where binder solution is uniformly applied onto the surface of the mat. This resin-binder application process includes the screen passing over a vacuum, which draws away the excess binder solution for recycling. The mat of fibers and binder then passes into drying and curing ovens that use heated air to remove excess moisture and harden (*i.e.*, cure) the binder. Upon exiting the ovens, the mat is cooled, trimmed, wound, and packaged to product specifications. The primary HAP emitted during production of wet-formed fiberglass mat is formaldehyde, which is classified as a probable human carcinogen; and methanol, which is not classified as a carcinogen. The source category covered by this MACT standard currently includes seven facilities.

The affected source is each wet-formed fiberglass mat drying and curing oven. The NESHAP regulates emissions

¹ The Court has affirmed this approach of implementing CAA section 112(f)(2)(A): *NRDC v. EPA*, 529 F.3d 1077, 1083 (D.C. Cir. 2008) ("If EPA determines that the existing technology-based standards provide an 'ample margin of safety,' then the Agency is free to readopt those standards during the residual risk rulemaking.").

of HAP through emission standards for formaldehyde, which is also used as a surrogate for total HAP emissions. Facilities subject to the NESHAP must meet either a mass emission limit or percentage reduction requirement for each drying and curing oven. The emission standards are the same for new and existing drying and curing ovens. The emission limits for the exhaust from new and existing drying and curing ovens are: (1) A maximum formaldehyde emission rate of 0.03 kilograms per megagram of wet-formed fiberglass mat produced (0.05 pounds per ton of wet-formed fiberglass mat produced) or (2) a minimum of 96-percent destruction efficiency of formaldehyde. Thermal oxidizers are used by facilities subject to the NESHAP to control their drying and curing oven exhausts.

C. What changes did we propose for the Wet-Formed Fiberglass Mat Production source category in our April 6, 2018, proposal?

On April 6, 2018, the EPA published a proposed rule in the **Federal Register** for the Wet-Formed Fiberglass Mat Production NESHAP, that took into consideration the RTR analyses (83 FR 14997, April 6, 2018). Based on the residual risk analysis, we proposed that risks from the source category are acceptable, that the NESHAP provides an ample margin of safety to protect public health, and that a more stringent standard is not necessary to prevent an adverse environmental effect. Accordingly, we did not propose revisions to the numerical emission limits based on our residual risk analysis. Based on the technology review, we proposed that there are no developments in practices, processes, and control technologies that warrant revisions to the MACT standards for this source category. Accordingly, we did not propose any changes under the technology review. In addition, we proposed amendments to the SSM provisions and revisions to monitoring, recordkeeping, and reporting requirements in the following three ways: (1) Performance test results would be submitted electronically; (2) compliance reports would be submitted semiannually when deviations from applicable standards occur; and (3) parameter monitoring would no longer be required during periods when a non-HAP binder is being used. We also proposed miscellaneous technical and editorial changes.

III. What is included in this final rule?

This action finalizes the EPA's determinations for the Wet-Formed

Fiberglass Mat Production source category pursuant to CAA sections 112(d)(6) and (f)(2). This action also finalizes other changes to the NESHAP, including amendments to the SSM provisions and a change to the proposed definition of "shutdown" to reflect comments we received on the proposal. Other changes include revisions to monitoring, recordkeeping, and reporting requirements to require electronic submittal of performance test report results; submittal of semiannual compliance reports for when deviations from applicable standards occur; and removal of parameter monitoring and performance testing requirements during periods when a non-HAP binder is being used. We are also finalizing miscellaneous technical and editorial changes that we proposed in April 2018. This action also reflects several changes to certain aspects of the April 2018 proposal that are in response to comments received during the public comment period. These changes are described in section IV of this preamble.

A. What are the final rule amendments based on the risk review for the Wet-Formed Fiberglass Mat Production source category?

This section introduces the final amendments to the Wet-Formed Fiberglass Mat Production NESHAP being promulgated pursuant to CAA section 112(f). As proposed, we are finalizing our finding that risks remaining after implementation of the existing MACT standards for this source category are acceptable. Also as proposed, we are finalizing the determination that the current NESHAP provides an ample margin of safety to protect public health. Therefore, we are not finalizing any revisions to the numerical emission limits based on these analyses conducted under CAA section 112(f).

B. What are the final rule amendments based on the technology review for the Wet-Formed Fiberglass Mat Production source category?

We determined that there are no developments in practices, processes, and control technologies that warrant revisions to the MACT standards for this source category. Therefore, we are not finalizing revisions to the MACT standards under CAA section 112(d)(6).

C. What are the final rule amendments addressing emissions during periods of startup, shutdown, and malfunction?

We are finalizing proposed amendments to the Wet-Formed Fiberglass Mat Production NESHAP to remove and revise provisions related to

SSM. In its 2008 decision in *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008), the Court vacated portions of two provisions in the EPA's CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some section 112 standards apply continuously.

As proposed, we have eliminated the SSM exemption, which is contained in 40 CFR 63.2986(g)(1). Consistent with *Sierra Club v. EPA*, the EPA has established standards in this rule that apply at all times. As explained at proposal, we have also revised Table 2 to 40 CFR part 63, subpart HHHH (the General Provisions applicability table), in several respects. For example, we have eliminated the incorporation of the General Provisions' requirement for a source to develop an SSM plan. We have also eliminated and revised certain recordkeeping and reporting requirements that are related to the SSM exemption as described in detail in the proposed rule and summarized again here.

In establishing the standards in this rule, the EPA has taken into account periods of startup and shutdown and, for the reasons explained in the April 2018 proposal and below, has not established alternate standards for those periods.

As explained at proposal, periods of startup, normal operations, and shutdown are all predictable and routine aspects of a source's operations. As also explained at proposal, because thermal oxidizer controls are employed during all periods that a drying and curing oven is processing binder-infused fiberglass mat, there is no need to establish separate formaldehyde standards for periods of startup and shutdown (83 FR 14998). We did, however, propose definitions of startup and shutdown for purposes of this subpart. The proposed definitions clarified that it is not the setting in and cessation of operation of the drying and curing oven (*i.e.*, affected source) that accurately define startup and shutdown, but, rather, the setting in and cessation of operation of the drying and curing of any binder-infused fiberglass mat. We also explained that it is this binder-infused fiberglass mat, not the ovens themselves, that emit HAP. Therefore, we found that it was appropriate to establish definitions for startup and shutdown based on the setting in and

cessation of operation of the drying and curing oven. Further, in response to comments on our proposal, we have made minor clarifications to the definition of shutdown in the final rule in order to account for the residence time of the binder-infused fiberglass mat in the oven, and to aid facilities in establishing periods of shutdown when emissions from the drying oven cease. We have also revised definitions for startup and shutdown to consistently refer to the material being processed as “binder-infused fiberglass mat.” Finally, we have added a definition of “maximum residence time” to 40 CFR 63.3004 and a formula that facilities must use to determine the maximum residence time for each production line.

This reflects the Agency’s response to comments received on our proposal that indicated shutdown would end when the maximum residence time has elapsed after binder-infused fiberglass mat is no longer entering the oven. Typically, residence times are of short duration for wet-formed fiberglass mat lines, and are on the order of less than 10 seconds to less than 1 minute. The maximum residence time is the longest time that a particular point on the fiberglass mat could remain in the drying and curing oven, and is based on the length of the drying and curing oven and the slowest line speed normally operated on the line, excluding periods of ramping up to speed during startup. Air pollution controls continue to operate through shutdown, and all emissions from the ovens continue to be routed to the air pollution control equipment until shutdown is completed.

With regard to malfunctions, the EPA did not propose separate standards for periods of malfunction. At proposal, we explained our interpretation of CAA section 112 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 112 standards. We noted that this reading has been upheld as reasonable by the Court in *U.S. Sugar Corp. v. EPA*, 830 F.3d 579, 606–610 (2016). The EPA further explained that, “although no statutory language compels EPA to set standards for malfunctions, EPA has the discretion to do so where feasible. EPA will consider whether circumstances warrant setting standards for a particular type of malfunction and, if so, whether the EPA has sufficient information to identify the relevant best performing sources and establish a standard for such malfunctions” (83 FR 14999).

The EPA is not finalizing separate standards for periods of malfunction.

While we requested comment for work practice standards during periods of malfunction, and received some information in support of such standards, we did not receive sufficient information on which to base a malfunction standard.

As further explained at proposal, “[i]n the event that a source fails to comply with the applicable CAA section 112(d) standards as a result of a malfunction event, the EPA would determine an appropriate response based on, among other things, the good faith efforts of the source to minimize emissions during malfunction periods, including preventive and corrective actions, as well as root cause analyses to ascertain and rectify excess emissions. The EPA would also consider whether the source’s failure to comply with the CAA section 112(d) standard was, in fact, sudden, infrequent, not reasonably preventable and was not instead caused in part by poor maintenance or careless operation. 40 CFR 63.2 (definition of malfunction). If the EPA determines in a particular case that an enforcement action against a source for violation of an emission standard is warranted, the source can raise any and all defenses in that enforcement action and the Federal District Court will determine what, if any, relief is appropriate. The same is true for citizen enforcement actions. Similarly, the presiding officer in an administrative proceeding can consider any defense raised and determine whether administrative penalties are appropriate” (83 FR 14999).

The following aspects for the SSM provisions are being finalized as proposed, with minor corrections and clarifications.

1. 40 CFR 63.2986 General Duty

As discussed at proposal, we are revising the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.6(e)(1)(i) by changing the “yes” in column 3 to a “no.” At proposal, we explained that 40 CFR 63.6(e)(1)(i) describes the general duty to minimize emissions and contains language that we consider no longer necessary or appropriate in light of the elimination of the SSM exemption. We proposed adding general duty regulatory text at 40 CFR 63.2986(g) that reflects the general duty to minimize emissions while eliminating the reference to periods covered by an SSM exemption. We further explained that the current language in 40 CFR 63.6(e)(1)(i) characterizes what the general duty entails during periods of SSM, and that with the elimination of the SSM exemption, there would be no need to

differentiate between normal operations, startup and shutdown, and malfunction events in describing the general duty. Therefore, the language the EPA proposed for 40 CFR 63.2986(g) did not include that language from 40 CFR 63.6(e)(1). These revisions are being finalized as proposed, with the exception of minor grammatical corrections and clarifications.

Consistent with our proposal, we are also revising the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.6(e)(1)(ii) by changing the “yes” in column 3 to a “no.” As explained at proposal, 40 CFR 63.6(e)(1)(ii) imposes requirements that are either not necessary with the elimination of the SSM exemption or are redundant with the general duty requirement being added at 40 CFR 63.2986.

2. SSM Plan

Consistent with our proposal, we are revising the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.6(e)(3) by changing the “yes” in column 3 to a “no.” Generally, these paragraphs require development of an SSM plan and specify recordkeeping and reporting requirements related to the SSM plan. As noted at proposal, the EPA is removing the SSM exemption. Therefore, affected units will be subject to an emission standard during such events. We believe that the applicability of a standard during such events will ensure that sources have ample incentive to plan for and achieve compliance and, thus, the SSM plan requirements are no longer necessary.

3. Compliance with Standards

Consistent with our proposal, we are revising the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.6(f)(1) by changing the “yes” in column 3 to a “no.” As explained at proposal, the current language of 40 CFR 63.6(f)(1) exempts sources from non-opacity standards during periods of SSM. As discussed above, the Court in *Sierra Club* vacated the exemptions contained in this provision and held that the CAA requires that some CAA section 112 standards apply continuously. Consistent with *Sierra Club*, the EPA is revising standards in this rule to apply at all times. This change means that sources would no longer be exempt from nonopacity standards during periods of SSM.

4. 40 CFR 63.2992 Performance Testing

Consistent with our proposal, we are revising the General Provisions table

(Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.7(e)(1) by changing the “yes” in column 3 to a “no.” As explained at proposal, 40 CFR 63.7(e)(1) describes performance testing requirements and, in order to reflect the removal of the SSM exemption, the EPA proposed adding performance testing requirements at 40 CFR 63.2992(e). The revised regulatory text does not include the language in 40 CFR 63.7(e)(1) that restates the SSM exemption and language that precluded startup and shutdown periods from being considered “representative” for purposes of performance testing and the revised performance testing provisions exclude periods of startup and shutdown. Similar to 40 CFR 63.7(e)(1), the revisions to 40 CFR 63.2992(e) specify that performance tests conducted under this subpart should not be conducted during malfunctions; as noted at proposal, conditions during malfunctions are often not representative of normal operating conditions. We also proposed adding language that would require the owner or operator to record both the process information that is necessary to document operating conditions during performance testing and an explanation to support that such conditions represent normal operation. We explained that 40 CFR 63.7(e) requires that the owner or operator make available to the Administrator such records “as may be necessary to determine the condition of the performance test” available to the Administrator upon request, but does not specifically require the information to be recorded. We further explained that the regulatory text the EPA is adding to this provision builds on that requirement and makes explicit the requirement to record the information. These revisions are being finalized as proposed, with the exception of minor grammatical corrections and clarifications.

5. Monitoring

Consistent with our proposal, we are revising the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.8(c)(1)(i) and (iii) by changing the “yes” in column 3 to a “no.” As explained at proposal, cross-references to the general duty and SSM plan requirements in those subparagraphs are not necessary in light of other requirements of 40 CFR 63.8 that require good air pollution control practices (40 CFR 63.8(c)(1)) and that set out the requirements of a quality control program for monitoring equipment (40 CFR 63.8(d)).

Consistent with our proposal, we are revising the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.8(d)(3) by changing the “yes” in column 3 to a “no.” At proposal, we had explained that the final sentence in 40 CFR 63.8(d)(3) refers to the General Provisions’ SSM plan requirement that is no longer applicable. The EPA also proposed adding text in 40 CFR 63.2994(a)(2) that is identical to 40 CFR 63.8(d)(3) except that the final sentence would be replaced with the following sentence: “You should include the program of corrective action in the plan required under § 63.8(d)(2).”

6. 40 CFR 63.2998 Recordkeeping

Consistent with our proposal, we are revising the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.10(b)(2)(i) by changing the “yes” in column 3 to a “no.” As explained at proposal, 40 CFR 63.10(b)(2)(i) describes the recordkeeping requirements during startup and shutdown. These recordkeeping provisions are no longer necessary with the removal of the SSM exemption, and, instead, the EPA is extending the requirements for recordkeeping and reporting under normal operations to startup and shutdown. As also previously explained in response to comments, we have revised the definition of shutdown in order to account for the residence time of the binder-infused fiberglass mat in the oven to help sources establish periods of shutdown and to determine when HAP emissions from ovens would cease. In the absence of special provisions applicable to startup and shutdown, such as a startup and shutdown plan, additional recordkeeping for startup and shutdown periods is now limited to records used to establish the maximum residence time that any binder-infused fiberglass mat would remain in the drying and curing oven and to determine the time of shutdown. As discussed in section III.C of this preamble, shutdown ends when the maximum residence time has elapsed after binder infused fiberglass mat is no longer entering the oven. The maximum residence time must be determined for each production line. Typically, residence times are very short for wet-formed fiberglass mat lines, on the order of less than 10 seconds to less than 1 minute. Therefore, we are also requiring facilities to maintain records showing how the maximum residence time was derived for each line.

Consistent with our proposal, we are also revising the General Provisions table (Table 2 to 40 CFR part 63, subpart

HHHH) entry for 40 CFR 63.10(b)(2)(ii) by changing the “yes” in column 3 to a “no.” At proposal, we explained that 40 CFR 63.10(b)(2)(ii) describes the recordkeeping requirements during a malfunction and we proposed adding the same requirements to 40 CFR 63.2998(g). We noted, however, that the proposed regulatory text differs from the General Provisions given that 40 CFR 63.10(b)(2)(ii) requires the creation and retention of a record of the occurrence and duration of each malfunction of process, air pollution control, and monitoring equipment. Instead, we proposed recordkeeping requirements for any failure to meet an applicable standard and also proposed requiring that the source record the date, time, and duration of the failure rather than an “occurrence.” The EPA also proposed adding to 40 CFR 63.2998(g) a requirement that sources keep records that include a list of the affected source or equipment and actions taken to minimize emissions, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions. We also provided examples of such methods, which included product-loss calculations, mass-balance calculations, measurements when available, or engineering judgment based on known process parameters. The EPA further proposed requiring sources to keep records of information related to any failure to meet applicable standards in order to ensure that there is adequate information to allow the EPA to determine the severity of any failure to meet a standard, and to provide data that documents how the source met the general duty requirement to minimize emissions when the source failed to meet an applicable standard.

Consistent with our proposal, we are revising the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.10(b)(2)(iv) by changing the “yes” in column 3 to a “no.” As explained at proposal, when applicable, this provision requires sources to record actions taken during SSM events when actions were inconsistent with their SSM plan. This requirement is no longer appropriate because SSM plans will no longer be required. We further explained that the requirement previously applicable under 40 CFR 63.10(b)(2)(iv)(B) to record actions to minimize emissions and record corrective actions would now be applicable by reference to 40 CFR 63.2988(g).

Consistent with our proposal, we are revising the General Provisions table (Table 2 to 40 CFR part 63, subpart

HHHH) entry for 40 CFR 63.10(b)(2)(v) by changing the “yes” in column 3 to a “no.” As explained at proposal, when applicable, this provision requires sources to record actions taken during SSM events to show that actions taken were consistent with their SSM plan. As further explained, the requirement is no longer appropriate because SSM plans will no longer be required.

Consistent with our proposal, we are revising the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.10(c)(15) by changing the “yes” in column 3 to a “no.” As explained at proposal, with the elimination of the SSM exemption, 40 CFR 63.10(c)(15), which allows an owner or operator to either use the affected source’s SSM plan or keep records to satisfy the recordkeeping requirements of the SSM plan, specified in 40 CFR 63.6(e), and the requirements of 40 CFR 63.10(c)(10) through (12), is now superfluous. Consistent with our proposal, the EPA is eliminating this requirement because SSM plans are no longer required.

7. 40 CFR 63.3000 Reporting

Consistent with our proposal, we are revising the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.10(d)(5) by changing the “yes” in column 3 to a “no.” As explained at proposal, 40 CFR 63.10(d)(5) describes the reporting requirements for startups, shutdowns, and malfunctions. To replace the General Provisions reporting requirement, the EPA proposed adding reporting requirements to 40 CFR 63.3000(c). We explained that the replacement language differs from the General Provisions requirement in that it eliminates periodic SSM reports as a stand-alone report. Subject to the correction described below, we are promulgating language requiring sources that fail to meet an applicable standard at any time to report the relevant information concerning such events in a compliance report. Compliance reporting on a quarterly basis is currently required under the existing NESHAP. We are changing this reporting period from a quarterly (four times a year) to a semiannual (twice a year) basis, as discussed further below. We are also correcting an error that occurred at publication of the proposed rule where the published rule text inadvertently included the same proposed revisions for both 40 CFR 63.3000(c)(5) and (6), and did not read as explained in the proposal (83 FR 15000). These provisions specify the content requirements for semiannual compliance reports before and after the

compliance date for this final rule. We did not receive any comments on the proposed language for these provisions. We are correcting 40 CFR 63.3000(c)(5) by including the correct language, which specifies that the content requirements of semiannual compliance reports prior to the compliance date for this final rule would include the existing rule requirements. We are also correcting 40 CFR 63.3000(c)(6) to indicate that after the compliance date for this rule, the report must contain the number, date, time, duration, and the cause of such events (including whether the cause is unknown, if applicable), a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions. As previously explained, examples of such methods include product-loss calculations, mass-balance calculations, direct measurements, or engineering judgment based on known process parameters. It also includes calculations for maximum residence time to reflect revisions being made in the final rule in response to comments on the proposed definition of shutdown. The EPA is promulgating this requirement to ensure that there is adequate information to determine compliance, to allow the EPA to determine the severity of the failure to meet an applicable standard, and to provide data that may document how the source met the general duty requirement to minimize emissions during a failure to meet an applicable standard.

As also proposed, we will no longer require owners or operators to determine whether actions taken to correct a malfunction are consistent with an SSM plan, because, as previously discussed, such plans are no longer required. The final amendments, therefore, specify in 40 CFR 63.3000(d) that the SSM reports (required by 40 CFR 63.10(d)(5)) are no longer required after the compliance dates for this rule. Malfunction events will be reported in otherwise required reports having similar format and submittal requirements, so these reporting specifications are unnecessary and are being removed.

8. Definitions

We are promulgating definitions of “Startup,” “Shutdown,” and “Maximum residence time” in 40 CFR 63.3004. The current rule relies on the 40 CFR part 63, subpart A, definitions of startup and shutdown, which are based on the setting in operation, and cessation of operation, of the affected source (*i.e.*, drying and curing oven). As

previously explained in the proposal (83 FR 15001) and in this section, the formaldehyde standards could only be exceeded during periods that fiberglass mat is being dried and cured in the oven. As also previously explained, because the EPA is requiring standards in this rule to apply at all times, we are promulgating definitions of startup and shutdown based on these periods to clarify that it is the commencing of operation and cessation of operation of the drying and curing of binder-infused fiberglass mat, plus the maximum residence time of that mat in the oven, that defines shutdown for purposes of 40 CFR part 63, subpart HHHH. We are finalizing a definition indicating that shutdown occurs when binder-infused fiberglass mat ceases to enter the oven, in addition to the maximum residence time that fiberglass mat remains in the oven, as determined for each production line. According to comments we received at proposal, once the maximum residence time has elapsed, the mat is cured and dried, and is not emitting any organic HAP; there are no emissions at this point. We have also added a definition for “maximum residence time” and a formula for how the residence time must be determined for each production line (*i.e.*, each drying and curing oven). We have described these changes in section III.C of this preamble, and made minor clarifications to definitions of both startup and shutdown in response to comments on our proposal, as described in section IV.C of this preamble.

For the reasons described in the preamble to the proposed rule, we are also finalizing the proposed definition of “Deviation” in 40 CFR 63.3004 to remove language that differentiates between normal operations, startup and shutdown, and malfunction events. We received no comments on the proposed changes. The final rule also corrects a publication error in the proposed rule. The proposed rule, as published, incorrectly included two different definitions of “Deviation.” The final rule provides definitions of “Deviation” both prior to and after the compliance dates for this final rule. Specifically, prior to the compliance dates for this rule, deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source: (1) Fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limit, operating limit, or work practice standard; (2) fails to meet any term or condition that is adopted to implement an applicable requirement in the subpart and that is

included in the operating permit for any affected source required to obtain such a permit; or (3) fails to meet any emission limit, or operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by the subpart.

After the compliance dates for this rule, deviation means any instance in which an affected source subject to the subpart, or an owner or operator of such a source: (1) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limit, operating limit, or work practice standard or (2) fails to meet any term or condition that is adopted to implement an applicable requirement in the subpart and that is included in the operating permit for any affected source required to obtain such a permit.

D. What other changes have been made to the NESHAP?

The EPA is promulgating revisions to monitoring, recordkeeping, and reporting requirements for this NESHAP in the following three ways: (1) Performance test results would be submitted electronically; (2) compliance reports would be submitted semiannually when deviations from applicable standards occur; and (3) parametric monitoring would no longer be required during periods when a non-HAP binder is being used. These provisions are being finalized as proposed, with minor corrections and clarifications.

Additionally, we proposed to reduce parametric monitoring and recording for facilities using non-HAP binders and solicited comment on exempting performance testing for such facilities. Consistent with our proposal, we are adopting the parametric monitoring exemption for facilities using non-HAP binders, as discussed in section III.D.2 of this preamble). Based on a review of comments received, we are also finalizing an exemption from performance testing requirements for drying and curing ovens that are subject to a federally enforceable permit requiring the use of only non-HAP binders, which is discussed in section III.D.3 of this preamble. We are also

finalizing several clarifying revisions to the rule, such as requirements for submittal of performance test data, which is discussed in section III.F of this preamble. The requirements for submittal of semiannual compliance reports, parametric monitoring requirements for facilities using non-HAP binders, exemption of performance testing requirements for facilities that are limited to the use of only non-HAP binders, and technical and editorial clarifications are discussed below in this section.

1. Frequency of Compliance Reports

The EPA is revising 40 CFR 63.3000(c) to require that compliance reports be submitted on a semiannual basis in all instances, with minor changes from proposal. Reporting on a semiannual basis will adequately provide a check on the operation and maintenance of process, control, and monitoring equipment and identify any problems with complying with rule requirements. The final rule specifies when facilities must begin transitioning from quarterly to semiannual reporting for deviations.

2. Parametric Monitoring and Recording During Use of Binder Containing No HAP

The EPA is promulgating the provision that during periods when the binder formulation being used to produce mat does not contain any HAP (*i.e.*, formaldehyde or any other HAP listed under section 112(b) of the CAA), owners and operators will not be required to monitor or record any of the parameters listed in Table 1 to 40 CFR part 63, subpart HHHH, including control device parameters. For each of these periods, we are requiring that owners and operators record the dates and times that production of mat using a non-HAP binder began and ended. To clearly identify these periods when the binder formulation being used to produce mat does not contain any HAP, we are promulgating revisions to 40 CFR 63.2984, 63.2996, and 63.2998 and Table 1 to 40 CFR part 63, subpart HHHH, and also promulgating a definition of “Non-HAP binder” in 40 CFR 63.3004. As discussed in section IV.D of this preamble, we have revised the definition of “Non-HAP binder”

from proposal to clarify that non-HAP binder must meet the Office of Safety and Health Administration (OSHA) Hazard Communication Standard’s criteria for disclosing composition or ingredients in Section 3 of the safety data sheet (SDS), except when the manufacturer has withheld identifying information of the chemical. The affected source may not rely on a SDS for a non-HAP binder where the manufacturer withholds the specific chemical identity, including the chemical name, other specific identification of a hazardous chemical, or the exact percentage (concentration) of the substance in a mixture from Section 3 of the SDS. In addition, the affected source may not withhold this information when making the case that a binder used is a non-HAP binder. See section IV.D of this preamble for additional information.

3. Exemption of Performance Testing for Facilities Subject to Federally Enforceable Permit Requirements

At proposal, the EPA solicited comment on the exemption from performance testing requirements for drying and curing ovens that are subject to a federally enforceable permit requiring the use of only non-HAP binders (83 FR 15005). The EPA received supportive comments for this exemption. Thus, we are promulgating revisions to 40 CFR 63.2991 to provide that drying and curing ovens using exclusively non-HAP binders and that are subject to a federally enforceable permit limit for such non-HAP binders are not required to conduct periodic performance tests. This revision will reduce burden for owners and operators that have switched to using only non-HAP binders without any increase in HAP emissions. Owners and operators of drying and curing ovens that do not have a federally-enforceable permit limit and that are currently permitted to use HAP-containing binders will still be required to conduct periodic performance testing, even if they are not currently using binders that contain HAP.

4. Technical and Editorial Changes

We are finalizing several clarifying revisions to the final rule as described in Table 2 of this preamble.

TABLE 2—MISCELLANEOUS CHANGES TO 40 CFR PART 63, SUBPART HHHH

Section of subpart HHHH	Description of change
40 CFR 63.2984	- Amend paragraph (a)(4) to clarify compliance with a different operating limit means the operating limit specified in paragraph (a)(1). - Amend paragraph (e) to allow use of a more recent edition of the currently referenced “Industrial Ventilation: A Manual of Recommended Practice,” American Conference of Governmental Industrial Hygienists, <i>i.e.</i>, the appropriate chapters of “<i>Industrial Ventilation: A Manual of Recommended Practice for Design</i>” (27th edition), or an alternate as approved by the Administrator. - Revise text regarding IBR in paragraph (e) by replacing the reference to 40 CFR 63.3003 with, instead, 40 CFR 63.14.
40 CFR 63.2985	Amend paragraphs (a) and (b) and add new paragraph (d) to clarify the compliance dates for provisions related to these amendments.
40 CFR 63.2993	- Correct paragraphs (a) and (b) to update a reference. - Re-designate paragraph (c) as paragraph (e) and amend the newly designated paragraph to clarify that EPA Method 320 (40 CFR part 63, appendix A) is an acceptable method for measuring the concentration of formaldehyde. - Add new paragraph (c) to clarify that EPA Methods 3 and 3A (40 CFR part 60, appendix A–2) are acceptable methods for measuring oxygen and carbon dioxide concentrations needed to correct formaldehyde concentration measurements to a standard basis. - Add new paragraph (d) to clarify that EPA Method 4 (40 CFR part 60, appendix A–3) is an acceptable method for measuring the moisture content of the stack gas.
40 CFR 63.2999	- Amend paragraph (b) to update the list of example electronic medium on which records may be kept. - Add paragraph (c) to clarify that any records that are submitted electronically via the EPA’s Compliance and Emissions Data Reporting Interface (CEDRI) may be maintained in electronic format.
40 CFR 63.3003	Remove text and reserve the section consistent with revisions to the IBR in 40 CFR 63.14.

E. What are the effective and compliance dates of the standards?

The revisions to the MACT standards being promulgated in this action are effective on February 28, 2019.

The compliance date for existing wet-formed fiberglass mat drying and curing ovens and drying and curing ovens constructed or reconstructed after May 26, 2000 and before April 9, 2018 is no later than 180 days after February 28, 2019. As we stated in the preamble to the proposed rule, we are allowing 180 days for owners and operators of such affected sources to comply with the rule, giving them time to read and understand the amended rule requirements; to install necessary hardware and software, become familiar with the process of submitting performance test results electronically through the EPA’s CEDRI, test electronic submission capabilities, and reliably employ electronic reporting; to evaluate their operations to ensure that they can meet the standards during periods of startup and shutdown as defined in the rule, and make any necessary adjustments; to adjust parameter monitoring and recording systems to accommodate revisions for periods of non-HAP binder use; and to update their operation, maintenance, and monitoring (OMM) plan to reflect the

revised requirements. The compliance date for wet-formed fiberglass mat curing ovens constructed or reconstructed after April 6, 2018 is at startup or February 28, 2019, whichever is later.

F. What are the requirements for submission of performance test data to the EPA?

The EPA is finalizing the proposed requirement for owners and operators of wet-formed fiberglass mat production facilities to submit electronic copies of certain required performance test reports through EPA’s Central Data Exchange (CDX) using the CEDRI. The final rule requires that performance test reports be submitted using the Electronic Reporting Tool (ERT). We are finalizing these requirements as proposed, with minor clarifications for the written notification of delayed reporting, as discussed in section IV.E of this preamble.

IV. What is the rationale for our final decisions and amendments for the Wet-Formed Fiberglass Mat Production source category?

For each issue, this section describes what we proposed and what we are finalizing for each issue, the EPA’s rationale for the final decisions and

amendments, and a summary of key comments and responses. For all comments not discussed in this preamble, comment summaries and the EPA’s responses can be found in the comment summary and response document available in the docket.

A. Residual Risk Review for the Wet-Formed Fiberglass Mat Production Source Category

1. What did we propose pursuant to CAA section 112(f) for the Wet-Formed Fiberglass Mat Production source category?

Pursuant to CAA section 112(f), we conducted a risk review and presented the results for the review, along with our proposed decisions regarding risk acceptability and ample margin of safety, in the April 6, 2018, proposed rule for the Wet-Formed Fiberglass Mat Production source category (83 FR 14984). The results of the risk assessment are presented briefly in Table 3 of this preamble and in more detail in the residual risk document titled *Residual Risk Assessment for the Wet-Formed Fiberglass Mat Production Source Category in Support of the November 2018 Risk and Technology Review Final Rule*, which is in the docket for this action.

TABLE 3—WET-FORMED FIBERGLASS MAT PRODUCTION INHALATION RISK ASSESSMENT RESULTS IN THE APRIL 2018 PROPOSAL

Number of facilities ¹	Maximum individual cancer risk (in 1 million) ²		Estimated population at increased risk of cancer $\geq$ 1-in-1 million		Estimated annual cancer incidence (cases per year)		Maximum chronic non-cancer TOSHI ³		Maximum screening acute non-cancer HQ ⁴
	Based on actual emissions level ²	Based on allowable emissions level	Based on actual emissions level ²	Based on allowable emissions level	Based on actual emissions level ²	Based on allowable emissions level	Based on actual emissions level	Based on allowable emissions level	Based on actual emissions level
7	0.8	1	0	60	0.0003	0.0009	0.006	0.009	HQ _{REL} = 0.6 (formaldehyde).

¹ Number of facilities evaluated in the risk analysis.

² Maximum individual excess lifetime cancer risk due to HAP emissions from the source category.

³ Maximum target organ specific hazard index (TOSHI) value. The target organ with the highest TOSHI for the Wet-Formed Fiberglass Mat Production source category is the respiratory target organ.

⁴ The maximum estimated acute exposure concentration was divided by available short-term threshold values to develop an array of hazard quotient (HQ) values. HQ values shown use the lowest available acute threshold value, which in most cases is the reference exposure level (REL). When an HQ exceeds 1, we also show the HQ using the next lowest available acute dose-response value.

The results of the chronic inhalation cancer risk assessment, based on actual emissions, show the cancer maximum individual risk (MIR) posed by the seven facilities is less than 1-in-1 million, with formaldehyde as the major contributor to the risk. The total estimated cancer incidence from this source category is 0.0003 excess cancer cases per year, or one excess case every 3,000 years. There were no cancer risks above 1-in-1 million from HAP emitted from the seven facilities in this source category. The maximum chronic noncancer hazard index (HI) value for the source category could be up to 0.006 (respiratory) driven by emissions of formaldehyde. No one is exposed to TOSHI levels above 1.

We also evaluated the cancer risk at the maximum emissions allowed by the MACT standard, or “MACT-allowable emissions.” Risk results from the inhalation risk assessment using the MACT-allowable emissions indicate that the cancer MIR could be as high as 1-in-1 million with formaldehyde emissions driving the risks, and that the maximum chronic noncancer TOSHI value could be as high as 0.009 at the MACT-allowable emissions level with formaldehyde emissions driving the TOSHI. The total estimated cancer incidence from this source category considering allowable emissions is expected to be about 0.0009 excess cancer cases per year or one excess case every 1,000 years. Based on MACT-allowable emission rates, there were no cancer risks above 1-in-1 million.

Table 3 of this preamble indicates that for the Wet-Formed Fiberglass Mat Production source category, the maximum hazard quotient (HQ) is 0.6, driven by formaldehyde. We conducted a screening analysis of the worst-case acute HQ for every HAP that has an acute dose-response value (formaldehyde and methanol). Based on actual emissions, the highest screening

acute HQ value was 0.6 (based on the acute reference exposure level (REL) for formaldehyde). The results showed that no HQ values exceeded 1. Because none of the screening HQ were greater than 1, further refinement of the estimates was not warranted.

An assessment of risk from facility-wide emissions was performed to provide context for the source category risks. The results of the facility-wide (both MACT and non-MACT sources, *i.e.*, sources at the facility that are not included in the Wet-Formed Fiberglass source category) assessment indicate that four of the seven facilities included in the analysis have a facility-wide cancer MIR greater than 1-in-1 million. The maximum facility-wide cancer MIR is 6-in-1 million, mainly driven by formaldehyde emissions from non-MACT sources. The total estimated cancer incidence from the seven facilities is 0.001 excess cancer cases per year, or one excess case every 1,000 years. Approximately 13,000 people were estimated to have cancer risks above 1-in-1 million from exposure to HAP emitted from both MACT and non-MACT sources of the seven facilities in this source category. The maximum facility-wide TOSHI for the source category is estimated to be less than 1 (at a respiratory HI of 0.5), mainly driven by emissions of acrylic acid and formaldehyde from sources at the facility that were not included in the Wet-Formed Fiberglass Production source category (non-MACT sources).

To examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of risks to individual demographic groups of the populations living within 5 kilometers (km) and also at populations living within 50 km of the facilities, and we found that no one is exposed to a cancer risk at or above 1-in-1 million, or to a

chronic noncancer TOSHI greater than 1. The methodology and the results of the demographic analysis are presented in a technical report titled, *Risk and Technology Review Analysis of Demographic Factors for Populations Living Near Wet-Formed Fiberglass Mat Production*, which is available in the docket for this action.

We weighed all health risk factors in our risk acceptability determination, and we proposed that the residual risks from this source category are acceptable. We then considered whether the NESHAP provides an ample margin of safety to protect public health, and whether more stringent standards were necessary to prevent an adverse environmental effect, by taking into consideration costs, energy, safety, and other relevant factors. In determining whether the standards provide an ample margin of safety to protect public health, we examined the same risk factors that we investigated for our acceptability determination and also considered the costs, technological feasibility, and other relevant factors related to emissions control options that might reduce risk associated with emissions from the source category. We proposed that the 2002 Wet-Formed Fiberglass Mat Production NESHAP requirements provide an ample margin of safety to protect public health. Based on the results of our environmental risk screening assessment, we also proposed that more stringent standards are not necessary to prevent an adverse environmental effect.

2. How did the risk review change for the Wet-Formed Fiberglass Mat Production source category?

Since proposal, neither the risk assessment nor our determinations regarding risk acceptability, ample margin of safety, or adverse environmental effects have changed.

3. What key comments did we receive on the risk review, and what are our responses?

We received comments in support of and against the proposed risk review and our determination that no revisions were warranted under CAA section 112(f)(2). Comments that were not supportive of the risk review were considered at length. After review of these comments, we determined that no changes needed to be made to the underlying risk assessment methodology. The comments and our specific responses can be found in the document titled "Summary of Public Comments and Responses for Wet-Formed Fiberglass Mat Production Risk and Technology Review," which is available in the docket for this action.

4. What is the rationale for our final approach and final decisions for the risk review?

We evaluated all of the comments on the EPA's risk review and determined that no changes to the review are needed. For the reasons explained in the proposed rule, we proposed that the risks from the Wet-Formed Fiberglass Mat Production source category are acceptable, and the current standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. Therefore, pursuant to CAA section 112(f)(2), we are finalizing our risk review as proposed.

B. Technology Review for the Wet-Formed Fiberglass Mat Production Source Category

1. What did we propose pursuant to CAA section 112(d)(6) for the Wet-Formed Fiberglass Mat Production source category?

Pursuant to CAA section 112(d)(6), we conducted a technology review, which focused on identifying and evaluating developments in practices, processes, and control technologies for control of formaldehyde emissions from drying and curing ovens at wet-formed fiberglass mat production facilities. No cost-effective developments in practices, processes, or control technologies were identified in our technology review to warrant revisions to the standards. More information concerning our technology review is in the memorandum titled, *Section 112(d)(6) Technology Review for Wet-Formed Fiberglass Mat Production*, which is in the docket for this action, and in the preamble to the proposed rule (83 FR 14984).

2. How did the technology review change for the Wet-Formed Fiberglass Mat Production source category?

The technology review has not changed since proposal.

3. What key comments did we receive on the technology review, and what are our responses?

We received comments in support of the proposed determination from the technology review that no revisions were warranted under CAA section 112(d)(6). We also received one comment that asserted that cost effectiveness should not be a consideration when examining standards under CAA section 112(d)(6). We evaluated the comments and determined that no changes regarding our determination were needed. These comments and our specific responses can be found in the comment summary and response document titled "Summary of Public Comments and Responses for Wet-Formed Fiberglass Mat Production Risk and Technology Review," which is available in the docket for this action.

4. What is the rationale for our final approach for the technology review?

We evaluated all of the comments on the EPA's technology review and determined that no changes to the review are needed. For the reasons explained in the proposed rule, we determined that no cost-effective developments in practices, processes, or control technologies were identified in our technology review to warrant revisions to the standards. More information concerning our technology review, and how we evaluate cost effectiveness, can be found in the memorandum titled *Section 112(d)(6) Technology Review for Wet-Formed Fiberglass Mat Production*, which is in the docket for this action, and in the preamble to the proposed rule (83 FR 14984). Therefore, pursuant to CAA section 112(d)(6), we are finalizing our technology review as proposed.

C. Startup, Shutdown, and Malfunction for the Wet-Formed Fiberglass Mat Production Source Category

1. What did we propose for the Wet-Formed Fiberglass Mat Production source category?

We proposed removing and revising provisions related to SSM that are not consistent with the requirement that standards apply at all times. More information concerning our proposal on SSM can be found in the proposed rule (83 FR 14984).

2. How did the SSM provisions change for the Wet-Formed Fiberglass Mat Production source category?

Since proposal, the SSM provisions have not changed, with the following exceptions. We have corrected a publication error in the proposed regulatory text for 40 CFR 63.3000(c)(5), as discussed in section III.C.7 of this preamble. We have also clarified the proposed definitions for "startup" and "shutdown" in the final rule to address a comment received that requested use of consistent terminology to refer to the material being processed, and for periods of shutdown, by associating it with the maximum residence time required for the curing and drying of mat in an oven and specifying the formula for calculation of maximum residence time. We have revised the definitions of "Shutdown" and "Startup" to read as set out in the regulatory text at the end of this document.

We have also added a definition for "maximum residence time," which reflects the longest duration that binder-infused fiberglass mat would remain in the drying and curing oven and is determined based on the length of the drying and curing oven and the slowest line speed for the normal operation of an oven. The definition specifies a formula for the calculation of the maximum residence time as shown in the regulatory text at the end of this document.

3. What key comments did we receive on the SSM provisions, and what are our responses?

Comment: Although we did not propose standards for periods of malfunction, one commenter initially proposed that the Agency should promulgate work practice standards for malfunction events to address HAP emissions from binder-infused fiberglass mat that would remain in the oven during such events. In follow-up discussions of the potential implementation of the requested work practice standard with the EPA, the commenter requested that the EPA instead consider modifying the definition of "shutdown."² The commenter asserted that the proposed definition of "shutdown" could be construed such that a shutdown period may continue for a period long after

² See letter from Reed B. Hitchcock, Asphalt Roofers Manufacturing Association to Susan Fairchild (EPA), "Re: Risk and Technology Review, Wet-Formed Fiberglass Mat Production, 40 CFR part 63, subpart HHHH; Docket No. EPA-HQ-OAR-2004-0309; Proposed Modification to Definition of Shutdown," September 21, 2018, in the docket for this action.

binder-infused fiberglass mat has dried and emissions of organic HAP have ceased. According to the commenter, this would result in the potential for "indefinite deviations." As an example, the commenter provided that a power failure could result in the prevention of mat leaving the oven even after the mat was cured and dried. The commenter further explained that wet-formed fiberglass mat lines operate at high speeds with relatively short residence times in the drying and curing oven (ranging from less than 10 seconds to less than 1 minute), during which the mat is completely dried and cured. Air pollution control devices are operated during shutdown, and all emissions from the curing and drying ovens are routed to these devices. The commenter requested that the EPA amend the final definition of "shutdown" to clarify that shutdown ends after mat ceases to enter the oven and following the elapse of the residence time. The requested amendments would account for the time period until the mat is completely cured and emissions from the binder-infused fiberglass mat are no longer occurring. The commenter also recommended that the EPA consider a definition for "maximum residence time" to clarify how facilities could calculate the maximum residence time for each drying and curing oven. The commenter also requested that the EPA revise the proposed definitions of "startup" and "shutdown" to use consistent terminology to refer to the material being processed. The commenter specifically requested that the EPA's proposed definition of "shutdown" be revised to replace the phrase "any resin infused binder" at the end of the definition with "any binder-infused fiberglass mat."

Response: We are finalizing the commenter's suggestions for clarification of the definitions of "startup" and "shutdown," and the requested definition for "maximum residence time." The EPA also agrees with commenters that the initially requested work practice standards are not appropriate for wet-formed fiberglass mat production operations, and consistent with proposal, is not finalizing any standards for malfunctions. We concur with the commenter's assessment that the binder-infused fiberglass mat entering the oven is cured over a relatively quick period (that may range from less than 10 seconds to less than 1 minute) and that this period of time (the "residence time") should be taken into account when determining the cessation of the operation period; for shutdown to

complete, the binder infused fiberglass mat must enter and remain in the oven for the duration of the maximum residence time. When the maximum residence time is completed, no further emissions of HAP occur as a result of the wet-formed fiberglass mat manufacturing process. We are finalizing these suggested changes accordingly. We are finalizing provisions that the maximum residence time should be established as the longest time period (in seconds), during normal operation, that a particular point on the fiberglass mat remains in the oven, as determined by the length of the drying and curing oven (in feet), and the slowest line speed during normal operation (in feet per second), excluding periods of ramping up to speed during startup. This maximum residence time may then be used to determine the time of shutdown. See sections III.C and IV.C.2 of this preamble for additional information on the final definitions for "startup," "shutdown," and "maximum residence time" and determining the maximum residence time. We have also revised 40 CFR 63.2998 to include a requirement that facilities must maintain records that show how the maximum residence time was derived for each production line.

Additional comments on the SSM provisions and our specific responses to those comments can be found in the document titled *Summary of Public Comments and Responses for Wet-Formed Fiberglass Mat Production Risk and Technology Review*, which is available in the docket for this action.

4. What is the rationale for our final approach for the SSM provisions?

We evaluated all of the comments on the EPA's proposed amendments to the SSM provisions. For the reasons explained in the proposed rule (83 FR 14984) and in section III.C of this preamble, we determined that these amendments remove and revise provisions related to SSM that are not consistent with the requirement that the standards apply at all times. Therefore, we are finalizing the amendments to remove and revise provisions related to SSM, as proposed, with the exception of clarifications to the definitions to "startup" and "shutdown," and the addition of a final definition for "maximum residence time," as discussed in this section.

D. Other Revisions To Monitoring, Performance Testing, and Reporting Requirements for the Wet-Formed Fiberglass Mat Production Source Category

1. What did we propose for the Wet-Formed Fiberglass Mat Production source category?

We proposed several revisions to the rule's monitoring, recordkeeping, and reporting requirements, including revisions to the frequency of submittal of compliance reports, revisions to remove the requirement for parametric monitoring for drying and curing ovens where only a non-HAP binder is used, and technical and editorial revisions.

We proposed to revise the frequency of submittal of compliance reports when deviations from applicable standards occur. Currently, 40 CFR 63.3000(c) requires owners and operators of wet-formed fiberglass mat production facilities to submit compliance reports on a semiannual basis unless there are deviations from emission limits or operating limits. In those instances, the rule required that compliance reports be submitted on a quarterly basis. We proposed to revise 40 CFR 63.3000(c) to require that compliance reports be submitted on a semiannual basis in all instances.

We proposed revisions to 40 CFR 63.2984, 63.2996, and 63.2998 to revise requirements for owners and operators to monitor and record the parameters listed in Table 1 to 40 CFR part 63, subpart HHHH, during periods when a non-HAP binder is being used. We proposed that during periods when the binder formulation being used to produce mat does not contain any HAP (*i.e.*, formaldehyde or any other HAP listed under section 112(b) of the CAA), in lieu of monitoring or recording the parameters listed in Table 1 to 40 CFR part 63, subpart HHHH, owners and operators would be required to record the dates and times that production of mat using a non-HAP binder began and ended. We proposed harmonizing revisions to Table 1 to 40 CFR part 63, subpart HHHH, and a definition of "Non-HAP binder" to be added to 40 CFR 63.3004 to clearly identify periods when the binder formulation being used to produce mat does not contain any HAP. We also solicited comments on revising 40 CFR 63.2991 to exempt performance testing requirements for drying and curing ovens that are subject to a federally enforceable permit requiring the use of only non-HAP binders.

We proposed several technical and editorial revisions to 40 CFR 63.2984, 63.2993, and 63.2999. We also removed

and reserved 40 CFR 63.3003. The proposed revisions included clarifying references, updates to acceptable reference methods that we are incorporating by reference, updates to clarify the format of records, and revisions for consistency with updates to the IBR in 40 CFR 63.14.

2. How did the revisions and corrections to monitoring, performance testing, and reporting requirements change for the Wet-Formed Fiberglass Mat Production source category?

Consistent with our proposal, we are revising the frequency of submittal of compliance reports when deviations from applicable standards occur from quarterly to semiannually. We are, however, promulgating these revisions with minor changes such as clarifying 40 CFR 63.3000(c)(1) to indicate the date when the transition to semiannual reporting should begin. We are also correcting a typographical error in the proposed introductory sentence of 40 CFR 63.3000(c)(6).

We are revising 40 CFR 63.2984, 63.2996, 63.2998, 63.3004 (definition of “Non-HAP binder”), and Table 1 to 40 CFR part 63, subpart HHHH, to revise requirements for owners and operators to monitor and record the parameters listed in Table 1 to 40 CFR part 63, subpart HHHH, during periods when a non-HAP binder is being used, with minor revisions. We are revising Table 1 to 40 CFR part 63, subpart HHHH, to apply footnote “4” to line 1 (“Thermal oxidizer temperature”) and to line 2 (“Other process or control device parameters in your OMM plan”). Finally, we have revised the definition of “Non-HAP binder” from proposal to clarify that the binder must meet the OSHA Hazard Communication Standard, at 29 CFR 1910.1200(b), criteria for disclosing composition or ingredients in Section 3 of SDSs, except when identifying information is withheld. In such cases, an affected source may not rely on an SDS for a non-HAP binder where the manufacturer has withheld the specific chemical identity, including the chemical name, other specific identification of a hazardous chemical, or the exact percentage (concentration) of the substance in a mixture from Section 3 of the SDS. Additionally, an affected source may not withhold this information when making the case that a binder used is a non-HAP binder.

Since proposal, the technical and editorial revisions to 40 CFR 63.2984, 63.2993, 63.2999, and 63.3003 have not changed. We are, however, making minor revisions such as grammatical corrections or clarifications. For

example, we are finalizing minor grammatical edits (such as converting passive voice to active voice) and clarifications that do not change the substantive content of the existing text. These changes are not based on comments on the proposed rule, but rather include minor edits to 40 CFR 63.2987(a), 63.2989(a), 63.2991(a), 63.2992(e), 63.2994(a)(2), 63.2996(a), 63.2997(a) and (b), 63.2998(c) and (g), 63.2999(c), and 63.3000(e) through (g). Based on comments to the proposed rule, we have also identified and implemented several additional technical and editorial revisions, as discussed in section IV.D.3 of this preamble.

3. What key comments did we receive on the proposed revisions to monitoring, performance testing, and reporting requirements for the Wet-Formed Fiberglass Mat Production source category, and what are our responses?

a. Frequency of Compliance Reporting

Comment: One commenter supported reducing the reporting frequency from quarterly to semiannually. This commenter requested that the EPA clarify 40 CFR 63.3000(c)(1) to indicate when the transition to semiannual reporting should begin. The commenter also noted that the EPA should correct a typographical error in the introductory paragraph of 40 CFR 63.3000(c)(6) from “paragraphs (c)(5)(i) through (ix) of this section” to “paragraphs (c)(6)(i) through (ix) of this section.”

Response: We have clarified 40 CFR 63.3000(c)(1) by adding text stating that if you deviate from the emission limits in 40 CFR 63.2983 or the operating limits in 40 CFR 63.2984 in the quarter prior to February 28, 2019, you must include this information in the report for the first full semiannual reporting period following February 28, 2019. We also acknowledge the commenter’s suggested correction to the introductory sentence of 40 CFR 63.3000(c)(6) and have revised this text as recommended.

b. Requirements for Facilities Using Non-HAP Binders

Comment: One commenter supported the proposed changes reducing unnecessary regulatory burdens when non-HAP binders are in use. This commenter supported the EPA’s proposal to exempt drying and curing ovens that are subject to a federally enforceable permit requiring the use of only non-HAP binders from performance testing requirements. The commenter suggested that the EPA could limit the scope of 40 CFR

63.2981(a) to exclude such (non-HAP) ovens from applicability under this section of the rule. The commenter also stated that the EPA should revise Table 1 to 40 CFR part 63, subpart HHHH, to apply footnote “d” to line 1 (“Thermal oxidizer temperature”) and to line 2 (“Other process or control device parameters in your OMM plan”) in order to make effective the EPA’s intent not to require monitoring or recordkeeping for periods when binders containing no HAP were in use.

Response: We acknowledge the commenter’s support for the exemption from performance testing requirements for drying and curing ovens that are subject to a federally enforceable permit requiring the use of only non-HAP binders. We did not receive any comments objecting to this change and are finalizing changes to the 40 CFR 63.2991 introductory text to exclude drying and curing ovens using exclusively non-HAP binders. The EPA is not accepting the suggested text changes to 40 CFR 63.2981(a) recommended by the commenter because facilities that use exclusively non-HAP binders may still be subject to 40 CFR part 63, subpart HHHH, if they are collocated with a major source. However, such facilities would not be required to conduct performance testing and would only be subject to recordkeeping and reporting requirements. We also acknowledge the commenter’s suggested revisions to Table 1 to 40 CFR part 63, subpart HHHH, and we have made these edits, including minor clarifications to footnote “d” (new footnote “4”) in the final rule.

Comment: One commenter requested that the EPA revise the new definition of the term “non-HAP binder” to refer to the SDS, the term used in the current OSHA Hazard Communication Standard, 29 CFR 1910.1200(b). This same commenter further requested that the EPA tie the definition of non-HAP binder to the OSHA Hazard Communication Standard’s criteria for disclosing composition or ingredients in Section 3 of SDSs.

Response: We acknowledge the commenter’s suggested revisions and have clarified the definition of “Non-HAP binder” as provided by the commenter. We have further revised this definition to clarify that the affected source may not rely on the SDS for a non-HAP binder where the manufacturer has withheld the specific chemical identity, including the chemical name, other specific identification of a hazardous chemical, or the exact percentage (concentration) of the substance in a mixture from

Section 3 of the SDS, or withheld this information, when making the case that a binder used is a non-HAP binder. The definition of "Non-HAP binder" has been revised as set out in the regulatory text at the end of this document.

c. Miscellaneous Corrections or Clarifications Recommended by Commenters

Comment: One commenter requested that the EPA revise 40 CFR 63.2985(a) and (b) to specify when the compliance dates for the SSM requirements, the electronic reporting requirements, and all other requirements take effect.

Response: The EPA agrees with the commenter and has clarified 40 CFR 63.2985 of the final rule to specify when the compliance dates for new provisions apply. Specific compliance dates for individual provisions are included in 40 CFR 63.2986, 63.2998, 63.3000, 40 CFR 63.3004, and Table 2 to 40 CFR part 63, subpart HHHH. In general, we are providing for 180 days for existing sources to comply with the revised rule requirements. We are also finalizing proposed changes to 40 CFR 63.2985(d) that require new or reconstructed drying and curing ovens that commenced operation between the date of the proposal and the date of the final rule to comply on the effective date of the final rule or startup (whichever is later).

Comment: One commenter suggested that the EPA remove the definition of "binder application vacuum exhaust" from 40 CFR 63.3004, as this term is not used in the standard as proposed.

Response: The EPA agrees with the commenter that the definition for "binder application vacuum exhaust" is no longer relevant for the subpart and has removed the definition from the final rule.

Comment: One commenter requested that the EPA revise Table 2 to 40 CFR part 63, subpart HHHH, to clarify that only 40 CFR 63.14(b)(2) and (3) apply to subpart HHHH, rather than all of 40 CFR 63.14.

Response: The EPA agrees with the commenter's recommended revision to Table 2 to 40 CFR part 63, subpart HHHH, and has revised the table entry for "§ 63.14" accordingly.

Additional comments on the revisions to the monitoring, recordkeeping, and reporting provisions and our specific responses to those comments can be found in the comment summary and response document titled *Summary of Public Comments and Responses for Wet-Formed Fiberglass Mat Production Risk and Technology Review*, which is available in the docket for this action.

4. What is the rationale for our final approach for the revisions to monitoring, performance testing, and reporting requirements?

We evaluated all of the comments on the EPA's proposed amendments to the monitoring, recordkeeping, and reporting provisions for this subpart, and the proposed technical and editorial corrections. These comments were generally supportive, and requested only minor clarifications and corrections to the proposed text. We are finalizing these amendments as proposed, with the exception of the minor changes discussed in this section.

Additionally, we solicited comments on revising 40 CFR 63.2991 to exempt drying and curing ovens that are subject to a federally enforceable permit requiring the use of only non-HAP binders from performance testing requirements. We received only supportive comments on this potential change. We are, therefore, promulgating changes to the 40 CFR 63.2991 introductory text to exclude drying and curing ovens using exclusively non-HAP binders from meeting the requirements of this section. Facilities that use a combination of HAP and non-HAP binders would continue to be required to conduct performance tests as currently required under the subpart.

E. Requirements for Submission of Performance Tests for the Wet-Formed Fiberglass Mat Production Source Category

1. What did we propose for the Wet-Formed Fiberglass Mat Production source category?

We proposed amendments that would require owners and operators of wet-formed fiberglass mat drying and curing ovens to submit electronic copies of certain required performance test reports. More information concerning these proposed revisions is in the preamble to the proposed rule (83 FR 14984).

2. How did the requirements for submission of performance tests change for the Wet-Formed Fiberglass Mat Production source category?

Since proposal, the requirement for owners and operators of wet-formed fiberglass mat drying and curing ovens to submit electronic copies of certain required performance test reports has not changed. The EPA is requiring owners and operators of wet-formed fiberglass mat production facilities to submit electronic copies of certain required performance test reports through the EPA's CDX using CEDRI.

The final rule requires that performance test results be submitted using the ERT.

The electronic submittal of the reports addressed in this rulemaking will increase the usefulness of the data contained in those reports; is in keeping with current trends in data availability and transparency; will further assist in the protection of public health and the environment; will improve compliance by facilitating the ability of regulated facilities to demonstrate compliance with requirements, and by facilitating the ability of delegated state, local, tribal, and territorial air agencies and the EPA to assess and determine compliance; and will ultimately reduce burden on regulated facilities, delegated air agencies, and the EPA. Electronic reporting also eliminates paper-based, manual processes; thereby saving time and resources, simplifying data entry, eliminating redundancies, minimizing data reporting errors; and providing data quickly and accurately to the affected facilities, air agencies, the EPA and the public. For a more thorough discussion of electronic reporting, see the memorandum titled *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules*, which is available in Docket ID No. EPA-HQ-OAR-2004-0309.

3. What key comments did we receive on submission of performance tests, and what are our responses?

We received comments in support of and against the proposed requirement for owners and operators to submit electronic copies of performance test reports. Generally, the comments that were not supportive of the proposed requirements to submit performance tests electronically expressed concern that the requirements could require duplicative or burdensome reporting, or expressed concerns regarding delayed reporting requirements for sources to take in cases of events that may cause a delay in reporting. After review of these comments, we determined that no changes are necessary. The comments and our specific responses can be found in the document titled *Summary of Public Comments and Responses for Wet-Formed Fiberglass Mat Production Risk and Technology Review*, which is available in the docket for this action.

A commenter requested that the EPA clarify the written notification of delayed reporting requirement in the proposed amendment to 40 CFR 63.3000(f). In response to this request, the EPA has revised the language in 40 CFR 63.3000(f) to state that an owner or operator must provide information on

the date(s) and time(s) either CDX or CEDRI is unavailable when a user attempts to gain access in the 5 business days prior to the submission deadline.

4. What is the rationale for our final approach for submission of performance tests?

We evaluated all of the comments on the EPA's proposed amendments requiring owners and operators of wet-formed fiberglass mat drying and curing ovens to submit electronic copies of certain required performance test reports. For the reasons explained in the proposed rule, we determined that these amendments increase the ease and efficiency of data submittal and improve data accessibility. More information concerning the proposed requirement for owners and operators of wet-formed fiberglass mat drying and curing ovens to submit electronic copies of certain required performance test reports is in the preamble to the proposed rule (83 FR 14984) and the document, *Summary of Public Comments and Responses for Wet-Formed Fiberglass Mat Production Risk and Technology Review*, which is available in the docket for this action. Therefore, we are finalizing our approach for submission of performance tests, as proposed.

V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted

A. What are the affected facilities?

The EPA estimates that there are seven wet-formed fiberglass mat production facilities that are subject to the Wet-Formed Fiberglass Mat Production NESHAP and would be affected by these final amendments. The basis of our estimate of affected facilities is provided in the memorandum titled *Wet-Formed Fiberglass: Residual Risk Modeling File Documentation*, which is available in the docket for this action. We are not currently aware of any planned or potential new or reconstructed wet-formed fiberglass mat production facilities.

B. What are the air quality impacts?

The EPA estimates that annual HAP emissions from the seven wet-formed fiberglass mat production facilities that are subject to the NESHAP are approximately 23 tpy. Because we are not finalizing revisions to the emission limits, we do not anticipate any air quality impacts as a result of the final rule's amendments.

C. What are the cost impacts?

The seven wet-formed fiberglass mat production facilities that would be subject to the final amendments would

incur minimal net costs to meet revised recordkeeping and reporting requirements, some estimated to have costs and some estimated to have cost savings. Nationwide annual net costs associated with the final requirements are estimated to be \$200 per year in each of the 3 years following promulgation of amendments. This estimated total annual cost is comprised of estimated annual costs of about \$1,390, which are offset by the estimated annual cost savings of about \$1,190. The EPA believes that the seven wet-formed fiberglass mat production facilities which are known to be subject to the NESHAP can meet the final requirements without incurring additional capital or operational costs. Therefore, the only costs associated with the final amendments are related to recordkeeping and reporting labor costs. For further information on the requirements being finalized, see sections III and IV of this preamble. For further information on the costs and cost savings associated with the final requirements, see the memorandum titled *Cost Impacts of Wet-Formed Fiberglass Mat Production Risk and Technology Review (Final Rule)*, and the document, *Supporting Statement for NESHAP for Wet-Formed Fiberglass Mat Production (Final Rule)*, which are both available in the docket for this action.

D. What are the economic impacts?

As noted above, the nationwide annual costs associated with the final requirements are estimated to be approximately \$200 per year in each of the 3 years following promulgation of the amendments. The present value of the total cost over these 3 years is approximately \$550 in 2016 dollars under a 3-percent discount rate, and \$510 in 2016 dollars under a 7-percent discount rate. These costs are not expected to result in business closures, significant price increases, or substantial profit loss.

For further information on the economic impacts associated with the requirements being promulgated, see the memorandum titled *Final Economic Impact Analysis for the Risk and Technology Review: Wet-Formed Fiberglass Mat Production Source Category*, which is available in the docket for this action.

E. What are the benefits?

Although the EPA does not anticipate reductions in HAP emissions as a result of the final amendments, we believe that the action, if finalized, would result in improvements to the rule. Specifically, the final amendment requiring electronic submittal of performance test

results will increase the usefulness of the data, is in keeping with current trends of data availability, will further assist in the protection of public health and the environment, and will ultimately result in less burden on the regulated community. In addition, the final amendments reducing parameter monitoring and recording and performance testing requirements when non-HAP binder is being used to produce mat will reduce burden for regulated facilities during such periods, while continuing to protect public health and the environment. See section IV.D of this preamble for more information.

F. What analysis of environmental justice did we conduct?

As discussed in the preamble to the proposed rule, to examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of risks to individual demographic groups of the populations living within 5 km and within 50 km of the facilities. In the analysis, we evaluated the distribution of HAP-related cancer and noncancer risks from the Wet-Formed Fiberglass Mat Production source category across different demographic groups within the populations living near facilities. The results of this analysis indicated that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples.

The documentation for this decision is contained in section IV.A of the preamble to the proposed rule and the technical report titled *Risk and Technology Review Analysis of Demographic Factors for Populations Living Near Wet-Formed Fiberglass Mat Production*, which is available in the docket for this action.

G. What analysis of children's environmental health did we conduct?

This action's health and risk assessments are contained in sections IV.A and B of this preamble and further documented in the risk report titled *Residual Risk Assessment for the Wet-Formed Fiberglass Mat Production Source Category in Support of the November 2018 Risk and Technology Review Final Rule*, which is available in the docket for this action.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be

found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

The information collection activities in this final rule have been submitted for approval to OMB under the PRA. The information collection request (ICR) document that the EPA prepared has been assigned EPA ICR number 1964.09. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

We are finalizing changes to the recordkeeping and reporting requirements associated with 40 CFR part 63, subpart HHHH, in the form of eliminating the SSM plan and reporting requirements; requiring electronic submittal of performance test reports; reducing the frequency of compliance reports to a semiannual basis when there are deviations from applicable standards; and reducing the parameter monitoring and recording, and performance testing requirements during use of binder containing no HAP. We also included a review of the amended rule by affected facilities in the updated ICR for this final rule. In addition, the number of facilities subject to the standards changed. The number of respondents was reduced from 14 to 7 based on consultation with industry representatives and state/local agencies.

Respondents/affected entities: The respondents to the recordkeeping and reporting requirements are owners or operators of facilities that produce wet-formed fiberglass mat subject to 40 CFR part 63, subpart HHHH.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart HHHH).

Estimated number of respondents: Seven.

Frequency of response: The frequency of responses varies depending on the burden item. Responses include one-time review of rule amendments, reports

of periodic performance tests, and semiannual compliance reports.

Total estimated burden: The annual recordkeeping and reporting burden for responding facilities to comply with all of the requirements in the NESHAP, averaged over the 3 years of this ICR, is estimated to be 1,470 hours (per year). Of these, 3 hours (per year) is the incremental burden to comply with the final rule amendments. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The annual recordkeeping and reporting cost for responding facilities to comply with all of the requirements in the NESHAP, averaged over the 3 years of this ICR, is estimated to be \$95,500 (per year), including \$0 annualized capital or operation and maintenance costs. Of the total, \$200 (per year) is the incremental cost to comply with the amendments to the rule.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the Agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. There are no small entities affected in this regulated industry. See the document titled *Final Economic Impact Analysis for the Risk and Technology Review: Wet-Formed Fiberglass Mat Production Source Category*, which is available in the docket for this action.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national

government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. None of the seven wet-formed fiberglass mat production facilities that have been identified as being affected by this action are owned or operated by tribal governments or located within tribal lands. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in sections III.A and B and sections IV.A and B of this preamble, and further documented in the risk report titled, *Residual Risk Assessment for the Wet-Formed Fiberglass Mat Production Source Category in Support of the November 2018 Risk and Technology Review Final Rule*, which is available in the docket for this action.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This action involves technical standards. The EPA has decided to use EPA Methods 1, 2, 3, 3A, 4, 316, 318, and 320 of 40 CFR part 60, appendix A. Methods 1, 2, 3, 3A, and 4 of 40 CFR part 60, appendix A, are used to determine the gas flow rate which is used with the concentration of formaldehyde to calculate the mass emission rate. While the EPA identified 11 voluntary consensus standards (VCS) as being potentially applicable as alternatives to EPA Methods 1, 2, 3, 3A, and 4 of 40 CFR part 60, the Agency is not using them. The use of these VCS would be impractical because of their

lack of equivalency, documentation, validation data, and/or other important technical and policy considerations.

Methods 316, 318, and 320 of 40 CFR part 60, appendix A, are used to determine the formaldehyde concentrations before and after the control device (e.g., thermal oxidizer). The EPA conducted a search to identify potentially applicable VCS. However, the Agency identified no such standards, and none were brought to its attention in comments. Therefore, the EPA has decided to use Methods 316, 318, and 320 of 40 CFR part 60, appendix A.

Results of the search are documented in the memorandum titled, Voluntary Consensus Standard Results for National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production, which is available in the docket for this action. Additional information can be found at <https://www.epa.gov/emc/emc-promulgated-test-methods>.

The EPA is also promulgating revisions to 40 CFR 63.2984 to allow use of a more recent edition of the currently referenced "Industrial Ventilation: A Manual of Recommended Practice," American Conference of Governmental Industrial Hygienists, i.e., the appropriate chapters of "Industrial Ventilation: A Manual of Recommended Practice for Design" (27th edition), and revising the text regarding the existing IBR (chapters 3 and 5 of "Industrial Ventilation: A Manual of Recommended Practice" (23rd Edition)) by updating the reference to 40 CFR 63.14. These methods provide guidance on the capture and conveyance of formaldehyde emissions from each drying and curing oven to the thermal oxidizer. Owners and operators of wet-formed fiberglass mat production facilities may continue to use the existing reference (23rd edition), or the updated method (27th edition) may be obtained from American Conference of Governmental Industrial Hygienists (ACGIH), Customer Service Department, 1330 Kemper Meadow Drive, Cincinnati, Ohio 45240, telephone number (513) 742-2020. In addition, owners and operators may inspect a copy at U.S. EPA Library, 109 TW Alexander Drive, Research Triangle Park, North Carolina 27711, phone (919) 541-0094.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental

effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The documentation for this decision is contained in section IV.A of this preamble and the technical report titled *Risk and Technology Review Analysis of Demographic Factors for Populations Living Near Wet-Formed Fiberglass Mat Production*, which is available in the docket for this action.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 20, 2018.

Andrew R. Wheeler,
Acting Administrator.

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—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 A—General Provisions

- 2. Section 63.14 is amended by revising paragraphs (b)(2) and (3) to read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(b) * * *

(2) Industrial Ventilation: A Manual of Recommended Practice, 23rd Edition, 1998, Chapter 3, "Local Exhaust Hoods" and Chapter 5, "Exhaust System Design Procedure." IBR approved for §§ 63.1503, 63.1506(c), 63.1512(e), Table 2 to subpart RRR, Table 3 to subpart RRR, and appendix A to subpart RRR, and § 63.2984(e).

(3) Industrial Ventilation: A Manual of Recommended Practice for Design, 27th Edition, 2010. IBR approved for §§ 63.1503, 63.1506(c), 63.1512(e), Table 2 to subpart RRR, Table 3 to subpart

RRR, and appendix A to subpart RRR, and § 63.2984(e).

* * * * *

Subpart HHHH—National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production

- 3. Section 63.2984 is amended by revising paragraphs (a)(1) and (4), (b), and (e) to read as follows:

§ 63.2984 What operating limits must I meet?

(a) * * *

(1) You must operate the thermal oxidizer so that the average operating temperature in any 3-hour block period does not fall below the temperature established during your performance test and specified in your OMM plan, except during periods when using a non-HAP binder.

* * * * *

(4) If you use an add-on control device other than a thermal oxidizer or wish to monitor an alternative parameter and comply with a different operating limit than the limit specified in paragraph (a)(1) of this section, you must obtain approval for the alternative monitoring under § 63.8(f). You must include the approved alternative monitoring and operating limits in the OMM plan specified in § 63.2987.

(b) When during a period of normal operation, you detect that an operating parameter deviates from the limit or range established in paragraph (a) of this section, you must initiate corrective actions within 1 hour according to the provisions of your OMM plan. The corrective actions must be completed in an expeditious manner as specified in the OMM plan.

* * * * *

(e) If you use a thermal oxidizer or other control device to achieve the emission limits in § 63.2983, you must capture and convey the formaldehyde emissions from each drying and curing oven according to the procedures in Chapters 3 and 5 of "Industrial Ventilation: A Manual of Recommended Practice" (23rd Edition) or the appropriate chapters of "Industrial Ventilation: A Manual of Recommended Practice for Design" (27th Edition) (both are incorporated by reference, see § 63.14). In addition, you may use an alternate as approved by the Administrator.

- 4. Section 63.2985 is amended by revising paragraphs (a) and (b) and (c) introductory text and adding paragraph (d) to read as follows:

§ 63.2985 When do I have to comply with these standards?

(a) Existing drying and curing ovens must be in compliance with this subpart no later than April 11, 2005, except as otherwise specified in this section and §§ 63.2986, 63.2998, 63.3000, and 63.3004 and Table 2 to this subpart.

(b) Drying and curing ovens constructed or reconstructed after May 26, 2000 and before April 9, 2018 must be in compliance with this subpart at startup or by April 11, 2002, whichever is later, except as otherwise specified in this section and §§ 63.2986, 63.2998, 63.3000, and 63.3004 and Table 2 to this subpart.

(c) If your facility is an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP, the following apply:

* * * * *

(d) Drying and curing ovens constructed or reconstructed after April 6, 2018 must be in compliance with this subpart at startup or by February 28, 2019 whichever is later.

■ 5. Section 63.2986 is amended by revising paragraph (g) to read as follows:

§ 63.2986 How do I comply with the standards?

* * * * *

(g) You must comply with the requirements in paragraphs (g)(1) through (3) of this section.

(1) Before August 28, 2019, existing drying and curing ovens and drying and curing ovens constructed or reconstructed after May 26, 2000 and before April 7, 2018 must be in compliance with the emission limits in § 63.2983 and the operating limits in § 63.2984 at all times, except during periods of startup, shutdown, or malfunction. After August 27, 2019, affected sources must be in compliance with the emission limits in § 63.2983 and the operating limits in § 63.2984 at all times, including periods of startup, shutdown, or malfunction. Affected sources that commence construction or reconstruction after April 6, 2018, must comply with all requirements of the subpart, no later than February 28, 2019 or upon startup, whichever is later.

(2) Before August 28, 2019, existing drying and curing ovens and drying and curing ovens constructed or reconstructed after May 26, 2000 and before April 9, 2018 must always operate and maintain any affected source, including air pollution control equipment and monitoring equipment, according to the provisions in § 63.6(e)(1). After August 27, 2019, for such affected sources, and after February 28, 2019 for affected sources

that commence construction or reconstruction after April 6, 2018, at all times, you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if you are in compliance with the emissions limits required by this subpart. The Administrator will base the determination of whether a source is operating in compliance with operation and maintenance requirements on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(3) Before August 28, 2019, for each existing source and for each new or reconstructed source for which construction commenced after May 26, 2000 and before April 9, 2018, you must maintain your written startup, shutdown, and malfunction plan according to the provisions in § 63.6(e)(3). The startup, shutdown, and malfunction plan must address the startup, shutdown, and corrective actions taken for malfunctioning process and air pollution control equipment. A startup, shutdown, and malfunction plan is not required for such affected sources after August 27, 2019. No startup, shutdown, or malfunction plan is required for any affected source that commences construction or reconstruction after April 6, 2018.

■ 6. Section 63.2987 is amended by revising paragraph (a) introductory text and paragraph (d) to read as follows:

§ 63.2987 What must my operation, maintenance, and monitoring (OMM) plan include?

(a) You must prescribe the monitoring that will be performed to ensure compliance with these emission limitations. Table 1 to this subpart lists the minimum monitoring requirements. Your plan must specify the items listed in paragraphs (a)(1) through (3) of this section:

* * * * *

(d) Your plan must specify the recordkeeping procedures to document compliance with the emissions and operating limits. Table 1 to this subpart establishes the minimum recordkeeping requirements.

■ 7. Section 63.2989 is amended by revising paragraph (a) introductory text to read as follows:

§ 63.2989 How do I change my OMM plan?

* * * * *

(a) To revise the ranges or levels established for your operating limits in § 63.2984, you must meet the requirements in paragraphs (a)(1) and (2) of this section:

* * * * *

■ 8. Section 63.2991 is amended by revising the introductory text and paragraph (a) to read as follows:

§ 63.2991 When must I conduct performance tests?

Except for drying and curing ovens subject to a federally enforceable permit that requires the exclusive use of non-HAP binders, you must conduct a performance test for each drying and curing oven subject to this subpart according to the provisions in paragraphs (a) through (c) of this section:

(a) *Initially.* You must conduct a performance test to demonstrate initial compliance and to establish operating parameter limits and ranges to be used to demonstrate continuous compliance with the emission standards no later than 180 days after the applicable compliance date specified in § 63.2985.

* * * * *

■ 9. Section 63.2992 is amended by revising paragraphs (b), (d), and (e) to read as follows:

§ 63.2992 How do I conduct a performance test?

* * * * *

(b) You must conduct the performance test according to the requirements in § 63.7(a) through (d), (e)(2) through (4), and (f) through (h).

* * * * *

(d) During the performance test, you must monitor and record the operating parameters that you will use to demonstrate continuous compliance after the test. These parameters are listed in Table 1 to this subpart.

(e) You must conduct performance tests under conditions that are representative of the performance of the affected source. Representative conditions exclude periods of startup and shutdown. You may not conduct performance tests during periods of malfunction. You must record the process information that is necessary to document operating conditions during the test and record an explanation to support that such conditions represent normal operation. Upon request, you must make available to the

Administrator such records as may be necessary to determine the conditions of performance tests.

* * * * *

■ 10. Section 63.2993 is revised to read as follows:

§ 63.2993 What test methods must I use in conducting performance tests?

(a) Use EPA Method 1 (40 CFR part 60, appendix A-1) for selecting the sampling port location and the number of sampling ports.

(b) Use EPA Method 2 (40 CFR part 60, appendix A-1) for measuring the volumetric flow rate of the stack gas.

(c) Use EPA Method 3 or 3A (40 CFR part 60, appendix A-2) for measuring oxygen and carbon dioxide concentrations needed to correct formaldehyde concentration measurements to a standard basis.

(d) Use EPA Method 4 (40 CFR part 60, appendix A-3) for measuring the moisture content of the stack gas.

(e) Use EPA Method 316, 318, or 320 (40 CFR part 63, appendix A) for measuring the concentration of formaldehyde.

(f) Use the method contained in appendix A to this subpart or the resin purchase specification and the vendor specification sheet for each resin lot for determining the free-formaldehyde content in the urea-formaldehyde resin.

(g) Use the method in appendix B to this subpart for determining product loss-on-ignition.

■ 11. Section 63.2994 is amended by revising paragraph (a) to read as follows:

§ 63.2994 How do I verify the performance of monitoring equipment?

(a) Before conducting the performance test, you must take the steps listed in paragraphs (a)(1) through (3) of this section:

(1) Install and calibrate all process equipment, control devices, and monitoring equipment.

(2) Develop and implement a continuous parameter monitoring system (CPMS) quality control program that includes written procedures for CPMS according to § 63.8(d)(1) and (2). You must keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this subpart, to be made available for inspection, upon request, by the Administrator. If you revise the performance evaluation plan, you must keep previous (*i.e.*, superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. You

should include the program of corrective action in the plan required under § 63.8(d)(2).

(3) Conduct a performance evaluation of the CPMS according to § 63.8(e) which specifies the general requirements and requirements for notifications, the site-specific performance evaluation plan, conduct of the performance evaluation, and reporting of performance evaluation results.

* * * * *

■ 12. Section 63.2996 is revised to read as follows:

§ 63.2996 What must I monitor?

(a) You must monitor the parameters listed in Table 1 to this subpart and any other parameters specified in your OMM plan. You must monitor the parameters, at a minimum, at the corresponding frequencies listed in Table 1 to this subpart, except as specified in paragraph (b) of this section.

(b) During periods when using a non-HAP binder, you are not required to monitor the parameters in Table 1 to this subpart.

■ 13. Section 63.2997 is amended by revising paragraphs (a) introductory text and (b) to read as follows:

§ 63.2997 What are the requirements for monitoring devices?

(a) If you control formaldehyde emissions using a thermal oxidizer, you must meet the requirements in paragraphs (a)(1) and (2) of this section:

* * * * *

(b) If you use process modifications or a control device other than a thermal oxidizer to control formaldehyde emissions, you must install, calibrate, maintain, and operate devices to monitor the parameters established in your OMM plan at the frequency established in the plan.

■ 14. Section 63.2998 is amended by:

■ a. Revising the introductory text, paragraphs (a) and (c), (e) introductory text, and (f);

■ b. Redesignating paragraph (g) as paragraph (h); and

■ c. Adding paragraphs (g) and (i).

The revisions and additions read as follows:

§ 63.2998 What records must I maintain?

You must maintain records according to the procedures of § 63.10. You must maintain the records listed in paragraphs (a) through (i) of this section.

(a) All records required by § 63.10, where applicable. Table 2 of this subpart presents the applicable requirements of the general provisions.

* * * * *

(c) During periods when the binder formulation being applied contains HAP, records of values of monitored parameters listed in Table 1 to this subpart to show continuous compliance with each operating limit specified in Table 1 to this subpart. If you do not monitor the parameters in Table 1 to this subpart during periods when using non-HAP binder, you must record the dates and times that production of mat using non-HAP binder began and ended.

* * * * *

(e) Before August 28, 2019, for existing drying and curing ovens and drying and curing ovens constructed or reconstructed after May 26, 2000 and before April 7, 2018, if an operating parameter deviation occurs, you must record:

* * * * *

(f) Before August 28, 2019, for existing drying and curing ovens and drying and curing ovens constructed or reconstructed after May 26, 2000 and before April 7, 2018, keep all records specified in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction. Records specified in § 63.6(e)(3)(iii) through (v) are not required to be kept after August 27, 2019 for existing or new drying and curing ovens.

(g) After February 28, 2019 for affected sources that commence construction or reconstruction after April 6, 2018, and after August 27, 2019 for all other affected sources, in the event that an affected source fails to meet an applicable standard, including deviations from an emission limit in § 63.2983 or an operating limit in § 63.2984, you must record the number of failures and, for each failure, you must:

(1) Record the date, time, and duration of the failure;

(2) Describe the cause of the failure;

(3) Record and retain a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions; and

(4) Record actions taken to minimize emissions in accordance with § 63.2986(g)(2) and any corrective actions taken to return the affected unit to its normal or usual manner of operation and/or to return the operating parameter to the limit or to within the range specified in the OMM plan, and the dates and times at which corrective actions were initiated and completed.

* * * * *

(i) Records showing how the maximum residence time was derived.

■ 15. Section 63.2999 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 63.2999 In what form and for how long must I maintain records?

* * * * *

(b) Your records must be readily available and in a form so they can be easily inspected and reviewed. You can keep the records on paper or an alternative medium, such as microfilm, computer, computer disks, compact disk, digital versatile disk, flash drive, other commonly used electronic storage medium, magnetic tape, or on microfiche.

(c) You may maintain any records that you submitted electronically via the EPA's Compliance and Emissions Data Reporting Interface (CEDRI) in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an onsite compliance evaluation.

■ 16. Section 63.3000 is amended by:

- a. Revising paragraphs (c) introductory text, (c)(1) and (4), (c)(5) introductory text, and (c)(5)(viii) and (ix);
- b. Adding paragraph (c)(6);
- c. Redesignating paragraph (d) and (e) as paragraph (e) and (d), respectively, and revising newly redesignated paragraphs (e) and (d); and
- e. Adding paragraphs (f) and (g).

The revisions and additions read as follows:

§ 63.3000 What notifications and reports must I submit?

* * * * *

(c) *Semiannual compliance reports.* You must submit semiannual compliance reports according to the requirements of paragraphs (c)(1) through (6) of this section.

(1) *Dates for submitting reports.* Unless the Administrator has agreed to a different schedule for submitting reports under § 63.10(a), you must deliver or postmark each semiannual compliance report no later than 30 days following the end of each semiannual reporting period. The first semiannual reporting period begins on the compliance date for your affected source and ends on June 30 or December 31, whichever date immediately follows your compliance date. Each subsequent semiannual reporting period for which you must submit a semiannual compliance report begins on July 1 or January 1 and ends 6 calendar months later. Before March 1, 2019, as required by § 63.10(e)(3), you must begin

submitting quarterly compliance reports if you deviate from the emission limits in § 63.2983 or the operating limits in § 63.2984. After February 28, 2019, you are not required to submit quarterly compliance reports. If you deviate from the emission limits in § 63.2983 or the operating limits in § 63.2984 in the quarter prior to February 28, 2019, you must include this information in the report for the first full semiannual reporting period following February 28, 2019.

* * * * *

(4) *No deviations.* If there were no instances where an affected source failed to meet an applicable standard, including no deviations from the emission limit in § 63.2983 or the operating limits in § 63.2984, the semiannual compliance report must include a statement to that effect. If there were no periods during which the continuous parameter monitoring systems were out-of-control as specified in § 63.8(c)(7), the semiannual compliance report must include a statement to that effect.

(5) *Deviations.* Before August 28, 2019, for existing drying and curing ovens and drying and curing ovens constructed or reconstructed after May 26, 2000 and before April 7, 2018, if there was a deviation from the emission limit in § 63.2983 or an operating limit in § 63.2984, the semiannual compliance report must contain the information in paragraphs (c)(5)(i) through (ix) of this section:

* * * * *

(viii) A brief description of the associated process units.

(ix) A brief description of the associated continuous parameter monitoring system.

(6) *Deviations.* For affected sources that commence construction or reconstruction after April 6, 2018, after February 28, 2019, and after August 27, 2019 for all other affected sources, if there was an instance where an affected source failed to meet an applicable standard, including a deviation from the emission limit in § 63.2983 or an operating limit in § 63.2984, the semiannual compliance report must record the number of failures and contain the information in paragraphs (c)(6)(i) through (ix) of this section:

(i) The date, time, and duration of each failure.

(ii) The date and time that each continuous parameter monitoring system was inoperative, except for zero (low-level) and high-level checks.

(iii) The date, time, and duration that each continuous parameter monitoring system was out-of-control, including the information in § 63.8(c)(8).

(iv) A list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

(v) The date and time that corrective actions were taken, a description of the cause of the failure (including unknown cause, if applicable), and a description of the corrective actions taken.

(vi) A summary of the total duration of each failure during the semiannual reporting period and the total duration as a percent of the total source operating time during that semiannual reporting period.

(vii) A breakdown of the total duration of the failures during the semiannual reporting period into those that were due to control equipment problems, process problems, other known causes, and other unknown causes.

(viii) A brief description of the associated process units.

(ix) A brief description of the associated continuous parameter monitoring system.

(d) *Startup, shutdown, malfunction reports.* Before August 28, 2019, for existing drying and curing ovens and drying and curing ovens constructed or reconstructed after May 26, 2000 and before April 7, 2018, if you have a startup, shutdown, or malfunction during the semiannual reporting period, you must submit the reports specified § 63.10(d)(5). No startup, shutdown, or malfunction plan is required for any affected source that commences construction or reconstruction after April 6, 2018.

(e) *Performance test results.* You must submit results of each performance test (as defined in § 63.2) required by this subpart no later than 60 days after completing the test as specified in § 63.10(d)(2). You must include the values measured during the performance test for the parameters listed in Table 1 of this subpart and the operating limits or ranges that you will include in your OMM plan. For the thermal oxidizer temperature, you must include 15-minute averages and the average for the three 1-hour test runs. For affected sources that commence construction or reconstruction after April 6, 2018, beginning February 28, 2019, and beginning no later than August 27, 2019 for all other affected sources, you must submit the results following the procedures specified in paragraphs (e)(1) through (3) of this section.

(1) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as

listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test, you must submit the results of the performance test to the EPA via CEDRI (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>)). You must submit performance test data in a file format generated through the use of the EPA's ERT or an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test, you must submit the results of the performance test to the Administrator at the appropriate address listed in § 63.13, unless the Administrator agrees to or specifies an alternate reporting method.

(3) If you claim that some of the performance test information you are submitting under paragraph (e)(1) is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website, including information claimed to be CBI, on a compact disk, flash drive or other commonly used electronic storage medium to the EPA. You must clearly mark the electronic medium as CBI and mail to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, Mail Drop C404-02, 4930 Old Page Rd., Durham, NC 27703. You must submit the same ERT or alternate file with the CBI omitted to the EPA via the EPA's CDX as described in paragraph (e)(1) of this section.

(f) *Claims of EPA system outage.* If you are required to electronically submit a report through the CEDRI in the EPA's CDX, you may assert a claim of EPA outage for failure to timely comply with the reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (f)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required test report within the time prescribed due to an outage of either the EPA's CEDRI or CDX Systems.

(2) The outage must have occurred within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(g) *Claims of force majeure.* If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the reporting requirement. To assert a claim of force majeure, you must meet the requirements outlined in paragraphs (g)(1) through (5) of this section.

(1) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirements to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the force majeure event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

■ 17. Section 63.3001 is revised to read as follows:

§ 63.3001 What sections of the general provisions apply to me?

You must comply with the requirements of the general provisions of 40 CFR part 63, subpart A, as specified in Table 2 of this subpart.

§ 63.3003 [Removed and Reserved]

■ 18. Section 63.3003 is removed and reserved.

■ 19. Section 63.3004 is amended by:

■ a. Removing the definition for "Binder application vacuum exhaust".

■ b. Revising the definition for "Deviation"; and

■ c. Adding definitions for "Maximum residence time", "Non-HAP binder", "Shutdown", and "Startup" in alphabetical order.

The revisions and additions read as follows:

§ 63.3004 What definitions apply to this subpart?

* * * * *

Deviation means:

(1) Before August 28, 2019, any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(i) Fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limit, operating limit, or work practice standard;

(ii) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(iii) Fails to meet any emission limit, or operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

(2) After February 28, 2019 for affected sources that commence construction or reconstruction after April 6, 2018, and after August 27, 2019 for all other affected sources, any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(i) Fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limit, operating limit, or work practice standard; or

(ii) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.

* * * * *

Maximum residence time means the longest time, during normal operation and excluding periods of ramping up to speed during startup, that a particular point on the fiberglass mat remains in the drying and curing oven. It is determined for each line by the equation:

$$T = L/S$$

Where:

T is the residence time, in seconds;

L is the length of the drying and curing oven, in feet; and

S is the slowest line speed normally operated on the line, excluding periods of ramping up to speed during startup, in feet per second.

Non-HAP binder means a binder formulation that does not contain any substance that is required to be listed in Section 3 of a safety data sheet (SDS) pursuant to 29 CFR 1910.1200(g) and that is a HAP as defined in section 112(b) of the Clean Air Act. In designating a non-HAP binder under this subpart, you may not rely on the SDS for a binder where the manufacturer has withheld the specific chemical identity, including the chemical name, other specific identification of a hazardous chemical, or the exact percentage (concentration) of the substance in a mixture from Section 3 of the SDS. You may not withhold this information when making the case that the binder is a non-HAP binder for the purposes of § 63.2996.

* * * * *

Shutdown after February 28, 2019 for affected sources that commence construction or reconstruction after April 6, 2018, and after August 27, 2019 for all other affected sources, means the cessation of operation of the drying and curing of any binder-infused fiberglass mat for any purpose. Shutdown ends when the maximum residence time has elapsed after binder-infused fiberglass mat ceases to enter the drying and curing oven.

Startup after February 28, 2019 for affected sources that commence construction or reconstruction after April 6, 2018, and after August 27, 2019 for all other affected sources, means the setting in operation of the drying and curing of binder-infused fiberglass mat for any purpose. Startup begins when binder-infused fiberglass mat enters the oven to be dried and cured for the first time or after a shutdown event.

* * * * *

■ 20. Table 1 to subpart HHHH of part 63 is revised to read as follows:

TABLE 1 TO SUBPART HHHH OF PART 63—MINIMUM REQUIREMENTS FOR MONITORING AND RECORDKEEPING

As stated in § 63.2998(c), you must comply with the minimum requirements for monitoring and recordkeeping in the following table:

You must monitor these parameters:	At this frequency:	And record for the monitored parameter:
1. Thermal oxidizer temperature ^{1 4}	Continuously	15-minute and 3-hour block averages.
2. Other process or control device parameters specified in your OMM plan ^{2 4}	As specified in your OMM plan	As specified in your OMM plan.
3. Urea-formaldehyde resin solids application rate ⁴	On each operating day, calculate the average lb/h application rate for each product manufactured during that day.	The average lb/h value for each product manufactured during the day.
4. Resin free-formaldehyde content ⁴	For each lot of resin purchased	The value for each lot used during the operating day.
5. Loss-on-ignition ^{3 4}	Measured at least once per day, for each product manufactured during that day.	The value for each product manufactured during the operating day.
6. UF-to-latex ratio in the binder ^{3 4}	For each batch of binder prepared the operating day.	The value for each batch of binder prepared during the operating day.
7. Weight of the final mat product per square (lb/roofing square) ^{3 4}	Each product manufactured during the operating day.	The value for each product manufactured during the operating day.
8. Average nonwoven wet-formed fiberglass mat production rate (roofing square/h) ^{3 4}	For each product manufactured during the operating day.	The average value for each product manufactured during operating day.

¹ Required if a thermal oxidizer is used to control formaldehyde emissions.

² Required if process modifications or a control device other than a thermal oxidizer is used to control formaldehyde emissions.

³ These parameters must be monitored and values recorded, but no operating limits apply.

⁴ You are not required to monitor or record these parameters during periods when using a non-HAP binder. If you do not monitor these parameters during periods when using a non-HAP binder, you must record the dates and times that production of mat using the non-HAP binder began and ended.

■ 21. Table 2 to subpart HHHH of part 63 is revised to read as follows:

TABLE 2 TO SUBPART HHHH OF PART 63—APPLICABILITY OF GENERAL PROVISIONS (40 CFR PART 63, SUBPART A) TO SUBPART HHHH

As stated in § 63.3001, you must comply with the applicable General Provisions requirements according to the following table:

Citation	Requirement	Applies to subpart HHHH	Explanation
§ 63.1(a)(1)–(4)	General Applicability	Yes.	[Reserved].
§ 63.1(a)(5) .....	.....	No	
§ 63.1(a)(6)–(8) .....	.....	Yes.	

TABLE 2 TO SUBPART HHHH OF PART 63—APPLICABILITY OF GENERAL PROVISIONS (40 CFR PART 63, SUBPART A) TO SUBPART HHHH—Continued

As stated in § 63.3001, you must comply with the applicable General Provisions requirements according to the following table:

Citation	Requirement	Applies to subpart HHHH	Explanation
§ 63.1(a)(9) .....	.....	No	[Reserved].
§ 63.1(a)(10)–(14) .....	.....	Yes.	
§ 63.1(b)	Initial Applicability Determination	Yes.	
§ 63.1(c)(1)	Applicability After Standard Established.	Yes.	
§ 63.1(c)(2) .....	.....	Yes	Some plants may be area sources.
§ 63.1(c)(3) .....	.....	No	[Reserved].
§ 63.1(c)(4)–(5) .....	.....	Yes.	
§ 63.1(d) .....	.....	No	[Reserved].
§ 63.1(e)	Applicability of Permit Program	Yes.	
§ 63.2	Definitions	Yes	Additional definitions in § 63.3004.
§ 63.3	Units and Abbreviations	Yes.	
§ 63.4(a)(1)–(3)	Prohibited Activities	Yes.	
§ 63.4(a)(4) .....	.....	No	[Reserved].
§ 63.4(a)(5) .....	.....	Yes.	
§ 63.4(b)–(c)	Circumvention/Severability	Yes.	
§ 63.5(a)	Construction/Reconstruction	Yes.	
§ 63.5(b)(1)	Existing/Constructed/Reconstruction	Yes.	
§ 63.5(b)(2) .....	.....	No	[Reserved].
§ 63.5(b)(3)–(6) .....	.....	Yes.	
§ 63.5(c) .....	.....	No	[Reserved].
§ 63.5(d)	Application for Approval of Construction/Reconstruction.	Yes.	
§ 63.5(e)	Approval of Construction/Reconstruction.	Yes.	
§ 63.5(f)	Approval of Construction/Reconstruction Based on State Review.	Yes.	
§ 63.6(a)	Compliance with Standards and Maintenance—Applicability.	Yes.	
§ 63.6(b)(1)–(5)	New and Reconstructed Sources—Dates.	Yes.	
§ 63.6(b)(6) .....	.....	No	[Reserved].
§ 63.6(b)(7) .....	.....	Yes.	
§ 63.6(c)(1)–(2)	Existing Sources Dates	Yes	§ 63.2985 specifies dates.
§ 63.6(c)(3)–(4) .....	.....	No	[Reserved].
§ 63.6(c)(5) .....	.....	Yes.	
§ 63.6(d) .....	.....	No	[Reserved].
§ 63.6(e)(1)(i)	General Duty to Minimize Emissions	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.	See § 63.2986(g) for general duty requirement.
§ 63.6(e)(1)(ii)	Requirement to Correct Malfunctions As Soon As Possible.	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.	
§ 63.6(e)(1)(iii)	Operation and Maintenance Requirements.	Yes	§§ 63.2984 and 63.2987 specify additional requirements.
§ 63.6(e)(2) .....	.....	No	[Reserved].
§ 63.6(e)(3)	SSM Plan Requirements	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.	
§ 63.6(f)(1)	SSM Exemption	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.	
§ 63.6(f)(2) and (3)	Compliance with Non-Opacity Emission Standards.	Yes.	
§ 63.6(g)	Alternative Non-Opacity Emission Standard.	Yes	EPA retains approval authority.

TABLE 2 TO SUBPART HHHH OF PART 63—APPLICABILITY OF GENERAL PROVISIONS (40 CFR PART 63, SUBPART A) TO SUBPART HHHH—Continued

As stated in § 63.3001, you must comply with the applicable General Provisions requirements according to the following table:

Citation	Requirement	Applies to subpart HHHH	Explanation
§ 63.6(h)	Compliance with Opacity/Visible Emissions Standards.	No	Subpart HHHH does not specify opacity or visible emission standards.
§ 63.6(i)(1)–(14)	Extension of Compliance	Yes.	[Reserved].
§ 63.6(i)(15) .....	.....	No	
§ 63.6(i)(16) .....	.....	Yes.	
§ 63.6(j)	Exemption from Compliance	Yes.	
§ 63.7(a)	Performance Test Requirements—Applicability and Dates.	Yes.	See § 63.2992(c).
§ 63.7(b)	Notification of Performance Test	Yes.	
§ 63.7(c)	Quality Assurance Program/Test Plan.	Yes.	
§ 63.7(d)	Testing Facilities	Yes.	
§ 63.7(e)(1)	Performance Testing	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.	§§ 63.2991–63.2994 specify additional requirements. EPA retains approval authority
§ 63.7(e)(2)–(4)	Conduct of Tests	Yes	
§ 63.7(f)	Alternative Test Method	Yes	
§ 63.7(g)	Data Analysis	Yes.	
§ 63.7(h)	Waiver of Tests	Yes.	[Reserved].
§ 63.8(a)(1)–(2)	Monitoring Requirements—Applicability.	Yes.	
§ 63.8(a)(3) .....	.....	No	
§ 63.8(a)(4) .....	.....	Yes.	
§ 63.8(b)	Conduct of Monitoring	Yes.	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.
§ 63.8(c)(1)(i)	General Duty to Minimize Emissions and CMS Operation.	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.	
§ 63.8(c)(1)(ii)	Continuous Monitoring System (CMS) Operation and Maintenance.	Yes.	
§ 63.8(c)(1)(iii)	Requirement to Develop SSM Plan for CMS.	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.	
§ 63.8(c)(2)–(4)		Yes.	Subpart HHHH does not specify opacity or visible emission standards.
§ 63.8(c)(5)	Continuous Opacity Monitoring System (COMS) Procedures.	No	
§ 63.8(c)(6)–(8) .....	.....	Yes.	
§ 63.8(d)(1) and (2)	Quality Control	Yes.	
§ 63.8(d)(3)	Written Procedures for CMS	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.	See § 63.2994(a).
§ 63.8(e)	CMS Performance Evaluation	Yes.	EPA retains approval authority. Subpart HHHH does not require the use of continuous emissions monitoring systems (CEMS).
§ 63.8(f)(1)–(5)	Alternative Monitoring Method	Yes	
§ 63.8(f)(6)	Alternative to Relative Accuracy Test	No	
§ 63.8(g)(1)	Data Reduction	Yes.	Subpart HHHH does not require the use of CEMS or COMS.
§ 63.8(g)(2)	Data Reduction	No	
§ 63.8(g)(3)–(5)	Data Reduction	Yes.	Yes.
§ 63.9(a)	Notification Requirements—Applicability.	Yes.	
§ 63.9(b)	Initial Notifications	Yes.	
§ 63.9(c)	Request for Compliance Extension ...	Yes.	

TABLE 2 TO SUBPART HHHH OF PART 63—APPLICABILITY OF GENERAL PROVISIONS (40 CFR PART 63, SUBPART A) TO SUBPART HHHH—Continued

As stated in § 63.3001, you must comply with the applicable General Provisions requirements according to the following table:

Citation	Requirement	Applies to subpart HHHH	Explanation
§ 63.9(d)	New Source Notification for Special Compliance Requirements.	Yes.	
§ 63.9(e)	Notification of Performance Test	Yes.	
§ 63.9(f)	Notification of Visible Emissions/Opacity Test.	No	Subpart HHHH does not specify opacity or visible emission standards.
§ 63.9(g)(1)	Additional CMS Notifications	Yes.	
§ 63.9(g)(2)–(3) .....	.....	No	Subpart HHHH does not require the use of COMS or CEMS.
§ 63.9(h)(1)–(3)	Notification of Compliance Status	Yes	§ 63.3000(b) specifies additional requirements.
§ 63.9(h)(4) .....	.....	No	[Reserved].
§ 63.9(h)(5)–(6) .....	.....	Yes.	
§ 63.9(i)	Adjustment of Deadlines	Yes.	
§ 63.9(j)	Change in Previous Information	Yes.	
§ 63.10(a)	Recordkeeping/Reporting—Applicability.	Yes.	
§ 63.10(b)(1)	General Recordkeeping Requirements.	Yes	§ 63.2998 includes additional requirements.
§ 63.10(b)(2)(i)	Recordkeeping of Occurrence and Duration of Startups and Shutdowns.	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.	
§ 63.10(b)(2)(ii)	Recordkeeping of Failures to Meet a Standard.	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.	See § 63.2998(g) for recordkeeping requirements for an affected source that fails to meet an applicable standard.
§ 63.10(b)(2)(iii)	Maintenance Records	Yes.	
§ 63.10(b)(2)(iv) and (v) ..	Actions Taken to Minimize Emissions During SSM.	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.	
§ 63.10(b)(2)(vi)	Recordkeeping for CMS Malfunctions	Yes.	
§ 63.10(b)(2)(vii)–(xiv)	Other CMS Requirements	Yes.	
§ 63.10(b)(3)	Recordkeeping requirement for applicability determinations.	Yes.	
§ 63.10(c)(1)	Additional CMS Recordkeeping	Yes.	
§ 63.10(c)(2)–(4) .....	.....	No	[Reserved].
§ 63.10(c)(5)–(8) .....	.....	Yes.	
§ 63.10(c)(9) .....	.....	No	[Reserved].
§ 63.10(c)(10)–(14) .....	.....	Yes.	
§ 63.10(c)(15)	Use of SSM Plan	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.	
§ 63.10(d)(1)	General Reporting Requirements	Yes	§ 63.3000 includes additional requirements.
§ 63.10(d)(2)	Performance Test Results	Yes	§ 63.3000 includes additional requirements.
§ 63.10(d)(3)	Opacity or Visible Emissions Observations.	No	Subpart HHHH does not specify opacity or visible emission standards.
§ 63.10(d)(4)	Progress Reports Under Extension of Compliance.	Yes.	
§ 63.10(d)(5)	SSM Reports	No, for new or reconstructed sources which commenced construction or reconstruction after April 6, 2018. Yes, for all other affected sources before August 28, 2019, and No thereafter.	See § 63.3000(c) for malfunction reporting requirements.

TABLE 2 TO SUBPART HHHH OF PART 63—APPLICABILITY OF GENERAL PROVISIONS (40 CFR PART 63, SUBPART A) TO SUBPART HHHH—Continued

As stated in § 63.3001, you must comply with the applicable General Provisions requirements according to the following table:

Citation	Requirement	Applies to subpart HHHH	Explanation
§ 63.10(e)(1)	Additional CMS Reports—General	No	Subpart HHHH does not require CEMS.
§ 63.10(e)(2)	Reporting results of CMS performance evaluations..	Yes.	
§ 63.10(e)(3)	Excess Emission/CMS Performance Reports..	Yes.	
§ 63.10(e)(4)	COMS Data Reports	No	Subpart HHHH does not specify opacity or visible emission standards.
§ 63.10(f)	Recordkeeping/Reporting Waiver	Yes	
§ 63.11	Control Device Requirements—Applicability..	No	EPA retains approval authority. Facilities subject to subpart HHHH do not use flares as control devices.
§ 63.12	State Authority and Delegations	Yes.	
§ 63.13	Addresses	Yes.	See § 63.14(b)(2) and (3) for applicability requirements.
§ 63.14	Incorporation by Reference	Yes	
§ 63.15	Availability of Information/Confidentiality.	Yes.	

[FR Doc. 2019-01685 Filed 2-27-19; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket Nos. 120328229-4949-02 and 180117042-8884-02]

RIN 0648-XG839

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; annual adjustment of Atlantic bluefin tuna Purse Seine and Reserve category quotas; inseason quota transfer from the Reserve category to the General category.

SUMMARY: NMFS is adjusting the Atlantic bluefin tuna (BFT) Purse Seine and Reserve category quotas for 2019, as it has done annually since 2015. NMFS also is transferring 25 metric tons (mt) of BFT quota from the Reserve category to the General category January 2019 period (from January 1 through March 31, 2019, or until the available subquota for this period is reached, whichever comes first). The transfer to the General category is based on consideration of the regulatory determination criteria regarding inseason adjustments and applies to Atlantic tunas General

category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

DATES: Effective February 25, 2019, through December 31, 2019.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 978-281-9260, Uriah Forrest-Bulley, 978-675-2154, or Larry Redd, 301-427-8503.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006), as amended by Amendment 7 to the 2006 Consolidated HMS FMP (Amendment 7) (79 FR 71510, December 2, 2014). NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

Annual Adjustment of the BFT Purse Seine and Reserve Category Quotas

In 2018, NMFS implemented a final rule that established the U.S. BFT quota and subquotas consistent with ICCAT Recommendation 17-06 (83 FR 53191, October 11, 2018). As a result, based on the currently codified U.S. quota of 1,247.86 mt (not including the 25 mt allocated by ICCAT to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area), the baseline Purse Seine, General, and Reserve category quotas are codified as 219.5 mt, 555.7 mt, and 29.5 mt, respectively. See § 635.27(a). For 2019 to date, NMFS has made the following inseason quota transfers: 19.5 mt from the General category December 2019 subquota period to the January 2019 subquota period (83 FR 67140, December 28, 2018) and 26 mt from the Reserve category to the General category (84 FR 3724, February 13, 2019), resulting in an adjusted 2019 Reserve category quota of 3.5 mt.

Pursuant to § 635.27(a)(4), NMFS has determined the amount of quota available to the Atlantic Tunas Purse Seine category participants in 2019, based on their BFT catch (landings and dead discards) in 2018. In accordance with the regulations, NMFS makes available to each Purse Seine category participant either 100 percent, 75 percent, 50 percent, or 25 percent of the individual baseline quota allocations based on the previous year's catch, as described in § 635.27(a)(4)(ii), and reallocates the remainder to the Reserve category. NMFS has calculated the

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 63**

[EPA-HQ-OAR-2016-0678; FRL-9988-71-OAR]

RIN 2060-AT71

National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products Residual Risk and Technology Review**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This action finalizes the residual risk and technology review (RTR) conducted for the Surface Coating of Wood Building Products source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, we are taking final action addressing periods of startup, shutdown, and malfunction (SSM). We are finalizing our proposed determination that the risks are acceptable and that the current NESHAP provides an ample margin of safety to protect public health. We identified no new cost-effective controls under the technology review to achieve further emissions reductions. These final amendments include provisions regarding electronic reporting, adding an alternative compliance equation under the current standards, and technical and editorial changes. This action also finalizes a new EPA test method to measure isocyanate compounds in certain surface coatings. These amendments are being made under the authority of the Clean Air Act (CAA) and will improve the effectiveness of the rule. The amendments are environmentally neutral.

DATES: This final rule is effective on March 4, 2019. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of March 4, 2019.

ADDRESSES: The Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA-HQ-OAR-2016-0678. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy

form. Publicly available docket materials are available either electronically through <https://www.regulations.gov>, or in hard copy at the EPA Docket Center, EPA WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Docket Center is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact Mr. John Bradfield, Sector Policies and Programs Division (E143-03), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-3062; fax number: (919) 541-0516; and email address: bradfield.john@epa.gov. For specific information regarding the risk modeling methodology, contact Mr. James Hirtz, Health and Environmental Impacts Division (C539-02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-0881; fax number: (919) 541-0840; and email address: hirtz.james@epa.gov. For information about the applicability of the NESHAP to a particular entity, contact Mr. John Cox, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, EPA WJC South Building, 1200 Pennsylvania Ave. NW, Mail Code 2221A, Washington, DC 20460; telephone number: (202) 564-1395; and email address: cox.john@epa.gov.

SUPPLEMENTARY INFORMATION: *Preamble acronyms and abbreviations.* We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

ANSI American National Standards Institute
ASTM American Society for Testing and Materials
ATSDR Agency for Toxic Substances and Disease Registry
CAA Clean Air Act
CDX Central Data Exchange
CEDRI Compliance and Emissions Data Reporting Interface
CFR Code of Federal Regulations
CORE Central Operations and Resources
CRA Congressional Review Act
EJ environmental justice
E.O. Executive Order
EPA Environmental Protection Agency

ERT Electronic Reporting Tool
EST Eastern Standard Time
FTIR Fourier Transform Infrared
HAP hazardous air pollutant(s)
HDI hexamethylene-1,6-diisocyanate
HI hazard index
HQ hazard quotient
IBR incorporation by reference
ICR information collection request
IRIS Integrated Risk Information System
km kilometers
MACT maximum achievable control technology
MDI methylene diphenyl diisocyanate
MI methyl isocyanate
MIR maximum individual risk
NAICS North American Industry Classification System
NCASI National Council for Air and Stream Improvement, Inc.
NEI National Emissions Inventory
NESHAP National Emission Standards for Hazardous Air Pollutants
No. number
NRDC Natural Resources Defense Council
NTTAA National Technology Transfer and Advancement Act
OAQPS Office of Air Quality Planning and Standards
OMB Office of Management and Budget
PDF portable document format
POM polycyclic organic matter
PRA Paperwork Reduction Act
QA quality assurance
QC quality control
REL reference exposure level
RFA Regulatory Flexibility Act
RIN Regulatory Information Number
RTR risk and technology review
SSM startup, shutdown, and malfunction
TDI 2,4-toluene diisocyanate
TOSHI target organ-specific hazard index
tpy tons per year
UMRA Unfunded Mandates Reform Act
U.S. United States
U.S.C. United States Code
UV ultraviolet
VCS voluntary consensus standards
WebFIRE Web Factor Information Retrieval System

Background information. On May 16, 2018, the EPA proposed revisions to the Surface Coating of Wood Building Products NESHAP based on our RTR. In this action, we are finalizing decisions and revisions for the rule. We summarize some of the more significant comments we timely received regarding the proposed rule and provide our responses in this preamble. A summary of all other public comments on the proposal and the EPA's responses to those comments are available in *Response to Public Comments on May 16, 2018 Proposal, December 2018*, Docket ID No. EPA-HQ-OAR-2016-0678. A "track changes" version of the regulatory language that incorporates the changes in this action is available in the docket.

Organization of this document. The information in this preamble is organized as follows:

- I. General Information
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 - C. What changes did we propose for the Surface Coating of Wood Building Products source category in our May 16, 2018, proposal?
- III. What is included in this final rule?
 - A. What are the final rule amendments based on the risk review for the Surface Coating of Wood Building Products source category?
 - B. What are the final rule amendments based on the technology review for the Surface Coating of Wood Building Products source category?
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 - A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
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 - F. Executive Order 13132: Federalism

- G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
- I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
- J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51
- K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
- L. Congressional Review Act (CRA)

I. General Information

A. Does this action apply to me?

Regulated entities. Categories and entities potentially regulated by this action are shown in Table 1 of this preamble.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

NESHAP and source category	NAICS ¹ code
Surface Coating of Wood Building Products.	321211, 321212, 321218, 321219, 321911, 321999.

¹ North American Industry Classification System.

Table 1 of this preamble is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by the final action for the source category listed. To determine whether your facility is affected, you should examine the applicability criteria in the appropriate NESHAP. If you have any questions regarding the applicability of any aspect of this NESHAP, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at: <https://www.epa.gov/stationary-sources-air-pollution/surface-coating-wood-building-products-national-emission-standard-1>. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents at this same website.

Additional information is available on the RTR website at <https://www.epa.gov/ttn/atw/rrisk/rtrpg.html>.

This information includes an overview of the RTR program, links to project websites for the RTR source categories, and detailed emissions and other data we used as inputs to the risk assessments.

C. Judicial Review and Administrative Reconsideration

Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit (the Court) by May 3, 2019. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, EPA WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority for this action?

Section 112 of the CAA establishes a two-stage regulatory process to address emissions of hazardous air pollutants (HAP) from stationary sources. In the first stage, we must identify categories of sources emitting one or more of the HAP listed in CAA section 112(b) and then promulgate technology-based NESHAP for those sources. "Major sources" are those that emit, or have the potential to emit, any single HAP at a

rate of 10 tons per year (tpy) or more, or 25 tpy or more of any combination of HAP. For major sources, these standards are commonly referred to as maximum achievable control technology (MACT) standards and must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). In developing MACT standards, CAA section 112(d)(2) directs the EPA to consider the application of measures, processes, methods, systems, or techniques, including but not limited to those that reduce the volume of or eliminate HAP emissions through process changes, substitution of materials, or other modifications; enclose systems or processes to eliminate emissions; collect, capture, or treat HAP when released from a process, stack, storage, or fugitive emissions point; are design, equipment, work practice, or operational standards; or any combination of the above.

For these MACT standards, the statute specifies certain minimum stringency requirements, which are referred to as MACT floor requirements, and which may not be based on cost considerations. See CAA section 112(d)(3). For new sources, the MACT floor cannot be less stringent than the emission control achieved in practice by the best-controlled similar source. The MACT standards for existing sources can be less stringent than floors for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources). In developing MACT standards, we must also consider control options that are more stringent than the floor under CAA section 112(d)(2). We may establish standards more stringent than the floor, based on the consideration of the cost of achieving the emissions reductions, any non-air quality health and environmental impacts, and energy requirements.

In the second stage of the regulatory process, the CAA requires the EPA to undertake two different analyses, which we refer to as the technology review and the residual risk review. Under the technology review, we must review the technology-based standards and revise them “as necessary (taking into account developments in practices, processes, and control technologies)” no less frequently than every 8 years, pursuant to CAA section 112(d)(6). Under the residual risk review, we must evaluate

the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. The residual risk review is required within 8 years after promulgation of the technology-based standards, pursuant to CAA section 112(f). In conducting the residual risk review, if the EPA determines that the current standards provide an ample margin of safety to protect public health, it is not necessary to revise the MACT standards pursuant to CAA section 112(f).¹ For more information on the statutory authority for this rule, see 83 FR 2274.

B. What is the Surface Coating of Wood Building Products source category and how does the NESHAP regulate HAP emissions from the source category?

The EPA promulgated the Surface Coating of Wood Building Products NESHAP on May 28, 2003 (See 68 FR 31746). The standards are codified at 40 CFR part 63, subpart QQQQ. The Wood Building Products Surface Coating industry consists of facilities that are engaged in the surface coating of wood building products, which means the application of coatings using, for example, roll coaters or curtain coaters in the finishing or laminating of any wood building product that contains more than 50 percent by weight wood or wood fiber, excluding the weight of any glass components, and is used in the construction, either interior or exterior, of a residential, commercial, or institutional building. Regulated operations include all processes and process units incorporating wood building products surface coating operations. The source category covered by this MACT standard currently includes 57 facilities.

C. What changes did we propose for the Surface Coating of Wood Building Products source category in our May 16, 2018, proposal?

On May 16, 2018, the EPA published a proposed rule in the **Federal Register** for the Surface Coating of Wood Building Products NESHAP, 40 CFR part 63, subpart QQQQ, that took into consideration the RTR analyses. In the proposed rule, we proposed revisions to

the SSM provisions of the MACT rule in order to ensure that they are consistent with the Court decision in *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008), which vacated two provisions that exempted sources from the requirement to comply with otherwise applicable CAA section 112(d) emission standards during periods of SSM. We also proposed various other changes, including an alternative compliance calculation, electronic submittal of notifications, compliance reports, and performance test reports, a new EPA test method, IBR of several test methods, and various technical and editorial changes. Additionally, we requested comment on repeat emissions testing requirements for facilities that demonstrate compliance with the standards using add-on control devices and for any facilities using the alternative compliance equation under the emission rate without add-on controls option.

III. What is included in this final rule?

This action finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112 for the Surface Coating of Wood Building Products source category. This action also finalizes other changes to the NESHAP, including an alternative compliance calculation equation that relies on periodic emissions testing; electronic submittal of notifications of compliance status, semiannual compliance reports, and performance test reports; a new EPA test method for isocyanates, EPA Method 326; IBR of several test methods (listed in section IV below); and various technical and editorial changes.

A. What are the final rule amendments based on the risk review for the Surface Coating of Wood Building Products source category?

The EPA proposed no changes to the 40 CFR part 63, subpart QQQQ NESHAP based on the risk review conducted pursuant to CAA section 112(f). We are finalizing our proposed determination that risks from the source category are acceptable, considering all of the health information and factors evaluated, and also considering risk estimation uncertainty. We are also finalizing our proposed determination that revisions to the current standards are not necessary to reduce risk to an acceptable level, to provide an ample margin of safety to protect public health, or to prevent an adverse environmental effect. The EPA received no new data or other information during the public comment period that affected our determinations. Therefore, we are not

¹ The Court has affirmed this approach of implementing CAA section 112(f)(2)(A): *NRDC v. EPA*, 529 F.3d 1077, 1083 (D.C. Cir. 2008) (“If EPA determines that the existing technology-based standards provide an ‘ample margin of safety,’ then the Agency is free to readopt those standards during the residual risk rulemaking.”).

requiring additional controls and, thus, are not making any revisions to the existing standards under CAA section 112(f).

B. What are the final rule amendments based on the technology review for the Surface Coating of Wood Building Products source category?

We determined that there are no developments in practices, processes, and control technologies that warrant revisions to the MACT standards for this source category. The EPA received no new data or other information during the public comment period that affected our determinations. Therefore, we are not finalizing revisions to the MACT standards under CAA section 112(d)(6).

C. What are the final rule amendments addressing emissions during periods of startup, shutdown, and malfunction?

In its 2008 decision in *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008), the Court vacated portions of two provisions in the EPA's CAA section 112 "General Provisions" regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some CAA section 112 standards apply continuously.

We have eliminated the SSM exemption in this rule. Consistent with *Sierra Club v. EPA*, the EPA has established standards in this rule that apply at all times. We have also revised Table 4 to Subpart QQQQ of Part 63 (the General Provisions applicability table) in several respects, as is explained in more detail below in section IV.C. For example, we have eliminated the incorporation of the General Provisions' requirement that the source develop an SSM plan. We have also eliminated and revised certain recordkeeping and reporting that is related to the SSM exemption as described in detail in the proposal and summarized below in section IV.C.

D. What other changes have been made to the NESHAP?

Other changes to the NESHAP that do not fall into the categories in the previous section include:

1. *Alternative compliance equation.* As proposed in response to a request for an alternative method of demonstrating compliance, we have amended the rule to add an alternative equation within the requirements for facilities meeting

the "emission rate without add-on controls" compliance option under the current standards. The alternative is discussed further in section IV.D of this preamble.

2. *Emissions testing.* In response to comments and emissions tests discussed at proposal, we have amended the allowable compliance tests in the rule. Emissions testing is discussed further in section IV.E of this preamble.

3. *Electronic reporting.* As discussed at proposal, we are finalizing amendments to the reporting requirements in the rule to require electronic reporting for notifications of compliance status, compliance test reports, and semiannual reports. Electronic reporting is discussed further in section IV.F of this preamble.

4. *EPA Test Method 326.* As discussed at proposal, we are finalizing a new test method for isocyanate emissions. EPA Test Method 326 is discussed further in section IV.G and is included in appendix A to part 63 of this preamble.

5. *IBR under 1 CFR part 51.* We are incorporating several test methods by reference, as discussed further in section IV.H of this preamble.

6. *Technical and editorial changes.* We are finalizing technical and editorial changes, as discussed further in section IV.I of this preamble.

E. What are the effective and compliance dates of the standards?

The revisions to the MACT standards being promulgated in this action are effective on March 4, 2019. The compliance date for existing affected sources to comply with the revised requirements is no later than 180 days after March 4, 2019. Affected sources that commenced construction or reconstruction after May 16, 2018, are new sources. New sources must comply with the all of the standards immediately upon the effective date of the standard, March 4, 2019, or upon startup, whichever is later. In section IV.F of this preamble on Electronic Reporting, we discuss a semiannual reporting template that will become the required form for those reports 1 year after it is posted in the EPA's Compliance and Emissions Data Reporting Interface (CEDRI). The EPA expects to post the form on March 4, 2019. Consequently, 1 year or more after March 4, 2019, facilities subject to this standard will need to begin using this form for semiannual reports.

The EPA is finalizing that existing affected sources must comply with the amendments in this rulemaking no later than 180 days after March 4, 2019. The EPA is also finalizing that affected sources that commence construction or

reconstruction after March 4, 2019 must comply with all requirements of the subpart, including the amendments being finalized, no later than March 4, 2019 or upon startup, whichever is later. All affected existing facilities would have to continue to meet the current requirements of 40 CFR part 63, subpart QQQQ, until the applicable compliance date of the amended rule. The final action is not a "major rule" as defined by 5 U.S.C. 804(2), so the effective date of the final rule is the promulgation date as specified in CAA sections 112(d)(10) and 112(f)(3). For existing sources, we are finalizing two changes that would impact ongoing compliance requirements for 40 CFR part 63, subpart QQQQ. As discussed elsewhere in this preamble, we are adding a requirement that the notification of compliance status, performance test results, and the semiannual reports using the new template be submitted electronically. We are also changing the requirements for SSM by removing the exemption from the requirements to meet the standard during SSM periods and by removing the requirement to develop and implement an SSM plan. Additionally, we are adding an optional new compliance demonstration equation that adds flexibility for meeting the standard, but this change does not affect ongoing compliance. Our experience with similar industries that are required to convert reporting mechanisms, install necessary hardware and software, become familiar with the process of submitting performance test results electronically through the EPA's CEDRI, test these new electronic submission capabilities, reliably employ electronic reporting, and convert logistics of reporting processes to different time-reporting parameters, shows that a time period of a minimum of 90 days, and more typically, 180 days, is generally necessary to successfully complete these changes. Our experience with similar industries further shows that this sort of regulated facility generally requires a time period of 180 days to read and understand the amended rule requirements; evaluate their operations to ensure that they can meet the standards during periods of startup and shutdown as defined in the rule and make any necessary adjustments; adjust parameter monitoring and recording systems to accommodate revisions; and update their operations to reflect the revised requirements. The EPA recognizes the confusion that multiple different compliance dates for individual requirements would create and the additional burden such an assortment of

dates would impose. From our assessment of the timeframe needed for compliance with the entirety of the revised requirements, the EPA considers a period of 180 days to be the most expeditious compliance period practicable, and, thus, is finalizing that existing affected sources be in compliance with all of this regulation's revised requirements within 180 days of the regulation's effective date.

IV. What is the rationale for our final decisions and amendments for the Surface Coating of Wood Building Products source category?

For each issue, this section provides a description of what we proposed and what we are finalizing for the issue, the EPA's rationale for the final decisions and amendments, and a summary of key comments and responses. For all comments not discussed in this preamble, comment summaries and the EPA's responses can be found in the comment summary and response document available in the docket, Docket ID No. EPA-HQ-OAR-2016-0678.

A. Residual Risk Review for the Surface Coating of Wood Building Products Source Category

1. What did we propose pursuant to CAA section 112(f) for the Surface Coating of Wood Building Products source category?

For the 40 CFR part 63, subpart QQQQ category risk assessment conducted at proposal, the EPA estimated risks based on actual and allowable emissions from wood building products surface coating sources. Allowable emissions at proposal were estimated to be equal to actual emissions. The estimated inhalation cancer risk to the individual most exposed to emissions from the source category was 6-in-1 million at proposal, at one facility. The assessment showed that approximately 800 people faced an increased cancer risk greater than 1-in-1 million due to inhalation exposure to HAP emissions from this source category. The risk analysis at proposal indicated very low cancer incidence (0.0006 excess cancer cases per year, or one excess case every 1,667 years), as well as low potential for adverse chronic noncancer health effects with a hazard index (HI) of 0.05 for both actual and allowable emissions. The acute screening assessment indicated two facilities with a maximum hazard quotient (HQ) equal to 1 based upon a reference exposure level (REL) for formaldehyde. Therefore, we found

there was little potential concern for chronic or acute noncancer health impacts. The multipathway risk assessment indicated no significant potential for exposure from persistent bio-accumulative HAP (PB-HAP) emissions from the source category.

Considering all of the health risk information, the EPA proposed that the risks from the Surface Coating of Wood Building Products source category were acceptable. Although we proposed acceptable risk, risk estimates for approximately 800 people in the exposed population were above 1-in-1 million, caused by formaldehyde emissions from one facility. The maximum acute risk at proposal was an HQ of 1, also associated with formaldehyde from the same facility with the highest chronic risk. As a result, we further considered whether the MACT standards for this source category provide an ample margin of safety to protect public health. Our technology review did not identify any new practices, controls, or process options that were being used in this industry, or in other industries, that would be cost effective and result in further reduction of formaldehyde emissions. Because no new controls, technologies, processes, or work practices were identified to reduce formaldehyde emissions and the risk assessment determined that the health risks associated with HAP emissions remaining after implementation of the Surface Coating of Wood Building Products MACT were acceptable, we proposed that the current standards protect public health with an ample margin of safety.

2. How did the risk review change for the Surface Coating of Wood Building Products source category?

In response to comments on the proposed 40 CFR part 63, subpart QQQQ, RTR, we reviewed our facility list and made adjustments, adding five facilities and removing four facilities. The five facilities added had responded to a separate EPA survey, indicating that 40 CFR part 63, subpart QQQQ applied to their facilities. The HAP emissions inventory for the source category was revised to reflect these changes to the facility list. Further, we found that 40 CFR part 63, subpart QQQQ did not apply to four facilities. As such, we removed these four facilities from the facility list. In response to comments received, we also reviewed our HAP data and added polycyclic organic matter (POM) to the HAP emission inventory for the source category. At proposal, we set allowable HAP

emissions as being equal to actual HAP emissions due to the nature of compliance choices made by facilities in the category. In response to comments, we reviewed this approach and decided to estimate allowable emissions using a 1.6 multiple of actual emissions. The multiplier was derived from source category capacity usage information in the U.S. Census of Manufacturers. In response to comments, we also decided to use the more conservative multiplier of 10 times actual emissions to model acute health impacts. See the *Addendum to Preparation of the Residual Risk Modeling Input File for Subpart QQQQ*, in the docket for this rule, EPA-HQ-OAR-2016-0678, for more details regarding these changes. In response to comments received, we also considered whether a refined risk modeling analysis would better inform the EPA about the impact on disadvantaged communities from HAP emissions from the source category. The changes in the facility list, HAP inventory, allowable and acute emission estimates, and environmental justice (EJ) concerns led the EPA to prepare and run a new modeling file and prepare a revised risk assessment, *Residual Risk Assessment for the Surface Coating of Wood Building Products Source Category in Support of the 2018 Risk and Technology Review Final Rule*, which is available in the docket for the rule.

The revised risk assessment for the source category indicated that human health impacts for both chronic and acute risks were lower than stated at proposal. The results of the risk assessment showed that risks based on actual emissions did not exceed a maximum individual risk (MIR) of 1-in-1 million for cancer and resulted in an HI of 0.02 for noncancer. The results of the final risk assessment also showed lower risks based upon allowable emissions with a cancer MIR of 1-in-1 million and a noncancer HI of 0.03. The revised risk assessment also showed lower acute risks than stated at proposal with a maximum acute noncancer HQ of 0.6.

Table 2 of this preamble provides an overall summary of the results of the inhalation risk assessment, as discussed in this section of this preamble. See the *Addendum to Preparation of the Residual Risk Modeling Input File for Subpart QQQQ*, in the docket for this rule, Docket ID No. EPA-HQ-OAR-2016-0678, for more details regarding preparation of the modeling file.

TABLE 2—SURFACE COATING OF WOOD BUILDING PRODUCTS INHALATION RISK ASSESSMENT RESULTS ¹

Risk assessment	Number of facilities ²	Maximum individual cancer risk (in 1 million) ³	Estimated population at increased risk of cancer ≥1-in-1 million	Estimated annual cancer incidence (cases per year)	Maximum chronic noncancer TOSHI ⁴	Maximum screening acute noncancer HQ ⁵
Baseline Actual Emissions: Source Category	50	<1	0	0.0004	0.02	0.6
Baseline Allowable Emissions: Source Category	50	1	700	0.0007	0.03	.....

¹ Based on actual and allowable emissions for facilities subject to 40 CFR part 63, subpart QQQQ. See *Residual Risk Assessment for the Surface Coating of Wood Building Products Source Category in Support of the 2018 Risk and Technology Review Final Rule*, in the docket for this rule, EPA-HQ-OAR-2016-0678, for more details.

² Number of facilities evaluated in the risk assessment. Seven facilities in the category reported no HAP emissions from coatings subject to 40 CFR part 63, subpart QQQQ. Facilities that did not emit any HAP subject to 40 CFR part 63, subpart QQQQ were only modeled for whole-facility HAP emissions. Two facilities in the source category reported zero HAP emissions facility-wide and were not modeled.

³ Maximum individual excess lifetime cancer risk due to HAP emissions from the source category facilities. The risk driver for the source category is naphthalene.

⁴ Maximum target organ-specific hazard index (TOSHI). The target organ with the highest TOSHI for the source category is the respiratory system. The risk drivers for the source category are triethylamine and naphthalene.

⁵ The maximum estimated acute exposure concentration was divided by available short-term threshold values to develop an array of HQ values. HQ values shown use the lowest available acute threshold value, which, in most cases, is the REL. When an HQ exceeds 1 in the acute risk screening assessment, we conduct further analysis to determine the highest off-site impact. The maximum acute noncancer risk driver is formaldehyde.

The inhalation risk modeling performed to estimate risks based on actual and allowable emissions relied primarily on emissions data from the National Emissions Inventory (NEI). The results of the inhalation cancer risk assessment, as shown in Table 2 of this preamble, indicate that the MIR could be up to 1-in-1 million for allowable emissions under the current standard, with naphthalene emissions from solvent evaporation associated with spray paint operations as the major contributor to the MIR. The total estimated cancer incidence from wood building product coating sources based on actual emission levels is 0.0004 excess cancer cases per year or one case every 2,500 years, with emissions of naphthalene and ethylbenzene contributing to the cancer incidence. In addition, we estimate that approximately 700 people have cancer risks at 1-in-1 million based on allowable emissions.

The maximum modeled chronic noncancer HI (TOSHI) value for the source category based on actual emissions is estimated to be 0.02, with emissions of triethylamine and naphthalene contributing to the TOSHI. The target organ affected is the respiratory system. No people are estimated to have a noncancer HI above 1 as a result of emissions from this source category.

3. What key comments did we receive on the risk review, and what are our responses?

We received two comments on our proposed risk assessment. One stakeholder supported our risk assessment proposal and further

suggested that the Integrated Risk Information System (IRIS) dose response factors for formaldehyde, the principle risk driver in the category, were overly conservative and should be re-evaluated. Another stakeholder disagreed with our assessment, characterizing it as arbitrary because (1) it exceeded the 1-in-1 million CAA presumption of acceptability from CAA section 112(f)(2), and (2) the health impacts of the risk above 1-in-1 million were concentrated in minority and lower income neighborhoods, and, thus, creating what the commenter considered an environmental justice issue.

As stated in our response to comments,² we found the risk from HAP exposure from emission sources in this category to be acceptable. The cancer dose-response value used in the risk assessment for formaldehyde is the current peer reviewed IRIS value. The chronic noncancer dose-response value used for formaldehyde is from the Agency for Toxic Substances and Disease Registry (ATSDR). At the time this analysis was performed, these values were deemed to represent the best science.

Regarding the comments to risk on disadvantaged communities, under Executive Order 12898, the EPA is directed to the greatest extent practicable and permitted by law, to make EJ part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs,

policies, and activities on minority populations and low income populations in the U.S. Consistent with Executive Order 12898 and the Presidential Memorandum³ that accompanies it, the EPA's EJ policies promote justice by focusing attention and EPA efforts on addressing the types of EJ harms and risks that are prevalent among minority, low-income, and indigenous populations. Executive Order 12898 and the EPA's EJ policies do not mandate particular outcomes from an action, but they require that decisions involving the action be informed by a consideration of EJ issues. With respect to this rule, the EPA found that the original NESHAP meets the CAA section 112(f)(2) standard for providing an ample margin of safety for all populations in close proximity to these sources, including minority and low-income populations.

4. What is the rationale for our final approach and final decisions for the risk review?

As noted in our proposal, the EPA sets standards under CAA section 112(f)(2) using “a two-step standard-setting approach, with an analytical first step to determine an ‘acceptable risk’ that considers all health information, including risk estimation uncertainty, and includes a presumptive limit on MIR of “approximately 1-in-10 thousand” (see 54 FR 38045, September 14, 1989). We weigh all health risk factors in our risk acceptability

² See *Response to Public Comments on May 16, 2018 Proposal*, December 2018, Docket ID No. EPA-HQ-OAR-2016-0678.

³ Memorandum for the Heads of All Departments and Agencies from William Clinton, February 11, 1994. *Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.

determination, including the cancer MIR, cancer incidence, the maximum cancer TOSHI, the maximum acute noncancer HQ, the extent of noncancer risks, the distribution of cancer and noncancer risks in the exposed population, and the risk estimation uncertainties.

Our final risk assessment was revised based on comments we received at proposal. It included updated facility information, HAP emissions, and production information (see section IV.A.2 of this preamble). The total emissions of HAP for the source category are approximately 270 tpy. The results of the chronic inhalation cancer risk assessment based on actual emissions, the total estimated cancer incidence from allowable emissions in this source category, and the acute HQ are discussed in section IV.A.2 and in Table 2 of this preamble. In evaluating the potential for multipathway effects from PB-HAP, including carcinogenic emissions of arsenic and POM and noncarcinogenic emissions of cadmium, lead, and mercury from the source category, the risk assessment indicates no significant potential for multipathway effects.

We concluded, based on all the health risk information and factors discussed at proposal, that the risks from the Surface Coating of Wood Building Products source category were acceptable. As noted above, the information in the final risk assessment shows lower risk indicators than indicated at proposal. Consequently, the EPA is finalizing an acceptable risk determination for the category. We conducted an analysis to determine if the current emissions standards provide an ample margin of safety to protect public health. Under the ample margin of safety analysis,⁴ the EPA considers all health factors evaluated in the risk assessment and evaluates the cost and feasibility of available control technologies and other measures (including the controls, measures, and costs reviewed under the technology review) that could be applied to this source category to further reduce the risks (or potential risks) due to emissions of HAP identified in our risk assessment. In this analysis, we considered the results of the technology review, risk assessment, and other aspects of our MACT rule review to determine whether there are any cost-effective controls or other measures that would reduce emissions further to provide an ample margin of safety with respect to the risks associated with these emissions.

As noted, we consider the risks from this source category to be acceptable. However, risk estimates for approximately 700 people in the exposed population are at 1-in-1 million, based on allowable naphthalene emissions from one facility. As a result, we further considered whether the MACT standards for this source category provide an ample margin of safety to protect public health.

At proposal, our ample margin of safety review was informed by the results of our technology review which did not identify any developments in practices, controls, or process options that are being used in this industry, or in other industries, that would be cost effective and result in further emissions reductions. Similarly, our review of the operating permits for major sources subject to the Surface Coating of Wood Building Products MACT did not reveal any facilities with limits set below the current new or existing source limits (Tables 1 and 2 to Subpart QQQQ of Part 63). Limits set below the current standards would have been an indication that improved controls or lower emission-compliant coatings were available. Additionally, our review of the Reasonably Available Control Technology/Best Available Control Technology/Lowest Achievable Emission Rate Clearinghouse identified three sources that are potentially covered under 40 CFR part 63, subpart QQQQ, but none contained new control methods. Because no developments in controls, technologies, processes, or work practices were identified to reduce naphthalene emissions and the risk assessment determined that the health risks associated with HAP emissions remaining after implementation of the Surface Coating of Wood Building Products MACT were acceptable, we are finalizing our risk review determination that the current standards protect public health with an ample margin of safety.

B. Technology Review for the Surface Coating of Wood Building Products Source Category

1. What did we propose pursuant to CAA section 112(d)(6) for the Surface Coating of Wood Building Products source category?

Our review of the developments in technology for the Surface Coating of Wood Building Products source category did not reveal any changes in practices, processes, and controls. In the original NESHAP, we noted that the most prevalent form of emission control for surface coating of wood building products is the use of low-volatile

organic compounds and low-HAP coatings, such as waterborne or ultraviolet (UV)-cured coatings. That continues to be the prevalent compliance approach, with less than 10 percent of source category facilities using add-on control to reduce HAP emissions. Because our review did not identify any developments in practices, processes, or controls to further reduce emissions in the category beyond the level required by the current NESHAP, we proposed that no revisions to the NESHAP are necessary pursuant to CAA section 112(d)(6).

2. How did the technology review change for the Surface Coating of Wood Building Products source category?

The technology review did not change from proposal. Therefore, we are finalizing our proposed determination that no revisions to the NESHAP are necessary pursuant to CAA section 112(d)(6).

3. What key comments did we receive on the technology review, and what are our responses?

We received no comments that identified improved control technology, work practices, operational procedures, process changes, or pollution prevention approaches to reduce emissions in the category since promulgation of the current NESHAP. We received two comments on our proposed technology review. One stakeholder supported our review, while another stakeholder disagreed with our assessment, holding that the new coating application which led to the proposal of an alternative compliance equation constituted a change that should have been adopted across the category (see Docket ID No. EPA-HQ-OAR-2016-0678).

As stated in our comment response (see Docket ID No. EPA-HQ-OAR-2016-0678), we are finalizing the conclusion that there have been no advances in practices, processes, or controls since promulgation in 2003 that justify changes to the stringency of the standards for 40 CFR part 63, subpart QQQQ sources.

At proposal, we explained how the coating planned for use by the facility submitting the alternative monitoring request is similar to other low-HAP coatings in that it uses a liquid catalyst to affect the same type of chemical and physical changes as UV light in the UV-curable coatings, which are low-HAP coatings that predate and were considered during development of the original 40 CFR part 63, subpart QQQQ NESHAP. Regardless of this explanation, we see how the commenter

⁴ See CAA section 112(f)(2).

may have misconstrued some of the discussion in the proposal's supporting memorandum regarding the coating technology and the new compliance equation. The updated memorandum, *Technology Review for the Surface Coating of Wood Building Products Source Category—Final Rule*, available in the docket for this rule, EPA-HQ-OAR-2016-0678, clarifies the information used for the technology review. The technology basis of the coating technology for which the new compliance equation we finalize here is not broadly applicable. It is simply one of many technology approaches that can be used to meet the standard.

Consequently, we did not propose the alternate compliance equation as a "development" under CAA section 112(d)(6), nor are we finalizing it as such. Even if the EPA were to consider the new coating to be a development within the meaning of CAA section 112(d)(6), the EPA has discretion to determine when it is "necessary" to revise emission standards under the statute. In this case, it would not be necessary to revise the numeric emission standards in Tables 1 or 2 to Subpart QQQQ of Part 63, in order to accommodate the alternative monitoring request from one facility that fits within the overarching compliance options included in the rule (*i.e.*, the "emission rate without add-on controls" option).

4. What is the rationale for our final approach for the technology review?

Our technology review did not identify any changes in practices, processes, or control technologies that would reduce emissions in this category. We did not identify any control equipment not previously identified; improvements to existing controls; work practices, process changes, or operational procedures not previously considered; or any new pollution prevention alternatives for this same category. We also did not find any changes in the cost of applying controls previously considered in this same category. Consequently, we have determined that no revisions to the NESHAP are necessary pursuant to CAA section 112(d)(6).

C. SSM

In its 2008 decision in *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008), the Court vacated portions of two provisions in the EPA's CAA section 112 General Provisions regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section

302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some CAA section 112 standards apply continuously.

We are finalizing the elimination of the SSM exemption in this rule. The SSM provisions appear at 40 CFR 63.4700, 40 CFR 63.4720, and in Table 4 to Subpart QQQQ of Part 63. Consistent with *Sierra Club v. EPA*, we are finalizing that the standards in this rule apply at all times. We are also finalizing several revisions to Table 4 (the General Provisions Applicability Table), as explained in more detail below. For example, we are eliminating incorporation of the General Provisions' requirement that the source develop an SSM plan. We also are eliminating and revising certain recordkeeping and reporting requirements related to the SSM exemption, as further described below.

The EPA has attempted to ensure that the provisions we are eliminating are inappropriate, unnecessary, or redundant in the absence of the SSM exemption. The EPA believes the removal of the SSM exemption creates no additional burden to facilities regulated under the Surface Coating of Wood Building Products NESHAP. Deviations addressed in current SSM plans are now required to be reported in the semiannual compliance report (40 CFR 63.4720). Facilities no longer need to develop an SSM plan or keep it current (Table 4 to Subpart QQQQ of Part 63). Facilities also no longer have to file SSM reports for deviations not described in their SSM plan (40 CFR 63.4720(c)(2)).

Periods of startup and shutdown. In finalizing the standards in this rule, the EPA has taken into account startup and shutdown periods and, for the reasons explained below, is not finalizing alternate standards for those periods.

For add-on control systems, the Surface Coating of Wood Building Products NESHAP requires the measurement of thermal oxidizer operating temperature or catalytic oxidizer average temperature across the catalyst bed as well as other types of parameter monitoring. Parameter limits now apply at all times, including during periods of startup and shutdown. The Surface Coating of Wood Building Products NESHAP requires thermal oxidizer or catalytic oxidizer operating temperature and operating parameters for other add-on control devices to be recorded at least once every 15 minutes. The Surface Coating of Wood Building Products NESHAP specifies in 40 CFR 63.4763(c) that if an operating parameter

is out of the allowed range, this is a deviation from the operating limit and must be reported as specified in 40 CFR 63.4710(c)(6) and 63.4720(a)(7).

Our permit review of the facilities using add-on control as a compliance approach indicated that all were required, by permit, to have their control system in operation during all time periods when coating processes were operational. The 2003 rule requires compliance based on a 12-month rolling average emissions calculation. Periods of startup and shutdown were included, but, because of operational requirements in the category, are a very small component of the emissions calculation and have little, if any, impact on the 12-month rolling average. Therefore, we are not finalizing separate standards for startup and/or shutdown periods.

Periods of malfunction. Periods of startup, normal operations, and shutdown are all predictable and routine aspects of a source's operations. Malfunctions, in contrast, are neither predictable nor routine. Instead, they are, by definition, sudden, infrequent, and not reasonably preventable failures of emissions control, process, or monitoring equipment. (40 CFR 63.2, definition of malfunction). The EPA interprets CAA section 112 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 112 standards and this reading has been upheld as reasonable by the Court in *U.S. Sugar Corp. v. EPA*, 830 F.3d 579, 606–610 (2016). Under CAA section 112, emissions standards for new sources must be no less stringent than the level "achieved" by the best controlled similar source and for existing sources generally must be no less stringent than the average emission limitation "achieved" by the best performing 12 percent of sources in the category. There is nothing in CAA section 112 that directs the Agency to consider malfunctions in determining the level "achieved" by the best performing sources when setting emission standards. As the Court has recognized, the phrase "average emissions limitation achieved by the best performing 12 percent of" sources "says nothing about how the performance of the best units is to be calculated." *National Association of Clean Water Agencies v. EPA*, 734 F.3d 1115, 1141 (D.C. Cir. 2013). While the EPA accounts for variability in setting emissions standards, nothing in CAA section 112 requires the Agency to consider malfunctions as part of that analysis. The EPA is not required to treat a malfunction in the same manner as the type of variation in performance

that occurs during routine operations of a source. A malfunction is a failure of the source to perform in “normal or usual manner,” and no statutory language compels the EPA to consider such events in setting CAA section 112 standards.

As the Court recognized in *U.S. Sugar Corporation*, accounting for malfunctions in setting standards would be difficult, if not impossible, given the myriad different types of malfunctions that can occur across all sources in the category and given the difficulties associated with predicting or accounting for the frequency, degree, and duration of various malfunctions that might occur. *Id.* at 608 (“the EPA would have to conceive of a standard that could apply equally to the wide range of possible boiler malfunctions, ranging from an explosion to minor mechanical defects. Any possible standard is likely to be hopelessly generic to govern such a wide array of circumstances.”). As such, the performance of units that are malfunctioning is not “reasonably” foreseeable. See, e.g., *Sierra Club v. EPA*, 167 F.3d 658, 662 (D.C. Cir. 1999) (“The EPA typically has wide latitude in determining the extent of data-gathering necessary to solve a problem. We generally defer to an agency’s decision to proceed on the basis of imperfect scientific information, rather than to ‘invest the resources to conduct the perfect study.’”). See also, *Weyerhaeuser v. Costle*, 590 F.2d 1011, 1058 (D.C. Cir. 1978) (“In the nature of things, no general limit, individual permit, or even any upset provision can anticipate all upset situations. After a certain point, the transgression of regulatory limits caused by ‘uncontrollable acts of third parties,’ such as strikes, sabotage, operator intoxication or insanity, and a variety of other eventualities, must be a matter for the administrative exercise of case-by-case enforcement discretion, not for specification in advance by regulation.”). In addition, emissions during a malfunction event can be significantly higher than emissions at any other time of source operation. For example, if an air pollution control device with 99-percent removal goes off-line as a result of a malfunction (as might happen if, for example, the bags in a baghouse catch fire) and the emission unit is a steady state type unit that would take days to shut down, the source would go from 99-percent control to zero control until the control device was repaired. The source’s emissions during the malfunction would be 100 times higher than during normal operations. As such, the

emissions over a 4-day malfunction period would exceed the annual emissions of the source during normal operations. As this example illustrates, accounting for malfunctions could lead to standards that are not reflective of (and significantly less stringent than) levels that are achieved by a well-performing non-malfunctioning source. It is reasonable to interpret CAA section 112 to avoid such a result. The EPA’s approach to malfunctions is consistent with CAA section 112 and is a reasonable interpretation of the statute.

Although no statutory language compels the EPA to set standards for malfunctions, the EPA has the discretion to do so where feasible. For example, in the Petroleum Refinery Sector RTR, the EPA established a work practice standard for unique types of malfunction that result in releases from pressure relief devices or emergency flaring events because information regarding petroleum refinery sources was available to determine that such work practices reflected the level of control that applies to the best performing sources in that source category. See 80 FR 75178, 75211–75214 (December 1, 2015). The EPA considered whether circumstances warrant setting work practice standards for a particular type of malfunction and, if so, whether the EPA has sufficient information to identify the relevant best performing sources and establish a standard for such malfunctions.

In the event that a source fails to comply with the applicable CAA section 112 standards as a result of a malfunction event, the EPA would determine an appropriate response based on, among other things, the good faith efforts of the source to minimize emissions during malfunction periods, including preventative and corrective actions, as well as root cause analyses to ascertain and rectify excess emissions. The EPA would also consider whether the source’s failure to comply with the CAA section 112 standard was, in fact, sudden, infrequent, not reasonably preventable, and was not instead caused, in part, by poor maintenance or careless operation. 40 CFR 63.2 (definition of malfunction).

If the EPA determines in a particular case that an enforcement action against a source for violation of an emission standard is warranted, the source can raise any and all defenses in that enforcement action and the federal district court will determine what, if any, relief is appropriate. The same is true for citizen enforcement actions. Similarly, the presiding officer in an administrative proceeding can consider any defense raised and determine

whether administrative penalties are appropriate.

In summary, the EPA’s interpretation of the CAA and, in particular, CAA section 112 is reasonable and encourages practices that will avoid malfunctions. Administrative and judicial procedures for addressing exceedances of the standards fully recognize that violations may occur despite good faith efforts to comply and can accommodate those situations. *U.S. Sugar Corporation v. EPA*, 830 F.3d 579, 606–610 (2016).

1. General Duty

We are finalizing revisions to the General Provisions table (Table 4) entry for 40 CFR 63.6(e)(1) and (2) by redesignating it as 40 CFR 63.6(e)(1)(i) and changing the “yes” in column 3 to a “no.” Section 63.6(e)(1)(i) describes the general duty to minimize emissions. Some of the language in that section is no longer necessary or appropriate considering the elimination of the SSM exemption. We are instead adding general duty regulatory text at 40 CFR 63.4700(b) that reflects the general duty to minimize emissions while eliminating the reference to periods covered by an SSM exemption. The previous language in 40 CFR 63.6(e)(1)(i) characterized what the general duty entails during periods of SSM. With the elimination of the SSM exemption, there is no need to differentiate between normal operations and SSM events in describing the general duty. Therefore, the language the EPA is finalizing for 40 CFR 63.4700(b) does not include that language from 40 CFR 63.6(e)(1).

We are also revising the General Provisions table (Table 4) to add an entry for 40 CFR 63.6(e)(1)(ii) and include a “no” in column 3. Section 63.6(e)(1)(ii) imposes requirements that are not necessary with the elimination of the SSM exemption or are redundant with the general duty requirement being added at 40 CFR 63.4700(b). We are also finalizing revisions to the General Provisions table (Table 4) to add an entry for 40 CFR 63.6(e)(1)(iii) and include a “yes” in column 3, which became necessary with the elimination of the SSM. Finally, we are finalizing revisions to the General Provisions table (Table 4) to add an entry for 40 CFR 63.6(e)(2) and include a “no” in column 3. This paragraph is reserved and is not applicable to 40 CFR part 63, subpart QQQQ.

2. SSM Plan

We are finalizing revisions to the General Provisions table (Table 4) to add an entry for 40 CFR 63.6(e)(3) and

include a “no” in column 3. Generally, these paragraphs require development of an SSM plan and specify SSM recordkeeping and reporting requirements related to the SSM plan. As noted, the EPA is finalizing removal of the SSM exemptions. Therefore, affected units will be subject to an emission standard during such events. The applicability of a standard during such events will ensure that sources have ample incentive to plan for and achieve compliance, and, thus, the SSM plan requirements are no longer necessary.

3. Compliance With Standards

We are finalizing revisions to the General Provisions table (Table 4) entries for 40 CFR 63.6(f) by redesignating this section as 40 CFR 63.6(f)(1) and including a “no” in column 3. The previous language in 40 CFR 63.6(f)(1) excluded sources from non-opacity standards during periods of SSM, while the previous language in 40 CFR 63.6(h)(1) excluded sources from opacity standards during periods of SSM. As discussed above, the Court in *Sierra Club* vacated the exemptions contained in this provision and held that the CAA requires that some CAA section 112 standards apply continuously. Consistent with *Sierra Club*, the EPA is finalizing the revised standards in this rule to apply at all times.

4. Performance Testing

We are finalizing revisions to the General Provisions table (Table 4) entry for 40 CFR 63.7(e) by redesignating it as 40 CFR 63.7(e)(1) and including a “yes” in column 3. Section 63.7(e)(1) describes performance testing requirements. Section 63.4764(a) of the rule specifies that performance testing must be conducted when the coating operation, emission capture system, and add-on control device are operating at representative conditions. You must document why the conditions represent normal operation. As in 40 CFR 63.7(e)(1), performance tests conducted under this subpart should not be conducted during periods of startup, shutdown, or malfunction because conditions during malfunctions are often not representative of normal operating conditions. The EPA is finalizing added language that requires the owner or operator to record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operations. Section 63.7(e) requires that the owner or operator make available to the

Administrator such records “as may be necessary to determine the condition of the performance test” available to the Administrator upon request, but does not specifically require the information to be recorded. The added regulatory text to this provision that the EPA is finalizing builds on that requirement and makes explicit the requirement to record the information.

5. Monitoring

We are finalizing revisions to the General Provisions table (Table 4) by redesignating 40 CFR 63.8(c) as 40 CFR 63.8(c)(1), adding entries for 40 CFR 63.8(c)(1)(i) through (iii), and including “no” in column 3 for paragraphs (i) and (iii). The cross-references to the general duty and SSM plan requirements in those subparagraphs are not necessary considering other requirements of 40 CFR 63.8 that require good air pollution control practices (40 CFR 63.8(c)(1)) and that set out the requirements of a quality control (QC) program for monitoring equipment (40 CFR 63.8(d)).

6. Recordkeeping

We are finalizing revisions to the General Provisions table (Table 4) by adding an entry for 40 CFR 63.10(b)(2)(i) and including a “no” in column 3. Section 63.10(b)(2)(i) describes the recordkeeping requirements during startup and shutdown. These recording provisions are no longer necessary because the EPA is finalizing that recordkeeping and reporting applicable to normal operations will apply to startup and shutdown. Special provisions applicable to startup and shutdown, such as a startup and shutdown plan, have been removed from the rule (with exceptions discussed below), thereby reducing the need for additional recordkeeping for startup and shutdown periods.

We are finalizing revisions to the General Provisions table (Table 4) by adding an entry for 40 CFR 63.10(b)(2)(iv) and (v) and including a “no” in column 3. When applicable, the provision requires sources to record actions taken during SSM events when actions were inconsistent with their SSM plan. The requirement is no longer appropriate because SSM plans will no longer be required.

We are also finalizing revisions to the General Provisions table (Table 4) by adding an entry for 40 CFR 63.10(c)(15) and including a “no” in column 3. The EPA is finalizing that 40 CFR 63.10(c)(15) no longer applies. When applicable, the provision allows an owner or operator to use the affected source’s SSM plan or records kept to satisfy the recordkeeping requirements

of the SSM plan, specified in 40 CFR 63.6(e), to also satisfy the requirements of 40 CFR 63.10(c)(10) through (12). The EPA is finalizing elimination of this requirement because SSM plans would no longer be required, and, therefore, 40 CFR 63.10(c)(15) no longer serves any useful purpose for affected units.

7. Reporting

We are finalizing revisions to the General Provisions table (Table 4) entry for 40 CFR 63.10(d)(5) by changing the “yes” in column 3 to a “no.” Section 63.10(d)(5) describes the reporting requirements for startups, shutdowns, and malfunctions. To replace the General Provisions reporting requirement for malfunctions, the EPA is finalizing replacing the SSM report under 40 CFR 63.10(d)(5) with the existing reporting requirements under 40 CFR 63.4720(a). The replacement language differs from the General Provisions requirement in that it eliminates periodic SSM reports as a stand-alone report. We are finalizing language that requires sources that fail to meet an applicable standard at any time to report the information concerning such events in the semiannual report to be required under the final rule. We are finalizing that the report must contain the number, date, time, duration, and the cause of such events (including unknown cause, if applicable), a list of the affected source or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions. Examples of such methods would include mass balance calculations, measurements when available, or engineering judgment based on known process parameters. The EPA is finalizing this requirement to ensure that there is adequate information to determine compliance, to allow the EPA to determine the severity of the failure to meet an applicable standard, and to provide data that may document how the source met the general duty to minimize emissions during a failure to meet an applicable standard.

We will no longer require owners or operators to determine whether actions taken to correct a malfunction are consistent with an SSM plan, because plans would no longer be required. The final amendments, therefore, eliminate the cross-reference to 40 CFR 63.10(d)(5)(i) that contains the description of the previously required SSM report format and submittal schedule from this section. These specifications are no longer necessary because the events will be reported in

otherwise required reports with similar format and submittal requirements.

The final amendments also eliminate the cross-reference to 40 CFR 63.10(d)(5)(ii). Section 63.10(d)(5)(ii) describes an immediate report for startups, shutdowns, and malfunctions when a source failed to meet an applicable standard, but did not follow the SSM plan. We no longer require owners and operators to report when actions taken during a startup, shutdown, or malfunction were not consistent with an SSM plan because plans would no longer be required.

D. Alternative Compliance Equation

The EPA proposed the option of using a HAP emission factor based on site-specific measurement of HAP emissions to demonstrate compliance with the emission rate without add-on controls compliance option, instead of assuming that all HAP in the coating is emitted to the atmosphere. As discussed below, we are finalizing a new compliance calculation approach in this rulemaking to allow any facility using a similar process to use the approach without requiring the submittal of an alternative monitoring request to the EPA under the provisions of 40 CFR 63.8(f). The final amendment adds compliance flexibility, but does not alter the originally promulgated emission standards in Tables 1 and 2 to Subpart QQQQ of Part 63.

We are finalizing a new equation within the existing compliance demonstration calculations to more adequately represent the HAP amounts emitted by this type of surface coating or any similar coating.

E. Emissions Testing

The EPA is finalizing amendments to the Surface Coating of Wood Building Products NESHAP that provide an additional compliance demonstration equation. Facilities using the alternative compliance demonstration equation (40 CFR 63.4751(i)) of the emission rate without add-on controls option are required to conduct an initial performance test to demonstrate compliance. Those same facilities are also required to conduct repeat performance testing every 5 years to update/verify the process-specific emission factor used to demonstrate continuing compliance for the new alternative equation (see 40 CFR 63.4752(e)).

F. Electronic Reporting

The EPA is requiring owners and operators of wood building product surface coating facilities to submit electronic copies of the required

notification of compliance status, performance test results, and semiannual compliance status reports through the EPA's Central Data Exchange (CDX) using CEDRI. The final rule requires that performance test reports be submitted to CEDRI using the Electronic Reporting Tool (ERT). The final rule requires owners and operators to submit any future notification of compliance status (e.g., for a new coating process) in portable document format (PDF) to CEDRI. For semiannual compliance status reports, in conjunction with the final rule, owners and operators are provided a spreadsheet template to submit information to CEDRI. The template is expected to facilitate reporting and improve reporting consistency. Facilities will be required to use the template to file their semiannual reports 1 year after the reporting template becomes available in CEDRI. The EPA expects to post the reporting template in conjunction with the final rule, so facilities can expect the requirement to begin for the semiannual reporting using the template by March 4, 2020.

The electronic submittal of the reports addressed in this rulemaking will increase the usefulness of the data contained in these reports; is in keeping with current trends in data availability, accountability, and transparency; will further assist in the protection of public health and the environment; will improve compliance by facilitating the ability of regulated facilities to demonstrate compliance with the requirements and by facilitating the ability of delegated state, local, tribal, and territorial air agencies and the EPA to assess and determine compliance; and will ultimately reduce burden on regulated facilities, delegated air agencies, and the EPA. Electronic reporting eliminates paper-based, manual processes, thereby saving time and resources; simplifying data entry; eliminating redundancies; minimizing data reporting errors; and providing data quickly and accurately to the affected facilities, air agencies, the EPA, and the public. A more streamlined and accurate review of performance test data will become available to the public through the EPA's Web Factor Information Retrieval System (WebFIRE).

In summary, in addition to supporting regulation development, control strategy development, and other air pollution control activities, having an electronic database populated with performance test data will save industry, state, local, tribal agencies, and the EPA significant time, money, and effort while improving

the quality of emission inventories and air quality regulations.

For a more thorough discussion of electronic reporting, see the discussion in the preamble of the proposal, at 83 FR 22754, and the memorandum titled *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules*, available in Docket ID No. EPA-HQ-OAR-2016-0678.

G. EPA Test Method 326

We are finalizing EPA Method 326 to improve test methodology related to volatile organic HAP content measured in certain surface coatings containing isocyanates. Because there was no EPA test method for isocyanate emissions, as part of this action, we are finalizing specific isocyanate compound sample collection and analytical requirements as EPA Method 326 of 40 CFR part 63, appendix A. EPA Method 326 is based on "A Method for Measuring Isocyanates in Stationary Source Emissions," which was proposed on December 8, 1997 (see 62 FR 64532) as EPA Method 207, but was never promulgated. EPA Method 326 does not significantly modify the sampling and analytical techniques of the previously proposed method, but includes additional QC procedures and associated performance criteria to ensure the overall quality of the measurement.

EPA Method 326 is based on the EPA Method 5 sampling train employing a derivatizing reagent (1-(2-pyridyl) piperazine in toluene) in the impingers to immediately stabilize the isocyanate compounds upon collection. Collected samples are analyzed using high performance liquid chromatography and an appropriate detector under laboratory conditions sufficient to separate and quantify the isocyanate compounds.

The sampling and analytical techniques were validated at three sources according to EPA Method 301 (40 CFR part 63, appendix A) and the report of this validation, titled *Laboratory Development and Field Evaluation of a Generic Method for Sampling and Analysis of Isocyanates*, can be found in the docket, Docket ID No. EPA-HQ-OAR-2016-0678. Under the final rule, this validated technique would be used to reliably collect and analyze gaseous isocyanate emissions from surface coatings of wood building products for methylene diphenyl diisocyanate (MDI), methyl isocyanate (MI), hexamethylene-1,6-diisocyanate (HDI), and 2,4 toluene diisocyanate (TDI). This method will also provide a tool for state and local governments,

industry, and the EPA to reliably measure emissions of MDI, MI, HDI, and/or TDI from other types of stationary sources, such as pressed board, flexible foam, and spray booths.

H. IBR Under 1 CFR Part 51

The EPA is finalizing regulatory text that includes IBR. In accordance with requirements of 1 CFR 51.5, the EPA is incorporating by reference National Council of the Paper Industry for Air and Stream Improvement, Inc. (NCASI) Method ISS/FP A105.01 and the following voluntary consensus standards (VCS) described in the amendments to 40 CFR 63.14:

- ANSI A135.4–2012, Basic Hardboard, approved June 8, 2012, IBR approved for 40 CFR 63.4781.
- ASTM D1475–13, Standard Test Method for Density of Liquid Coatings, Inks, and Related Products, approved November 1, 2013, IBR approved for 40 CFR 63.4741(b)(3) and (c) and 63.4751(c).
- ASTM D2111–10 (Reapproved 2015), Standard Test Methods for Specific Gravity and Density of Halogenated Organic Solvents and Their Admixtures, approved June 1, 2015, IBR approved for 40 CFR 63.4741(a)(2)(i).
- ASTM D2369–10 (Reapproved 2015)^e, Standard Test Method for Volatile Content of Coatings, approved June 1, 2015, IBR approved for 40 CFR 63.4741(a)(2)(ii).
- ASTM D2697–03 (Reapproved 2014), Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings, approved July 1, 2014, IBR approved for 40 CFR 63.4741(a)(2)(iii) and (b).
- ASTM D4840–99 (Reapproved 2018)^e, Standard Guide for Sampling Chain-of-Custody Procedures, approved August 15, 2018, IBR approved for EPA Method 326 in appendix A to part 63.
- ASTM D6093–97 (Reapproved 2016), Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer, Approved December 1, 2016, IBR approved for 40 CFR 63.4741(a)(2)(iv) and (b)(1).
- ASTM D6348–03 (Reapproved 2010), Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy, including Annexes A1 through A8, Approved October 1, 2010, IBR approved for 40 CFR 63.4751(i) introductory paragraph and (i)(4), 63.4752(e), and 63.4766(b) introductory paragraph and (b)(4).

While the American Society for Testing and Materials (ASTM) methods D2697–86 and D6093–97 were

incorporated by reference when 40 CFR part 63, subpart QQQQ, was originally promulgated (68 FR 31760), the methods have been updated and reapproved and are also being cited in additional paragraphs in the final rule, requiring a revision to their IBR. NCASI Method ISS/FP A105.01 was incorporated by reference when 40 CFR part 63, subpart DDDD, Table 4 was amended in 2006. The American National Standards Institute (ANSI) method (published by the Composite Panel Association) and the other ASTM methods are being incorporated by reference for 40 CFR part 63, subpart QQQQ, for the first time under this rulemaking.

I. Technical and Editorial Changes

The following are additional final changes that address technical and editorial corrections:

- Revised the monitoring requirements section in 40 CFR 63.4764 to clarify ongoing compliance provisions to address startup and shutdown periods when certain parameters cannot be met;
- Revised the recordkeeping requirements section in 40 CFR 63.4730 to include the requirement to record information on failures to meet the applicable standard;
- Revised the references to several test method appendices;
- Revised the General Provisions applicability table (Table 4 to Subpart QQQQ of Part 63) to align with sections of the General Provisions that have been amended or reserved over time; and
- Revised 40 CFR 63.4681 to update reference to 40 CFR part 63, subpart DDDD.

V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted

A. What are the affected facilities?

There are currently 57 wood building product manufacturing facilities operating in the United States that conduct surface coating operations and are subject to the Surface Coating of Wood Building Products NESHAP. The 40 CFR part 63, subpart QQQQ, affected source is the collection of all the items listed in 40 CFR 63.4682(b)(1) through (4) that are used for surface coating of wood building products. A new affected source is a completely new wood building products surface coating source where previously no wood building products surface coating source had existed.

B. What are the air quality impacts?

At the current level of control, the EPA estimates emissions of total HAP

are approximately 270 tpy.⁵ Compared to pre-MACT levels, this represents a significant reduction of HAP for the category. Prior to the development of the Surface Coating of Wood Building Products NESHAP, the EPA estimated HAP emissions to be 14,300 tons annually.⁶ The final amendments will require all 57 major sources with equipment subject to the Wood Building Products Coating NESHAP to operate without the SSM exemption. We are unable to quantify the specific emissions reductions associated with eliminating the SSM exemption, but eliminating the SSM exemption will reduce emissions by requiring facilities to meet the applicable standard during SSM periods.

Indirect or secondary air emissions impacts are impacts that would result from the increased electricity usage associated with the operation of control devices (*i.e.*, increased secondary emissions of criteria pollutants from power plants). Energy impacts consist of the electricity and steam needed to operate control devices and other equipment that would be required under this rule. The EPA expects no secondary air emissions impacts or energy impacts from this rulemaking because this action does not amend the numeric emission limit.

For further information, see the memoranda titled *Cost Impacts of the Subpart QQQQ Residual Risk and Technology Review and Economic Impact and Small Business Screening Assessments for Final Amendments to the National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products*, in the docket for this action, Docket ID No. EPA–HQ–OAR–2016–0678.

C. What are the cost impacts?

We estimate that, as a result of these final amendments, each facility in the source category will experience reporting and recordkeeping costs. Each facility will experience costs to read and understand the rule amendments. Costs associated with the elimination of the SSM exemption were estimated as part of the reporting and recordkeeping costs and include time for re-evaluating previously developed SSM record systems. Costs associated with the requirement to electronically submit

⁵ For more information, see the memorandum in the docket titled, *Addendum to Preparation of the Residual Risk Modeling Input File for Subpart QQQQ*; Docket ID No. EPA–HQ–OAR–2016–0678.

⁶ *National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Wood Building Products (Surface Coating) Industry—Background Information for Proposed Standards*; EPA–453/R–00–003; May 2001.

notifications and semiannual compliance reports using CEDRI were estimated as part of the reporting and recordkeeping costs and include time for becoming familiar with CEDRI and the reporting template for semiannual compliance reports. The reporting and recordkeeping costs are presented in this section of the preamble. A thorough discussion of the facility-by-facility costs is contained in the supporting statement for the 40 CFR part 63, subpart QQQQ amendments, *Supporting Statement, NESHAP for the Wood Building Products Surface Coating Industry (40 CFR part 63, subpart QQQQ) (Final Amendments); December 2018*, which can be found in the docket for this rule, Docket ID No. EPA-HQ-OAR-2016-0678.

The EPA estimates that one facility will be impacted by this final regulatory action. This facility will conduct an initial performance test to demonstrate compliance with the alternative compliance equation, as related to their request for an alternative monitoring method. This initial performance test has a cost of \$22,000, and the repeat testing will cost \$22,000 every 5 years.

The total estimated labor costs for the rule are summarized in the Supporting Statement for the information collection request (ICR) in the docket for this action. The estimated labor cost is \$38,000 for all 57 affected facilities to become familiar with the final rule requirements. For further information, see the memorandum titled *Cost Impacts of the Subpart QQQQ Residual Risk and Technology Review*, in the docket for this action, Docket ID No. EPA-HQ-OAR-2016-0678.

D. What are the economic impacts?

Economic impact analyses focus on changes in market prices and output levels. If changes in market prices and output levels in the primary markets are significant enough, impacts on other markets may also be examined. Both the magnitude of costs needed to comply with a final rule and the distribution of these costs among affected facilities can have a role in determining how the market will change in response to a final rule.

For the one facility expected to conduct an initial performance test and become familiar with the final rule requirements, the costs associated with 40 CFR part 63, subpart QQQQ's final requirements are approximately 0.002 percent of annual sales revenues. For the remaining 56 facilities, the costs associated with becoming familiar with the final rule requirements are less than 0.001 percent of annual sales revenues. These costs are not expected to result in a significant market impact, regardless of whether they are passed on to the purchaser or absorbed by the firms. For further information, see the memorandum titled *Economic Impact and Small Business Screening Assessments for Final Amendments to the National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products*, in the docket for this action, Docket ID No. EPA-HQ-OAR-2016-0678.

E. What are the benefits?

The EPA did not change any of the emission limit requirements and estimates the final changes to SSM, recordkeeping, reporting, and monitoring are not economically significant. Because these final

amendments are not considered economically significant, as defined by Executive Order 12866, and because no emission reductions were estimated, we did not estimate any benefits from reducing emissions.

F. What analysis of environmental justice did we conduct?

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on EJ. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make EJ part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

To examine the potential for any EJ issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of risks to individual demographic groups of the populations living within 5 kilometers (km) and within 50 km of the facilities. In the analysis, we evaluated the distribution of HAP-related cancer and noncancer risks from the Surface Coating of Wood Building Products source category across different demographic groups within the populations living near facilities.⁷

The results of the demographic analysis are summarized in Table 3 below. These results for various demographic groups are based on the estimated risks from actual emissions levels for the population living within 50 km of the facilities.

TABLE 3—SURFACE COATING OF WOOD BUILDING PRODUCTS SOURCE CATEGORY DEMOGRAPHIC RISK ANALYSIS RESULTS

	Nationwide	Population with cancer risk at or above 1-in-1 million due to wood building products surface coating ¹	Population with chronic HI above 1 due to wood building products surface coating
Total Population	317,746,049	0	0
Race by Percent			
White	62	0	0
All Other Races	38	0	0
Race by Percent			
White	62	0	0
African American	12	0	0
Native American	0.8	0	0

⁷ Demographic groups included in the analysis are: White, African American, Native American, other races, and multiracial, Hispanic or Latino,

children 17 years of age and under, adults 18 to 64 years of age, adults 65 years of age and over, adults without a high school diploma, people living below

the poverty level, people living two times the poverty level, and linguistically isolated people.

TABLE 3—SURFACE COATING OF WOOD BUILDING PRODUCTS SOURCE CATEGORY DEMOGRAPHIC RISK ANALYSIS RESULTS—Continued

	Nationwide	Population with cancer risk at or above 1-in-1 million due to wood building products surface coating ¹	Population with chronic HI above 1 due to wood building products surface coating
Other and Multiracial	7	0	0
Ethnicity by Percent			
Hispanic	18	0	0
Non-Hispanic	82	0	0
Income by Percent			
Below Poverty Level	14	0	0
Above Poverty Level	86	0	0
Education by Percent			
Over 25 and without High School Diploma	14	0	0
Over 25 and with a High School Diploma	86	0	0
Linguistically Isolated by Percent			
Linguistically Isolated	6%	0%	0%

¹ Based on actual emissions in the category.

The results of the Surface Coating of Wood Building Products source category demographic analysis indicate that emissions from the source category do not expose people to a cancer risk at or above 1-in-1 million based on actual emissions. Also, no people are exposed to a chronic noncancer TOSHI greater than 1. The percentages of the at-risk population are demographically similar to their respective nationwide percentages for all demographic groups.

The EPA received a comment on our proposed rule stating that we ignored unacceptably disproportionate effects on EJ communities. As noted above, we re-evaluated our risk impacts from the category with a revised risk assessment. One aspect of this assessment was that it generated a risk report based on a more refined risk assessment model. Those risk model results did show lower risk in the EJ communities where larger impacts were noted at proposal. The EPA considered this comment and has reaffirmed its determination that this final rule will not have disproportionately high and adverse human health or environmental effects on minority, low income, or indigenous populations because it increases the level of environmental protection for all affected populations.

The methodology and the results of the demographic analysis are presented in a technical report, *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Surface Coating of Wood*

Building Products Source Category Operations, available in the docket for this action, EPA-HQ-OAR-2016-0678.

G. What analysis of children's environmental health did we conduct?

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in *Residual Risk Assessment for the Surface Coating of Wood Building Products Source Category in Support of the 2018 Risk and Technology Review Final Rule*, available in the docket for this action, Docket ID No. EPA-HQ-OAR-2016-0678.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

The information collection activities in this final rule have been submitted for approval to OMB under the PRA. The ICR document that the EPA prepared has been assigned EPA ICR number 2034.08. You can find a copy of the ICR in the docket for this rule (Docket ID No. EPA-HQ-OAR-2016-0678), and it is briefly summarized here.

We are finalizing changes to the paperwork requirements for the Surface Coating of Wood Building Products NESHAP in the form of eliminating the SSM reporting and SSM plan requirements, and requiring electronic submittal of semiannual compliance reports and any future notifications of compliance status or performance test reports.

Respondents/affected entities:

Respondents include wood building product manufacturing facilities with surface coating operations subject to the Surface Coating of Wood Building Products NESHAP.

Respondent's obligation to respond:

Mandatory (authorized by section 114 of the CAA).

Estimated number of respondents: 57.

Frequency of response: The frequency of responses varies depending on the burden item. Responses include notifications, reports of performance tests, and semiannual compliance reports.

Total estimated burden: The annual recordkeeping and reporting burden for this information collection, averaged over the first 3 years of this ICR, is estimated to total 20,208 labor hours per year. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$1,465,000 per year in labor costs, including \$38,000 in labor cost for all 57 facilities to become familiar with the final rule requirements. An additional cost of \$22,000 is estimated for an initial performance test at one facility during the 3-year ICR period. These estimated costs represent the full ongoing information collection burden for 40 CFR part 63, subpart QQQQ, as revised by the final amendments being promulgated.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. In addition, the EPA is amending the table in 40 CFR part 9 to list the regulatory citations for the information collection activities contained in this final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden, or otherwise has a positive economic effect on the small entities subject to the rule. We conducted an economic impact analysis which is available in the docket for this final rule, Docket ID No. EPA-HQ-OAR-2016-0678. For all but one of the facilities affected by the final rule, including the small businesses, the costs associated with the final rule requirements are less than 0.001 percent of annual sales revenues; for the remaining facility, the costs are less than 0.002 percent of annual sales revenues. We have, therefore, concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the federal government and Indian Tribes, or on the distribution of power and responsibilities between the federal government and Indian Tribes, as specified in Executive Order 13175. This final rule imposes requirements on owners and operators of wood building product surface coating facilities and not tribal governments. The EPA discussed the proposed action at a meeting of the National Tribal Air Association,⁸ and has not been informed and does not know of any wood building product surface coating facilities owned or operated by Indian tribal governments. However, if there are any, the effect of this rule on communities of tribal governments would not be unique or disproportionate to the effect on other communities. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. A description of the health risk assessment conducted as part of

this action is provided in sections III and IV of this preamble and further documented in the risk report titled *Residual Risk Assessment for the Surface Coating of Wood Building Products Source Category in Support of the 2018 Risk and Technology Review Final Rule*, in the docket for this action, Docket ID No. EPA-HQ-OAR-2016-0678.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This action involves technical standards. The EPA is finalizing the use of NCASI Method ISS/FP A105.01, "Impinger Source Sampling Method for Selected Aldehydes, Ketones, and Polar Compounds," December 2005, Methods Manual, and ASTM D6348-03 (Reapproved 2010), "Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy" as alternatives to using EPA Method 320 under certain conditions, and is incorporating these alternative methods by reference. EPA Method 320 is added for the measurement of organic HAP emissions if formaldehyde is a major organic HAP component of the surface coating exhaust stream. EPA Method 320 can also be used for other HAP that may be found in wood building products coatings. NCASI Method ISS/FP A105.01 is an impinger source sampling method for the collection and analysis of a wider range of aldehydes, ketones, and polar organics, has previously been incorporated by reference at 40 CFR 63.14, and is reasonably available from National Council of the Paper Industry for Air and Stream Improvement, Inc. (NCASI), P.O. Box 133318, Research Triangle Park, NC 27709-3318 or at <http://www.ncasi.org>.

Instead of the current ASTM D6348-12 standard, the ASTM D6348-03 (Reapproved 2010) standard is referenced in the Surface Coating of Wood Building Products NESHAP. The QC criteria in ASTM D6348-03 (Reapproved 2010) are more closely matched to the testing requirements in this NESHAP. Use of ASTM D6348-03 (Reapproved 2010) is defined in 40 CFR 63.4751(i)(4). ASTM D6348-03 (Reapproved 2010) is an extractive FTIR

⁸ See *National Tribal Air Association—EPA Air Policy Update Call*; Thursday May 31, 2018, in the docket for this rule; Docket ID No. EPA-HQ-OAR-2016-0678.

spectroscopy-based field test method and is used to quantify gas phase concentrations of multiple target compounds in emission streams from stationary sources.

ANSI A135.4–2012, “Basic Hardboard,” is reasonably available from the Composite Panel Association, 19465 Deerfield Avenue, Suite 306, Leesburg, VA 20176. The standard specifies requirements and test methods for water absorption, thickness swelling, modulus of rupture, tensile strength, surface finish, dimensions, squareness, edge straightness, and moisture content for five classes of hardboard, including tileboard, part of a subcategory in the standard.

The EPA is also using ASTM D4840–99 (Reapproved 2018)^e, “Standard Guide for Sampling Chain-of-Custody Procedures,” in EPA Method 326 for its chain of custody procedures and is incorporating this alternative method by reference. The ASTM D4840–99 (Reapproved 2018)^e guide contains a comprehensive discussion of potential requirements for a sample chain-of-custody program and describes the procedures involved in sample chain-of-custody. The purpose of ASTM D4840–99 (Reapproved 2018)^e procedures is to provide accountability for and documentation of sample integrity from the time samples are collected until the time samples are disposed. EPA Method 326 is added for the measurement of organic HAP emissions if isocyanate is a major organic HAP component of the surface coating exhaust stream.

The EPA is finalizing the use of the following four VCS as alternatives to EPA Method 24 for the determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings and incorporate these VCS by reference:

- ASTM D2111–10 (Reapproved 2015), “Standard Test Methods for Specific Gravity of Halogenated Organic Solvents and Their Admixtures.” These test methods are used for the determination of the specific gravity of halogenated organic solvents and solvent admixtures.

- ASTM D2369–10 (Reapproved 2015)^e, “Standard Test Method for Volatile Content of Coatings.” This test method describes a procedure used for the determination of the weight percent volatile content of solvent-borne and waterborne coatings.

- ASTM D2697–03 (Reapproved 2014), “Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings.” This test method is applicable to the determination of the volume of nonvolatile matter in coatings.

- ASTM D6093–97 (Reapproved 2016), “Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer.” This test method is used for the determination of the percent volume nonvolatile matter in clear and pigmented coatings.

The ASTM standards are reasonably available from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959. See <http://www.astm.org/>.

While the EPA has identified another 18 VCS as being potentially applicable to this final rule, we have decided not to use these VCS in this rulemaking. The use of these VCS would not be practical due to lack of equivalency, documentation, validation date, and other important technical and policy considerations. See the memorandum titled *Voluntary Consensus Standard Results for National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products*, in the docket for this final rule for the reasons for these determinations.

Under 40 CFR 63.7(f) and 40 CFR 63.8(f) of subpart A of the General Provisions, a source may apply to the EPA for permission to use alternative test methods or alternative monitoring requirements in place of any required testing methods, performance specifications, or procedures in the final rule or any amendments.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The documentation for this decision is contained in section IV.A of this preamble and the technical report titled *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Wood Building Products Surface Coating Sources*, which is located in the public docket for this action, Docket ID No. EPA–HQ–OAR–2016–0678.

We examined the potential for any EJ issues that might be associated with the source category by performing a demographic analysis of the population close to the facilities. See section V.F, above. In this analysis, we evaluated the distribution of HAP-related cancer and noncancer risks from the Surface Coating of Wood Building Products

NESHAP source category across different social, demographic, and economic groups within the populations living near facilities identified as having the highest risks. The methodology and the results of the demographic analyses are included in a technical report, *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Surface Coating of Wood Building Products Source Category Operations*, available in the docket for this action, Docket ID No. EPA–HQ–OAR–2016–0678.

The results of the Surface Coating of Wood Building Products NESHAP source category demographic analysis indicate that approximately 700 people may be exposed to a cancer risk of 1-in-1 million based on allowable emissions from the source category and no one is exposed to a chronic noncancer TOSHI greater than 1. The specific demographic results indicate that the percentage of the population potentially impacted by wood building products emissions is similar among all demographic groups (see Table 3 of this preamble). The proximity results (irrespective of risk) indicate that the population percentages for certain demographic categories within 5 km of source category emissions are greater than the corresponding national percentage for those same demographics. The following demographic percentages for populations residing within close proximity to facilities with Surface Coating of Wood Building Products source category facilities are higher than the corresponding nationwide percentage: African American, ages 65 and up, over age 25 without a high school diploma, and below the poverty level.

The risks due to actual HAP emissions from this source category are low for all populations (e.g., inhalation cancer risks are less than 1-in-1 million for all populations and noncancer HIs are less than 1). We do not expect this final rule to achieve significant reductions in HAP emissions. We have concluded that this final rule will not have unacceptable adverse human health or environmental effects on minority or low-income populations. The final rule does not affect the level of protection provided to human health or the environment. However, this final rule will provide additional benefits to these demographic groups by improving the compliance, monitoring, and implementation of the NESHAP.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to

each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Incorporation by reference, National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products Residual Risk and Technology Review, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 20, 2018.

Andrew R. Wheeler,
Acting Administrator.

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.*

Subpart A—[Amended]

■ 2. Section 63.14 is amended:

■ a. In paragraph (a), by removing—
“http://www.archives.gov/federal-register/code_of_federal_regulations/ibr_locations.html” and adding
“www.archives.gov/federal-register/cfr/ibr-locations.html” in its place;
■ b. By redesignating the paragraphs in the Old Paragraph column as the paragraphs in the New Paragraph column as follows:

Old paragraph	New paragraph
(c)	(f)
(d)	(g)
(e) through (g)	(c) through (e)
(l) through (s)	(m) through (t);

■ c. In paragraph (h)—

■ i. In the introductory text, by removing “American Society for Testing and Materials (ASTM)” and adding “ASTM International” in its place;
■ ii. By redesignating the paragraphs in the Old Paragraph column as the paragraphs in the New Paragraph column as follows:

Old paragraph	New paragraph
(h)(13) through (h)(19)	(h)(14) through (h)(20)
(h)(20) through (h)(23)	(h)(22) through (h)(25)
(h)(24) through (h)(26)	(h)(27) through (h)(29)
(h)(27) through (h)(59)	(h)(31) through (h)(63)
(h)(60) through (h)(73)	(h)(65) through (h)(78)
(h)(74) through (h)(105) ..	(h)(80) through (h)(111);

■ iii. By adding new paragraphs (h)(13), (21), (26), (30), (64), and (79); and

■ iv. By revising newly redesignated paragraph (h)(84).
■ d. By adding new paragraph (l); and
■ e. By revising newly designated paragraph (p)(5).

The revisions and additions read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(h) * * *

(13) ASTM D1475–13, Standard Test Method for Density of Liquid Coatings, Inks, and Related Products, approved November 1, 2013, IBR approved for §§ 63.4741(b) and (c) and 63.4751(c).

* * * * *

(21) ASTM D2111–10 (Reapproved 2015), Standard Test Methods for Specific Gravity and Density of Halogenated Organic Solvents and Their Admixtures, approved June 1, 2015, IBR approved for § 63.4741(a).

* * * * *

(26) ASTM D2369–10 (Reapproved 2015)^e, Standard Test Method for Volatile Content of Coatings, approved June 1, 2015, IBR approved for § 63.4741(a).

* * * * *

(30) ASTM D2697–03 (Reapproved 2014), Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings, approved July 1, 2014, IBR approved for § 63.4741(a) and (b).

* * * * *

(64) ASTM D4840–99 (Reapproved 2018)^e, Standard Guide for Sampling Chain-of-Custody Procedures, approved August 15, 2018, IBR approved for appendix A to part 63.

* * * * *

(79) ASTM D6093–97 (Reapproved 2016), Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer, Approved December 1, 2016, IBR approved for § 63.4741(a) and (b).

* * * * *

(84) ASTM D6348–03 (Reapproved 2010), Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy, including Annexes A1 through A8, Approved October 1, 2010, IBR approved for §§ 63.1571(a), 63.4751(i), 63.4752(e), 63.4766(b), tables 4 and 5 to subpart JJJJJ, tables 4 and 6 to subpart KKKKK, tables 1, 2, and 5 to subpart UUUUU and appendix B to subpart UUUUU.

* * * * *

(l) Composite Panel Association, 19465 Deerfield Avenue, Suite 306,

Leesburg, VA 20176, Telephone (703)724–1128, and www.compositepanel.org.

(1) ANSI A135.4–2012, Basic Hardboard, approved June 8, 2012, IBR approved for § 63.4781.

(2) [Reserved]

* * * * *

(p) * * *

(5) NCASI Method ISS/FP A105.01, Impinger Source Sampling Method for Selected Aldehydes, Ketones, and Polar Compounds, December 2005, Methods Manual, IBR approved for table 4 to subpart DDDD and §§ 63.4751(i) and 63.4752(e).

* * * * *

Subpart QQQQ—[Amended]

■ 4. Section 63.4681 is amended by revising paragraph (c)(1) introductory text to read as follows:

§ 63.4681 Am I subject to this subpart?

* * * * *

(c) * * *

(1) Surface coating in the processes identified in paragraphs (c)(1)(i) through (xi) of this section that are part of plywood and composite wood product manufacturing and subject to subpart DDDD of this part including:

* * * * *

■ 5. Section 63.4683 is amended by revising paragraphs (a) and (b) to read as follows:

§ 63.4683 When do I have to comply with this subpart?

* * * * *

(a) For a new or reconstructed affected source, the compliance date is the applicable date in paragraph (a)(1) or (2) of this section:

(1) If the initial startup of your new or reconstructed affected source is before May 28, 2003, the compliance date is May 28, 2003; except that the compliance date for the revised requirements promulgated at §§ 63.4700, 63.4710, 63.4720, 63.4730, 63.4741, 63.4751, 63.4752, 63.4761, 63.4763, 63.4764, 63.4766, 63.4781, table 4 of this subpart QQQQ, and appendix A to 40 CFR part 63 is September 3, 2019.

(2) If the initial startup of your new or reconstructed affected source occurs after May 28, 2003, the compliance date is March 4, 2019 or the date of initial startup of your affected source, whichever is later; except that if you commenced construction or reconstruction of your new or reconstructed affected source after May 28, 2003, but on or before May 16, 2018, the compliance date for the revised requirements promulgated at

§§ 63.4700, 63.4710, 63.4720, 63.4730, 63.4741, 63.4751, 63.4752, 63.4761, 63.4763, 63.4764, 63.4766, 63.4781, table 4 of this subpart QQQQ, and appendix A to 40 CFR part 63 is September 3, 2019.

(b) For an existing affected source, the compliance date is the date 3 years after May 28, 2003, except that the compliance date for the revised requirements promulgated at §§ 63.4700, 63.4710, 63.4720, 63.4730, 63.4741, 63.4751, 63.4752, 63.4761, 63.4763, 63.4764, 63.4766, 63.4781, table 4 of this subpart QQQQ of part 63, and appendix A to 40 CFR part 63 is September 3, 2019.

* * * * *

■ 6. Section 63.4700 is amended by:

■ a. Revising paragraph (a)(2) introductory text and paragraphs (a)(2)(i) and (ii);

■ b. Adding paragraph (a)(3); and

■ c. Revising paragraphs (b) and (d).

The revisions and addition read as follows:

§ 63.4700 What are my general requirements for complying with this subpart?

(a) * * *

(2) Any coating operation(s) at existing sources for which you use the emission rate with add-on controls option, as specified in § 63.4691(c), must be in compliance with the applicable emission limitations as specified in paragraphs (a)(2)(i) through (iii) of this section.

(i) Before September 3, 2019, the coating operation(s) must be in compliance with the applicable emission limit in § 63.4690 at all times, except during periods of startup, shutdown, and malfunction (SSM). On and after September 3, 2019, the coating operation(s) must be in compliance with the applicable emission limit in § 63.4690 at all times.

(ii) Before September 3, 2019, the coating operation(s) must be in compliance with the applicable operating limits for emission capture systems and add-on control devices required by § 63.4692 at all times, except during periods of SSM, and except for solvent recovery systems for which you conduct liquid-liquid material balances according to § 63.4761(j). On and after September 3, 2019, the coating operation(s) must be in compliance with the operating limits for emission capture systems and add-on control devices required by § 63.4692 at all times, except for solvent recovery systems for which you conduct liquid-liquid material balances according to § 63.4761(j).

* * * * *

(3) For new or reconstructed sources with initial startup after May 16, 2018, any coating operation(s) for which you use the emission rate with add-on controls option, as specified in § 63.4691(c), must be in compliance with the applicable emission limitations and work practice standards as specified in paragraphs (a)(3)(i) through (iii) of this section.

(i) The coating operation(s) must be in compliance with the applicable emission limit in § 63.4690 at all times.

(ii) The coating operation(s) must be in compliance with the operating limits for emission capture systems and add-on control devices required by § 63.4692 at all times, except for solvent recovery systems for which you conduct liquid-liquid material balances according to § 63.4761(j).

(iii) The coating operation(s) must be in compliance with the work practice standards in § 63.4693 at all times.

(b) For existing sources as of March 4, 2019, before September 3, 2019, you must always operate and maintain your affected source, including all air pollution control and monitoring equipment you use for purposes of complying with this subpart, according to the provisions in § 63.6(e)(1)(i). On and after September 3, 2019 for such existing sources and after March 4, 2019 for new or reconstructed sources, you must always operate and maintain your affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

* * * * *

(d) For existing sources, before September 3, 2019, if your affected source uses an emission capture system and add-on control device, you must develop a written startup, shutdown, and malfunction plan (SSMP) according to the provisions in § 63.6(e)(3). The SSMP must address startup, shutdown, and corrective actions in the event of a malfunction of the emission capture

system or the add-on control device. The SSMP must also address any coating operation equipment that may cause increased emissions or that would affect capture efficiency if the process equipment malfunctions, such as conveyors that move parts among enclosures.

■ 7. Section 63.4710 is amended by revising paragraph (c)(8)(ii) to read as follows:

§ 63.4710 What notifications must I submit?

* * * * *

(c) * * *

(8) * * *

(ii) For the emission rate without add-on controls option, provide the calculation of the total mass of organic HAP emissions for each month; the calculation of the total volume of coating solids used each month; and the calculation of the 12-month organic HAP emission rate, using Equations 1 and 1A (or 1A-alt) through 1C, 2, and 3, respectively, of § 63.4751.

* * * * *

■ 8. Section 63.4720 is amended by:

■ a. Revising paragraph (a)(6)(ii) and paragraph (a)(7) introductory text;

■ b. Redesignating paragraphs (a)(7)(i) through (xiv) as paragraphs (a)(7)(i)(A) through (N);

■ c. Adding paragraph (a)(7)(i) introductory text and paragraph (a)(7)(ii);

■ d. Revising paragraph (c) introductory text; and

■ e. Adding paragraph (d).

The revisions and additions read as follows:

§ 63.4720 What reports must I submit?

(a) * * *

(6) * * *

(ii) The calculations used to determine the 12-month organic HAP emission rate for the compliance period in which the deviation occurred. You must provide the calculations for Equations 1, 1A (or 1A-alt) through 1C, 2, and 3 in § 63.4751; and if applicable, the calculation used to determine mass of organic HAP in waste materials according to § 63.4751(e)(4). You do not need to submit background data supporting these calculations (e.g., information provided by materials suppliers or manufacturers, or test reports).

* * * * *

(7) *Deviations: Emission rate with add-on controls option.* You must be in compliance with the emission limitations in this subpart as specified in paragraphs (a)(7)(i) and (ii) of this section.

(i) For existing sources, before September 3, 2019, if you used the emission rate with add-on controls option and there was a deviation from an emission limitation (including any periods when emissions bypassed the add-on control device and were diverted to the atmosphere), the semiannual compliance report must contain the information in paragraphs (a)(7)(i)(A) through (N) of this section. This includes periods of SSM during which deviations occurred.

* * * * *

(ii) After March 4, 2019 for new and reconstructed sources, and on and after September 3, 2019 for existing sources, if you used the emission rate with add-on controls option and there was a deviation from an emission limitation (including any periods when emissions bypassed the add-on control device and were diverted to the atmosphere), the semiannual compliance report must contain the information in paragraphs (a)(7)(ii)(A) through (M) of this section.

(A) The beginning and ending dates of each compliance period during which the 12-month organic HAP emission rate exceeded the applicable emission limit in § 63.4690.

(B) The calculations used to determine the 12-month organic HAP emission rate for each compliance period in which a deviation occurred. You must provide the calculation of the total mass of organic HAP emissions for the coatings, thinners, and cleaning materials used each month, using Equations 1 and 1A through 1C of § 63.4751; and, if applicable, the calculation used to determine mass of organic HAP in waste materials according to § 63.4751(e)(4); the calculation of the total volume of coating solids used each month, using Equation 2 of § 63.4751; the calculation of the mass of organic HAP emission reduction each month by emission capture systems and add-on control devices, using Equations 1 and 1A through 1D of § 63.4761, and Equations 2, 3, and 3A through 3C of § 63.4761, as applicable; the calculation of the total mass of organic HAP emissions each month, using Equation 4 of § 63.4761; and the calculation of the 12-month organic HAP emission rate, using Equation 5 of § 63.4761. You do not need to submit the background data supporting these calculations (e.g., information provided by materials suppliers or manufacturers, or test reports).

(C) A brief description of the CPMS.

(D) The date of the latest CPMS certification or audit.

(E) The date and time that each CPMS was inoperative, except for zero (low-level) and high-level checks.

(F) The date, time, and duration that each CPMS was out-of-control, including the information in § 63.8(c)(8).

(G) The date and time period of each deviation from an operating limit in Table 3 to this subpart, date and time period of any bypass of the add-on control device.

(H) A summary of the total duration of each deviation from an operating limit in Table 3 to this subpart, each bypass of the add-on control device during the semiannual reporting period, and the total duration as a percent of the total source operating time during that semiannual reporting period.

(I) A breakdown of the total duration of the deviations from the operating limits in Table 3 to this subpart and bypasses of the add-on control device during the semiannual reporting period by identifying deviations due to control equipment problems, process problems, other known causes, and other unknown causes; a list of the affected source or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

(J) A summary of the total duration of CPMS downtime during the semiannual reporting period and the total duration of CPMS downtime as a percent of the total source operating time during that semiannual reporting period.

(K) A description of any changes in the CPMS, coating operation, emission capture system, or add-on control device since the last semiannual reporting period.

(L) For each deviation from the standard, including work practice standards, a description of the deviation, the date and time period of the deviation, and the actions you took to correct the deviation.

(M) A statement of the cause of each deviation.

* * * * *

(c) *SSM reports.* For existing sources, before September 3, 2019, if you used the emission rate with add-on controls option and you had an SSM during the semiannual reporting period, you must submit the reports specified in paragraphs (c)(1) and (2) of this section.

* * * * *

(d) *Electronic reporting.* (1) Within 60 days after the date of completing each performance test required by this subpart, you must submit the results of the performance test following the procedures specified in paragraphs (d)(1)(i) through (iii) of this section.

(i) *Data collected using test methods supported by EPA's Electronic Reporting Tool (ERT) as listed on EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test.* Submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). The data must be submitted in a file format generated through the use of EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on EPA's ERT website.

(ii) *Data collected using test methods that are not supported by EPA's ERT as listed on EPA's ERT website at the time of the test.* The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

(iii) *Confidential business information (CBI).* If you claim some of the information submitted under paragraph (a)(1) of this section is CBI, you must submit a complete file, including information claimed to be CBI, to the EPA. The file must be generated through the use of EPA's ERT or an alternate electronic file consistent with the XML schema listed on EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via EPA's CDX as described in paragraph (d)(1)(i) of this section.

(2) You must submit the Notification of Compliance Status required in § 63.4710(c) and the semiannual compliance reports required in paragraph (a) of this section to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX (<https://cdx.epa.gov/>)). For semiannual compliance reports, you must use the appropriate electronic report in CEDRI for this subpart or an alternative electronic file format consistent with the XML schema listed on the CEDRI website (<https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri>). If the reporting form specific to this subpart is not available in CEDRI at the time that

the report is due, you must submit the report to the Administrator at all the appropriate addresses listed in § 63.13. Once the reporting template has been available in CEDRI for 1 year, you must begin submitting all subsequent reports via CEDRI. For the Notification of Compliance Status, you must submit a file in portable document format (PDF) to CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the reports are submitted.

(3) If you are required to electronically submit a report through CEDRI in EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (d)(3)(i) through (vii) of this section.

(i) You must have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either EPA's CEDRI or CDX systems.

(ii) The outage must have occurred within the period of time beginning five business days prior to the date that the submission is due.

(iii) The outage may be planned or unplanned.

(iv) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(v) You must provide to the Administrator a written description identifying:

(A) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(B) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(C) Measures taken or to be taken to minimize the delay in reporting; and

(D) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(vi) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(vii) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(4) If you are required to electronically submit a report through CEDRI in EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the reporting requirement. To assert a claim of force

majeure, you must meet the requirements outlined in paragraphs (d)(4)(i) through (v) of this section.

(i) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage).

(ii) You must submit the notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(iii) You must provide to the Administrator:

(A) A written description of the force majeure event;

(B) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(C) Measures taken or to be taken to minimize the delay in reporting; and

(D) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(iv) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(v) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

■ 9. Section 63.4730 is amended by:

■ a. Revising paragraph (c)(3) and paragraph (k) introductory text;

■ b. Redesignating paragraphs (k)(1) through (4) as paragraphs (k)(1)(i) through (iv);

■ c. Adding paragraph (k)(1) introductory text and paragraph (k)(2);

■ d. Redesignating paragraphs (k)(5)(i) through (iii) as paragraphs (k)(1)(v)(A) through (C);

■ e. Redesignating paragraph (k)(5) introductory text as paragraph (k)(1)(v) introductory text and revising it;

■ f. Redesignating paragraphs (k)(6)(i) and (ii) as paragraphs (k)(1)(vi)(A) and (B);

■ g. Redesignating paragraph (k)(6) introductory text as paragraph (k)(1)(vi) introductory text and revising it; and

■ h. Redesignating paragraphs (k)(7) and (8) as paragraphs (k)(1)(vii) and (viii).

The revisions and additions read as follows:

§ 63.4730 What records must I keep?

* * * * *

(c) * * *

(3) For the emission rate without add-on controls option, a record of the calculation of the total mass of organic HAP emissions for the coatings, thinners, and cleaning materials used each month, using Equations 1, 1A (or 1A-alt) through 1C, and 2 of § 63.4751; and, if applicable, the calculation used to determine mass of organic HAP in waste materials according to § 63.4751(e)(4); the calculation of the total volume of coating solids used each month, using Equation 2 of § 63.4751; and the calculation of each 12-month organic HAP emission rate, using Equation 3 of § 63.4751.

* * * * *

(k) If you use the emission rate with add-on controls option, you must keep the records specified in paragraphs (k)(1) through (2) of this section.

(1) For existing sources, before September 3, 2019:

* * * * *

(v) For each capture system that is not a PTE, the data and documentation you used to determine capture efficiency according to the requirements specified in §§ 63.4764 and 63.4765(b) through (e), including the records specified in paragraphs (k)(1)(v)(A) through (C) of this section that apply to you.

* * * * *

(vi) The records specified in paragraphs (k)(1)(vi)(A) and (B) of this section for each add-on control device organic HAP destruction or removal efficiency determination as specified in § 63.4766.

* * * * *

(2) After March 4, 2019 for new and reconstructed sources, and on and after September 3, 2019 for existing sources:

(i) The records required to show continuous compliance with each operating limit specified in Table 3 to this subpart that applies to you.

(ii) For each capture system that is a PTE, the data and documentation you used to support a determination that the capture system meets the criteria in Method 204 of appendix M to 40 CFR part 51 for a PTE and has a capture efficiency of 100 percent, as specified in § 63.4765(a).

(iii) For each capture system that is not a PTE, the data and documentation

you used to determine capture efficiency according to the requirements specified in §§ 63.4764 and 63.4765(b) through (e), including the records specified in paragraphs (k)(2)(iii)(A) through (C) of this section that apply to you.

(A) *Records for a liquid-to-uncaptured-gas protocol using a temporary total enclosure or building enclosure.* Records of the mass of total volatile hydrocarbon (TVH) as measured by Method 204A or F of appendix M to 40 CFR part 51 for each material used in the coating operation, and the total TVH for all materials used during each capture efficiency test run, including a copy of the test report. Records of the mass of TVH emissions not captured by the capture system that exited the temporary total enclosure or building enclosure during each capture efficiency test run as measured by Method 204D or E of appendix M to 40 CFR part 51, including a copy of the test report. Records documenting that the enclosure used for the capture efficiency test met the criteria in Method 204 of appendix M to 40 CFR part 51 for either a temporary total enclosure or a building enclosure.

(B) *Records for a gas-to-gas protocol using a temporary total enclosure or a building enclosure.* Records of the mass of TVH emissions captured by the emission capture system as measured by Method 204B or C of appendix M to 40 CFR part 51 at the inlet to the add-on control device, including a copy of the test report. Records of the mass of TVH emissions not captured by the capture system that exited the temporary total enclosure or building enclosure during each capture efficiency test run as measured by Method 204D or E of appendix M to 40 CFR part 51, including a copy of the test report. Records documenting that the enclosure used for the capture efficiency test met the criteria in Method 204 of appendix M to 40 CFR part 51 for either a temporary total enclosure or a building enclosure.

(C) *Records for an alternative protocol.* Records needed to document a capture efficiency determination using an alternative method or protocol as specified in § 63.4765(e), if applicable.

(iv) The records specified in paragraphs (k)(2)(iv)(A) and (B) of this section for each add-on control device organic HAP destruction or removal efficiency determination as specified in § 63.4766.

(A) Records of each add-on control device performance test conducted according to §§ 63.4764 and 63.4766.

(B) Records of the coating operation conditions during the add-on control

device performance test showing that the performance test was conducted under representative operating conditions.

(v) Records of the data and calculations you used to establish the emission capture and add-on control device operating limits as specified in § 63.4767 and to document compliance with the operating limits as specified in Table 3 to this subpart.

(vi) A record of the work practice plan required by § 63.4693, and documentation that you are implementing the plan on a continuous basis.

■ 10. Section 63.4741 is amended by revising:

- a. Paragraph (a)(2);
- b. The subject heading and first sentence of paragraph (b)(1);
- c. The defined terms “*m_{volatiles}*” and “*D_{avg}*” in Equation 1 in paragraph (b)(3) introductory text; and
- d. Paragraph (c).

The revisions read as follows:

§ 63.4741 How do I demonstrate initial compliance with the emission limitations?

* * * * *

(a) * * *

(2) *Method 24 (appendix A-7 to 40 CFR part 60).* For coatings, you may use Method 24 to determine the mass fraction of nonaqueous volatile matter and use that value as a substitute for mass fraction of organic HAP. (**Note:** Method 24 is not appropriate for those coatings with a water content that would result in an effective detection limit greater than the applicable emission limit.) One of the voluntary consensus standards in paragraphs (a)(2)(i) through (iv) may be used as an alternative to using Method 24.

(i) ASTM Method D2111-10 (Reapproved 2015), “Standard Test Methods for Specific Gravity and Density of Halogenated Organic Solvents and Their Admixtures,” (incorporated by reference, see § 63.14);

(ii) ASTM Method D2369-10 (Reapproved 2015)^e, “Standard Test Method for Volatile Content of Coatings,” (incorporated by reference, see § 63.14);

(iii) ASTM Method D2697-03 (Reapproved 2014), “Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings,” (incorporated by reference, see § 63.14); and

(iv) ASTM Method D6093-97 (Reapproved 2016), “Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer,” (incorporated by reference, see § 63.14).

* * * * *

(b) * * *

(1) *ASTM Method D2697-03 (Reapproved 2014) or D6093-97 (Reapproved 2016).* You may use ASTM Method D2697-03 (Reapproved 2014), “Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings” (incorporated by reference, see § 63.14), or D6093-97 (Reapproved 2016), “Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer” (incorporated by reference, see § 63.14), to determine the volume fraction of coating solids for each coating. * * *

* * * * *

(3) * * *

m_{volatiles} = Total volatile matter content of the coating, including HAP, volatile organic compounds (VOC), water, and exempt compounds, determined according to Method 24 in appendix A-7 of 40 CFR part 60, grams volatile matter per liter coating.

D_{avg} = Average density of volatile matter in the coating, grams volatile matter per liter volatile matter, determined from test results using ASTM Method D1475-13, “Standard Test Method for Density of Liquid Coatings, Inks, and Related Products,” (incorporated by reference, see § 63.14), information from the supplier or manufacturer of the material, or reference sources providing density or specific gravity data for pure materials. If there is disagreement between ASTM Method D1475-13 test results and other information sources, the test results will take precedence.

(c) *Determine the density of each coating.* Determine the density of each coating used during the compliance period from test results using ASTM Method D1475-13, “Standard Test Method for Density of Liquid Coatings, Inks, and Related Products,” (incorporated by reference, see § 63.14), or information from the supplier or manufacturer of the material. If there is disagreement between ASTM Method D1475-13 test results and the supplier’s or manufacturer’s information, the test results will take precedence.

* * * * *

■ 11. Section 63.4751 is amended by:

- a. Revising paragraph (c);
- b. Revising the defined term “A” in Equation 1 in of paragraph (e) introductory text; and
- c. Adding paragraph (i).

The revisions and addition read as follows:

§ 63.4751 How do I demonstrate initial compliance with the emission limitations?

* * * * *

(c) *Determine the density of each material.* Determine the density of each coating, thinner, and cleaning material

used during each month from test results using ASTM Method D1475–13 (incorporated by reference, see § 63.14), information from the supplier or manufacturer of the material, or reference sources providing density or specific gravity data for pure materials. If there is disagreement between ASTM Method D1475–13 test results and such other information sources, the test results will take precedence.

* * * * *

(e) * * *

A = Total mass of organic HAP in the coatings used during the month, grams, as calculated in Equation 1A (or 1A-alt) of this section.

* * * * *

(i) *Alternative compliance demonstration.* As an alternative to paragraph (h) of this section, you may demonstrate initial compliance by identifying each organic HAP component in the coating(s) and conducting a performance test using Method 320 of appendix A to 40 CFR part 63 or NCASI Method ISS/FP A105.01 (incorporated by reference in

§ 63.14) (for formaldehyde) or Method 326 of appendix A to 40 CFR part 63 (for isocyanates) to obtain an organic HAP emission factor (EF). The voluntary consensus standard ASTM D6348–03 (Reapproved 2010) (incorporated by reference, see § 63.14) may be used as an alternative to using Method 320 under the conditions specified in paragraphs (i)(4)(i) and (ii) of this section.

(1) You must also calculate the mass of organic HAP emitted from the coatings used during the month using Equation 1A-alt of this section:

$$A = \sum_{i=1}^m (Vol_{c,i})(D_{c,i})(W_{c,i})(EF_{c,i})$$

(Eq. 1A – alt)

Where:

A = Total mass of organic HAP in the coatings used during the month, grams.

Vol_{c,i} = Total volume of coating, i, used during the month, liters.

D_{c,i} = Density of coating, i, grams coating per liter of coatings.

W_{c,i} = Mass fraction of organic HAP in coating, i, grams organic HAP per gram coating.

EF_{c,i} = Organic HAP emission factor (three-run average from performance testing, evaluated as proportion of mass organic HAP emitted to mass of organic HAP in the coatings used during the performance test).

m = Number of different coatings used during the month.

(2) Calculate the organic HAP emission rate for the 12-month compliance period, grams organic HAP per liter coating solids used, using Equation 3 of this section.

(3) The organic HAP emission rate for the initial 12-month compliance period, calculated using Equation 3 of this section, must be less than or equal to the applicable emission limit in § 63.4690. You must keep all records as required by §§ 63.4730 and 63.4731. As part of the Notification of Compliance Status required by § 63.4710, you must identify the coating operation(s) for which you used the emission rate without add-on controls option and submit a statement that the coating operation(s) was (were) in compliance with the emission limitations during the initial compliance period because the organic HAP emission rate was less than or equal to the applicable emission limit in § 63.4690, determined according to this section.

(4) If ASTM D6348–03 (Reapproved 2010) is used, the conditions specified in paragraphs (i)(4)(i) and (ii) must be met.

(i) Test plan preparation and implementation in the Annexes to

ASTM D6348–03 (Reapproved 2010), sections A1 through A8 are mandatory.

(ii) In ASTM D6348–03 (Reapproved 2010) Annex A5 (Analyte Spiking Technique), the percent (%) R must be determined for each target analyte (Equation A5.5 of ASTM D6348–03). In order for the test data to be acceptable for a compound, %R must be between 70 and 130 percent. If the %R value does not meet this criterion for a target compound, the test data are not acceptable for that compound, and the test must be repeated for that analyte following adjustment of the sampling and/or analytical procedure before the retest. The %R value for each compound must be reported in the test report, and all field measurements must be corrected with the calculated %R value for that compound using the following equation: Reported Result = (Measured Concentration in the Stack × 100)/%R.

■ 12. Section 63.4752 is amended by adding paragraph (e) to read as follows:

§ 63.4752 How do I demonstrate continuous compliance with the emission limitations?

* * * * *

(e) If you use the alternative compliance demonstration described in § 63.4751(i), you must identify each organic HAP component in the coating(s) and conduct a performance test every 5 years to obtain an organic HAP emission factor (EF). You must use the following methods, as appropriate: Method 320 of appendix A to 40 CFR part 63 or NCASI Method ISS/FP A105.01 (incorporated by reference, see § 63.14) (for formaldehyde) or Method 326 of appendix A to 40 CFR part 63 (for isocyanates). The voluntary consensus standard ASTM D6348–03 (Reapproved 2010) (incorporated by reference, see § 63.14) may be used as an alternative to

using Method 320 under the conditions specified in § 63.4751(i)(4)(i) and (ii).

■ 13. Section 63.4761 is amended by revising paragraph (j)(3) to read as follows:

§ 63.4761 How do I demonstrate initial compliance?

* * * * *

(j) * * *
(3) Determine the mass fraction of volatile organic matter for each coating, thinner, and cleaning material used in the coating operation controlled by the solvent recovery system during the month, grams volatile organic matter per gram coating. You may determine the volatile organic matter mass fraction using Method 24 of 40 CFR part 60, appendix A–7, one of the voluntary consensus standards specified in § 63.4741(a)(2)(i) through (iv), or an EPA approved alternative method, or you may use information provided by the manufacturer or supplier of the coating. In the event of any inconsistency between information provided by the manufacturer or supplier and the results of Method 24 of 40 CFR part 60, appendix A–7, or an approved alternative method, the test method results will take precedence unless after consultation, a regulated source could demonstrate to the satisfaction of the enforcement agency that the formulation data were correct.

* * * * *

■ 14. Section 63.4763 is amended by revising paragraph (h) to read as follows:

§ 63.4763 How do I demonstrate continuous compliance with the emission limitations?

* * * * *

(h) For existing sources, before September 3, 2019, consistent with §§ 63.6(e) and 63.7(e)(1), deviations that occur during a period of SSM of the

emission capture system, add-on control device, or coating operation that may affect emission capture or control device efficiency are not violations if you demonstrate to the Administrator's satisfaction that you were operating in accordance with § 63.6(e)(1). The Administrator will determine whether deviations that occur during a period you identify as an SSM are violations, according to the provisions in § 63.6(e).

■ 15. Section 63.4764 is amended by revising paragraphs (a)(1) and (2) to read as follows:

§ 63.4764 What are the general requirements for performance tests?

(a) * * *

(1) *Representative coating operation operating conditions.* You must conduct the performance test under representative operating conditions for the coating operation. Operations during periods of startup, shutdown, and nonoperation do not constitute representative conditions. You may not conduct performance tests during periods of malfunction. You must record the process information that is necessary to document operating conditions during the test and explain why the conditions represent normal operation. Upon request, you shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(2) *Representative emission capture system and add-on control device operating conditions.* You must conduct the performance test when the emission capture system and add-on control device are operating at a representative flow rate, and the add-on control device is operating at a representative inlet concentration. Representative conditions exclude periods of startup and shutdown. You may not conduct performance tests during periods of malfunction. You must record information that is necessary to

document emission capture system and add-on control device operating conditions during the test and explain why the conditions represent normal operation.

* * * * *

■ 16. Section 63.4766 is amended by revising paragraphs (a)(1) through (4), (b), (d), and (f) to read as follows:

§ 63.4766 How do I determine the add-on control device emission destruction or removal efficiency?

* * * * *

(a) * * *

(1) Use Method 1 or 1A of appendix A-1 to 40 CFR part 60, as appropriate, to select sampling sites and velocity traverse points.

(2) Use Method 2, 2A, 2C, 2D, or 2F of appendix A-1 to 40 CFR part 60, or Method 2G of appendix A-2 to 40 CFR part 60, as appropriate, to measure gas volumetric flow rate.

(3) Use Method 3, 3A, or 3B of appendix A-2 to 40 CFR part 60, as appropriate, for gas analysis to determine dry molecular weight. You may also use as an alternative to Method 3B, the manual method for measuring the oxygen, carbon dioxide, and carbon monoxide content of exhaust gas in ANSI/ASME PTC 19.10-1981, "Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]" (incorporated by reference, see § 63.14).

(4) Use Method 4 of appendix A-3 to 40 CFR part 60 to determine stack gas moisture.

* * * * *

(b) Measure total gaseous organic mass emissions as carbon at the inlet and outlet of the add-on control device simultaneously, using Method 25 or 25A of appendix A-7 to 40 CFR part 60, and Method 320 or 326 of appendix A to 40 CFR part 63, as specified in paragraphs (b)(1) through (5) of this section. The voluntary consensus standard ASTM D6348-03 (Reapproved 2010) (incorporated by reference in § 63.14) may be used as an alternative to

using Method 320 if the conditions specified in § 63.4751(i)(4)(i) and (ii) are met. You must use the same method for both the inlet and outlet measurements.

(1) Use Method 25 of appendix A-7 to 40 CFR part 60 if the add-on control device is an oxidizer, and you expect the total gaseous organic concentration as carbon to be more than 50 parts per million (ppm) at the control device outlet.

(2) Use Method 25A of appendix A-7 to 40 CFR part 60 if the add-on control device is an oxidizer, and you expect the total gaseous organic concentration as carbon to be 50 ppm or less at the control device outlet.

(3) Use Method 25A of appendix A-7 to 40 CFR part 60 if the add-on control device is not an oxidizer.

(4) If Method 25A is used, and if formaldehyde is a major organic HAP component of the surface coating exhaust stream, use Method 320 of appendix A to 40 CFR part 63 or NCASI Method ISS/FP A105.01 (incorporated by reference in § 63.14) or ASTM D6348-03 (Reapproved 2010) (incorporated by reference in § 63.14) to determine formaldehyde concentration.

(5) In addition to Method 25 or 25A, use Method 326 of appendix A to 40 CFR part 63 if isocyanate is a major organic HAP component of the surface coating exhaust stream.

* * * * *

(d) For each test run, determine the total gaseous organic emissions mass flow rates for the inlet and the outlet of the add-on control device, using Equation 1 of this section. If there is more than one inlet or outlet to the add-on control device, you must calculate the total gaseous organic mass flow rate using Equation 1 of this section for each inlet and each outlet and then total all of the inlet emissions and total all of the outlet emissions. The mass emission rates for formaldehyde and individual isocyanate must be determined separately.

$$M_f = Q_{sd} C_c MW (41.6) (10^{-6}) \quad (Eq. 1)$$

Where:

M_f = Total gaseous organic emissions mass flow rate, grams per hour (h).

MW = Molecular weight of analyte of interest (12 for Method 25 and 25A results).

C_c = Concentration of organic compounds in the vent gas (as carbon if determined by Method 25 or Method 25A), parts per million by volume (ppmv), dry basis.

Q_{sd} = Volumetric flow rate of gases entering or exiting the add-on control device, as determined by Method 2, 2A, 2C, 2D, 2F,

or 2G, dry standard cubic meters/hour (dscm/h).

41.6 = Conversion factor for molar volume, gram-moles per cubic meter (mol/m^3) (@ 293 Kelvin (K) and 760 millimeters of mercury (mmHg)).

* * * * *

(f) Determine the emission destruction or removal efficiency of the add-on control device as the average of the efficiencies determined in the three test runs and calculated in Equation 2 of this

section. Destruction and removal efficiency must be determined independently for formaldehyde and isocyanates.

■ 17. Section 63.4781 is amended by revising paragraph (3) under the definition of "deviation" and revising the definition of "tileboard" to read as follows:

§ 63.4781 What definitions apply to this subpart?

* * * * *

Deviation * * *

(3) On and after September 3, 2019, fails to meet any emission limit, or operating limit, or work practice standard in this subpart during SSM.

* * * * *

Tileboard means hardboard that meets the specifications for Class I given by

the standard ANSI A135.4–2012 (incorporated by reference, see § 63.14) as approved by the American National Standards Institute. The standard specifies requirements and test methods for water absorption, thickness swelling, modulus of rupture, tensile strength, surface finish, dimensions, squareness, edge straightness, and moisture content for five classes of hardboard. Tileboard

is also known as Class I hardboard or tempered hardboard.

* * * * *

■ 18. Table 4 to Subpart QQQQ is revised to read as follows:

Table 4 to Subpart QQQQ of Part 63—Applicability of General Provisions to Subpart QQQQ of Part 63

You must comply with the applicable General Provisions requirements according to the following table:

Citation	Subject	Applicable to subpart QQQQ	Explanation
§ 63.1(a)(1)–(14)	General Applicability	Yes.	Applicability to subpart QQQQ is also specified in § 63.4681.
§ 63.1(b)(1)–(3)	Initial Applicability Determination	Yes	
§ 63.1(c)(1)	Applicability After Standard Established	Yes.	
§ 63.1(c)(2)	Applicability of Permit Program for Area Sources	No	Area sources are not subject to subpart QQQQ.
§ 63.1(c)(3)	[Reserved]	No.	
§ 63.1(c)(4)–(5)	Extensions and Notifications	Yes.	
§ 63.1(d)	[Reserved]	No.	Additional definitions are specified in § 63.4781.
§ 63.1(e)	Applicability of Permit Program Before Relevant Standard is Set.	Yes.	
§ 63.2	Definitions	Yes	
§ 63.3(a)–(c)	Units and Abbreviations	Yes.	
§ 63.4(a)(1)–(5)	Prohibited Activities	Yes.	
§ 63.4(b)–(c)	Circumvention/Severability	Yes.	
§ 63.5(a)	Construction/Reconstruction	Yes.	
§ 63.5(b)(1)–(6)	Requirements for Existing, Newly Constructed, and Reconstructed Sources.	Yes.	
§ 63.5(c)	[Reserved]	No.	
§ 63.5(d)	Application for Approval of Construction/Reconstruction.	Yes.	
§ 63.5(e)	Approval of Construction/Reconstruction	Yes.	
§ 63.5(f)	Approval of Construction/Reconstruction Based on Prior State Review.	Yes.	
§ 63.6(a)	Compliance With Standards and Maintenance Requirements—Applicability.	Yes.	
§ 63.6(b)(1)–(7)	Compliance Dates for New and Reconstructed Sources.	Yes	
§ 63.6(c)(1)–(5)	Compliance Dates for Existing Sources	Yes	
§ 63.6(d)	[Reserved]	No.	See § 63.4700(b) for general duty requirement.
§ 63.6(e)(1)(i)	General Duty to Minimize Emissions	No	
§ 63.6(e)(1)(ii)	Requirement to Correct Malfunctions ASAP	No.	
§ 63.6(e)(1)(iii)	Operation and Maintenance Requirements Enforceable Independent of Emissions Limitations.	Yes.	Subpart QQQQ does not establish opacity standards and does not require continuous opacity monitoring systems (COMS).
§ 63.6(e)(2)	[Reserved]	No.	
§ 63.6(e)(3)	SSMP	No.	
§ 63.6(f)(1)	Compliance Except During SSM	No.	
§ 63.6(f)(2)–(3)	Methods for Determining Compliance	Yes.	
§ 63.6(g)(1)–(3)	Use of an Alternative Standard	Yes.	
§ 63.6(h)	Compliance with Opacity/Visible Emissions Standards.	No	
§ 63.6(i)(1)–(16)	Extension of Compliance	Yes.	
§ 63.6(j)	Presidential Compliance Exemption	Yes.	
§ 63.7(a)(1)	Performance Test Requirements—Applicability ...	Yes	Applies to all affected sources. Additional requirements for performance testing are specified in §§ 63.4751, 63.4752, 63.4764, 63.4765, and 63.4766.
§ 63.7(a)(2)	Performance Test Requirements—Dates	Yes	
§ 63.7(a)(3)	Performance Tests Required By the Administrator.	Yes.	Applies only to performance tests for capture system and control device efficiency at sources using these to comply with the standard. § 63.4760 specifies the schedule for performance test requirements that are earlier than those specified in § 63.7(a)(2).
§ 63.7(a)(4)	Notification of Delay in Performance Testing Due to Force Majeure.	Yes.	

Citation	Subject	Applicable to subpart QQQQ	Explanation
§ 63.7(b)–(d)	Performance Test Requirements—Notification, Quality Assurance, Facilities Necessary for Safe Testing, Conditions During Test.	Yes	Applies only to performance tests for capture system and add-on control device efficiency at sources using these to comply with the standard.
§ 63.7(e)(1)	Performance Testing	Yes.	
§ 63.7(f)	Performance Test Requirements—Use of Alternative Test Method.	Yes	Applies to all test methods except those used to determine capture system efficiency.
§ 63.7(g)–(h)	Performance Test Requirements—Data Analysis, Recordkeeping, Reporting, Waiver of Test.	Yes	Applies only to performance tests for capture system and add-on control device efficiency at sources using these to comply with the standard.
§ 63.8(a)(1)–(2)	Monitoring Requirements—Applicability	Yes	Applies only to monitoring of capture system and add-on control device efficiency at sources using these to comply with the standard. Additional requirements for monitoring are specified in § 63.4768.
§ 63.8(a)(3)	[Reserved]	No.	
§ 63.8(a)(4)	Additional Monitoring Requirements	No	Subpart QQQQ does not have monitoring requirements for flares.
§ 63.8(b)	Conduct of Monitoring	Yes.	
§ 63.8(c)(1)	Continuous Monitoring System (CMS) Operation and Maintenance.	Yes	Applies only to monitoring of capture system and add-on control device efficiency at sources using these to comply with the standard. Additional requirements for CMS operations and maintenance are specified in § 63.4768.
§ 63.8(c)(1)(i)	General Duty to Minimize Emissions and CMS Operation.	No.	
§ 63.8(c)(1)(ii)	Operation and Maintenance of CMS	Yes.	
§ 63.8(c)(1)(iii)	Requirement to Develop SSM Plan for CMS	No.	
§ 63.8(c)(2)–(3)	Monitoring System Installation	Yes.	
§ 63.8(c)(4)	CMSs	No	§ 63.4768 specifies the requirements for the operation of CMS for capture systems and add-on control devices at sources using these to comply.
§ 63.8(c)(5)	COMS	No	Subpart QQQQ does not have opacity for visible emission standards.
§ 63.8(c)(6)	CMS Requirements	Yes	§ 63.4768 specifies the requirements for monitoring systems for capture systems and add-on control devices at sources using these to comply.
§ 63.8(c)(7)	CMS Out-of-Control Periods	Yes.	
§ 63.8(c)(8)	CMS Out-of-Control Periods Reporting	No	§ 63.4720 requires reporting of CMS out-of-control periods.
§ 63.8(d)–(e)	Quality Control Program and CMS Performance Evaluation.	No	Subpart QQQQ does not require the use of continuous emissions monitoring systems.
§ 63.8(f)(1)–(5)	Use of an Alternative Monitoring Method	Yes.	
§ 63.8(f)(6)	Alternative to Relative Accuracy Test	No	Subpart QQQQ does not require the use of continuous emissions monitoring systems.
§ 63.8(g)(1)–(5)	Data Reduction	No	§§ 63.4767 and 63.4768 specify monitoring data reduction.
§ 63.9(a)–(d)	Notification Requirements	Yes.	
§ 63.9(e)	Notification of Performance Test	Yes	Applies only to capture system and add-on control device performance tests at sources using these to comply with the standard.
§ 63.9(f)	Notification of Visible Emissions/Opacity Test	No	Subpart QQQQ does not have opacity or visible emission standards.
§ 63.9(g)(1)–(3)	Additional Notifications When Using CMS	No	Subpart QQQQ does not require the use of continuous emissions monitoring systems.
§ 63.9(h)	Notification of Compliance Status	Yes	§ 63.4710 specifies the dates for submitting the Notification of Compliance Status.
§ 63.9(i)	Adjustment of Submittal Deadlines	Yes.	
§ 63.9(j)	Change in Previous Information	Yes.	
§ 63.10(a)	Recordkeeping/Reporting—Applicability and General Information.	Yes.	
§ 63.10(b)(1)	General Recordkeeping Requirements	Yes	Additional requirements are specified in §§ 63.4730 and 63.4731.
§ 63.10(b)(2)(i)–(ii)	Recordkeeping of Occurrence and Duration of Startups and Shutdowns.	No.	
§ 63.10(b)(2)(iii)	Recordkeeping Relevant to CMS	Yes.	
§ 63.10(b)(2)(iv)–(v)	Recordkeeping Relevant to SSM	No.	
§ 63.10(b)(2)(vi)–(xi)	Recordkeeping for CMS Malfunctions	Yes.	
§ 63.10(b)(2)(xii)	Records	Yes.	

Citation	Subject	Applicable to subpart QQQQ	Explanation
§ 63.10(b)(2)(xiii)		No	Subpart QQQQ does not require the use of continuous emissions monitoring systems.
§ 63.10(b)(2)(xiv) .....	.....	Yes.	
§ 63.10(b)(3)	Recordkeeping Requirements for Applicability Determinations.	Yes.	
§ 63.10(c)(1)–(6)	Additional Recordkeeping Requirements for Sources with CMS.	Yes.	The same records are required in § 63.4720(a)(7).
§ 63.10(c)(7)–(8) .....	.....	No	
§ 63.10(c)(9)–(14) .....	.....	Yes.	
§ 63.10(c)(15)	Use of SSM Plan	No.	Additional requirements are specified in § 63.4720.
§ 63.10(d)(1)	General Reporting Requirements	Yes	
§ 63.10(d)(2)	Report of Performance Test Results	Yes	
§ 63.10(d)(3)	Reporting Opacity or Visible Emissions Observations.	No	Subpart QQQQ does not require opacity or visible emissions observations.
§ 63.10(d)(4)	Progress Reports for Sources With Compliance Extensions.	Yes.	
§ 63.10(d)(5)	SSM Reports	No	
§ 63.10(e)(1)–(2)	Additional CMS Reports	No	Malfunctions shall be reported based on compliance option under § 63.4720(a)(5–7). Subpart QQQQ does not require the use of continuous emissions monitoring systems.
§ 63.10(e)(3)	Excess Emissions/CMS Performance Reports	No	
§ 63.10(e)(4)	COMS Data Reports	No	
§ 63.10(f)	Recordkeeping/Reporting Waiver	Yes.	§ 63.4720(b) specifies the contents of periodic compliance reports. Subpart QQQQ does not specify requirements for opacity or COMS.
§ 63.11	Control Device Requirements/Flares	No	
§ 63.12	State Authority and Delegations	Yes.	
§ 63.13	Addresses	Yes.	Test Methods ANSI A135.4–2012, ANSI/ASME PTC 19.10–1981, Part 10, ASTM D1475–13, ASTM D2111–10 (Reapproved 2015), ASTM D2369–10 (Reapproved 2015) ^e , ASTM D2697–03 (Reapproved 2014), ASTM D4840–99 (2018) ^e , ASTM D6093–97 (Reapproved 2016), ASTM D6348–03 (Reapproved 2010) and NCASI Method ISS/FP A105.01 (incorporated by reference, see § 63.14).
§ 63.14	Incorporation by Reference	Yes	
§ 63.15	Availability of Information/Confidentiality	Yes.	
§ 63.16	Requirements for Performance Track Member Facilities.	Yes.	

■ 19. Appendix A to part 63 is amended by adding Method 326 in numerical order to read as follows:

Appendix A to Part 63—Test Methods

* * * * *

Method 326—Method for Determination of Isocyanates in Stationary Source Emissions

1.0 Scope and Application

This method is applicable to the collection and analysis of isocyanate compounds from the emissions associated with manufacturing processes. This method is not inclusive with respect to specifications (e.g., equipment and supplies) and sampling procedures essential to its performance. Some material is incorporated by reference from other EPA

methods. Therefore, to obtain reliable results, persons using this method should have a thorough knowledge of at least Method 1, Method 2, Method 3, and Method 5 found in Appendices A–1, A–2, and A–3 in Part 60 of this title.

1.1 Analytes. This method is designed to determine the mass emission of isocyanates being emitted from manufacturing processes. The following is a table (Table 1–1) of the isocyanates and the manufacturing process at which the method has been evaluated:

TABLE 326–1—ANALYTES

Compound's name	CAS No.	Detection limit (ng/m ³) ^a	Manufacturing process
2,4-Toluene Diisocyanate (TDI)	584–84–9	106	Flexible Foam Production.
1,6-Hexamethylene Diisocyanate (HDI)	822–06–0	396	Paint Spray Booth.
Methylene Diphenyl Diisocyanate (MDI)	101–68–8	112	Pressed Board Production.
Methyl Isocyanate (MI)	624–83–0	228	Not used in production.

^a Estimated detection limits are based on a sample volume of 1 m³ and a 10-ml sample extraction volume.

1.2 Applicability. Method 326 is a method designed for determining compliance with National Emission Standards for Hazardous Air Pollutants (NESHAP). Method 326 may also be specified by New Source Performance Standards (NSPS), State Implementation Plans (SIPs), and operating permits that require measurement of isocyanates in stationary source emissions, to determine compliance with an applicable emission standard or limit.

1.3 Data Quality Objectives (DQO). The principal objective is to ensure the accuracy of the data at the actual emissions levels and in the actual emissions matrix encountered. To meet this objective, method performance tests are required and NIST-traceable calibration standards must be used.

2.0 Summary of Method

2.1 Gaseous and/or aerosol isocyanates are withdrawn from an emission source at an isokinetic sampling rate and are collected in a multicomponent sampling train. The primary components of the train include a heated probe, three impingers containing derivatizing reagent in toluene, an empty impinger, an impinger containing charcoal, and an impinger containing silica gel.

2.2 The liquid impinger contents are recovered, concentrated to dryness under vacuum, brought to volume with acetonitrile (ACN) and analyzed with a high pressure liquid chromatograph (HPLC).

3.0 Definitions [Reserved]

4.0 Interferences

4.1 The greatest potential for interference comes from an impurity in the derivatizing reagent, 1-(2-pyridyl)piperazine (1,2-PP). This compound may interfere with the resolution of MI from the peak attributed to unreacted 1,2-PP.

4.2 Other interferences that could result in positive or negative bias are (1) alcohols that could compete with the 1,2-PP for reaction with an isocyanate and (2) other compounds that may co-elute with one or more of the derivatized isocyanates.

4.3 Method interferences may be caused by contaminants in solvents, reagents, glassware, and other sample processing hardware. All these materials must be routinely shown to be free from interferences under conditions of the analysis by preparing and analyzing laboratory method (or reagent) blanks.

4.3.1 Glassware must be cleaned thoroughly before using. The glassware should be washed with laboratory detergent in hot water followed by rinsing with tap water and distilled water. The glassware may be dried by baking in a glassware oven at 400 °C for at least one hour. After the glassware has cooled, it should be rinsed three times with methylene chloride and three times with acetonitrile. Volumetric glassware should not be heated to 400 °C. Instead, after washing and rinsing, volumetric glassware may be rinsed with acetonitrile followed by methylene chloride and allowed to dry in air.

4.3.2 The use of high purity reagents and solvents helps to reduce interference problems in sample analysis.

5.0 Safety

5.1 Organizations performing this method are responsible for maintaining a current awareness file of Occupational Safety and Health Administration (OSHA) regulations regarding safe handling of the chemicals specified in this method. A reference file of material safety data sheets should also be made available to all personnel involved in performing the method. Additional references to laboratory safety are available.

6.0 Equipment and Supplies

6.1 Sample Collection. A schematic of the sampling train used in this method is shown in Figure 207–1. This sampling train configuration is adapted from Method 5 procedures, and, as such, most of the required equipment is identical to that used in Method 5 determinations. The only new component required is a condenser.

6.1.1 Probe Nozzle. Borosilicate or quartz glass; constructed and calibrated according to Method 5, sections 6.1.1.1 and 10.1, and coupled to the probe liner using a Teflon union; a stainless steel nut is recommended for this union. When the stack temperature exceeds 210 °C (410 °F), a one-piece glass nozzle/liner assembly must be used.

6.1.2 Probe Liner. Same as Method 5, section 6.1.1.2, except metal liners shall not be used. Water-cooling of the stainless steel sheath is recommended at temperatures exceeding 500 °C (932 °F). Teflon may be used in limited applications where the minimum stack temperature exceeds 120 °C (250 °F) but never exceeds the temperature where Teflon is estimated to become unstable [approximately 210 °C (410 °F)].

6.1.3 Pitot Tube, Differential Pressure Gauge, Filter Heating System, Metering System, Barometer, Gas Density Determination Equipment. Same as Method 5, sections 6.1.1.3, 6.1.1.4, 6.1.1.6, 6.1.1.9, 6.1.2, and 6.1.3.

6.1.4 Impinger Train. Glass impingers are connected in series with leak-free ground-glass joints following immediately after the heated probe. The first impinger shall be of the Greenburg-Smith design with the standard tip. The remaining five impingers shall be of the modified Greenburg-Smith design, modified by replacing the tip with a 1.3-cm (½-in.) I.D. glass tube extending about 1.3 cm (½ in.) from the bottom of the outer cylinder. A water-jacketed condenser is placed between the outlet of the first impinger and the inlet to the second impinger to reduce the evaporation of toluene from the first impinger.

6.1.5 Moisture Measurement. For the purpose of calculating volumetric flow rate and isokinetic sampling, you must also collect either Method 4 in Appendix A–3 to this part or other moisture measurement methods approved by the Administrator concurrent with each Method 326 test run.

6.2 Sample Recovery

6.2.1 Probe and Nozzle Brushes; Polytetrafluoroethylene (PTFE) bristle brushes with stainless steel wire or PTFE handles are required. The probe brush shall have extensions constructed of stainless steel, PTFE, or inert material at least as long as the probe. The brushes shall be properly sized and shaped to brush out the probe liner and the probe nozzle.

6.2.2 Wash Bottles. Three. PTFE or glass wash bottles are recommended; polyethylene wash bottles must not be used because organic contaminants may be extracted by exposure to organic solvents used for sample recovery.

6.2.3 Glass Sample Storage Containers. Chemically resistant, borosilicate amber glass bottles, 500-mL or 1,000-mL. Bottles should be tinted to prevent the action of light on the sample. Screw-cap liners shall be either PTFE or constructed to be leak-free and resistant to chemical attack by organic recovery solvents. Narrow-mouth glass bottles have been found to leak less frequently.

6.2.4 Graduated Cylinder. To measure impinger contents to the nearest 1 ml or 1 g. Graduated cylinders shall have subdivisions not >2 mL.

6.2.5 Plastic Storage Containers. Screw-cap polypropylene or polyethylene containers to store silica gel and charcoal.

6.2.6 Funnel and Rubber Policeman. To aid in transfer of silica gel or charcoal to container (not necessary if silica gel is weighed in field).

6.2.7 Funnels. Glass, to aid in sample recovery.

6.3 Sample Preparation and Analysis.

The following items are required for sample analysis.

6.3.1 Rotary Evaporator. Buchii Model EL–130 or equivalent.

6.3.2 1000 ml Round Bottom Flask for use with a rotary evaporator.

6.3.3 Separatory Funnel. 500-ml or larger, with PTFE stopcock.

6.3.4 Glass Funnel. Short-stemmed or equivalent.

6.3.5 Vials. 15-ml capacity with PTFE lined caps.

6.3.6 Class A Volumetric Flasks. 10-ml for bringing samples to volume after concentration.

6.3.7 Filter Paper. Qualitative grade or equivalent.

6.3.8 Buchner Funnel. Porcelain with 100 mm ID or equivalent.

6.3.9 Erlenmeyer Flask. 500-ml with side arm and vacuum source.

6.3.10 HPLC with at least a binary pumping system capable of a programmed gradient.

6.3.11 Column Systems Column systems used to measure isocyanates must be capable of achieving separation of the target compounds from the nearest eluting compound or interferences with no more than 10 percent peak overlap.

6.3.12 Detector. UV detector at 254 nm. A fluorescence detector (FD) with an excitation of 240 nm and an emission at 370 nm may be also used to allow the detection of low concentrations of isocyanates in samples.

6.3.13 Data system for measuring peak areas and retention times.

7.0 Reagents and Standards

7.1 Sample Collection Reagents.

7.1.1 Charcoal. Activated, 6–16 mesh. Used to absorb toluene vapors and prevent them from entering the metering device. Use once with each train and discard.

7.1.2 Silica Gel and Crushed Ice. Same as Method 5, sections 7.1.2 and 7.1.4 respectively

7.1.3 Impinger Solution. The impinger solution is prepared by mixing a known amount of 1-(2-pyridyl) piperazine (purity 99.5+%) in toluene (HPLC grade or equivalent). The actual concentration of 1,2-PP should be approximately four times the amount needed to ensure that the capacity of the derivatizing solution is not exceeded. This amount shall be calculated from the stoichiometric relationship between 1,2-PP and the isocyanate of interest and preliminary information about the concentration of the isocyanate in the stack emissions. A concentration of 130 µg/ml of 1,2-PP in toluene can be used as a reference point. This solution shall be prepared, stored in a refrigerated area away from light, and used within ten days of preparation.

7.2 Sample Recovery Reagents.

7.2.1 Toluene. HPLC grade is required for sample recovery and cleanup (see **Note** to 7.2.2 below).

7.2.2 Acetonitrile. HPLC grade is required for sample recovery and cleanup. **Note:** Organic solvents stored in metal containers may have a high residue blank and should not be used. Sometimes suppliers transfer solvents from metal to glass bottles; thus blanks shall be run before field use and only solvents with a low blank value should be used.

7.3 Analysis Reagents. Reagent grade chemicals should be used in all tests. All reagents shall conform to the specifications of the Committee on Analytical Reagents of the American Chemical Society, where such specifications are available.

7.3.1 Toluene, C₆H₅CH₃. HPLC Grade or equivalent.

7.3.2 Acetonitrile, CH₃CN (ACN). HPLC Grade or equivalent.

7.3.3 Methylene Chloride, CH₂Cl₂. HPLC Grade or equivalent.

7.3.4 Hexane, C₆H₁₄. HPLC Grade or equivalent.

7.3.5 Water, H₂O. HPLC Grade or equivalent.

7.3.6 Ammonium Acetate, CH₃CO₂NH₄.

7.3.7 Acetic Acid (glacial), CH₃CO₂H.

7.3.8 1-(2-Pyridyl)piperazine, (1,2-PP), ≥99.5% or equivalent.

7.3.9 Absorption Solution. Prepare a solution of 1-(2-pyridyl)piperazine in toluene at a concentration of 40 mg/300 ml. This solution is used for method blanks and method spikes.

7.3.10 Ammonium Acetate Buffer Solution (AAB). Prepare a solution of ammonium acetate in water at a concentration of 0.1 M by transferring 7.705 g of ammonium acetate to a 1,000 ml volumetric flask and diluting to volume with HPLC Grade water. Adjust pH to 6.2 with glacial acetic acid.

8.0 Sample Collection, Storage and Transport

Note: Because of the complexity of this method, field personnel should be trained in and experienced with the test procedures in order to obtain reliable results.

8.1 Sampling

8.1.1 Preliminary Field Determinations. Same as Method 5, section 8.2.

8.1.2 Preparation of Sampling Train. Follow the general procedure given in

Method 5, section 8.3.1, except for the following variations: Place 300 ml of the impinger absorbing solution in the first impinger and 200 ml each in the second and third impingers. The fourth impinger shall remain empty. The fifth and sixth impingers shall have 400 g of charcoal and 200–300 g of silica gel, respectively. Alternatively, the charcoal and silica gel may be combined in the fifth impinger. Set-up the train as in Figure 326–1. During assembly, do not use any silicone grease on ground-glass joints.

Note: During preparation and assembly of the sampling train, keep all openings where contamination can occur covered with PTFE film or aluminum foil until just before assembly or until sampling is about to begin.

8.1.3 Leak-Check Procedures. Follow the leak-check procedures given in Method 5, sections 8.4.2 (Pretest Leak-Check), 8.4.3 (Leak-Checks During the Sample Run), and 8.4.4 (Post-Test Leak-Check), with the exception that the pre-test leak-check is mandatory.

8.1.4 Sampling Train Operation. Follow the general procedures given in Method 5, section 8.5. Turn on the condenser coil coolant recirculating pump and monitor the gas entry temperature. Ensure proper gas entry temperature before proceeding and again before any sampling is initiated. It is important that the gas entry temperature not exceed 50 °C (122 °F), thus reducing the loss of toluene from the first impinger. For each run, record the data required on a data sheet such as the one shown in Method 5, Figure 5–3.

8.2 Sample Recovery. Allow the probe to cool. When the probe can be handled safely, wipe off all external particulate matter near the tip of the probe nozzle and place a cap over the tip to prevent losing or gaining particulate matter. Do not cap the probe tip tightly while the sampling train is cooling down because this will create a vacuum in the train. Before moving the sample train to the cleanup site, remove the probe from the sample train and cap the opening to the probe, being careful not to lose any condensate that might be present. Cap the impingers and transfer the probe and the impinger/condenser assembly to the cleanup area. This area should be clean and protected from the weather to reduce sample contamination or loss. Inspect the train prior to and during disassembly and record any abnormal conditions. It is not necessary to measure the volume of the impingers for the purpose of moisture determination as the method is not validated for moisture determination. Treat samples as follows:

8.2.1 Container No. 1, Probe and Impinger Numbers 1 and 2. Rinse and brush the probe/nozzle first with toluene twice and then twice again with acetonitrile and place the wash into a glass container labeled with the test run identification and “Container No. 1.” When using these solvents ensure that proper ventilation is available. Quantitatively transfer the liquid from the first two impingers and the condenser into Container No. 1. Rinse the impingers and all connecting glassware twice with toluene and then twice again with acetonitrile and transfer the rinses into Container No. 1. After all components have been collected in the container, seal the

container, and mark the liquid level on the bottle.

8.2.2 Container No. 2, Impingers 3 and 4. Quantitatively transfer the liquid from each impinger into a glass container labeled with the test run identification and “Container No. 2.” Rinse each impinger and all connecting glassware twice with toluene and twice again with acetonitrile and transfer the rinses into Container No. 2. After all components have been collected in the container, seal the container, and mark the liquid level on the bottle.

Note: The contents of the fifth and sixth impinger (silica gel) can be discarded.

8.2.3 Container No. 3, Reagent Blank. Save a portion of both washing solutions (toluene/acetonitrile) used for the cleanup as a blank. Transfer 200 ml of each solution directly from the wash bottle being used and combine in a glass sample container with the test identification and “Container No. 3.” Seal the container, and mark the liquid level on the bottle and add the proper label.

8.2.4 Field Train Proof Blanks. To demonstrate the cleanliness of sampling train glassware, you must prepare a full sampling train to serve as a field train proof blank just as it would be prepared for sampling. At a minimum, one complete sampling train will be assembled in the field staging area, taken to the sampling area, and leak-checked. The probe of the blank train shall be heated during and the train will be recovered as if it were an actual test sample. No gaseous sample will be passed through the sampling train. Field blanks are recovered in the same manner as described in sections 8.2.1 and 8.2.2 and must be submitted with the field samples collected at each sampling site.

8.2.5 Field Train Spike. To demonstrate the effectiveness of the sampling train, field handling, and recovery procedures you must prepare a full sampling train to serve as a field train spike just as it would be prepared for sampling. The field spike is performed in the same manner as the field train proof blank with the additional step of adding the Field Spike Solution to the first impinger after the initial leak check. The train will be recovered as if it were an actual test sample. No gaseous sample will be passed through the sampling train. Field train spikes are recovered in the same manner as described in sections 8.2.1 and 8.2.2 and must be submitted with the samples collected for each test program.

8.3 Sample Transport Procedures. Containers must remain in an upright position at all times during shipment. Samples must also be stored at <4 °C between the time of sampling and concentration. Each sample should be extracted and concentrated within 30 days after collection and analyzed within 30 days after extraction. The extracted sample must be stored at 4 °C.

8.4 Sample Custody. Proper procedures and documentation for sample chain of custody are critical to ensuring data integrity. The chain of custody procedures in ASTM D4840–99 (Reapproved 2018) “Standard Guide for Sampling Chain-of-Custody Procedures” (incorporated by reference, see § 63.14) shall be followed for all samples (including field samples and blanks).

9.0 Quality Control

9.1 Sampling. Sampling Operations. The sampling quality control procedures and acceptance criteria are listed in Table 326–2 below; see also section 9.0 of Method 5.

9.2 Analysis. The analytical quality control procedures required for this method includes the analysis of the field train proof blank, field train spike, and reagent and method blanks. Analytical quality control

procedures and acceptance criteria are listed in Table 326–3 below.

9.2.1 Check for Breakthrough. Recover and determine the isocyanate(s) concentration of the last two impingers separately from the first two impingers.

9.2.2 Field Train Proof Blank. Field blanks must be submitted with the samples collected at each sampling site.

9.2.3 Reagent Blank and Field Train Spike. At least one reagent blank and a field

train spike must be submitted with the samples collected for each test program.

9.2.4 Determination of Method Detection Limit. Based on your instrument's sensitivity and linearity, determine the calibration concentrations or masses that make up a representative low level calibration range. The MDL must be determined at least annually for the analytical system using an MDL study such as that found in section 15.0 to Method 301 of appendix A to part 63 of this chapter.

TABLE 326–2—SAMPLING QUALITY ASSURANCE AND QUALITY CONTROL

QA/QC criteria	Acceptance criteria	Frequency	Consequence if not met
Sampling Equipment Leak Checks.	≤ 0.00057 m ³ /min (0.020 cfm) or 4% of sampling rate, whichever is less.	Prior to, during (optional) and at the completion to sampling.	Prior to: Repair and repeat calibration. During/Completion: None, testing should be considered invalid.
Dry Gas Meter Calibration—Pre-Test (individual correction factor— Y_i).	within $\pm 2\%$ of average factor (individual).	Pre-test	Repeat calibration point.
Dry Gas Meter Calibration—Pre-Test (average correction factor— Y_c).	$1.00 \pm 1\%$	Pre-test	Adjust the dry gas meter and recalibrate.
Dry Gas Meter Calibration—Post-test.	Average dry gas meter calibration factor agrees with $\pm 5\%$ Y_c .	Each Test	Adjust sample volumes using the factor that gives the smallest volume.
Temperature sensor calibration.	Absolute temperature measures by sensor within $\pm 1.5\%$ of a reference sensor.	Prior to initial use and before each test thereafter.	Recalibrate; sensor may not be used until specification is met.
Barometer calibration	Absolute pressure measured by instrument within ± 10 mm Hg of reading with a mercury barometer or NIST traceable barometer.	Prior to initial use and before each test thereafter.	Recalibrate; instrument may not be used until specification is met.

TABLE 326–3—ANALYTICAL QUALITY ASSURANCE AND QUALITY CONTROL

QA/QC criteria	Acceptance criteria	Frequency	Consequence if not met
Calibration—Method Blanks ...	$< 5\%$ level of expected analyte	Each analytical method blank	Locate source of contamination; reanalyze.
Calibration—Calibration Points	At least six calibration point bracketing the expected range of analysis.	Each analytical batch	Incorporate additional calibration points to meet criteria.
Calibration—Linearity	Correlation coefficient > 0.995	Each analytical batch	Verify integration, reintegrate. If necessary, recalibrate.
Calibration—secondary standard verification.	Within $\pm 10\%$ of true value	After each calibration	Repeat secondary standard verification, recalibrate if necessary.
Calibration—continual calibration verification.	Within $\pm 10\%$ of true value	Daily and after every ten samples.	Invalidate previous ten sample analysis, recalibrate and repeat calibration, reanalyze samples until successful.
Sample Analysis	Within the valid calibration range	Each sample	Invalidate the sample if greater than the calibration range and dilute the sample so that it is within the calibration range. Appropriately flag any value below the calibration range.
Replicate Samples	Within $\pm 10\%$ of RPD	Each sample	Evaluate integrations and repeat sample analysis as necessary.
Field Train Proof Blank	$\leq 10\%$ level of expected analyte	Each test program	Evaluate source of contamination.
Field Train Spike	Within $\pm 30\%$ of true value	Each test program	Evaluate performance of the method and consider invalidating results.
Breakthrough	Final two impingers Mass collected is $> 5\%$ of the total mass or $> 20\%$ of the total mass when the measured results are 20% of the applicable standard. Alternatively, there is no breakthrough requirement when the measured results are 10% of the applicable standard.	Each test run	Invalidate test run.

10.0 Calibration and Standardization

Note: Maintain a laboratory log of all calibrations.

10.1 Probe Nozzle, Pitot Tube Assembly, Dry Gas Metering System, Probe Heater, Temperature Sensors, Leak-Check of Metering System, and Barometer. Same as Method 5, sections 10.1, 10.2, 10.3, 10.4, 10.5, 8.4.1, and 10.6, respectively.

10.2 High Performance Liquid Chromatograph. Establish the retention times for the isocyanates of interest; retention times will depend on the chromatographic conditions. The retention times provided in Table 10-1 are provided as a guide to relative retention times when using a C18, 250 mm x 4.6 mm ID, 5µm particle size column, a 2 ml/min flow rate of a 1:9 to 6:4 Acetonitrile/Ammonium Acetate Buffer, a 50 µl sample loop, and a UV detector set at 254 nm.

TABLE 326-4—EXAMPLE RETENTION TIMES

Retention times	
Compound	Retention time (minutes)
MI	10.0
1,6-HDI	19.9
2,4-TDI	27.1
MDI	27.3

10.3 Preparation of Isocyanate Derivatives.

10.3.1 HDI, TDI, MDI. Dissolve 500 mg of each isocyanate in individual 100 ml aliquots of methylene chloride (MeCl₂), except MDI which requires 250 ml of MeCl₂. Transfer a 5-ml aliquot of 1,2-PP (see section 7.3.8) to each solution, stir and allow to stand overnight at room temperature. Transfer 150 ml aliquots of hexane to each solution to precipitate the isocyanate-urea derivative. Using a Buchner funnel, vacuum filter the solid-isocyanate-urea derivative and rinse with 50 ml of hexane. Dissolve the precipitate in a minimum aliquot of MeCl₂. Repeat the hexane precipitation and filtration twice. After the third filtration, dry the crystals at 50 °C and transfer to bottles for storage. The crystals are stable for at least 21 months when stored at room temperature in a closed container.

10.3.2 MI. Prepare a 200 µg/ml stock solution of methyl isocyanate-urea, transfer 60 mg of 1,2-PP to a 100-ml volumetric flask containing 50 ml of MeCl₂. Carefully transfer 20 mg of methyl isocyanate to the volumetric flask and shake for 2 minutes. Dilute the solution to volume with MeCl₂ and transfer to a bottle for storage. Methyl isocyanate does not produce a solid derivative and standards must be prepared from this stock solution.

10.4 Preparation of calibration standards. Prepare a 100 µg/ml stock solution of the isocyanates of interest from the individual isocyanate-urea derivative as prepared in sections 10.3.1 and 10.3.2. This is accomplished by dissolving 1 mg of each isocyanate-urea derivative in 10 ml of Acetonitrile. Calibration standards are prepared from this stock solution by making

appropriate dilutions of aliquots of the stock into Acetonitrile.

10.5 Preparation of Method Blanks. Prepare a method blank for each test program (up to twenty samples) by transferring 300 ml of the absorption solution to a 1,000-ml round bottom flask and concentrate as outlined in section 11.2.

10.6 Preparation of Field Spike Solution. Prepare a field spike solution for every test program in the same manner as calibration standards (see Section 10.4). The mass of the target isocyanate in the volume of the spike solution for the field spike train shall be equivalent to that estimated to be captured from the source concentration for each compound; alternatively, you may also prepare a solution that represents half the applicable standard.

10.7 HPLC Calibrations. See Section 11.1.

11.0 Analytical Procedure

11.1 Analytical Calibration. Perform a multipoint calibration of the instrument at six or more upscale points over the desired quantitative range (multiple calibration ranges shall be calibrated, if necessary). The field samples analyzed must fall within at least one of the calibrated quantitative ranges and meet the performance criteria specified below. The lowest point in your calibration curve must be at least 5, and preferably 10, times the MDL. For each calibration curve, the value of the square of the linear correlation coefficient, *i.e.*, *r*², must be ≥0.995, and the analyzer response must be within ±10 percent of the reference value at each upscale calibration point. Calibrations must be performed on each day of the analysis, before analyzing any of the samples. Following calibration, a secondary standard shall be analyzed. A continual calibration verification (CCV) must also be performed prior to any sample and after every ten samples. The measured value of this independently prepared standard must be within ±10 percent of the expected value. Report the results for each calibration standard secondary standard, and CCV as well as the conditions of the HPLC. The reports should include at least the peak area, height, and retention time for each isocyanate compound measured as well as a chromatogram for each standard.

11.2 Concentration of Samples. Transfer each sample to a 1,000-ml round bottom flask. Attach the flask to a rotary evaporator and gently evaporate to dryness under vacuum in a 65 °C water bath. Rinse the round bottom flask three times each with 2 ml of acetonitrile and transfer the rinse to a 10-ml volumetric flask. Dilute the sample to volume with acetonitrile and transfer to a 15-ml vial and seal with a PTFE lined lid. Store the vial ≤4 °C until analysis.

11.3 Analysis. Using replicate samples by HPLC, using the appropriate conditions established in section 10.2. The width of the retention time window used to make identifications should be based upon measurements of actual retention time variations of standards over the course of a day. Three times the standard deviation of a retention time for a compound can be used to calculate a suggested window size; however, the experience of the analyst

should weigh heavily in the interpretation of the chromatograms. If the peak area exceeds the linear range of the calibration curve, the sample must be diluted with acetonitrile and reanalyzed. Average the replicate results for each run. For each sample you must report the same information required for analytical calibrations (Section 11.1). For non-detect or values below the detection limit of the method, you shall report the value as “<” numerical detection limit.

12.0 Data Analysis and Calculations

Nomenclature and calculations, same as in Method 5, section 6, with the following additions below.

12.1 Nomenclature.

AS = Response of the sample, area counts.
b = Y-intercept of the linear regression line, area counts.

BR = Percent Breakthrough

C_A = Concentration of a specific isocyanate compound in the initial sample, µg/ml.

C_B = Concentration of a specific isocyanate compound in the replicate sample, µg/ml.

C_I = Concentration of a specific isocyanate compound in the sample, µg/ml.

C_{rec} = Concentration recovered from spike train, µg/ml.

C_S = Concentration of isocyanate compound in the stack gas, µg/dscm

C_T = Concentration of a specific isocyanate compound (Impingers 1-4), µg/dscm

C_{spike} = Concentration spiked, µg/ml.

C₄ = Concentration of a specific isocyanate compound (Impingers 14), µg/dscm

FL_m = Mass of Free Isocyanate

FTS_{rec} = Field Train Spike Recovery

I_m = Mass of the Isocyanate

I_{mw} = MW of the Isocyanate

IU_m = Mass of Isocyanate-urea derivative

IU_{mw} = MW of the isocyanate-urea

M = Slope of the linear regression line, area counts-ml/µg.

m_I = Mass of isocyanate in the total sample

MW = Molecular weight

RPD = Relative Percent Difference

VF = Final volume of concentrated sample, typically 10 ml.

Vm_{std} = Volume of gas sample measured by the dry-gas meter, corrected to standard conditions, dscm (dscf).

Conversion from Isocyanate to the Isocyanate-urea derivative. The equation for converting the amount of free isocyanate to the corresponding amount of isocyanate-urea derivative is as follows:

12.2 Conversion from Isocyanate to the Isocyanate-urea derivative. The equation for converting the amount of free isocyanate to the corresponding amount of isocyanate-urea derivative is as follows:

$$IU_m = I_m \frac{IU_{mw}}{I_{mw}} \quad \text{Eq. 326-1}$$

The equation for converting the amount of IU derivative to the corresponding amount of FL_m is as follows:

$$I_m = IU_m \frac{I_{mw}}{IU_{mw}} \quad \text{Eq. 326-2}$$

12.3 Calculate the correlation coefficient, slope, and intercepts for the calibration data

using the least squares method for linear regression. Concentrations are expressed as the x-variable and response is expressed as the y-variable.

12.4 Calculate the concentration of isocyanate in the sample:

$$C_I = \frac{A_s - b}{M} \quad \text{Eq. 326-3}$$

12.5 Calculate the total amount collected in the sample by multiplying the concentration ($\mu\text{g}/\text{ml}$) times the final volume of acetonitrile (10 ml).

$$m_I = C_I \times V_f \quad \text{Eq. 326-4}$$

12.6 Calculate the concentration of isocyanate ($\mu\text{g}/\text{dscm}$) in the stack gas.

$$C_s = \frac{M_I}{V_{m, \text{std}}} K \quad \text{Eq. 326-5}$$

12.7 Calculate Relative Percent Difference (RPD) for each replicative sample

$$\%RPD = \left| \frac{(C_A - C_B)}{(C_A + C_B)/2} \right| \times 100$$

Eq. 326-6

12.8 Calculate Field Train Spike Recovery

$$FTS_{\text{rec}} = \left[\frac{C_{\text{rec}}}{C_{\text{spike}}} \right] \times 100$$

Eq. 326-7

12.9 Calculate Percent Breakthrough

$$BR = \left[\frac{C_A}{C_T} \right] \times 100 \quad \text{Eq. 326-8}$$

Where:

$K = 35.314 \text{ ft}^3/\text{m}^3$ if $V_{m(\text{std})}$ is expressed in English units. $= 1.00 \text{ m}^3/\text{m}^3$ if $V_{m(\text{std})}$ is expressed in metric units.

13.0 Method Performance

Evaluation of sampling and analytical procedures for a selected series of compounds must meet the quality control criteria (See Section 9) for each associated analytical determination. The sampling and analytical procedures must be challenged by the test compounds spiked at appropriate levels and carried through the procedures.

14.0 Pollution Prevention [Reserved]

15.0 Waste Management [Reserved]

16.0 Alternative Procedures [Reserved]

17.0 References

1. Martin, R.M., Construction Details of Isokinetic Source-Sampling Equipment, Research Triangle Park, NC, U.S.

Environmental Protection Agency, April 1971, PB-203 060/BE, APTD-0581, 35 pp.

2. Rom, J.J., Maintenance, Calibration, and Operation of Isokinetic Source Sampling Equipment, Research Triangle Park, NC, U.S. Environmental Protection Agency, March 1972, PB-209 022/BE, APTD-0576, 39 pp.
3. Schlickenrieder, L.M., Adams, J.W., and Thrun, K.E., Modified Method 5 Train and Source Assessment Sampling System: Operator's Manual, U.S. Environmental Protection Agency, EPA/600/8-85/003/1985).
4. Shigehara, R.T., Adjustments in the EPA Nomograph for Different Pitot Tube Coefficients and Dry Molecular Weights, Stack Sampling News, 2:4-11 (October 1974).
5. U.S. Environmental Protection Agency, 40 CFR part 60, Appendices A-1, A-2, and A-3, Methods 1-5.
6. Vollaro, R.F., A Survey of Commercially Available Instrumentation for the Measurement of Low-Range Gas Velocities, Research Triangle Park, NC, U.S. Environmental Protection Agency, Emissions Measurement Branch, November 1976 (unpublished paper).

18.0 Diagrams

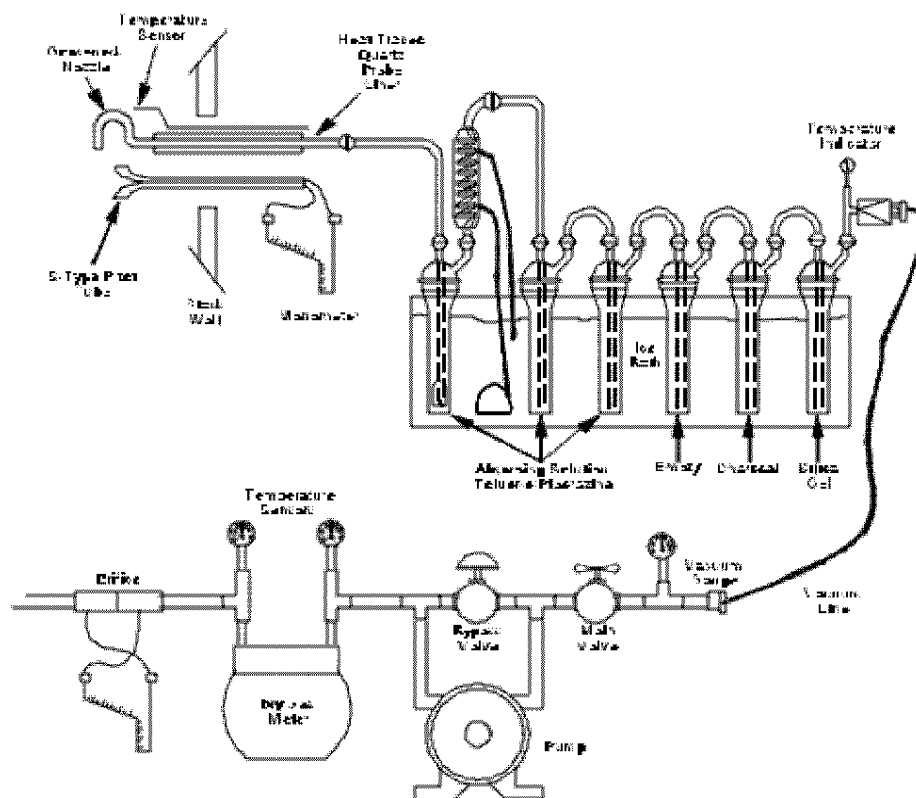


Figure 326-1—Method 326 Sampling Train

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 63**

[EPA-HQ-OAR-2017-0668, EPA-HQ-OAR-2017-0669, EPA-HQ-OAR-2017-0670; FRL-9988-80-OAR]

RIN 2060-AT72

National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture Residual Risk and Technology Reviews

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action on the residual risk and technology reviews (RTRs) conducted for the Surface Coating of Large Appliances; the Printing, Coating, and Dyeing of Fabrics and Other Textiles; and the Surface Coating of Metal Furniture source categories regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, we are taking final action addressing emissions during periods of startup, shutdown, and malfunction (SSM); electronic reporting for performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing. Additionally, several miscellaneous technical amendments will be made to improve the clarity of the rule requirements. We are making no revisions to the numerical emission limits based on these risk analyses or technology reviews.

DATES: This final rule is effective on March 15, 2019. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of March 15, 2019.

ADDRESSES: The EPA has established dockets for this action under Docket ID Nos. EPA-HQ-OAR-2017-0668 for 40 Code of Federal Regulations (CFR) part 63, subpart OOOO, Printing, Coating, and Dyeing of Fabrics and Other Textiles; EPA-HQ-OAR-2017-0669 for 40 CFR part 63, subpart RRRR, Surface Coating of Metal Furniture; or EPA-HQ-OAR-2017-0670, for 40 CFR part 63, subpart NNNN, Surface Coating of Large Appliances, as applicable. All documents in the docket are listed on the <https://www.regulations.gov>

website. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <https://www.regulations.gov>, or in hard copy at the EPA Docket Center, EPA WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Docket Center is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: For questions about the final rule for the Surface Coating of Large Appliances source category, contact Ms. Kim Teal, Minerals and Manufacturing Group, Sector Policies and Programs Division (Mail Code D243-04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, 109 T.W. Alexander Dr., Research Triangle Park, North Carolina 27711; telephone number: (919) 541-5580; fax number: (919) 541-4991; and email address: teal.kim@epa.gov.

For questions about the final rule for the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category, contact Ms. Paula Hirtz, Minerals and Manufacturing Group, Sector Policies and Programs Division (Mail Code D243-04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, 109 T.W. Alexander Dr., Research Triangle Park, North Carolina 27711; telephone number: (919) 541-2618; fax number: (919) 541-4991; and email address: hirtz.paula@epa.gov.

For questions about the final rule for the Surface Coating of Metal Furniture source category, contact Ms. J. Kaye Whitfield, Minerals and Manufacturing Group, Sector Policies and Programs Division (Mail Code D243-04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, 109 T.W. Alexander Dr., Research Triangle Park, North Carolina 27711; telephone number: (919) 541-2509; fax number: (919) 541-4991; and email address: whitfield.kaye@epa.gov.

For specific information regarding the risk modeling methodology, contact Mr. Chris Sarsony, Health and Environmental Impacts Division (C539-

02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-4843; fax number: (919) 541-0840; and email address: sarsony.chris@epa.gov.

For information about the applicability of the NESHAP to a particular entity, contact Mr. John Cox, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, EPA WJC South Building (Mail Code 2221A), 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 564-1395; and email address: cox.john@epa.gov.

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

ASTM—ASTM International
CAA—Clean Air Act
CDX—Central Data Exchange
CEDRI—Compliance and Emissions Data Reporting Interface
CFR—Code of Federal Regulations
CRA—Congressional Review Act
EPA—Environmental Protection Agency
ERT—Electronic Reporting Tool
FR—Federal Register
gal—gallon
HAP—hazardous air pollutant(s)
HCl—hydrochloric acid
HF—hydrogen fluoride
HI—hazard index
HQ—hazard quotient
HQREL—hazard quotient recommended exposure limit
HVLP—high-volume, low-pressure
IBR—incorporation by reference
ICR—Information Collection Request
kg—kilogram
km—kilometer
lb—pound
MACT—maximum achievable control technology
MIR—maximum individual risk
NAICS—North American Industry Classification System
NESHAP—national emission standards for hazardous air pollutants
NTTAA—National Technology Transfer and Advancement Act
OAQPS—Office of Air Quality Planning and Standards
OMB—Office of Management and Budget
OSHA—Occupational Safety and Health Administration
PB-HAP—hazardous air pollutants known to be persistent and bioaccumulative in the environment
ppmv—parts per million by volume
PRA—Paperwork Reduction Act
RFA—Regulatory Flexibility Act
RTR—residual risk and technology review
SSM—startup, shutdown, and malfunction
TOSHI—target organ-specific hazard index

tpy—tons per year

UMRA—Unfunded Mandates Reform Act
VOC—volatile organic compound

Background information. On September 12, 2018, the EPA proposed revisions to the Surface Coating of Large Appliances; the Printing, Coating, and Dyeing of Fabrics and Other Textiles (Fabrics); and the Surface Coating of Metal Furniture NESHAP, based on our RTR. In this action, we are finalizing decisions and revisions for the rules. We summarize some of the more significant comments we timely received regarding the proposed rule and provide our responses in this preamble. A summary of all other public comments on the proposed rules and the EPA's responses to those comments are available in "Summary of Public Comments and Responses for the Risk and Technology Reviews for the Surface Coating of Large Appliances; the Printing, Coating, and Dyeing of Fabrics and Other Textiles; and the Surface Coating of Metal Furniture," in Docket ID Nos. EPA-HQ-OAR-2017-0668, EPA-HQ-OAR-2017-0669, and EPA-HQ-OAR-2017-0670. A "track changes" version of the regulatory language that incorporates the changes in this action is available in the docket for each subpart.

Organization of this document. The information in this preamble is organized as follows:

I. General Information

- A. Does this action apply to me?
- B. Where can I get a copy of this document and other related information?
- C. Judicial Review and Administrative Reconsideration

II. Background

- A. What is the statutory authority for this action?
- B. What are the source categories and how does the NESHAP regulate its HAP emissions?
- C. What changes did we propose for the source categories in our September 12, 2018, RTR proposal?

III. What is included in these final rules?

- A. What are the final rule amendments based on the risk review for the Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textile; and Surface Coating of Metal Furniture source categories?
- B. What are the final rule amendments based on the technology review for the source categories?
- C. What are the final rule amendments addressing emissions during periods of SSM?
- D. What other changes have been made to the NESHAP?
- E. What are the effective and compliance dates of the standards?
- F. What are the requirements for submission of performance test data to the EPA?

IV. What is the rationale for our final decisions and amendments for these three surface coating source categories?

- A. Residual Risk Reviews
- B. Technology Reviews
- C. Ongoing Emissions Compliance Demonstrations
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V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted

- A. What are the affected facilities?
- B. What are the air quality impacts?
- C. What are the cost impacts?
- D. What are the economic impacts?

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VI. Statutory and Executive Order Reviews

- A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
- B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs
- C. Paperwork Reduction Act (PRA)
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- E. Unfunded Mandates Reform Act (UMRA)
- F. Executive Order 13132: Federalism
- G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
- I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
- J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51
- K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
- L. Congressional Review Act (CRA)

I. General Information

A. Does this action apply to me?

Regulated entities. Categories and entities potentially regulated by this action are shown in Table 1 of this preamble.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

NESHAP Source category	NAICS ¹ code	Regulated entities ²
Surface Coating of Large Appliances	335221	Household laundry equipment.
	335222	Household cooking equipment.
	335224	Household refrigerators and freezers.
	335228	Other major household appliances.
	333312	Commercial laundry, dry cleaning, and pressing equipment.
	333415	Air-conditioners (except motor vehicle), comfort furnaces, and industrial refrigeration units and freezers (except heat transfer coils and large commercial and industrial chillers).
	³ 333319	Other commercial/service industry machinery, e.g., commercial dishwashers, ovens, and ranges, etc.
Printing, Coating, and Dyeing of Fabrics and Other Textiles.	31321	Broadwoven fabric mills.
	31322	Narrow fabric mills and Schiffli machine embroidery.
	313241	Weft knit fabric mills.
	313311	Broadwoven fabric finishing mills.
	313312	Textile and fabric finishing (except broadwoven fabric) mills.
	313320	Fabric coating mills.
	314110	Carpet and rug mills.
	326220	Rubber and plastics hoses and belting and manufacturing.
	339991	Gasket, packing, and sealing device manufacturing.
Surface Coating of Metal Furniture	337124	Metal Household Furniture Manufacturing.
	337214	Nonwood Office Furniture Manufacturing.
	337127	Institutional Furniture Manufacturing.
	337215	Showcase, Partition, Shelving, and Locker Manufacturing.
	337127	Institutional Furniture Manufacturing.
	332951	Hardware Manufacturing.
	332116	Metal Stamping.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION—Continued

NESHAP Source category	NAICS ¹ code	Regulated entities ²
	332612	Wire Spring Manufacturing.
	337215	Showcase, Partition, Shelving, and Locker Manufacturing.
	335121	Residential Electric Lighting Fixture Manufacturing.
	335122	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing.
	339111	Laboratory Furniture Manufacturing.
	339114	Dental Equipment Manufacturing.
	337127	Institutional Furniture Manufacturing.
	81142	Reupholstery and Furniture Repair.
	922140	State correctional institutions that apply coatings to metal furniture.

¹ North American Industry Classification System.

² Regulated entities means major source facilities that apply surface coatings to these parts or products.

³ Excluding special industry machinery, industrial and commercial machinery and equipment, and electrical machinery equipment and supplies not elsewhere classified.

Table 1 of this preamble is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by the final action for the source categories listed. To determine whether your facility is affected, you should examine the applicability criteria in the appropriate NESHAP. If you have any questions regarding the applicability of any aspect of this NESHAP, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at: <https://www.epa.gov/stationary-sources-air-pollution/printing-coating-and-dyeing-fabrics-and-other-textiles-national-rule-summary>, <https://www.epa.gov/stationary-sources-air-pollution/surface-coating-large-appliances-national-emission-standards>, and <https://www.epa.gov/stationary-sources-air-pollution/surface-coating-metal-furniture-national-emission-standards>. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents at this same website.

Additional information is available on the RTR website at <https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html>. This information includes an overview of the RTR program, links to project websites for the RTR source categories, and detailed emissions and other data we used as inputs to the risk assessments.

C. Judicial Review and Administrative Reconsideration

Under Clean Air Act (CAA) section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit (the Court) by May 14, 2019. Under CAA section 307(b)(2), the requirements established by these final rules may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, EPA WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority for this action?

Section 112 of the CAA establishes a two-stage regulatory process to address emissions of hazardous air pollutants (HAP) from stationary sources. In the first stage, we must identify categories of sources emitting one or more of the HAP listed in CAA section 112(b) and then promulgate technology-based NESHAP for those sources. “Major sources” are those that emit, or have the potential to emit, any single HAP at a rate of 10 tons per year (tpy) or more, or 25 tpy or more of any combination of HAP. For major sources, these standards are commonly referred to as maximum achievable control technology (MACT) standards and must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). In developing MACT standards, CAA section 112(d)(2) directs the EPA to consider the application of measures, processes, methods, systems, or techniques, including but not limited to those that reduce the volume of or eliminate HAP emissions through process changes, substitution of materials, or other modifications; enclose systems or processes to eliminate emissions; collect, capture, or treat HAP when released from a process, stack, storage, or fugitive emissions point; are design, equipment, work practice, or operational standards; or any combination of the above.

For these MACT standards, the statute specifies certain minimum stringency requirements, which are referred to as MACT floor requirements, and which may not be based on cost considerations. See CAA section 112(d)(3). For new sources, the MACT floor cannot be less stringent than the emission control achieved in practice by the best-controlled similar source. The

MACT standards for existing sources can be less stringent than floors for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources). In developing MACT standards, we must also consider control options that are more stringent than the floor under CAA section 112(d)(2). We may establish standards more stringent than the floor, based on the consideration of the cost of achieving the emissions reductions, any non-air quality health and environmental impacts, and energy requirements.

In the second stage of the regulatory process, the CAA requires the EPA to undertake two different analyses, which we refer to as the technology review and the residual risk review. Under the technology review, we must review the technology-based standards and revise them “as necessary (taking into account developments in practices, processes, and control technologies)” no less frequently than every 8 years, pursuant to CAA section 112(d)(6). Under the residual risk review, we must evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. The residual risk review is required within 8 years after promulgation of the technology-based standards, pursuant to CAA section 112(f). In conducting the residual risk review, if the EPA determines that the current standards provide an ample margin of safety to protect public health, it is not necessary to revise the MACT standards pursuant to CAA section 112(f).¹ For more information on the statutory authority for these final rules, see 83 **Federal Register** (FR) 46262, September 12, 2018.

B. What are the source categories and how does the NESHAP regulate its HAP emissions?

1. What is the Surface Coating of Large Appliances source category and how does the current NESHAP regulate its HAP emissions?

The EPA promulgated the Surface Coating of Large Appliances source category NESHAP on July 23, 2002 (67 FR 48254). The standards are codified at 40 CFR part 63, subpart NNNN. The Surface Coating of Large Appliances industry consists of facilities that are engaged in the surface coating of a large appliance part or product. The source category covered by this MACT standard currently includes ten facilities.

The Surface Coating of Large Appliances NESHAP (40 CFR 63.4081) defines a “large appliance part or product” as “a component of a large appliance product manufactured for household, recreational, institutional, commercial, or industrial use,” and defines a coating as a “material that is applied to a substrate for decorative, protective or functional purposes.” This source category is further described in the September 12, 2018, RTR proposal. See 83 FR 46262, 46266–67.

The primary HAP emitted from this source category are organic HAP and include xylene, glycol ethers, toluene, methanol, ethyl benzene, methylene chloride, and methyl isobutyl ether with approximately 80 percent of the HAP emissions coming from coating operations and from the mixing and storage areas. The EPA estimates that HAP emissions are currently about 120 tpy. Most large appliance coating is currently applied either by using a spray gun in a spray booth, by dipping the substrate in a tank of coating, or by powder coating.

The Surface Coating of Large Appliances NESHAP specifies numerical emission limits for organic HAP emissions from surface coating application operations. The organic HAP emission limit for existing sources is 0.13 kilogram (kg) organic HAP/liter (1.1 pound/gallon (lb/gal)) of coating solids and for new or reconstructed sources is 0.022 kg organic HAP/liter (0.18 lb/gal) of coating solids.

The Surface Coating of Large Appliances NESHAP provides three compliance options for existing sources: (1) Compliant coatings, *i.e.*, all coatings have less than or equal to 0.13 kg organic HAP/liter (1.1 lb/gal) of coating solids; (2) emission rate without add-on controls; or (3) emission rate with add-on controls. Facilities using the compliant material option or the

emission rate without add-on controls option are not required to meet any work practice standards, but facilities that use add-on controls to demonstrate compliance must develop and implement a work practice plan and comply with site-specific operating limits for the emission capture and control system.

2. What is the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category and how does the current NESHAP regulate its HAP emissions?

The EPA promulgated the Printing, Coating, and Dyeing of Fabrics and Other Textiles NESHAP on May 29, 2003 (68 FR 32172). The standards are codified at 40 CFR part 63, subpart OOOO. The Printing, Coating, and Dyeing of Fabrics and Other Textiles industry consists of facilities that are engaged in the printing, coating, slashing, dyeing, or finishing of fabrics and other textiles. The source category covered by this MACT standard currently includes 43 facilities.

The Printing, Coating, and Dyeing of Fabrics and Other Textiles NESHAP (40 CFR 63.4371) defines a fabric as any woven, knitted, plaited, braided, felted, or non-woven material made of filaments, fibers, or yarns, including thread, and further defines textile as any one of the following: (1) Staple fibers and filaments suitable for conversion to or use as yarns, or for the preparation of woven, knit, or nonwoven fabrics; (2) yarns made from natural or manufactured fibers; (3) fabrics and other manufactured products made from staple fibers and filaments and from yarn; and (4) garments and other articles fabricated from fibers, yarns, or fabrics. The NESHAP also defines a coating material as an elastomer, polymer, or prepolymer material applied as a thin layer to a textile web. This source category is further described in the September 12, 2018, RTR proposal. See 83 FR 46264.

The primary HAP emitted from printing, coating, and dyeing operations are organic HAP and include toluene, phenol, methanol, and N,N-dimethylformamide. The majority of organic HAP emissions (greater than 95 percent) come from the coating and printing subcategories, with the remainder coming from dyeing and finishing. The EPA estimates that HAP emissions are currently about 737 tpy.

The Printing, Coating, and Dyeing of Fabrics and Other Textiles NESHAP specifies numerical emission limits for organic HAP emissions from three subcategories: Printing and coating; dyeing and finishing; and slashing. The

¹ The Court has affirmed this approach of implementing CAA section 112(f)(2)(A): *NRDC v. EPA*, 529 F.3d 1077, 1083 (D.C. Cir. 2008) (“If EPA determines that the existing technology-based standards provide an ‘ample margin of safety,’ then the Agency is free to readopt those standards during the residual risk rulemaking.”).

organic HAP emissions limit for existing affected sources is 0.12 kg organic HAP/kg (lb/lb) of coating solids applied, and for new or reconstructed affected sources the emissions limit is 0.08 kg organic HAP/kg (lb/lb) of coating solids applied. Printing or coating-affected sources also may demonstrate compliance by achieving at least a 98-percent HAP reduction for new affected sources or a 97-percent HAP reduction for existing sources. Alternatively, new and existing sources using a thermal oxidizer may demonstrate compliance by achieving a HAP concentration at the oxidizer outlet of no greater than 20 parts per million by volume (ppmv) on a dry basis and having an emission capture system with 100-percent efficiency.

For new, reconstructed, or existing dyeing and finishing operations, the emissions limit for conducting dyeing operations is 0.016 kg organic HAP/kg (lb/lb) dyeing materials applied; the emissions limit for conducting finishing operations is 0.0003 kg organic HAP/kg (lb/lb) finishing materials applied; and the emissions limit for conducting both dyeing and finishing operations is 0.016 kg organic HAP/kg (lb/lb) dyeing and finishing materials applied.

For new, reconstructed, or existing slashing operations, the slashing materials must contain no organic HAP (each organic HAP that is not an Occupational Safety and Health Administration (OSHA)-defined carcinogen that is measured to be present at less than 1 percent by weight is counted as zero).

Facilities using the compliant material option or the emission rate without add-on controls option are not required to meet any work practice standards, but facilities that use add-on controls to demonstrate compliance must develop and implement a work practice plan and comply with site-specific operating limits for the emission capture and control system.

3. What is the Surface Coating of Metal Furniture source category and how does the current NESHAP regulate its HAP emissions?

The EPA promulgated the Surface Coating of Metal Furniture NESHAP on May 23, 2003 (68 FR 28606). The standards are codified at 40 CFR part 63, subpart RRRR. The Surface Coating of Metal Furniture industry consists of facilities that engage, either in part or in whole, in the surface coating of metal furniture. The Surface Coating of Metal Furniture NESHAP (40 CFR 63.4881) defines metal furniture as furniture or components of furniture constructed either entirely or partially from metal.

The source category covered by this MACT standard currently includes 16 facilities. This source category is further described in the September 12, 2018, RTR proposal. See 83 FR 46264.

Most of the organic HAP emissions from metal furniture surface coating operations occur from coating application operations and drying and curing ovens. Xylene, glycol ethers, ethylbenzene, toluene, and cumene account for more than 95 percent of the HAP emitted from the source category. The EPA estimates that HAP emissions are currently about 145 tpy.

The Surface Coating of Metal Furniture NESHAP provides existing sources three compliance options: (1) Use only compliant coatings, *i.e.*, all coatings have less than or equal to 0.10 kg organic HAP/liter (0.83 lb/gal) of coating solids used; (2) collectively manage the coatings such that the monthly emission rate of organic HAP is less than or equal to 0.10 kg organic HAP/liter (0.83 lb/gal) coating solids used; or (3) use emission capture systems and control devices to achieve an organic HAP emissions rate of less than or equal to 0.10 kg organic HAP/liter (0.83 lb/gal) coating solids used.

Facilities using the compliant material option or the emission rate without add-on controls option are not required to meet any work practice standards, but facilities that use add-on controls to demonstrate compliance must develop and implement a work practice plan and comply with site-specific operating limits for the emission capture and control system.

C. What changes did we propose for the source categories in our September 12, 2018, RTR proposal?

On September 12, 2018, the EPA published a proposed rule in the **Federal Register** for the Surface Coating of Large Appliances NESHAP; the Printing, Coating, and Dyeing of Fabrics and Other Textiles NESHAP; and the Surface Coating of Metal Furniture NESHAP, 40 CFR part 63, subpart NNNN, 40 CFR part 63, subpart OOOO, and 40 CFR part 63, subpart RRRR, respectively, that took into consideration the RTR analyses.

We proposed to find that the risks from each of the source categories are acceptable, and that additional emission controls for each source category are not necessary to provide an ample margin of safety.

We also proposed the following amendments:

- Pursuant to the technology reviews for the Surface Coating of Large Appliances source category and the Surface Coating of Metal Furniture

source category, a requirement that, for each coating operation for which coatings are spray applied, high-efficiency spray equipment must be used if the source is not using the emission rate with add-on control compliance option;

- For each source category, a requirement for electronic submittal of notifications, semi-annual reports, and compliance reports (which include performance test reports);

- For each source category, revisions to the SSM provisions of each NESHAP in order to ensure that they are consistent with the Court decision in *Sierra Club v. EPA*, 551 F. 3d 1019 (D.C. Cir. 2008), which vacated two provisions that exempted source owners and operators from the requirement to comply with otherwise applicable CAA section 112(d) emission standards during periods of SSM;

- For each source category, adding the option of conducting EPA Method 18 of appendix A to 40 CFR part 60, "Measurement of Gaseous Organic Compound Emissions by Gas Chromatography," to measure and then subtract methane emissions from measured total gaseous organic mass emissions as carbon;

- For each source category, removing references to paragraph (d)(4) of OSHA's Hazard Communication standard (29 CFR 1910.1200), which dealt with OSHA-defined carcinogens, and replacing that reference with a list of HAP that must be regarded as potentially carcinogenic based on EPA guidelines;

- For each source category, IBR of alternative test methods and references to updated alternative test methods; and
- Several minor editorial and technical changes in each subpart.

In the same notice, we requested comment on the following, although we did not propose actual rule amendments:

- Whether the EPA should change the reporting frequency for all reports submitted to the EPA from semi-annual to annual, for all three source categories;

- Whether, for all three source categories, additional performance testing should be required, with a specific request for comment on a requirement to conduct performance testing any time a source plans to undertake an operational change that may adversely affect compliance with an applicable standard, operating limit, or parametric monitoring value;

- Whether the Agency should ban the use of ethylene oxide in the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category under the technology review;

- Whether the Agency should establish a work practice for sources in the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category for periods of malfunction when an immediate line shutdown may not be feasible due to safety concerns, and concerns that an immediate shutdown would result in the unnecessary generation of hazardous waste; and

- The relationship between CAA sections 112(d)(6), technology review, and CAA section 112(f), residual risk review; specifically, the extent to which findings that underlie a CAA section 112(f) determination should be considered in making any determinations under CAA section 112(d)(6).

III. What is included in these final rules?

This action amends and finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112 for three rules—the Surface Coating of Large Appliances; the Printing, Coating, and Dyeing of Fabrics and Other Textiles; and the Surface Coating of Metal Furniture. This action also finalizes the following changes for each source category:

- A requirement for periodic performance testing of capture and control devices every 5 years;
- A requirement for electronic submittal of notifications, semi-annual reports, and compliance reports (which include performance test reports);
- Revising the SSM provisions of each NESHAP;
- Adding the option to conduct EPA Method 18 of appendix A to 40 CFR part 60, "Measurement of Gaseous Organic Compound Emissions by Gas Chromatography," to measure and then subtract methane emissions from measured total gaseous organic mass emissions as carbon;
- Removing references to paragraph (d)(4) of OSHA's Hazard Communication standard (29 CFR 1910.1200), which dealt with OSHA-defined carcinogens, and replacing that reference with a list of HAP that must be regarded as potentially carcinogenic based on EPA guidelines;
- IBR of alternative test methods and references to updated alternative test methods and updated appendices; and
- Several minor technical amendments and clarifications of the applicability of the NESHAP and definitions.

A. What are the final rule amendments based on the risk review for the Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textile; and Surface Coating of Metal Furniture source categories?

This section describes the final amendments to the Surface Coating of Large Appliances NESHAP (40 CFR part 63, subpart NNNN); the Printing, Coating, and Dyeing of Fabrics and Other Textiles NESHAP (40 CFR part 63, subpart OOOO); and the Surface Coating of Metal Furniture NESHAP (40 CFR part 63, subpart RRRR) being promulgated pursuant to CAA section 112(f). The EPA proposed no changes to these three subparts based on the risk reviews conducted pursuant to CAA section 112(f). In this action, we are finalizing our proposed determination that risks from these three subparts are acceptable, and that the standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. The EPA received no new data or other information during the public comment period that causes us to change that proposed determination. Therefore, we are not requiring additional controls under CAA section 112(f)(2) for any of the three subparts in this action.

B. What are the final rule amendments based on the technology review for the source categories?

For 40 CFR part 63, subpart NNNN, 40 CFR part 63, subpart OOOO, and 40 CFR part 63, subpart RRRR, we are not finalizing any revisions to the MACT standards under CAA section 112(d)(6) pursuant to our technology reviews.

C. What are the final rule amendments addressing emissions during periods of SSM?

We are finalizing, as proposed, changes to the Surface Coating of Large Appliances; the Printing, Coating, and Dyeing of Fabrics and Other Textiles; and the Surface Coating of Metal Furniture source categories NESHAP to eliminate the SSM exemption. Consistent with *Sierra Club v. EPA* 551 F. 3d 1019 (D.C. Cir. 2008), the EPA is establishing standards in these rules that apply at all times. Table 2 to Subpart NNNN of Part 63, Table 3 to Subpart OOOO of Part 63, and Table 2 to Subpart RRRR of Part 63 (General Provisions applicability table) are being revised to change several references related to requirements that apply during periods of SSM. We eliminated or revised certain recordkeeping and reporting requirements related to the eliminated SSM exemption. The EPA

also made changes to the rule to remove or modify inappropriate, unnecessary, or redundant language in the absence of the SSM exemption. We determined that facilities in these source categories can meet the applicable emission standards in the Surface Coating of Large Appliances; the Printing, Coating, and Dyeing of Fabrics and Other Textiles; and the Surface Coating of Metal Furniture NESHAP at all times, including periods of startup and shutdown. Therefore, the EPA determined that no additional standards are needed to address emissions during these periods. The legal rationale and detailed changes for SSM periods that we are finalizing today are set forth in the proposed rule. See 83 FR 46284 through 46288, 46295 through 46298, and 46305 through 46308.

We are finalizing a revision to the performance testing requirements at 40 CFR 63.4164, 40 CFR 63.4360, and 40 CFR 63.4963. The final performance testing provisions prohibit performance testing during startup, shutdown, or malfunction as these conditions are not representative of normal operating procedures. The final rules will also require that operators maintain records to document that operating conditions during the test represent normal operations.

D. What other changes have been made to the NESHAP?

These rules also finalize, as proposed, revisions to several other NESHAP requirements. We describe the revisions that apply to all the affected source categories in the following paragraphs.

To increase the ease and efficiency of data submittal and data accessibility, we are finalizing a requirement that owners and operators of facilities in the Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture source categories submit electronic copies of certain required performance test reports through the EPA's Central Data Exchange (CDX) website using an electronic performance test report tool called the Electronic Reporting Tool (ERT). We also are finalizing, as proposed, provisions that allow facility operators the ability to seek extensions for submitting electronic reports for circumstances beyond the control of the facility, *i.e.*, for a possible outage in the CDX or Compliance and Emissions Data Reporting Interface (CEDRI) or for a force majeure event in the time just prior to a report's due date, as well as the process to assert such a claim.

We are finalizing amendments to 40 CFR 63.4166(b), 40 CFR 63.4362(b), and

40 CFR 63.4965(b) to add the option of conducting EPA Method 18 of appendix A to 40 CFR part 60, "Measurement of Gaseous Organic Compound Emissions by Gas Chromatography," to measure and then subtract methane emissions from measured total gaseous organic mass emissions, as carbon, for those facilities using the emission rate with add-on control compliance option and EPA Method 25A to measure control device destruction efficiency. We also are finalizing the format of references to test methods in 40 CFR part 60, appendix A to indicate where, in the eight sections of appendix A, each method is found.

For each subpart, we are finalizing the proposal to remove the reference to paragraph (d)(4) of OSHA's Hazard Communication standard (29 CFR 1910.1200) and replace with a reference to a new table in each subpart (Table 5 to 40 CFR part 63, subpart NNNN, Table 6 to 40 CFR part 63, subpart OOOO, and Table 5 to 40 CFR part 63, subpart RRRR) that lists the organic HAP that must be included in calculating total organic HAP content of a coating material present at 0.1 percent or greater by mass. We are finalizing the a provision to include organic HAP in these tables if they were categorized in the EPA's "Prioritized Chronic Dose-Response Values for Screening Risk Assessments" (dated May 9, 2014) as a "human carcinogen," "probable human carcinogen," or "possible human carcinogen" according to "The Risk Assessment Guidelines of 1986" (EPA/600/8-87/045, August 1987),² or as "carcinogenic to humans," "likely to be carcinogenic to humans," or with "suggestive evidence of carcinogenic potential" according to the "Guidelines for Carcinogen Risk Assessment" (EPA/630/P-03/001F, March 2005).

We are including in the final rule for each subpart a requirement for facilities to conduct control device performance testing no less frequently than once every 5 years when using the emission rate with add-on controls compliance option. Facilities will be able to conduct these performance tests on the same schedule as their title V operating permit renewals. If the title V permit already requires performance testing, no additional testing will be required.

1. What other changes have been made to the Surface Coating of Large Appliances source category NESHAP?

We are finalizing several miscellaneous technical amendments to

improve the clarity of the rule requirements:

- Clarifying that a thermocouple is part of the temperature sensor referred to in 40 CFR 63.4168(c)(3) for purposes of performing periodic calibration and verification checks;
- Renumbering 40 CFR 63.4130(k)(8) and (9) to be 40 CFR 63.4130(k)(7) and (8) because the current paragraph 40 CFR 63.4130(k) is missing a paragraph (k)(7);
- Revising the rule citation "§ 63.4130(k)(9)" in 40 CFR 63.4163(e) to be "§ 63.4130(k)(8)," consistent with the proposed renumbering of 40 CFR 63.4130(k)(9) to (k)(8);
- Clarifying that 40 CFR 63.4131(a) applies to all records that were submitted as reports electronically via the EPA's CEDRI and adding text to the same provision to clarify that the ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation; and
- Revising 40 CFR 63.4141(b) and (c) to update ASTM International (ASTM) D1475-90 to ASTM D1475-13, including IBR of the newer version of the method.

We are finalizing corrections to several erroneous rule citations:

- Revising one instance in 40 CFR 63.4160(a)(1) and three instances in 40 CFR 63.4160(b)(1) that an erroneous rule citation "§ 63.4183" is specified. Section 63.4183 does not exist in 40 CFR part 63, subpart NNNN, and the corrected citation is "§ 63.4083";
- Revising one instance in 40 CFR 63.4110(b)(10) of an erroneous rule citation "§ 63.4081(d)." The corrected citation is "§ 63.4081(e)";
- Revising one instance in 40 CFR 63.4130(f) and one instance in 40 CFR 63.4130(g) of an erroneous rule citation of "§ 63.4141(a)." The corrected citation is "§ 63.4141";
- Revising one instance in 40 CFR 63.4168(c)(2) where an erroneous rule citation "§ 63.6167(b)(1) and (2)" is specified. The corrected citation is to "§ 63.4167(b)(1) and (2)";
- Revising the rule citation for "§ 63.4120(b)" specified in the fourth column of the table entry for "§ 63.10(d)(2)." The corrected citation is "§ 63.4120(h)";
- Revising the rule citation "§ 63.4120(b)" specified in the fourth column of the table entry for "§ 63.10(e)(3)." The corrected citation is "§ 63.4120(g)"; and
- Clarifying that 40 CFR 63.4152(c) requires a statement that the source was in compliance with the emission

limitations during the reporting period applies only if there were no deviations from the emission limitations.

The above clarifications and corrections were proposed in the September 12, 2018, RTR proposal. No comments were received during the public comment period and these changes are being finalized as proposed.

2. What other changes have been made to the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category NESHAP?

We are finalizing the proposal to amend 40 CFR 63.4350(a)(3) and (b)(3); and 40 CFR 63.4351(a) and (e) to correct the references to the alternative control device outlet organic HAP concentration limit from 20 parts per million by weight to 20 ppmv.

In addition, we are finalizing several miscellaneous technical amendments to improve the clarity of the rule requirements:

- Clarifying that a thermocouple is part of the temperature indicator referred to in 40 CFR 63.4364(c) for purposes of performing periodic calibration and verification checks;
 - Clarifying that 40 CFR 63.4313(a) applies to all records that were submitted as reports electronically via the EPA's CEDRI and adding text to the same provision to clarify that the ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation;
 - Amending a reporting requirement in 40 CFR 63.4342(f) to harmonize the requirement with the same reporting requirement in 40 CFR 63.4311(a)(4) that requires the same statement to be reported if "there were no deviations from the emission limitations in §§ 63.4290, 63.4292, and 63.4293";
 - Revising one instance in 40 CFR 63.4311(a)(7)(i)(B) to add a reference for an equation that is missing by adding "6" to the list of equations cited in 40 CFR 63.4311(a)(7)(i)(B) so that the citation reads "Equations 4, 4A, 5, 6, and 7 of § 63.4331";
 - Revising one instance in 40 CFR 63.4340(b)(3) in which an erroneous rule citation to "§ 63.4561" is corrected to "§ 63.4341"; and
 - Correcting Table 3 to 40 CFR part 63, subpart OOOO in the fourth column of the table entry for "§ 63.8(g)(1)-(5)" that erroneously refers to "sections 63.4342 and 63.4352." The correct reference is "Sections 63.4363 and 63.4364."
- The above clarifications and corrections were proposed in the

² See <https://www.epa.gov/fera/dose-response-assessment-assessing-health-risks-associated-exposure-hazardous-air-pollutants>.

September 12, 2018, RTR proposal. No comments were received during the public comment period and these changes are being finalized as proposed.

3. What other changes have been made to the Surface Coating of Metal Furniture source category NESHAP?

We are finalizing several proposed miscellaneous technical amendments to improve the clarity of the rule requirements:

- Clarifying that a thermocouple is part of the temperature sensor referred to in 40 CFR 63.4967(c)(3) for purposes of performing periodic calibration and verification checks;
- Clarifying that 40 CFR 63.4931(a) applies to all records that were submitted as reports electronically via the EPA's CEDRI and adding text to the same provision to clarify that the ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation;
- Revising the second sentence of 40 CFR 63.4920(a)(4) to correct an erroneous reference to "the emission limitations in § 63.4890." The correct reference is to the applicable emission limitations in 40 CFR 63.4890, 63.4892, and 63.489;
- Changing "emission limitations" in the first sentence of 40 CFR 63.4920(a)(4) to "emission limits";
- Revising 40 CFR 63.4941(c) to update ASTM D1475–90 to ASTM D1475–13, including IBR of the newer version of the method;
- Revising 40 CFR 63.4951(c) to remove repetition with the cross-referenced 40 CFR 63.4941(c); and
- Correcting Table 2 to 40 CFR part 63, subpart RRRR in the fourth column of the table entry for "§ 63.10(e)(3)" for an erroneous rule citation of "§ 63.4920(b)." The correct rule citation is "§ 63.4920(a)."

The above clarifications and corrections were proposed in the September 12, 2018, RTR proposal. No comments were received during the public comment period and these changes are being finalized as proposed.

E. What are the effective and compliance dates of the standards?

The effective date of all three final rules is March 15, 2019. We are finalizing two changes that would

impact ongoing compliance requirements for each of these three subparts. We are adding a requirement that notifications, performance test results, and semiannual compliance reports be submitted electronically using the new template for each subpart that was included in the docket for each proposed rule. We are also changing the requirements for SSM by removing the exemption from the requirements to meet the standard during SSM periods and by removing the requirement to develop and implement an SSM plan. From our assessment of the timeframe needed for implementing the entirety of the revised requirements, the EPA proposed a period of 180 days to be the most expeditious compliance period practicable. No comments were received during the public comment period and the 180-day period is being finalized as proposed. Thus, the compliance date of the final amendments for all affected sources will be September 11, 2019.

F. What are the requirements for submission of performance test data to the EPA?

As proposed, the EPA is taking a step to increase the ease and efficiency of data submittal and data accessibility. Specifically, the EPA is finalizing the requirement for owners and operators of facilities in the Surface Coating of Large Appliances; the Printing, Coating, and Dyeing of Fabrics and Other Textiles; and the Surface Coating of Metal Furniture source categories to submit electronic copies of certain required performance test reports.

Data will be collected by direct computer-to-computer electronic transfer using EPA-provided software. This EPA-provided software is an electronic performance test report tool called the ERT (Electronic Reporting Tool). The ERT will generate an electronic report package which will be submitted to CEDRI, and then archived to the EPA's CDX. A description of the ERT and instructions for using ERT can be found at <https://www3.epa.gov/ttn/chief/ert/index.html>. CEDRI can be accessed through the CDX website (<https://cdx.epa.gov/>).

The requirement to submit performance test data electronically to the EPA does not create any additional performance testing and will apply only to those performance tests conducted using test methods that are supported by the ERT. A listing of the pollutants and

test methods supported by the ERT is available at the ERT website. Through this approach, industry will save time in the performance test submittal process. Additionally, this rulemaking will benefit industry by reducing recordkeeping costs, as the performance test reports that are submitted to the EPA using CEDRI are no longer required to be kept in hard copy.

State, local, and tribal agencies may benefit from a more streamlined and accurate review of performance test data that will become available to the public through WebFIRE. Having such data publicly available enhances transparency and accountability. For a more thorough discussion of electronic reporting of performance tests using direct computer-to-computer electronic transfer and using EPA-provided software, see the discussion in the preamble of the proposal.

In summary, in addition to supporting regulation development, control strategy development, and other air pollution control activities, having an electronic database populated with performance test data will save industry, state, local, tribal agencies, and the EPA significant time, money, and effort while improving the quality of emission inventories and air quality regulations.

IV. What is the rationale for our final decisions and amendments for these three surface coating source categories?

A. Residual Risk Reviews

1. What did we propose pursuant to CAA section 112(f)?

a. Surface Coating of Large Appliances (40 CFR part 63, Subpart NNNN) Source Category

Pursuant to CAA section 112(f), the EPA conducted a residual risk review and presented the results of this review, along with our proposed decisions regarding risk acceptability and ample margin of safety, in the September 12, 2018, proposed rule for 40 CFR part 63, subpart NNNN (83 FR 46262). The results of the risk assessment for the proposal are presented briefly below in Table 2 of this preamble. More detail is in the residual risk technical support document, "Residual Risk Assessment for the Surface Coating of Large Appliances Source Category in Support of the May 2018 Risk and Technology Review Proposed Rule," available in the docket for this rulemaking.

TABLE 2—SURFACE COATING OF LARGE APPLIANCES SOURCE CATEGORY INHALATION RISK ASSESSMENT RESULTS AT PROPOSAL

Risk assessment	Maximum individual cancer risk (in 1 million)		Estimated population at increased risk of cancer ≥1-in-1 Million		Estimated annual cancer incidence (cases per year)		Maximum chronic noncancer TOSHI ¹		Maximum screening acute noncancer HQ ²
	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions
Source Category	0.9	1	0	50	0.0001	0.0002	0.07	0.08	HQREL = 2
Whole Facility	6	.....	600	.....	0.0002	.....	0.2	.....	

¹ The target organ-specific hazard index (TOSHI) is the sum of the chronic noncancer hazard quotients (HQ) values for substances that affect the same target organ or organ system.

² The maximum estimated acute exposure concentration was divided by available short-term threshold values to develop HQ values (HQREL = hazard quotient recommended exposure level).

The results of the proposal inhalation risk modeling using actual emissions data, as shown in Table 2 of this preamble, indicate that the maximum individual cancer risk based on actual emissions (lifetime) could be up to 0.9-in-1 million, the maximum chronic noncancer TOSHI value based on actual emissions could be up to 0.07, and the maximum screening acute noncancer HQ value (off-facility site) could be up to 2 (driven by glycol ethers). At proposal, the total annual cancer incidence (national) from these facilities based on actual emission levels was estimated to be 0.0001 excess cancer cases per year, or one case in every 10,000 years.

The results of the proposal inhalation risk modeling using allowable emissions data, as shown in Table 2 of this preamble, indicate that the maximum individual cancer risk based on allowable emissions (lifetime) could be up to 1-in-1 million, and the maximum chronic noncancer TOSHI value based on allowable emissions could be up to 0.08. At proposal, the total annual cancer incidence (national) from these facilities based on allowable emission levels was estimated to be 0.0002 excess cancer cases per year, or one case in every 5,000 years.

The maximum whole-facility cancer maximum individual risk (MIR) was determined to be 6-in-1 million at proposal, driven by chromium (VI) compounds from a cleaning/pretreatment operation. At proposal, the total estimated cancer incidence from whole facility emissions was determined to be 0.0002 excess cancer cases per year, or one excess case in every 5,000 years. Approximately 600 people were estimated to have cancer risks above 1-in-1 million from exposure to HAP emitted from both MACT and non-MACT sources at the 10 facilities in

this source category. The maximum facility-wide TOSHI for the source category was estimated to be 0.2, driven by emissions of methylene diphenyl diisocyanate from foam produced as part of plastic products manufacturing.

There are no persistent and bioaccumulative HAP (PB HAP) emitted by facilities in this source category. Therefore, we did not estimate any human health multi-pathway risks from this source category. Two environmental HAP are emitted by sources within this source category: Hydrogen chloride (HCl) and hydrogen fluoride (HF). Therefore, at proposal we conducted a screening-level evaluation of the potential adverse environmental risks associated with emissions of HCl and HF. Based on this evaluation, we proposed that we do not expect an adverse environmental effect as a result of HAP emissions from this source category.

We weighed all health risk factors, including those shown in Table 2 of this preamble, in our risk acceptability determination and proposed that the residual risks from the Surface Coating of Large Appliances source category are acceptable (section IV.A.2.a of proposal preamble, 83 FR 46279, September 12, 2018).

We then considered whether 40 CFR part 63, subpart NNNN provides an ample margin of safety to protect public health and prevents, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. In considering whether the standards should be tightened to provide an ample margin of safety to protect public health, we considered the same risk factors that we considered for our acceptability determination and also considered the costs, technological feasibility, and other relevant factors related to

emissions control options that might reduce risk associated with emissions from the source category.

As discussed further in section III.B. of this preamble, the only development identified in the technology review was the use of high-efficiency spray equipment. We estimated no changes in costs or emissions would occur due to switching to high-efficiency application methods for this source category, because we expected that large appliance surface coating facilities already are using high-efficiency coating application methods due to state volatile organic compound (VOC) rules and the economic incentives of using more efficient application methods. Because quantifiable reductions in risk are unlikely, we proposed that additional emissions controls for this source category are not necessary to provide an ample margin of safety (section IV.A.2.b. of proposal preamble, 83 FR 46279, September 12, 2018).

b. Printing, Coating, and Dyeing of Fabrics and Other Textiles (40 CFR Part 63, Subpart OOOO) Source Category

Pursuant to CAA section 112(f), the EPA conducted a residual risk review and presented the results of this review, along with our proposed decisions regarding risk acceptability and ample margin of safety, in the September 12, 2018, proposed rule for 40 CFR part 63, subpart OOOO (83 FR 46262). The results of the risk assessment for the proposal are presented briefly below in Table 3 of this preamble. More detail is in the residual risk technical support document, "Residual Risk Assessment for the Printing, Coating, and Dyeing of Fabrics and Other Textiles Source Category in Support of the May 2018 Risk and Technology Review Proposed Rule," available in the docket for this rulemaking.

TABLE 3—PRINTING, COATING, AND DYEING OF FABRICS AND OTHER TEXTILES SOURCE CATEGORY INHALATION RISK ASSESSMENT RESULTS AT PROPOSAL

Risk assessment	Maximum individual cancer risk (in 1 million)		Estimated population at increased risk of cancer ≥ 1 -in-1 million		Estimated annual cancer incidence (cases per year)		Maximum chronic noncancer TOSHI ¹		Maximum screening acute noncancer HQ ²
	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions
Source Category	9	10	8,500	10,000	0.002	0.002	0.3	0.3	HQREL = 0.6
Whole Facility	9	.....	12,200	.....	0.003	.....	0.3	.....	

¹ The target organ-specific hazard index (TOSHI) is the sum of the chronic noncancer hazard quotient (HQ) values for substances that affect the same target organ or organ system.

² The maximum estimated acute exposure concentration was divided by available short-term threshold values to develop HQ values (HQREL = hazard quotient recommended exposure level).

The results of the proposal inhalation risk modeling using actual emissions data, as shown in Table 3 of this preamble, indicate that the maximum individual cancer risk based on actual emissions (lifetime) could be up to 9-in-1 million (driven by ethylene oxide), the maximum chronic noncancer TOSHI value based on actual emissions could be up to 0.3, and the maximum screening acute noncancer HQ value (off-facility site) could be up to 0.6. At proposal, the total annual cancer incidence (national) from these facilities based on actual emission levels was estimated to be 0.002 excess cancer cases per year, or one case in every 500 years.

The results of the proposal inhalation risk modeling using allowable emissions data, as shown in Table 3 of this preamble, indicate that the maximum individual cancer risk based on allowable emissions (lifetime) could be up to 10-in-1 million (driven by ethylene oxide), the maximum chronic noncancer TOSHI value based on allowable emissions could be up to 0.3. At proposal, the total annual cancer incidence (national) from these facilities based on allowable emission levels was estimated to be 0.002 excess cancer cases per year, or one case in every 500 years.

The maximum facility-wide cancer MIR was 9-in-1 million at proposal, driven by ethylene oxide from fabric finishing. The results of our facility-wide assessment at proposal indicated that 12 facilities have a facility-wide cancer MIR greater than or equal to 1-in-1 million. At proposal the total estimated cancer incidence from whole facility emissions was determined to be 0.003 excess cancer cases per year, or one excess case in every 330 years. Approximately 12,200 people were

estimated to have cancer risks above 1-in-1 million from exposure to HAP emitted from both MACT and non-MACT sources collocated at the 43 facilities in this source category. The maximum facility-wide TOSHI for the source category was estimated to be 0.3, driven by emissions of trichloroethylene from adhesive application.

There are no PB-HAP emitted by facilities in this source category. Therefore, we did not estimate any human health multi-pathway risks from this source category. Environmental HAP are not emitted by sources within this source category; therefore, we do not expect an adverse environmental effect as a result of HAP emissions from this source category.

We weighed all health risk factors, including those shown in Table 3 of this preamble, in our risk acceptability determination, and proposed that the residual risks from the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category are acceptable (section IV.B.2.a of proposal preamble, 83 FR 46292, September 12, 2018).

We then considered whether 40 CFR part 63, subpart OOOO provides an ample margin of safety to protect public health and prevents, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. In considering whether the standards should be tightened to provide an ample margin of safety to protect public health, we considered the same risk factors that we considered for our acceptability determination and also considered the costs, technological feasibility, and other relevant factors related to emissions control options that might reduce risk associated with emissions from the source category.

Based on our review, we did not identify any developments in add-on control technologies, other equipment or work practices and procedures since the promulgation of the Printing, Coating, and Dyeing of Fabrics and Other Textiles NESHAP. We note, however, that the only facility that previously reported ethylene oxide emissions no longer emits this HAP as a result of a process change. Therefore, we proposed that additional emissions controls for this source category are not necessary to provide an ample margin of safety (section IV.B.2.b. of proposal preamble, 83 FR 46293, September 12, 2018). However, we solicited comment on whether the Agency should ban the use of ethylene oxide in this source category under the technology review (section VI of proposal preamble, 83 FR 46313, September 12, 2018). Our response to these comments and rationale for our final decision are found in section IV.B of this preamble.

c. Surface Coating of Metal Furniture (40 CFR Part 63, Subpart RRRR) Source Category

Pursuant to CAA section 112(f), the EPA conducted a residual risk review and presented the results of this review, along with our proposed decisions regarding risk acceptability and ample margin of safety, in the September 12, 2018, proposed rule for 40 CFR part 63, subpart RRRR (83 FR 46262). The results of the risk assessment for the proposal are presented briefly below in Table 4 of this preamble. More detail is in the residual risk technical support document, "Residual Risk Assessment for the Surface Coating of Metal Furniture Source Category in Support of the May 2018 Risk and Technology Review Proposed Rule," available in the docket for this rulemaking.

TABLE 4—SURFACE COATING OF METAL FURNITURE SOURCE CATEGORY INHALATION RISK ASSESSMENT RESULTS AT PROPOSAL

Risk assessment	Maximum individual cancer risk (in 1 million)		Estimated population at increased risk of cancer ≥1-in-1 million		Estimated annual cancer incidence (cases per year)		Maximum chronic noncancer TOSHI ¹		Maximum screening acute noncancer HQ ²
	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	
									Based on actual emissions
Source Category	7	10	2,100	4,200	0.0004	0.0008	0.2	0.3	HQREL = 2
Whole Facility	7	.....	2,200	.....	0.0005	.....	0.1	.....	

¹ The TOSHI is the sum of the chronic noncancer HQ values for substances that affect the same target organ or organ system.

² The maximum estimated acute exposure concentration was divided by available short-term threshold values to develop HQ values (HQREL = hazard quotient recommended exposure level).

The results of the proposal inhalation risk modeling using actual emissions data, as shown in Table 4 of this preamble, indicate that the maximum individual cancer risk based on actual emissions (lifetime) could be up to 7-in-1 million (driven by ethyl benzene), the maximum chronic noncancer TOSHI value based on actual emissions could be up to 0.2, and the maximum screening acute noncancer HQ value (off-facility site) could be up to 2 (driven by glycol ethers). At proposal, the total annual cancer incidence (national) from these facilities based on actual emission levels was estimated to be 0.0004 excess cancer cases per year, or one case in every 2,500 years.

The results of the proposal inhalation risk modeling using allowable emissions data, as shown in Table 4 of this preamble, indicate that the maximum individual cancer risk based on allowable emissions (lifetime) could be up to 10-in-1 million (driven by ethyl benzene), the maximum chronic noncancer TOSHI value based on allowable emissions could be up to 0.3. At proposal, the total annual cancer incidence (national) from these facilities based on allowable emission levels was estimated to be 0.0008 excess cancer cases per year, or one case in every 1,250 years.

The maximum facility-wide cancer MIR was 7-in-1 million at proposal, driven by ethyl benzene. Four facilities had a facility-wide cancer MIR greater than or equal to 1-in-1 million. At proposal, the total cancer incidence from whole facility emissions was estimated to be 0.0005 excess cancer cases per year, or one excess case in every 2,000 years. Approximately 2,200 people were estimated to have cancer risks above 1-in-1 million from exposure to HAP emitted from both MACT and non-MACT sources at the 16 facilities in this source category. The maximum facility-wide TOSHI for the source category was estimated to be 0.1.

There are no PB-HAP emitted by facilities in this source category.

Therefore, we did not estimate any human health multi-pathway risks from this source category. Environmental HAP are not emitted by sources within this source category; therefore, we do not expect an adverse environmental effect as a result of HAP emissions from this source category.

We weighed all health risk factors, including those shown in Table 4 of this preamble, in our risk acceptability determination, and proposed that the residual risks from the Surface Coating of Metal Furniture source category are acceptable (section IV.C.2.a of proposal preamble, 83 FR 46301, September 12, 2018).

We then considered whether 40 CFR part 63, subpart RRRR provides an ample margin of safety to protect public health and prevents, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. In considering whether the standards should be tightened to provide an ample margin of safety to protect public health, we considered the same risk factors that we considered for our acceptability determination and also considered the costs, technological feasibility, and other relevant factors related to emissions control options that might reduce risk associated with emissions from the source category.

As discussed in detail in section III.B of this preamble, the only development identified in the technology review was the use of high-efficiency spray equipment. We estimated no changes in costs or emissions reductions would occur due to switching to high-efficiency application methods for this source category because we expected that metal furniture surface coating facilities were already using high-efficiency coating application methods due to state VOC rules and the economic incentives of using these more efficient application methods. Because quantifiable reductions in risk are unlikely, we proposed that additional emissions controls for this source

category were not necessary to provide an ample margin of safety (section IV.C.2.b. of proposal preamble, 83 FR 46302, September 12, 2018).

2. How did the risk review change?

We have not changed any aspect of the risk assessment since the September 2018 proposal for any of the three source categories.

3. What key comments did we receive on the risk reviews, and what are our responses?

We received comments in support of and against the proposed residual risk review and our determination that no revisions were warranted under CAA section 112(f)(2) for all three source categories. Generally, the comments that were not supportive of the determination from the risk reviews suggested changes to the underlying risk assessment methodology. For example, some commenters stated that the EPA should lower the acceptability benchmark so that risks below 100-in-1 million are unacceptable, include emissions outside of the source categories in question in the risk assessment, and assume that pollutants with noncancer health risks have no safe level of exposure. After review of all the comments received, we determined that no changes were necessary. The comments and our specific responses can be found in the document, "Summary of Public Comments and Responses for the Risk and Technology Reviews for Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture," available in the dockets for these actions (Docket ID Nos. EPA-HQ-OAR-2017-0668, EPA-HQ-OAR-2017-0669, and EPA-HQ-OAR-2017-0670).

4. What is the rationale for our final approach and final decisions for the risk reviews?

As noted in our proposal, the EPA sets standards under CAA section 112(f)(2) using “a two-step standard-setting approach, with an analytical first step to determine an ‘acceptable risk’ that considers all health information, including risk estimation uncertainty, and includes a presumptive limit on MIR of “approximately 1-in-10 thousand” (see 54 FR 38045, September 14, 1989). We weigh all health risk factors in our risk acceptability determination, including the cancer MIR, cancer incidence, the maximum cancer TOSHI, the maximum acute noncancer HQ, the extent of noncancer risks, the distribution of cancer and noncancer risks in the exposed population, and the risk estimation uncertainties.

Since proposal, neither the risk assessment nor our determinations regarding risk acceptability, ample margin of safety, or adverse environmental effects have changed. For the reasons explained in the proposed rule, we determined that the risks from each of these three source categories are acceptable, and the current standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. Therefore, we are not revising any of these three subparts to require additional controls pursuant to CAA section 112(f)(2) based on the residual risk review, and we are readopting the existing standards under CAA section 112(f)(2).

B. Technology Reviews

1. What did we propose pursuant to CAA section 112(d)(6)?

The Surface Coating of Large Appliances NESHAP and the Surface Coating of Metal Furniture NESHAP do not contain any standards specifying the type of spray application equipment that must be used when coatings are spray applied. Sources subject to the Printing, Coating, and Dyeing of Fabric and Other Textiles NESHAP do not spray apply coatings. However, many facilities complying with these NESHAP also are required by state VOC regulations to use high-efficiency spray guns for coatings that are spray applied. We expected that other large appliance surface coating and metal furniture surface coating facilities in other states are also using high-efficiency application equipment for spray-applied coatings to reduce coating and spray booth filter consumption and to reduce the amount of solid waste generated in the form of used spray booth filters.

Although we expected that switching to high-efficiency spray application equipment would have lower costs at facilities not already using it, we are uncertain of other factors that facilities may need to consider if choosing to switch to high-efficiency application equipment.

Based on these findings, we proposed to revise the Surface Coating of Large Appliances NESHAP and the Surface Coating of Metal Furniture NESHAP for coating application operations pursuant to CAA section 112(d)(6) to require that, for each coating operation for which coatings are spray applied, high-efficiency spray equipment must be used if the source is not using the emission rate with add-on control compliance option. Specifically, all spray-applied coating operations, where the source is not using the emission rate with add-on control compliance option, would have been required to achieve transfer efficiency equivalent to or better than 65 percent. At proposal four types of high-efficiency spray equipment technologies were identified that the EPA believed could achieve transfer efficiency equivalent to or better than 65 percent, including high volume, low pressure (HVLP) spray equipment; electrostatic application; airless spray equipment; and air-assisted airless spray equipment. Alternative spray equipment technologies would have had to provide documentation demonstrating at least 65-percent transfer efficiency. Spray application equipment sources using alternative spray application equipment technologies other than the four listed would have had to follow procedures in the California South Coast Air Quality Management District’s, “Spray Equipment Transfer Efficiency Test Procedure for Equipment User, May 24, 1989,” to demonstrate that their spray application equipment is capable of achieving transfer efficiency equivalent to, or better than, 65 percent. Equivalency documentation would have been certified by manufacturers of the spray equipment, on behalf of facilities using spray-applied coatings, by following the aforementioned procedure in conjunction with California South Coast Air Quality Management District’s, “Guidelines for Demonstrating Equivalency with District Approved Transfer Efficient Spray Guns, September 26, 2002.” We proposed that all spray equipment used for spray-applied coating operations be required to be operated according to company procedures, local specified operating procedures, or the manufacturer’s specifications, whichever achieved 65-percent transfer

efficiency. Further, we proposed related definitions for “airless and air-assisted airless spray,” “electrostatic application,” “high-volume, low-pressure (HVLP) spray equipment,” “spray-applied coating operations,” and “transfer efficiency.”

For the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category, we identified one potential development in technology: A process change that eliminated the use of ethylene oxide at one facility. In our residual risk analysis for this source category, we estimated the maximum facility-wide cancer MIR to be 9-in-1 million, driven by ethylene oxide emissions from fabric finishing at one facility. During a site visit to the facility that reported ethylene oxide emissions in the National Emission Inventory, we learned that the ethylene oxide emissions were overstated by the facility. The facility confirmed that it no longer uses the ethylene oxide-containing material due to cost. We noted this was the only facility that reported ethylene oxide emissions, and we concluded that ethylene oxide-containing materials are no longer used in the industry, based on our information. We solicited comment on whether the Agency should ban the use of ethylene oxide in this source category under the technology review.

We also solicited comment on the relationship between the CAA section 112(d)(6) technology review and the CAA section 112(f) risk review. We solicited comment on whether revisions to the NESHAP are “necessary,” as the term is used in CAA section 112(d)(6), in situations where the EPA has determined that CAA section 112(d) standards evaluated pursuant to CAA section 112(f) provide an ample margin of safety to protect public health and prevent an adverse environmental effect. In other words, we solicited comment on whether it is “necessary” to revise the standards based on developments in technologies, practices, or processes under CAA section 112(d)(6) if remaining risks associated with air emissions from a source category have already been reduced to levels that provide an ample margin of safety under CAA section 112(f). See CAA section 112(d)(6) (“The Administrator shall review, and revise as necessary . . .”). We also solicited comment on whether further revisions under CAA section 112(d)(6) would be necessary if the CAA section 112(f) ample margin of safety analysis shows lifetime excess cancer risks to the individual most exposed to emissions from a source in the category is less than 1-in-1 million or if other, either higher

or lower, cancer risk levels would be appropriate to consider if they assured an ample margin of safety.

2. How did the technology review change?

We are not finalizing the proposal to require the use of high-efficiency application equipment for spray-applied coatings in the Surface Coating of Large Appliances NESHAP and the Surface Coating of Metal Furniture NESHAP.

We solicited comment on the potential process change that eliminated the use of ethylene oxide at one facility, but did not propose this requirement for the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category. Based on the comments we received, we are making no changes as a result of the technology review to the Printing, Coating, and Dyeing of Fabrics and Other Textiles NESHAP.

3. What key comments did we receive on the technology reviews, and what are our responses?

Comment: One commenter supported the EPA's proposal to require Large Appliances and Metal Furniture facilities to use high-efficiency spray equipment as a technology development under CAA section 112(d)(6). However, the commenter disagreed with the EPA's conclusion that all or most sources are likely using high-efficiency spray equipment. They argued that the EPA provided no evidence there would be no emission reduction, and argued that the proposed requirement would prevent emission increases in the future if economic incentives or state rules currently encouraging the use of high-efficiency spray equipment change.

Another commenter objected to the proposed language that all "spray application equipment must be operated according to company procedures, local specified operating procedures, and/or the manufacturer's specifications, whichever is most stringent, at all times." The commenter argued that it was unclear how facilities would ensure the equipment is operated according to the more stringent approach so as to avoid having a potential permit deviation/violation even though they may still be complying with the underlying numerical emission standard.

Response: The EPA has determined not to finalize the proposed requirement for all sources to use high-efficiency spray application technology that has a transfer efficiency of at least 65 percent because we believe our assumptions at proposal may not be appropriate for all coating-related processes in the metal furniture and large appliances source

categories. We do not have sufficient data at this time to determine if the high-efficiency spray application technology requirement is reasonable from a technological perspective.

At proposal, a critical assumption we made was that the four high-efficiency spray equipment technologies required in the proposed rulemaking (HVLP, electrostatic application, airless and air assisted airless spray equipment) would achieve at least 65-percent transfer efficiency when used by all facilities in the Surface Coating of Metal Furniture and Surface Coating of Large Appliances source categories. New information, however, leads us to conclude that the transfer efficiency of the proposed high-efficiency spray application technologies may be less than 65 percent, as it is dependent on parameters such as part size, part shape, distance of the spray gun from the parts, atomizing air pressure, fluid pressure, painting technique, type of coating, viscosity of the coating, and more. Generally, the smaller and narrower the part being coated, the lower the transfer efficiency. Conversely, the larger and wider the part being painted, the higher the transfer efficiency. Therefore, transfer efficiency varies greatly source category-by-source category. In both the Surface Coating of Metal Furniture and Surface Coating of Large Appliances source categories, parts are of various shapes and sizes; therefore, transfer efficiency using high-efficiency spray application technologies could be lower than the 65-percent transfer efficiency requirement in the proposed rule, depending on the size and shape of the parts being coated.

Additionally, we did not receive any data that would allow us to determine the actual average transfer efficiency of the spray application technologies we identified in the proposed rule. In light of this uncertainty, we conclude it would be difficult, if not impossible, to determine at this time the appropriate high-efficiency spray application technologies or transfer efficiency to require. Absent more data and information, we are not able to adequately estimate the technical feasibility of the proposed 65-percent transfer efficiency requirement for the Surface Coating of Metal Furniture and Surface Coating of Large Appliances source categories.

The situation for the Surface Coating of Metal Furniture and Surface Coating of Large Appliances source categories is different from other rules where we have required use of high-efficiency spray application. For example, the high-efficiency spray application requirements in the Aerospace

Manufacturing and Rework Operations NESHAP were based on available data that allowed us to estimate the technological feasibility of the requirements. Absent similar data for the Surface Coating of Metal Furniture and Surface Coating of Large Appliances source categories, we believe it is not reasonable to require the use of the high-efficiency spray application technologies proposed pursuant to CAA section 112(d)(6) at this time. The EPA, in the future, may be able to determine the technological capabilities of high-efficiency spray application equipment for the Surface Coating of Metal Furniture and Surface Coating of Large Appliances source categories and revisit the need to require such spray application equipment when we have sufficient data and information.

Finally, as noted in the proposed rule, we believe that most, if not all, sources in the Surface Coating of Metal Furniture and Surface Coating of Large Appliances source categories are already using the types of spray application technologies in the proposed rule pursuant to state requirements. We believe that sources will continue to use these technologies, even if it is not required in this final rule, because of the lower coating consumption and waste disposal costs. Nothing in the record supports the comments that states may remove these existing spray application technology requirements from current regulations. We do not expect sources to change from high-efficiency spray technology to lower-efficiency spray equipment, even if state requirements changed, unless there was a specific application that did not work with high-efficiency spray technology. In those cases, the limits on the HAP content of coatings would still apply. We do not think it is reasonable to assume sources would choose higher the coating and waste disposal costs associated with non-high-efficiency spray technology and incur the costs to switch back to non-high-efficiency spray technology, even if state requirements were removed.

For all these reasons, we are not finalizing the proposed requirement for sources in the Surface Coating of Metal Furniture and Surface Coating of Large Appliances source categories to use high-efficiency spray application equipment.

Comment: One commenter argued that the EPA should revise the Coating, Printing, and Dyeing of Fabric and Other Textiles NESHAP to ban the use of ethylene oxide. The commenter argued that failing to ban the use of ethylene oxide would allow facilities to

begin using and emitting this chemical in the future.

Two commenters argued that they saw no justification or rationale to support a ban on the use of ethylene oxide in the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category because the decision by one company to stop using materials containing ethylene oxide based on cost did not represent a development in new control technologies, processes, or practices that could be deemed applicable and achievable by the rest of the source category. One of the commenters argued that, unlike technology changes where efficiency gains, emissions reductions, and similar advances are not easily reversed, market forces frequently change the business justification for and against using particular products.

The two commenters argued that the record reflects only a decision by one company based on a set of factors that may be applicable to only that one company and does not provide the statement of basis and purpose required by CAA section 307(d)(3). The commenters argued that additional information and data would be needed on potential costs and emissions reductions and stated that the EPA has not shown whether similar reductions are achievable across the source category. They argued that this information would need to be available for public review and comment. Otherwise, the EPA's proposal would be arbitrary and capricious.

Response: We received no additional information from other facilities in the Printing, Coating, and Dyeing of Fabric and Other Textiles source category on whether they use materials containing ethylene oxide. In addition, we cannot determine whether one facility's decision to stop using the material containing ethylene oxide as a cost savings measure demonstrates that all applications of ethylene oxide should be foreclosed as a development in technology. If sources in this category were to later determine that materials with ethylene oxide are necessary for a particular application, the sources would still be required to comply with the NESHAP limits on the HAP content of materials or HAP emissions for sources using add-on controls. Therefore, total HAP emissions are unlikely to increase even if sources were to start using ethylene oxide containing materials. Under these circumstances, we have determined it is not reasonable to conclude that ethylene oxide containing coatings should be prohibited for use by all sources in the category as an advancement in

technology. Finally, we cannot determine whether finalizing a ban on the use of materials containing ethylene oxide would reduce HAP from the source category or otherwise achieve any environmental or risk reduction benefits. For these reasons, we are not finalizing a ban on the use of materials containing ethylene oxide.

Comment: We received several substantive and extensive comments in response to our request for comments on the relationship between the technology review conducted under CAA section 112(d)(6) and the risk analysis under CAA section 112(f)(2) and whether it is necessary for the EPA to amend rules based on CAA section 112(d) to reflect the results of the CAA section 112(d)(6) technology review if the results of the risk analysis under CAA section 112(f)(2) show that the current rule provides an ample margin of safety and no adverse environmental effect. One commenter argued that the EPA must complete the technology review and propose standards based on the findings of that review, regardless of the results of the risk analysis. Other commenters argued that the results of the risk analysis should be considered in the "necessity" determination that should be completed in the process of deciding whether to amend a subpart as a result of the technology review.

Response: The EPA is not taking final action on the proposed interpretation discussed in this comment. Instead, the EPA has determined for the reasons described in this notice not to implement the proposed amendments to 40 CFR part 63, subparts NNNN, OOOO, or RRRR based on our technology review. As we are not relying on the proposed interpretation in our final action, we are not addressing the comments we received regarding the relationship between the technology review conducted under CAA section 112(d)(6) and the risk analysis under CAA section 112(f)(2).

4. What is the rationale for our final approach for the technology reviews?

As noted above, we are not finalizing the proposed requirement to use high-efficiency spray application equipment with a 65-percent or better transfer efficiency. We received no information in response to our request for comment on whether any facilities in this source category do not currently use high-efficiency spray application methods, so it is unclear whether the proposed requirement is achievable for all sources in the category. We also received information indicating that the four types of high-efficiency spray application equipment described in our

proposed rule do not always achieve the 65-percent transfer efficiency that we proposed to require for high-efficiency spray equipment.

We are not including in the final rule amendments for the Printing, Coating, and Dyeing of Fabrics and Other Textiles NESHAP any requirements to ban the use of ethylene oxide in this source category. We received no additional information from other facilities on whether they use materials containing ethylene oxide, so we cannot determine whether a ban would achieve any environmental or risk reduction benefits.

C. Ongoing Emissions Compliance Demonstrations

1. What did we propose?

The EPA requested comment for all three source categories on whether additional performance testing should be required for any source using the add-on control option based on information from pollution control manufacturers indicating that periodic performance tests are necessary to ensure HAP removal efficiency for the controls is maintained over time. *See* Proposed Rule, 83 FR 46289. We specifically requested comment on whether we should require performance testing for a source that is planning to undertake an operational change that may adversely affect compliance with an applicable standard, operating limit, or parametric monitoring value. Any such requirement would have included provisions to allow a source to make the change, but it would have limited the change to a specific time before a test is required. We anticipated that a reasonable time limit under the new operations change would be approximately 30 days to allow adequate time for testing and developing a test report. The source would submit temperature and flow rate data during the test to establish new operating parameters, including the time a source would be allowed to operate under the new parameters before the test is performed, and what would constitute an operational change requiring testing.

This approach on which we requested comment could have also allowed an exception from periodic testing for facilities using instruments to continuously measure actual emissions, such as continuous emission monitoring systems (CEMS). Use of CEMS to demonstrate compliance would obviate the need for periodic oxidizer testing.

2. What changed since proposal?

In the final rule amendments for each subpart, the EPA is requiring performance testing of control devices at least every 5 years for facilities complying with the emission rate with add-on controls compliance option. The EPA solicited comment on the need for additional performance testing in the proposed rule (*see* sections IV.A.4.d, IV.B.4.d, and IV.C.4.d of the Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture Residual Risk and Technology Reviews, 83 FR 46289, 46299, and 46309, September 12, 2018).

3. What key comments did we receive and what are our responses?

Comment: One commenter did not support the requirement to complete additional add-on control performance testing after operational changes that may adversely affect compliance because the EPA did not define the operational changes that would trigger the need for performance testing. The commenter argued that the EPA did not define the anticipated costs, burdens, and benefits associated with this testing. The commenter also argued that the suggested 30-day period for testing and development of a test report is too short. The commenter recommended a period of at least 180 days to allow time to hire a testing contractor, to achieve stable (representative) operating conditions before the test, and to allow time for the contractor to prepare the report.

Another commenter supported the testing requirement after a process change that could affect compliance with an emission limit and noted that it was a common feature of MACT rules. The commenter suggested that examples of a process change could include venting additional equipment to the control device, an increase in line speeds, an increase in coating materials used, or use of new coating materials. However, the commenter also suggested that the 30-day timeframe to perform a test after a process change does not seem adequate to allow a facility time to schedule an outside contractor to perform the required testing, test report preparation, review by responsible official, and submission of results. The commenter recommended a 60-day or 90-day timeframe as more appropriate.

Response: The EPA is not finalizing a requirement to require add-on control performance testing after operational changes that may adversely affect compliance. The EPA acknowledges the difficulty in defining operational changes for each source category that

would trigger the need for performance testing, as the EPA proposed. However, as described in the preamble to the proposed rules, the EPA recognizes the need for periodic performance testing after the initial performance test to measure the organic HAP destruction or removal efficiency of the add-on control device, or to measure the control device outlet concentration of organic HAP. As stated in the proposed rule, pollution control manufacturers maintain that additional performance testing is needed to ensure the control devices are operating properly. Continuous compliance with the standards when a facility is using the emission rate with add-on control or the control device outlet concentration compliance options that are included in each of these three subparts depends on the proper functioning of the control device.

Periodic performance tests require the measurement of the control devices' actual destruction efficiency or the actual outlet concentration of organic HAP, depending on the compliance option chosen, in order to reaffirm or reestablish the control devices' operating limits. Periodic performance tests help identify potential degradation of the add-on control device over time and ensure the control device remains effective, reducing the potential for acute emissions episodes or non-compliance. As stated in the proposed rule, many facilities using add-on controls to demonstrate compliance with the NESHP emission limits are currently required to conduct performance tests as a condition for renewing their title V operating permit, which is required every 5 years. Also, specifying a specific performance test interval addresses the uncertainty of when tests would be required was raised by the commenters.

Therefore, the EPA is including in the final rule for each subpart a requirement that each facility using the emission rate with add-on control compliance option or the control device outlet concentration compliance option must complete a performance test of the add-on control device no less frequently than every 5 years. This approach will balance the need to ensure ongoing compliance against providing objective criteria for when performance testing must be completed.

The periodic testing requirement is being added to each subpart but is not estimated to impose any costs on the Surface Coating of Large Appliances or Surface Coating of Metal Furniture sources categories. No facilities in the Surface Coating of Metal Furniture source category are known to be using the emission rate with add-on controls

compliance option. One facility in the Surface Coating of Large Appliances source category is using the emission rate with the add-on controls compliance option, but already is required to conduct performance testing every 5 years as a condition of renewing their title V operating permit. In the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category, we have identified 13 facilities using 18 control devices that are not currently required to perform testing as a condition of renewing their title V operating permits. We estimate that performance testing will cost approximately \$19,000 per control device once every 5 years. The annualized cost will be about \$4,400 per control device.

One environmental benefit of periodic performance testing is expected to be in the form of reduced excess emissions from sources using add-on controls, even though facilities are required to be in compliance at all times, and the overall costs and benefits of a NESHP are calculated based on the assumption that facilities are in compliance. However, this benefit cannot be quantified because our data are not sufficient to estimate the frequency of sources using add-on control devices failing to meet the emission standards, and the magnitude of the excess emissions. If, for example, the standard has a requirement for 98-percent control (*e.g.*, for new or reconstructed coating and printing affected sources under 40 CFR part 63, subpart OOOO), and the device is achieving only 96-percent, emissions are twice what they would be if the device was meeting the standard. This potential for significant increases in HAP from poor performing controls further supports the requirement to conduct periodic testing every 5 years.

4. What is the rational for our final approach?

For the reasons explained in the preamble to the proposed rules (83 FR 46262, September 12, 2018) and in the comment responses above in section IV.C.3 of this preamble, we are finalizing requirements in each of these three subparts to require add-on control performance testing no less frequently than once every 5 years.

D. Work Practice During Periods of Malfunction

1. What did we propose?

The EPA requested comment on the need to establish a standard during periods of malfunction of a control device or a capture system that is used to meet the emission limits for the

Printing, Coating, and Dyeing of Fabrics and Other Textiles source category and asked for specific information to support such a standard. We solicited information from industry on best practices and the best level of emission control during malfunction events for the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category. We solicited information on the potential cost savings associated with these practices. We solicited specific supporting data on organic HAP emissions during malfunction events for this category, including the cause of malfunction, the frequency of malfunction, duration of malfunction, and the estimate of organic HAP emitted during each malfunction. We also asked specifically for comment on the use of CEMS by facilities in this source category as a method to better quantify organic HAP emissions during malfunctions and normal operation. We also requested comment on two alternative work practices: (1) During a malfunction, the facility must discontinue the coating operation, but can continue the oven curing of any coating materials already applied onto the web without the control device for the period of the malfunction so long as it continues to meet the emission limits for the current compliance period; or (2) during a malfunction, the facility could initiate repairs immediately and complete them as expeditiously as possible, without ceasing operations, until it becomes apparent that the repairs will not be completed before exceeding the 12-month rolling average compliance limit. Neither alternative provided an opportunity to exceed the emissions limit. (See section IV.B.4.b of the Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture Residual Risk and Technology Reviews, 83 FR 46295, September 12, 2018).

2. What changed since proposal?

The EPA is not providing a work practice standard for periods of malfunction of a control device or a capture system for the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category in the final rule amendments.

3. What key comments did we receive and what are our responses?

Comment: One commenter supported the work practice standard that would apply during malfunctions of any control device or capture system used by a web coating line, described as alternative 1 in the proposal preamble, and requested that the EPA develop a

malfunction alternative that balances the generation of waste (from inadequate drying; cured coatings in lines and guns; and generation of waste coatings) and/or worker safety with exceeding emission limits. However, the commenter did not provide any supporting data or information in response to the EPA's specific solicitation in the proposal preamble.

Another commenter did not support a work practice standard and noted that it was unlawful to add a malfunction exemption or set a so-called malfunction-based standard for any source category, including the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category, because, among other arguments, emission standards must be "continuous." A complete summary of the comments received on the EPA's proposal is included in the docket for this rulemaking.

Response: The EPA is not finalizing a separate standard for periods of malfunction, although the EPA may establish a standard for periods of malfunction if the available information supports a separate standard in the future. In this case, we requested comment and information to support the development of a work practice standard during periods of malfunction, but we did not receive sufficient information, including additional quantitative emissions data, on which to base a standard for periods of malfunction. Absent sufficient information, it is not reasonable at this time to establish a work practice standard for this source category. We will continue to review this issue to determine if any new data become available in the future.

4. What is the rationale for our final approach?

We are not finalizing a separate standard for periods of malfunction for the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category, because we did not receive sufficient information on which to base a standard for periods of malfunction.

V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted

A. What are the affected facilities?

We estimate that the 10 major sources subject to the Surface Coating of Large Appliances NESHAP, the 43 major sources subject to the Printing, Coating and Dyeing of Fabrics and Other Textiles NESHAP, and the 16 major sources subject to the Surface Coating of Metal Furniture NESHAP are operating

in the United States and will be affected by these final rules.

B. What are the air quality impacts?

We are not establishing new emission limits and are not requiring additional controls; therefore, no air quality impacts are expected as a result of the final amendments to the rule. Requiring periodic performance testing has the potential to reduce excess emissions from sources using poorly performing add-on controls, even though facilities are required to be in compliance at all times.

The final amendments will have no effect on the energy needs of the affected facilities in any of the three source categories, and would, therefore, have no indirect or secondary air emissions impacts.

C. What are the cost impacts?

We estimate that each facility in the three source categories will experience costs as a result of these final amendments for reporting. Specifically, each facility will experience costs to read and understand the rule amendments. Costs associated with elimination of the SSM exemption were estimated as part of the reporting and recordkeeping costs and include time for re-evaluating previously developed SSM record systems. Costs associated with the requirement to electronically submit notifications and semi-annual compliance reports using CEDRI were estimated as part of the reporting and recordkeeping costs and include time for becoming familiar with CEDRI and the reporting template for semi-annual compliance reports. The recordkeeping and reporting costs are presented in section VI.C of this preamble.

We estimate that in the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category, 13 facilities using 18 control devices may be affected by the final rule requirements to conduct control device performance testing no less frequently than every 5 years. It is also assumed that 5 percent of the tests will need to be repeated, so that 19 total performance tests will be required. The total annualized cost will be about \$4,400 per control device, with additional tests of control devices at the same facility costing 25 percent less due to reduced travel costs. The total annualized cost is approximately \$77,000 per year for the source category, including retests, with an additional \$3,300 in reporting costs per test in the year in which the test occurs.

We estimate that no facilities in the Surface Coating of Large Appliances source category nor in the Surface

Coating of Metal Furniture source category will be affected by the final rule requirements to conduct control device performance testing no less frequently than every 5 years. Only one facility in those two categories is currently using add-on controls to comply, and it is already required to conduct performance tests as a condition of their operating permit.

For further information on the potential costs, see the memoranda titled *Estimated Costs/Impacts of the 40 CFR Part 63 Subparts NNNN, OOOO and RRRR Monitoring Reviews*, February 2018, in the Surface Coating of Large Appliances Docket, Printing, Coating, and Dyeing of Fabrics and Other Textiles Docket, and Surface Coating of Metal Furniture Docket.

D. What are the economic impacts?

For the final revisions to the NESHAP for the Surface Coating of Large Appliances, the total cost in 2019 is estimated to be \$23,000 (in 2016 dollars) for the 10 affected entities and is expected to range from 0.000002 to 0.02 percent of annual sales revenue per affected entity. These costs are not expected to result in a significant market impact, regardless of whether they are passed on to the purchaser or absorbed by the firms.

For the final revisions to the NESHAP for the Printing, Coating, and Dyeing of Fabrics and Other Textiles, the total cost in 2019 is estimated to be \$90,000 (in 2016 dollars) for the 43 affected entities. Thirteen facilities will also incur performance testing and additional reporting costs, which we assume will occur in 2021. The annualized cost of each performance test is approximately \$4,400, with additional tests of control devices at the same facility costing 25 percent less due to reduced travel costs. The reporting cost for each test is approximately \$3,100. The 2018 equivalent annualized value of the present value of the costs (in 2016 dollars) for the analysis period (2019–2025) is estimated to be approximately \$72,000 annually when assuming a 3-percent discount rate and \$75,000 annually when assuming a 7-percent discount rate. The estimated maximum

cost faced by affected entities is expected to range from 0.00002 to 0.42 percent of annual sales revenue per ultimate owner of affected entities. These costs are not expected to result in a significant market impact, regardless of whether they are passed on to the purchaser or absorbed by the firms.

For the final revisions to the NESHAP for the Surface Coating of Metal Furniture, the total cost in 2019 is estimated to be \$32,000 (in 2016 dollars) for the 16 affected entities and is expected to range from 0.00007 to 0.02 percent of annual sales revenue per ultimate owner of affected entities. These costs are not expected to result in a significant market impact, regardless of whether they are passed on to the purchaser or absorbed by the firms.

E. What are the benefits?

As stated in section V.B. of the September 12, 2018, RTR proposal (83 FR 46311), we were unable to quantify the specific emissions reductions associated with eliminating the SSM exemption. We also are unable to quantify potential environmental benefits as a result of adding the requirement to conduct periodic add-on control device performance tests (e.g., reduced emissions of organic HAP during periods of non-compliance). However, any reduction in HAP emissions would be expected to provide health benefits in the form of improved air quality and less exposure to potentially harmful chemicals.

F. What analysis of environmental justice did we conduct?

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

To examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of risks to individual demographic groups of the populations living within 5 kilometers (km) and within 50 km of the facilities. In the analysis, we evaluated the distribution of HAP-related cancer and noncancer risks from each source category across different demographic groups within the populations living near facilities.

1. Surface Coating of Large Appliances

The results of the demographic analysis for the Surface Coating of Large Appliances source category indicate that, for two of the 11 demographic groups, “African American” and “Below the Poverty Level,” the percentage of the population living within 5 kilometers (km) of facilities in the source category is greater than the corresponding national percentage for the same demographic groups. When examining the risk levels of those exposed to emissions from large appliance coating facilities, we find that no one is exposed to a cancer risk at or above 1-in-1 million or to a chronic noncancer hazard index (HI) greater than 1 based on actual emissions from the source category.

The methodology and the results of the demographic analysis are presented in a technical report titled *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Surface Coating of Large Appliances Source Category Operations* in the Surface Coating of Large Appliances Docket.

2. Printing, Coating, and Dyeing of Fabrics and Other Textiles

The results of the demographic analysis for the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category are summarized in Table 5 of this preamble. These results, for various demographic groups, are based on the estimated risks from actual emissions levels for the population living within 50 km of the facilities.

TABLE 5—PRINTING, COATING, AND DYEING OF FABRICS AND OTHER TEXTILES SOURCE CATEGORY DEMOGRAPHIC RISK ANALYSIS RESULTS

	Nationwide	Population with cancer risk at or above 1-in-1 million due to printing, coating, and dyeing of fabrics and other textiles	Population with chronic noncancer HI Above 1 due to printing, coating, and dyeing of fabrics and other textiles
Total Population	317,746,049	8,500	0
White and Minority by Percent			
White	62	54	0
Minority	38	46	0
Minority Detail by Percent			
African American	12	39	0
Native American	0.8	0.02	0
Hispanic	18	5	0
Other and Multiracial	7	2	0
Income by Percent			
Below Poverty Level	14	26	0
Above Poverty Level	86	74	0
Education by Percent			
Over 25 and without High School Diploma	14	21	0
Over 25 and with a High School Diploma	86	79	0

The results of the Printing, Coating, and Dyeing of Fabrics and Other Textiles source category demographic analysis indicate that emissions from the source category expose approximately 8,500 people to a cancer risk at or above 1-in-1 million and no one to a chronic noncancer HI greater than 1. The percentages of the at-risk population in the following specific demographic groups are higher than their respective nationwide percentages: “African American,” “Over 25 Without

a High School Diploma,” and “Below the Poverty Level.”

The methodology and the results of the demographic analysis are presented in a technical report, *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Printing, Coating, and Dyeing of Fabrics and Other Textiles Source Category Operations*, available in the Printing, Coating, and Dyeing of Fabrics and Other Textiles Docket.

3. Surface Coating of Metal Furniture

The results of the demographic analysis for the Surface Coating of Metal Furniture source category are summarized in Table 6 below. These results, for various demographic groups, are based on the estimated risks from actual emissions levels for the population living within 50 km of the facilities.

TABLE 6—SURFACE COATING OF METAL FURNITURE SOURCE CATEGORY DEMOGRAPHIC RISK ANALYSIS RESULTS

	Nationwide	Population with cancer risk at or above 1-in-1 million due to surface coating of metal furniture source category	Population with chronic noncancer HI above 1 due to surface coating of metal furniture source category
Total Population	317,746,049	2,100	0
White and Minority by Percent			
White	62	62	0
Minority	38	38	0

TABLE 6—SURFACE COATING OF METAL FURNITURE SOURCE CATEGORY DEMOGRAPHIC RISK ANALYSIS RESULTS—Continued

	Nationwide	Population with cancer risk at or above 1-in-1 million due to surface coating of metal furniture source category	Population with chronic noncancer HI above 1 due to surface coating of metal furniture source category
Minority Detail by Percent			
African American	12	7	0
Native American	0.8	0	0
Hispanic	18	30	0
Other and Multiracial	7	2	.....
Income by Percent			
Below Poverty Level	14	23	0
Above Poverty Level	86	77	0
Education by Percent			
Over 25 and without High School Diploma	14	34	0
Over 25 and with a High School Diploma	86	66	0

The results of the Surface Coating of Metal Furniture source category demographic analysis indicate that emissions from the source category expose approximately 2,100 people to a cancer risk at or above 1-in-1 million and no one to a chronic noncancer HI greater than 1. The percentages of the at-risk population in the following specific demographic groups are higher than their respective nationwide percentages: “Hispanic or Latino,” “Over 25 Without a High School Diploma,” and “Below the Poverty Level.”

The methodology and the results of the demographic analysis are presented in the technical report, *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Surface Coating of Metal Furniture Source Category Operations*, available in the Surface Coating of Metal Furniture Docket.

G. What analysis of children’s environmental health did we conduct?

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action’s health and risk assessments are summarized in section IV.A of this preamble and are further documented in the *Large Appliances Risk Assessment Report, Fabrics and Other Textiles Risk Assessment Report,*

and Metal Furniture Risk Assessment Report in the Surface Coating of Large Appliances Docket, Printing, Coating, and Dyeing of Fabrics and Other Textiles Docket, and Surface Coating of Metal Furniture Docket, respectively.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

The information collection activities in each of these three subparts have been submitted for approval to OMB under the PRA.

1. Surface Coating of Large Appliances

The Information Collection Request (ICR) document that the EPA prepared

has been assigned EPA ICR number 1954.08. You can find a copy of the ICR in the Surface Coating of Large Appliances Docket (Docket ID No. EPA-HQ-OAR-2017-0670), and it is briefly summarized here.

As part of the RTR for the Surface Coating of Large Appliances NESHAP, the EPA is not revising the emission limitation requirements for this subpart. The EPA has revised the SSM provisions of the rule and is requiring the use of electronic data reporting for future performance test data submittals and semi-annual reporting. This information would be collected to assure compliance with 40 CFR part 63, subpart NNNN. The EPA is finalizing a requirement to conduct control device performance testing no less frequently than once every 5 years for facilities using the emission rate with add-on controls compliance option, but this is not estimated to affect any facilities in this source category.

Respondents/affected entities: Facilities performing surface coating of large appliances.

Respondent’s obligation to respond: Mandatory (40 CFR part 63, subpart NNNN).

Estimated number of respondents: In the 3 years after the amendments are final, approximately 10 respondents per year would be subject to the NESHAP and no additional respondents are expected to become subject to the NESHAP during that period.

Frequency of response: The total number of responses in year 1 is 30. Years 2 and 3 would have no responses.

Total estimated burden: The average annual burden to the large appliance facilities over the 3 years after the amendments are final is estimated to be 77 hours (per year). The average annual burden to the Agency over the 3 years after the amendments are final is estimated to be 15 hours (per year) for the Agency. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The average annual cost to the large appliance facilities is \$7,700 in labor costs, in the first 3 years after the amendments are final. The total average annual Agency cost over the first 3 years after the amendments are final is estimated to be \$700.

2. Printing, Coating, and Dyeing of Fabrics and Other Textiles

The ICR document that the EPA prepared has been assigned EPA ICR number 2071.08. You can find a copy of the ICR in the Printing, Coating, and Dyeing of Fabrics and Other Textiles Docket (Docket ID No. EPA-HQ-OAR-2017-0668), and it is briefly summarized here.

As part of the RTR for the Printing, Coating, and Dyeing of Fabrics and Other Textiles NESHAP, the EPA is not revising the emission limitation requirements for this subpart. The EPA has revised the SSM provisions of the rule and is requiring the use of electronic data reporting for future performance test data submittals and semiannual reports. This information is being collected to assure compliance with 40 CFR part 63, subpart OOOO. The EPA is finalizing a requirement to conduct control device performance testing no less frequently than once every 5 years for facilities using the emission rate with add-on controls compliance option.

Respondents/affected entities: Facilities performing printing, coating, and dyeing of fabrics and other textiles.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart OOOO).

Estimated number of respondents: In the 3 years after the amendments are final, approximately 43 respondents per year will be subject to the NESHAP and no additional respondents are expected to become subject to the NESHAP during that period. The EPA estimates that 13 facilities will be required to conduct performance testing for 19 control devices in the 3 years after the amendments are final.

Frequency of response: The total number of responses in year 1 is 129.

Year 2 will have no responses. Year 3 will have 19 responses related to control device performance tests.

Total estimated burden: The average annual burden to the Printing, Coating, and Dyeing of Fabrics and Other Textiles coating facilities over the 3 years after amendments are finalized is estimated to be 548 hours (per year). The average annual burden to the Agency over the 3 years after the amendments are final is estimated to be 133 hours (per year) for the Agency. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The average annual cost to the Printing, Coating, and Dyeing of Fabrics and Other Textiles coating facilities is \$50,000 in labor costs and \$120,000 in capital and operation and maintenance costs in the first 3 years after the amendments are final. The average annual Agency cost over the first 3 years after the amendments are final is estimated to be \$14,000.

3. Surface Coating of Metal Furniture

The ICR document that the EPA prepared has been assigned EPA ICR number 1952.08. You can find a copy of the ICR in the Surface Coating of Metal Furniture Docket (Docket ID No. EPA-HQ-OAR-2017-0669), and it is briefly summarized here.

As part of the RTR for the Surface Coating of Metal Furniture NESHAP, the EPA is not revising the emission limitations for this subpart. The EPA has revised the SSM provisions of the rule and is requiring the use of electronic data reporting for future performance test data submittals and semi-annual reporting. This information would be collected to assure compliance with 40 CFR part 63, subpart RRRR. The EPA is finalizing a requirement to conduct control device performance testing no less frequently than once every 5 years for facilities using the emission rate with add-on controls compliance option, but this is not estimated to affect any facilities in this source category.

Respondents/affected entities: Facilities performing surface coating of metal furniture.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart RRRR).

Estimated number of respondents: In the 3 years after the amendments are final, approximately 16 respondents per year will be subject to the NESHAP and no additional respondents are expected to become subject to the NESHAP during that period.

Frequency of response: The total number of responses in year 1 is 48. Years 2 and 3 would have no responses.

Total estimated burden: The average annual burden to the large appliance facilities over the 3 years after the amendments are finalized is estimated to be 123 hours (per year). The average annual burden to the Agency over the 3 years after the amendments are final is estimated to be 25 hours (per year) for the Agency. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The average annual cost to the metal furniture facilities is \$11,000 in labor costs in the first 3 years after the amendments are final. The total average annual Agency cost over the first 3 years after the amendments are final is estimated to be \$1,200.

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

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. No facilities meeting the Small Business Administration's definition of a small business will face significant control costs, based on the economic impact analysis completed for this action. More information and details of this analysis is provided in the technical documents titled *Economic Impact and Small Business Screening Assessments for the National Emission Standards for Hazardous Air Pollutants for the Surface Coating of Large Appliances (Subpart NNNN)*, *Economic Impact and Small Business Screening Assessments for the National Emission Standards for Hazardous Air Pollutants for the Printing, Coating, and Dyeing of Fabrics and Other Textiles (Subpart OOOO)*, and *Economic Impact and Small Business Screening Assessments for the National Emission Standards for Hazardous Air Pollutants for the Surface Coating of Metal Furniture (Subpart RRRR)*, available in the Surface Coating of Large Appliances Docket, Printing, Coating, and Dyeing of Fabrics and Other Textiles Docket, and Surface Coating of Metal Furniture Docket, respectively.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531-1538, and does not significantly or uniquely affect small governments. The

action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. No tribal facilities are known to be engaged in any of the industries that would be affected by this action (large appliances surface coating; printing, coating, and dyeing of fabrics and other textiles; surface coating of metal furniture). Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in sections IV.A of this preamble.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This action involves technical standards. The EPA amended the three NESHAP in this action to provide owners and operators with the option of conducting EPA Method 18 of appendix A to 40 CFR part 60, "Measurement of Gaseous Organic Compound Emissions by Gas Chromatography," to measure and subtract methane emissions from measured total gaseous organic mass emissions as carbon.

For the Surface Coating of Metal Furniture NESHAP, the Printing, Coating, and Dyeing of Fabrics and Other Textiles NESHAP, and the

Surface Coating of Large Appliances NESHAP, the EPA incorporates by reference ASTM D2369–10 (2015)^e, "Test Method for Volatile Content of Coatings," which describes a procedure for the determination of the weight percent volatile content of solvent-borne and water-borne coatings, as an acceptable alternative to EPA Method 24, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings."

For the Surface Coating of Large Appliances NESHAP, the EPA incorporates by reference ASTM D2111–10 (2015), "Standard Test Methods for Specific Gravity of Halogenated Organic Solvents and Their Admixtures." These test methods cover the determination of the specific gravity of halogenated organic solvents and solvent admixtures. In addition, the EPA incorporates by reference ASTM D1475–13, "Standard Test Method for Density of Liquid Coatings, Inks, and Related Products," which is already specified in 40 CFR part 63, subpart NNNN, and covers the measurement of density of paints, inks, varnishes, lacquers, and components thereof, other than pigments, when in fluid form.

We found three voluntary consensus standards already allowed in the Surface Coating of Large Appliances NESHAP and the Surface Coating of Metal Furniture NESHAP that have been replaced with newer versions of the methods. ASTM D1475–13, "Standard Test Method for Density of Liquid Coatings, Inks, and Related Products," has replaced ASTM D1475–90; ASTM D2697–03 (2014), "Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings," believed to be applicable to the determination of the volume of nonvolatile matter of a variety of coatings, has replaced ASTM D2697–86 (1998); and ASTM D6093–97 (2016), "Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using Helium Gas Pycnometer," which covers the determination of the percent volume nonvolatile matter of a variety of clear and pigmented coatings, has replaced ASTM D6093–97 (2003).

The ASTM standards are available from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959. See <https://www.astm.org/>.

The EPA decided not to include certain other voluntary consensus standards; these methods are impractical as alternatives because of the lack of equivalency, documentation,

validation date, and other important technical and policy considerations. The search and review results have been documented and are in the memoranda titled *Voluntary Consensus Standard Results for Surface Coating of Large Appliances*, March 2018, *Voluntary Consensus Standard Results for Printing, Coating, and Dyeing of Fabrics and Other Textiles*, March 2018, and *Voluntary Consensus Standard Results for Surface Coating of Metal Furniture*, March 2018, in the Surface Coating of Large Appliances Docket (Docket ID No. EPA–HQ–OAR–2017–0670), Printing, Coating, and Dyeing of Fabrics and Other Textiles Docket (Docket ID No. EPA–HQ–OAR–2017–0668), and Surface Coating of Metal Furniture Docket (Docket ID No. EPA–HQ–OAR–2017–0669), respectively, for the reasons for these determinations.

Under 40 CFR 63.7(f) and 40 CFR 63.8(f) of subpart A of the General Provisions, a source may apply to the EPA for permission to use alternative test methods or alternative monitoring requirements in place of any required testing methods, performance specifications, or procedures in the final rule or any amendments.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that these final actions do not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action increases the level of environmental protection for all affected populations. The results of this evaluation are contained in section IV.A of this preamble and the technical reports, *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Printing, Coating, and Dyeing of Fabrics and Other Textiles Source Category Operations*, September 2017; *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Surface Coating of Metal Furniture Source Category Operations*, October 2017; and *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Surface Coating of Large Appliances Source Category Operations Demographic Analysis*, September 2017, which are available in the dockets for this action.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Appendix A, Hazardous substances, Incorporation by reference, Printing, coating, and dyeing of fabrics and other textiles, Reporting and recordkeeping requirements, Surface coating of large appliances, Surface coating of metal furniture.

Dated: December 20, 2018.

Andrew R. Wheeler,
Acting Administrator.

For the reasons stated in the preamble, part 63 of title 40, chapter I, of the Code of Federal Regulations is 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 A—General Provisions

■ 2. Section 63.14 is amended by:
■ a. Revising paragraphs (h)(13), (21), (26), (30), and (79).
■ b. Removing in paragraph (h)(78) the text “63.4141, 63.4741(b), 63.4941(b),”.

The revisions read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(h) * * *
(13) ASTM D1475–13, Standard Test Method for Density of Liquid Coatings, Inks, and Related Products, approved November 1, 2013, IBR approved for §§ 63.4141(b) and (c), 63.4741(b) and (c), 63.4751(c), and 63.4941(b) and (c).

* * * * *

(21) ASTM D2111–10 (Reapproved 2015), Standard Test Methods for Specific Gravity and Density of Halogenated Organic Solvents and Their Admixtures, approved June 1, 2015, IBR approved for §§ 63.4141(b) and (c) and 63.4741(a).

* * * * *

(26) ASTM D2369–10 (Reapproved 2015)^e, Standard Test Method for Volatile Content of Coatings, approved June 1, 2015, IBR approved for §§ 63.4141(a) and (b), 63.4161(h), 63.4321(e), 63.4341(e), 63.4351(d),

63.4741(a), 63.4941(a) and (b), and 63.4961(j).

* * * * *

(30) ASTM D2697–03 (Reapproved 2014), Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings, approved July 1, 2014, IBR approved for §§ 63.4141(b), 63.4741(a) and (b), and 63.4941(b).

* * * * *

(79) ASTM D6093–97 (Reapproved 2016), Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer, Approved December 1, 2016, IBR approved for §§ 63.4141(b), 63.4741(a) and (b), and 63.4941(b).

* * * * *

Subpart NNN—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances

■ 3. Section 63.4100 is amended by revising paragraphs (b) and (d) to read as follows:

§ 63.4100 What are my general requirements for complying with this subpart?

* * * * *

(b) Before September 12, 2019, you must always operate and maintain your affected source, including all air pollution control and monitoring equipment you use for purposes of complying with this subpart, according to the provisions in § 63.6(e)(1)(i). On and after September 12, 2019, at all times, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the affected source.

* * * * *

(d) Before September 12, 2019, if your affected source uses an emission capture system and add-on control device, you must develop a written startup, shutdown, and malfunction plan

according to the provisions in § 63.6(e)(3). The plan must address the startup, shutdown, and corrective actions in the event of a malfunction of the emission capture system or the add-on control device. The plan must also address any coating operation equipment that may cause increased emissions or that would affect capture efficiency if the process equipment malfunctions, such as conveyors that move parts among enclosures. A startup, shutdown, and malfunction plan is not required on and after September 12, 2019.

■ 4. Section 63.4110 is amended by revising paragraph (b)(9)(v) to read as follows:

§ 63.4110 What notifications must I submit?

* * * * *

(b) * * *
(9) * * *

(v) Before September 12, 2019, a statement of whether or not you developed the startup, shutdown, and malfunction plan required by § 63.4100(d). This statement is not required on and after September 12, 2019.

* * * * *

■ 5. Section 63.4120 is amended by revising paragraphs (d), (e), (g), and (j) introductory text to read as follows:

§ 63.4120 What reports must I submit?

* * * * *

(d) If you use the compliant material option and there was a deviation from the applicable emission limit in § 63.4090, the semiannual compliance report must contain the information in paragraph (d)(1) or (2) of this section, as applicable.

(1) Before September 12, 2019, the information in paragraphs (d)(1)(i) through (iv) of this section.

(i) Identification of each coating used that deviated from the emission limit, each thinner and cleaning material used that contained organic HAP, and the dates and time periods each was used.

(ii) The determination of the organic HAP content, according to § 63.4141(d), for each coating identified in paragraph (d)(1)(i) of this section. You do not need to submit background data supporting this calculation, for example, information provided by coating suppliers or manufacturers or test reports.

(iii) The determination of mass fraction of organic HAP for each thinner and cleaning material identified in paragraph (d)(1)(i) of this section. You do not need to submit background data supporting this calculation, for example, information provided by material

suppliers or manufacturers or test reports.

(iv) A statement of the cause of each deviation.

(2) On and after September 12, 2019, if there was a deviation from the applicable emission limit in § 63.4090, the semiannual compliance report must contain the information in paragraphs (d)(2)(i) through (v) of this section.

(i) Identification of each coating used that deviated from the emission limit, each thinner and cleaning material used that contained organic HAP, and the date, time, and duration each was used.

(ii) The determination of the organic HAP content, according to § 63.4141(d), for each coating identified in paragraph (d)(2)(i) of this section. You do not need to submit background data supporting this calculation, for example, information provided by coating suppliers or manufacturers or test reports.

(iii) The determination of mass fraction of organic HAP for each thinner and cleaning material identified in paragraph (d)(2)(i) of this section. You do not need to submit background data supporting this calculation, for example, information provided by material suppliers or manufacturers or test reports.

(iv) A statement of the cause of each deviation (including unknown cause, if applicable).

(v) The number of deviations and, for each deviation, a list of the affected source or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit in § 63.4090, and a description of the method used to estimate the emissions.

(e) If you use the emission rate without add-on controls option and there was a deviation from the applicable emission limitation in § 63.4090, the semiannual compliance report must contain the information in paragraph (e)(1) or (2), as applicable.

(1) Before September 12, 2019, the information in paragraphs (e)(1)(i) through (iii) of this section.

(i) The beginning and ending dates of each compliance period during which the organic HAP emission rate exceeded the emission limit.

(ii) The calculations used to determine the organic HAP emission rate for the compliance period in which the deviation occurred. You must provide the calculations for Equations 1, 1A through 1C, 2, and 3 in § 63.4151; and, if applicable, the calculation used to determine the organic HAP in waste materials according to § 63.4151(e)(4). You do not need to submit background data supporting these calculations, for example, information provided by

materials suppliers or manufacturers or test reports.

(iii) A statement of the cause of each deviation.

(2) On and after September 12, 2019, if there was a deviation from the applicable emission limit in § 63.4090, the semiannual compliance report must contain the information in paragraphs (e)(2)(i) through (iv) of this section.

(i) The beginning and ending dates of each compliance period during which the organic HAP emission rate exceeded the emission limit.

(ii) The calculations used to determine the organic HAP emission rate for the compliance period in which the deviation occurred. You must provide the calculations for Equations 1, 1A through 1C, 2, and 3 in § 63.4151; and, if applicable, the calculation used to determine the organic HAP in waste materials according to § 63.4151(e)(4). You do not need to submit background data supporting these calculations, for example, information provided by materials suppliers or manufacturers or test reports.

(iii) A statement of the cause of each deviation (including unknown cause, if applicable).

(iv) The number of deviations, a list of the affected source or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit in § 63.4090, and a description of the method used to estimate the emissions.

* * * * *

(g) If you use the emission rate with add-on controls option and there was a deviation from an emission limitation (including any periods when emissions bypassed the add-on control device and were diverted to the atmosphere), the semiannual compliance report must contain the information in paragraph (g)(1) or (2) of this section, as applicable.

(1) Before September 12, 2019, the information in paragraphs (g)(1)(i) through (xiv) of this section. This includes periods of startup, shutdown, and malfunction during which deviations occurred.

(i) The beginning and ending dates of each compliance period, during which the organic HAP emission rate exceeded the applicable emission limit in § 63.4090.

(ii) The calculations used to determine the organic HAP emission rate for each compliance period in which a deviation occurred. You must provide the calculation of the total mass of organic HAP emissions for the coatings, thinners, and cleaning materials used during the compliance period, using Equations 1, 1A through

1C, and 2 of § 63.4151 and, if applicable, the calculation used to determine the mass of organic HAP in waste materials according to § 63.4151(e)(4); the calculation of the total volume of coating solids used during the compliance period, using Equation 2 of § 63.4151; the calculation of the mass of organic HAP emission reduction during the compliance period by emission capture systems and add-on control devices, using Equations 1, 1A through 1C, 2, 3, and 3A through 3C of § 63.4161; and the calculation of the organic HAP emission rate, using Equation 4 of § 63.4161. You do not need to submit the background data supporting these calculations, for example, information provided by materials suppliers or manufacturers or test reports.

(iii) The date and time that each malfunction started and stopped.

(iv) A brief description of the CPMS.

(v) The date of the latest CPMS certification or audit.

(vi) The date and time that each CPMS was inoperative, except for zero (low-level) and high-level checks.

(vii) The date, time, and duration that each CPMS was out-of-control, including the information in § 63.8(c)(8).

(viii) The date and time period of each deviation from an operating limit in Table 1 to this subpart; date and time period of any bypass of the add-on control device; and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(ix) A summary of the total duration of each deviation from an operating limit in Table 1 to this subpart and bypass of the add-on control device during the semiannual reporting period and the total duration as a percent of the total source operating time during that semiannual reporting period.

(x) A breakdown of the total duration of the deviations from the operating limits in Table 1 to this subpart and bypasses of the add-on control device during the semiannual reporting period into those that were due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes.

(xi) A summary of the total duration of CPMS downtime during the semiannual reporting period and the total duration of CPMS downtime as a percent of the total source operating time during that semiannual reporting period.

(xii) A description of any changes in the CPMS, coating operation, emission capture system, or add-on control

device since the last semiannual reporting period.

(xiii) For each deviation from the work practice standards, a description of the deviation, the date and time period of the deviation, and the actions you took to correct the deviation.

(xiv) A statement of the cause of each deviation.

(2) On and after September 12, 2019, the information in paragraphs (g)(2)(i) through (xii), (xiv), and (xv) of this section if there was a deviation from the applicable emission limit in § 63.4090 or the applicable operating limit(s) in Table 1 to this subpart (including any periods when emissions bypassed the add-on control device and were diverted to the atmosphere) and the information in paragraph (g)(2)(xiii) of this section if there was a deviation from the work practice standards in § 63.4093(b).

(i) The beginning and ending dates of each compliance period during which the organic HAP emission rate exceeded the applicable emission limit in § 63.4090.

(ii) The calculations used to determine the organic HAP emission rate for each compliance period in which a deviation occurred. You must provide the calculation of the total mass of organic HAP emissions for the coatings, thinners, and cleaning materials used during the compliance period, using Equations 1, 1A through 1C, and 2 of § 63.4151 and, if applicable, the calculation used to determine the mass of organic HAP in waste materials according to § 63.4151(e)(4); the calculation of the total volume of coating solids used during the compliance period, using Equation 2 of § 63.4151; the calculation of the mass of organic HAP emission reduction during the compliance period by emission capture systems and add-on control devices, using Equations 1, 1A through 1C, 2, 3, and 3A through 3C of § 63.4161; and the calculation of the organic HAP emission rate, using Equation 4 of § 63.4161. You do not need to submit the background data supporting these calculations, for example, information provided by materials suppliers or manufacturers or test reports.

(iii) The date and time that each malfunction of the capture system or add-on control devices started and stopped.

(iv) A brief description of the CPMS.

(v) The date of the latest CPMS certification or audit.

(vi) For each instance that the CPMS was inoperative, except for zero (low-level) and high-level checks, the date, time, and duration that the CPMS was inoperative; the cause (including

unknown cause) for the CPMS being inoperative; and descriptions of corrective actions taken.

(vii) For each instance that the CPMS was out-of-control, as specified in § 63.8(c)(7), the date, time, and duration that the CPMS was out-of-control; the cause (including unknown cause) for the CPMS being out-of-control; and descriptions of corrective actions taken.

(viii) The date, time, and duration of each deviation from an operating limit in Table 1 to this subpart; and the date, time, and duration of any bypass of the add-on control device.

(ix) A summary of the total duration of each deviation from an operating limit in Table 1 to this subpart and bypass of the add-on control device during the semiannual reporting period and the total duration as a percent of the total source operating time during that semiannual reporting period.

(x) A breakdown of the total duration of the deviations from the operating limits in Table 1 to this subpart and bypasses of the add-on control device during the semiannual reporting period into those that were due to control equipment problems, process problems, other known causes, and other unknown causes.

(xi) A summary of the total duration of CPMS downtime during the semiannual reporting period and the total duration of CPMS downtime as a percent of the total source operating time during that semiannual reporting period.

(xii) A description of any changes in the CPMS, coating operation, emission capture system, or add-on control device since the last semiannual reporting period.

(xiii) For deviations from the work practice standards in § 63.4093(b), the number of deviations and, for each deviation:

(A) A description of the deviation; the date, time, and duration of the deviation; and the actions you took to minimize emissions in accordance with § 63.4100(b).

(B) The description required in paragraph (g)(2)(xiii)(A) of this section must include a list of the affected sources or equipment for which a deviation occurred and the cause of the deviation (including unknown cause, if applicable).

(xiv) For deviations from an emission limit in § 63.4090 or operating limit in Table 1 to this subpart, a statement of the cause of each deviation (including unknown cause, if applicable).

(xv) For each deviation from an emission limit in § 63.4090 or operating limit in Table 1 to this subpart, a list of the affected sources or equipment for

which a deviation occurred, an estimate of the quantity of each regulated pollutant emitted over any emission limit in § 63.4090, and a description of the method used to estimate the emissions.

* * * * *

(j) Before September 12, 2019, if you use the emission rate with add-on controls option and you have a startup, shutdown, or malfunction during the semiannual reporting period, you must submit the reports specified in paragraphs (j)(1) and (2) of this section. The reports specified in paragraphs (j)(1) and (2) of this section are not required on and after September 12, 2019.

* * * * *

■ 6. Section 63.4121 is added to read as follows:

§ 63.4121 What are my electronic reporting requirements?

(a) Beginning no later than June 13, 2019, you must submit the results of the performance test required in § 63.4120(h) following the procedure specified in paragraphs (a)(1) through (3) of this section.

(1) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test, you must submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). The CEDRI interface can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). Performance test data must be submitted in a file format generated through the use of the EPA's ERT or an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test, you must submit the results of the performance test to the Administrator at the appropriate address listed in § 63.13, unless the Administrator agrees to or specifies an alternate reporting method.

(3) If you claim that some of the performance test information being submitted under paragraph (a)(1) of this section is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT

website, including information claimed to be CBI, on a compact disc, flash drive or other commonly used electronic storage medium to the EPA. The electronic medium must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (a)(1) of this section.

(b) Beginning on March 15, 2021, the owner or operator shall submit the initial notifications required in § 63.9(b) and the notification of compliance status required in § 63.9(h) and § 63.4110(a)(2) and (b) to the EPA via CEDRI. The CEDRI can be accessed through the EPA's CDX (<https://cdx.epa.gov>). The owner or operator must upload to CEDRI an electronic copy of each applicable notification in portable document format (PDF). The applicable notification must be submitted by the deadline specified in this subpart, regardless of the method in which the reports are submitted. Owners or operators who claim that some of the information required to be submitted via CEDRI is CBI shall submit a complete report generated using the appropriate form in CEDRI or an alternate electronic file consistent with the XML schema listed on the EPA's CEDRI website, including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage medium to the EPA. The electronic medium shall be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted shall be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(c) Beginning on March 15, 2021, or once the reporting template has been available on the CEDRI website for 1 year, whichever date is later, the owner or operator shall submit the semiannual compliance report required in § 63.4120 to the EPA via CEDRI. The CEDRI interface can be accessed through the EPA's CDX (<https://cdx.epa.gov>). The owner or operator must use the appropriate electronic template on the CEDRI website for this subpart or an alternate electronic file format consistent with the XML schema listed on the CEDRI website (<https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri>). The date report templates become available will

be listed on the CEDRI website. If the reporting form for the semiannual compliance report specific to this subpart is not available in CEDRI at the time that the report is due, you must submit the report to the Administrator at the appropriate addresses listed in § 63.13. Once the form has been available in CEDRI for 1 year, you must begin submitting all subsequent reports via CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the reports are submitted. Owners or operators who claim that some of the information required to be submitted via CEDRI is CBI shall submit a complete report generated using the appropriate form in CEDRI or an alternate electronic file consistent with XML schema listed on the EPA's CEDRI website, including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage medium to the EPA. The electronic medium shall be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted shall be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(d) If you are required to electronically submit a report through CEDRI in the EPA's CDX, and due to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX and submitting a required report within the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description identifying the date, time and length of the outage; a rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the report must be submitted electronically as soon as possible after the outage is

resolved. The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(e) If you are required to electronically submit a report through CEDRI in the EPA's CDX and a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due, the owner or operator may assert a claim of force majeure for failure to timely comply with the reporting requirement. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage). If you intend to assert a claim of force majeure, you must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs. The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

- 7. Section 63.4130 is amended by:
- a. Revising paragraphs (f), (g), (j), (k) introductory text, and (k)(1) and (2); and
- b. Redesignating paragraphs (k)(8) and (9) as paragraphs (k)(7) and (8), respectively.

The revisions read as follows:

§ 63.4130 What records must I keep?

* * * * *

- (f) A record of the volume fraction of coating solids for each coating used

during each compliance period except for zero-HAP coatings for which volume solids determination is not required as allowed in § 63.4141.

(g) A record of the density for each coating used during each compliance period except for zero-HAP coatings for which volume solids determination is not required as allowed in § 63.4141 and, if you use either the emission rate without add-on controls or the emission rate with add-on controls compliance option, a record of the density for each thinner and cleaning material used during each compliance period.

* * * * *

(j) Before September 12, 2019, you must keep records of the date, time, and duration of each deviation. On and after September 12, 2019, for each deviation from an emission limitation reported under § 63.4120(d), (e), and (g), a record of the information specified in paragraphs (j)(1) through (4) of this section, as applicable.

(1) The date, time, and duration of the deviation, as reported under § 63.4120(d), (e), and (g).

(2) A list of the affected sources or equipment for which the deviation occurred and the cause of the deviation, as reported under § 63.4120(d), (e), and (g).

(3) An estimate of the quantity of each regulated pollutant emitted over any applicable emission limit in § 63.4090 or any applicable operating limit in Table 1 to this subpart, and a description of the method used to calculate the estimate, as reported under § 63.4120(d), (e), and (g).

(4) A record of actions taken to minimize emissions in accordance with § 63.4100(b) and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(k) If you use the emission rate with add-on controls option, you must also keep the records specified in paragraphs (k)(1) through (8) of this section.

(1) Before September 12, 2019, for each deviation, a record of whether the deviation occurred during a period of startup, shutdown, or malfunction. The record in this paragraph (k)(1) is not required on and after September 12, 2019.

(2) Before September 12, 2019, the records in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction. The records in this paragraph (k)(2) are not required on and after September 12, 2019.

* * * * *

■ 8. Section 63.4131 is amended by revising paragraph (a) to read as follows:

§ 63.4131 In what form and for how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review, according to § 63.10(b)(1). Where appropriate, the records may be maintained as electronic spreadsheets or as a data base. Any records required to be maintained by this subpart that are in reports that were submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

* * * * *

■ 9. Section 63.4141 is amended by revising paragraphs (a)(1)(i) and (ii), (a)(2) and (4), and (b)(1), the definitions of “ $m_{\text{volatiles}}$ ” and “ D_{avg} ” in Equation 1 of paragraph (b)(3), and paragraph (c) to read as follows:

§ 63.4141 How do I demonstrate initial compliance with the emission limitations?

* * * * *

(a) * * *

(1) * * *

(i) Count each organic HAP in Table 5 to this subpart that is measured to be present at 0.1 percent by mass or more and at 1.0 percent by mass or more for other organic HAP compounds. For example, if toluene (not listed in Table 5 to this subpart) is measured to be 0.5 percent of the material by mass, you do not have to count it. Express the mass fraction of each organic HAP you count as a value truncated to four places after the decimal point (for example, 0.3791).

(ii) Calculate the total mass fraction of organic HAP in the test material by adding up the individual organic HAP mass fractions and truncating the result to three places after the decimal point (for example, 0.763).

(2) *Method 24 in appendix A-7 of part 60.* For coatings, you may use Method 24 to determine the mass fraction of nonaqueous volatile matter and use that value as a substitute for mass fraction of organic HAP. As an alternative to using Method 24, you may use ASTM D2369-10 (R2015), “Test Method for Volatile Content of Coatings” (incorporated by reference, *see* § 63.14).

* * * * *

(4) *Information from the supplier or manufacturer of the material.* You may rely on information other than that generated by the test methods specified in paragraphs (a)(1) through (3) of this section, such as manufacturer's formulation data if they represent each

organic HAP in Table 5 to this subpart that is present at 0.1 percent by mass or more and at 1.0 percent by mass or more for other organic HAP compounds. For example, if toluene (not listed in Table 5 to this subpart) is 0.5 percent of the material by mass, you do not have to count it. If there is a disagreement between such information and results of a test conducted according to paragraphs (a)(1) through (3) of this section, then the test method results will take precedence.

* * * * *

(b) * * *

(1) *ASTM D2697-03 (R2014) or D6093-97 (R2016).* You may use ASTM D2697-03 (R2014), “Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings,” or D6093-97 (R2016), “Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer” (incorporated by reference, *see* § 63.14) to determine the volume fraction of coating solids for each coating. Divide the nonvolatile volume percent obtained with the methods by 100 to calculate volume fraction of coating solids.

* * * * *

(3) * * *

$m_{\text{volatiles}}$ = total volatile matter content of the coating, including HAP, volatile organic compounds (VOC), water, and exempt compounds, determined according to Method 24 in appendix A-7 of part 60, or according to ASTM D2369-10 (R2015) Standard Test Method for Volatile Content of Coatings (incorporated by reference, *see* § 63.14), grams volatile matter per liter coating.

D_{avg} = average density of volatile matter in the coating, grams volatile matter per liter volatile matter, determined from test results using ASTM D1475-13, “Standard Test Method for Density of Liquid Coatings, Inks, and Related Products,” ASTM D2111-10 (R2015), “Standard Test Methods for Specific Gravity of Halogenated Organic Solvents and Their Admixtures” (both incorporated by reference, *see* § 63.14); if you use this method, the specific gravity must be corrected to a standard temperature, information from the supplier or manufacturer of the material, or reference sources providing density or specific gravity data for pure materials. If there is disagreement between ASTM D1475-13 or ASTM D2111-10 (R2015) test results and other information sources, the test results will take precedence.

(c) *Determine the density of each coating.* Determine the density of each coating used during the compliance period from test results using ASTM D1475-13, “Standard Test Method for Density of Liquid Coatings, Inks, and Related Products,” ASTM D2111-10

(R2015), "Standard Test Methods for Specific Gravity of Halogenated Organic Solvents and Their Admixtures" (both incorporated by reference, *see* § 63.14); if you use this method, the specific gravity must be corrected to a standard temperature, information from the supplier or manufacturer of the material, or reference sources providing density or specific gravity data for pure materials. If there is disagreement between test results from ASTM D1475–13 or ASTM D2111–10 (R2015) and the supplier's or manufacturer's information, the test results will take precedence.

* * * * *

■ 10. Section 63.4142 is amended by revising paragraph (c) to read as follows:

§ 63.4142 How do I demonstrate continuous compliance with the emission limitations?

* * * * *

(c) As part of each semiannual compliance report required by § 63.4120, you must submit a statement that you were in compliance with the emission limitations during the reporting period because, during the compliance period, you used no thinners or cleaning materials that contained organic HAP, and you used no coatings for which the organic HAP content exceeded the applicable emission limit in § 63.4090.

* * * * *

■ 11. Section 63.4151 is amended by revising paragraph (h) to read as follows:

§ 63.4151 How do I demonstrate initial compliance with the emission limitations?

* * * * *

(h) The organic HAP emission rate for the initial compliance period must be less than or equal to the applicable emission limit in § 63.4090. You must keep all records as required by §§ 63.4130 and 63.4131. As part of the Notification of Compliance Status required by § 63.4110, you must identify the coating operation(s) for which you used the emission rate without add-on controls option and, if there were no deviations from the emission limitations, submit a statement that the coating operation(s) was (were) in compliance with the emission limitations during the initial compliance period because the organic HAP emission rate was less than or equal to the applicable emission limit in § 63.4090.

■ 12. Section 63.4152 is amended by revising paragraphs (a) and (c) to read as follows:

§ 63.4152 How do I demonstrate continuous compliance with the emission limitations?

(a) To demonstrate continuous compliance, for the compliance period, the organic HAP emission rate determined according to § 63.4151(a) through (g) must be less than or equal to the applicable emission limit in § 63.4090. Each month following the initial compliance period described in § 63.4150 is a compliance period.

* * * * *

(c) As part of each semiannual compliance report required by § 63.4120, if there were no deviations from the emission limitations, you must submit a statement that you were in compliance with the emission limitations during the reporting period because, during the compliance period, the organic HAP emission rate was less than or equal to the applicable emission limit in § 63.4090.

* * * * *

■ 13. Section 63.4160 is amended by revising the section heading and paragraphs (a)(1) and (b)(1) to read as follows:

§ 63.4160 By what date must I conduct initial performance tests and other initial compliance demonstrations?

(a) * * *

(1) All emission capture systems, add-on control devices, and CPMS you use to demonstrate compliance must be installed and operating no later than the applicable compliance date specified in § 63.4083. Except for solvent recovery systems for which you conduct liquid-liquid material balances according to § 63.4161(h), you must conduct a performance test of each capture system and add-on control device according to the procedures in §§ 63.4164, 63.4165, and 63.4166, and establish the operating limits required by § 63.4092 no later than the compliance date specified in § 63.4083. For a solvent recovery system for which you conduct liquid-liquid material balances according to § 63.4161(h), you must initiate the first material balance no later than the compliance date specified in § 63.4083.

* * * * *

(b) * * *

(1) All emission capture systems, add-on control devices, and CPMS you use to demonstrate compliance must be

installed and operating no later than the applicable compliance date specified in § 63.4083. Except for solvent recovery systems for which you conduct liquid-liquid material balances according to § 63.4161(h), you must conduct a performance test of each capture system and add-on control device according to the procedures in §§ 63.4164, 63.4165, and 63.4166, and establish the operating limits required by § 63.4092 no later than 180 days after the applicable compliance date specified in § 63.4083. For a solvent recovery system for which you conduct liquid-liquid material balances according to § 63.4161(h), you must initiate the first material balance no later than 180 days after the applicable compliance date specified in § 63.4083.

* * * * *

■ 14. Section 63.4161 is amended by revising paragraphs (g) introductory text and (h)(3) to read as follows:

§ 63.4161 How do I demonstrate initial compliance?

* * * * *

(g) *Calculate the organic HAP emissions reduction for controlled coating operations not using liquid-liquid material balance.* For each controlled coating operation using an emission capture system and add-on control device other than a solvent recovery system for which you conduct liquid-liquid material balances, calculate organic HAP emissions reduction, using Equation 1 of this section, by applying the emission capture system efficiency and add-on control device efficiency to the mass of organic HAP contained in the coatings, thinners, and cleaning materials that are used in the coating operation served by the emission capture system and add-on control device during the compliance period. For any period of time a deviation specified in § 63.4163(c) or (d) occurs in the controlled coating operation, you must assume zero efficiency for the emission capture system and add-on control device. For the purposes of completing the compliance calculations, you must treat the materials used during a deviation on a controlled coating operation as if they were used on an uncontrolled coating operation for the time period of the deviation. You must not include those materials in the calculations of organic HAP emissions reduction in Equation 1 of this section.

$$H_c = (A_f + B_f + C_f) \left(\frac{CE}{100} \times \frac{DRE}{100} \right) \quad (\text{Eq. 1})$$

Where:

H_c = mass of organic HAP emissions reduction for the controlled coating operation during the compliance period, kg.

A_f = total mass of organic HAP in the coatings used in the controlled coating operation, kg, as calculated in Equation 1A of this section.

B_f = total mass of organic HAP in the thinners used in the controlled coating operation, kg, as calculated in Equation 1B of this section.

C_f = total mass of organic HAP in the cleaning materials used in the controlled coating operation during the compliance period, kg, as calculated in Equation 1C of this section.

CE = capture efficiency of the emission capture system vented to the add-on control device, percent. Use the test methods and procedures specified in §§ 63.4164 and 63.4165 to measure and record capture efficiency.

DRE = organic HAP destruction or removal efficiency of the add-on control device, percent. Use the test methods and procedures in §§ 63.4164 and 63.4166 to measure and record the organic HAP destruction or removal efficiency.

* * *

(h) * * *

(3) Determine the mass fraction of volatile organic matter for each coating used in the coating operation controlled by the solvent recovery system during the compliance period, kg volatile organic matter per kg coating. You may determine the volatile organic matter mass fraction using Method 24 in appendix A–7 of part 60, ASTM D2369–10 (R2015), “Test Method for Volatile Content of Coatings” (incorporated by reference, *see* § 63.14), or an EPA approved alternative method. Alternatively, you may use information provided by the manufacturer or supplier of the coating. In the event of any inconsistency between information provided by the manufacturer or supplier and the results of Method 24, ASTM D2369–10 (R2015), or an approved alternative method, the test method results will govern.

* * *

■ 15. Section 63.4163 is amended by revising the section heading and paragraph (c) introductory text, adding paragraph (c)(3), and revising paragraphs (e) and (h) to read as follows:

§ 63.4163 How do I conduct periodic performance tests and demonstrate continuous compliance with the emission limitations?

* * *

(c) You must demonstrate continuous compliance with each operating limit required by § 63.4092 that applies to you as specified in Table 1 to this subpart, and you must conduct periodic performance tests as specified in paragraph (c)(3) of this section.

* * *

(3) Except for solvent recovery systems for which you conduct liquid-liquid material balances according to § 63.4161(h), you must conduct according to the procedures in §§ 63.4164, 63.4165, and 63.4166 periodic performance tests of each capture system and add-on control device used to demonstrate compliance, and you must establish the operating limits required by § 63.4092. You must conduct the first periodic performance test and establish the operating limits required by § 63.4092 before March 15, 2022, unless you are already required to complete periodic performance tests as a requirement of renewing your facility’s operating permit under 40 CFR part 70 or 40 CFR part 71 and have conducted a performance test on or after March 15, 2017. Thereafter you must conduct a performance test no later than 5 years following the previous performance test. Operating limits must be confirmed or reestablished during each performance test.

* * *

(e) You must demonstrate continuous compliance with the work practice standards in § 63.4093. If you did not develop a work practice plan, did not implement the plan, or did not keep the records required by § 63.4130(k)(8), this is a deviation from the work practice standards that must be reported as specified in §§ 63.4110(b)(6) and 63.4120(g).

* * *

(h) Before September 12, 2019, consistent with §§ 63.6(e) and 63.7(e)(1), deviations that occur during a period of startup, shutdown, or malfunction of the emission capture system, add-on control device, or coating operation that may affect emission capture or control device efficiency are not violations if you demonstrate to the Administrator’s satisfaction that you were operating in accordance with § 63.6(e). The Administrator will determine whether deviations that occur during a period of startup, shutdown, or malfunction are violations according to the provisions in § 63.6(e). On and after September 12, 2019, as specified in § 63.4100(b), at all

times, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions, and determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator.

* * *

■ 16. Section 63.4164 is amended by revising paragraphs (a) introductory text and (a)(1) to read as follows:

§ 63.4164 What are the general requirements for performance tests?

(a) You must conduct each performance test required by § 63.4160 according to the requirements in this section unless you obtain a waiver of the performance test according to the provisions in § 63.7(h).

(1) *Representative coating operation operating conditions.* You must conduct the performance test under representative operating conditions for the coating operation. Operations during periods of startup, shutdown, or nonoperation do not constitute representative conditions for purposes of conducting a performance test. The owner or operator may not conduct performance tests during periods of malfunction. You must record the process information that is necessary to document operating conditions during the test and explain why the conditions represent normal operation. Upon request, you must make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

* * *

■ 17. Section 63.4166 is amended by revising paragraphs (a)(1) through (4) and (b) introductory text to read as follows:

§ 63.4166 How do I determine the add-on control device emission destruction or removal efficiency?

(a) * * *

(1) Use Method 1 or 1A in appendix A–1 of part 60, as appropriate, to select sampling sites and velocity traverse points.

(2) Use Method 2, 2A, 2C, 2D, or 2F in appendix A–1, or Method 2G in appendix A–2, of part 60, as

appropriate, to measure gas volumetric flow rate.

(3) Use Method 3, 3A, or 3B in appendix A–2 of part 60, as appropriate, for gas analysis to determine dry molecular weight. You may also use as an alternative to Method 3B, the manual method for measuring the oxygen, carbon dioxide, and carbon monoxide content of exhaust gas in ANSI/ASME, PTC 19.10–1981, “Flue and Exhaust Gas Analyses” (incorporated by reference, see § 63.14).

(4) Use Method 4 in appendix A–3 of part 60 to determine stack gas moisture.

(b) Measure total gaseous organic mass emissions as carbon at the inlet and outlet of the add-on control device simultaneously, using either Method 25 or 25A in appendix A–7 of part 60, as specified in paragraphs (b)(1) through (3) of this section. You must use the same method for both the inlet and outlet measurements. You may use Method 18 in appendix A–6 of part 60 to subtract methane emissions from measured total gaseous organic mass emissions as carbon.

■ 18. Section 63.4167 is amended by revising the section heading, introductory text, and paragraph (f)(1) to read as follows:

§ 63.4167 How do I establish the emission capture system and add-on control device operating limits during performance tests?

During the performance tests required by §§ 63.4160 and 63.4163, and described in §§ 63.4164, 63.4165, and 63.4166, you must establish the operating limits required by § 63.4092 according to this section unless you have received approval for alternative monitoring and operating limits under § 63.8(f) as specified in § 63.4092.

(f) * * *

(1) During the capture efficiency determination required by §§ 63.4160 and 63.4163, and described in

§§ 63.4164 and 63.4165, you must monitor and record either the gas volumetric flow rate or the duct static pressure for each separate capture device in your emission capture system at least once every 15 minutes during each of the three test runs at a point in the duct between the capture device and the add-on control device inlet.

* * * * *

■ 19. Section 63.4168 is amended by revising paragraphs (a)(4) and (5) and (c)(2) and (3) to read as follows:

§ 63.4168 What are the requirements for continuous parameter monitoring system installation, operation, and maintenance?

(a) * * *

(4) You must maintain the CPMS at all times in accordance with § 63.4100(b) and have readily available necessary parts for routine repairs of the monitoring equipment.

(5) Before September 12, 2019, you must operate the CPMS and collect emission capture system and add-on control device parameter data at all times that a controlled coating operation is operating except during monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, if applicable, calibration checks and required zero and span adjustments). On and after September 12, 2019, you must operate the CPMS and collect emission capture system and add-on control device parameter data at all times in accordance with § 63.4100(b).

* * * * *

(c) * * *

(2) For a catalytic oxidizer, install a gas temperature monitor in the gas stream immediately before the catalyst bed, and if you establish operating limits according to § 63.4167(b)(1) and (2), also install a gas temperature monitor in the gas stream immediately after the catalyst bed.

(3) For each gas temperature monitoring device, you must comply with the requirements in paragraphs (c)(3)(i) through (vii) of this section. For

the purposes of this paragraph (c)(3), a thermocouple is part of the temperature sensor.

* * * * *

■ 20. Section 63.4181 is amended by revising the definition of “Deviation” to read as follows:

§ 63.4181 What definitions apply to this subpart?

* * * * *

Deviation means:

(1) Before September 12, 2019, any instance in which an affected source subject to this subpart or an owner or operator of such a source:

(i) Fails to meet any requirement or obligation established by this subpart including but not limited to any emission limit, or operating limit, or work practice standard;

(ii) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(iii) Fails to meet any emission limit, or operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction regardless of whether or not such failure is permitted by this subpart; and

(2) On and after September 12, 2019, any instance in which an affected source subject to this subpart or an owner or operator of such a source:

(i) Fails to meet any requirement or obligation established by this subpart including but not limited to any emission limit, or operating limit, or work practice standard; or

(ii) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.

* * * * *

■ 21. Table 2 to subpart NNNN of part 63 is revised to read as follows:

TABLE 2 TO SUBPART NNNN OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART NNNN

[You must comply with the applicable General Provisions requirements according to the following table:]

Citation	Subject	Applicable to subpart NNNN	Explanation
§ 63.1(a)(1)–(12)	General Applicability	Yes.	Applicability to subpart NNNN is also specified in § 63.4081.
§ 63.1(b)(1)–(3)	Initial Applicability Determination	Yes	
§ 63.1(c)(1)	Applicability After Standard Established	Yes.	Area sources are not subject to subpart NNNN.
§ 63.1(c)(2)–(3)	Applicability of Permit Program for Area Sources.	No	
§ 63.1(c)(4)–(5)	Extensions and Notifications	Yes.	
§ 63.1(e)	Applicability of Permit Program Before Relevant Standard is Set.	Yes.	

TABLE 2 TO SUBPART NNNN OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART NNNN—Continued
 [You must comply with the applicable General Provisions requirements according to the following table:]

Citation	Subject	Applicable to subpart NNNN	Explanation
§ 63.2	Definitions	Yes	Additional definitions are specified in § 63.4181.
§ 63.3(a)–(c)	Units and Abbreviations	Yes.	
§ 63.4(a)(1)–(5)	Prohibited Activities	Yes.	
§ 63.4(b)–(c)	Circumvention/Severability	Yes.	
§ 63.5(a)	Construction/Reconstruction	Yes.	
§ 63.5(b)(1)–(6)	Requirements for Existing, Newly Constructed, and Reconstructed Sources.	Yes.	
§ 63.5(d)	Application for Approval of Construction/Reconstruction.	Yes.	
§ 63.5(e)	Approval of Construction/Reconstruction	Yes.	
§ 63.5(f)	Approval of Construction/Reconstruction Based on Prior State Review.	Yes.	
§ 63.6(a)	Compliance With Standards and Maintenance Requirements—Applicability.	Yes.	
§ 63.6(b)(1)–(7)	Compliance Dates for New and Reconstructed Sources.	Yes	Section 63.4083 specifies the compliance dates.
§ 63.6(c)(1)–(5)	Compliance Dates for Existing Sources	Yes	Section 63.4083 specifies the compliance dates.
§ 63.6(e)(1)(i)	Operation and Maintenance	Yes, before September 12, 2019. No on and after September 12, 2019.	See § 63.4100(b) for general duty requirement.
§ 63.6(e)(1)(ii)	Operation and Maintenance	Yes, before September 12, 2019. No on and after September 12, 2019.	
§ 63.6(e)(1)(iii)	Operation and Maintenance	Yes.	
§ 63.6(e)(3)	Startup, shutdown, malfunction plan (SSMP).	Yes, before September 12, 2019. No on and after September 12, 2019.	
§ 63.6(f)(1)	Compliance Except During Startup, Shutdown, and Malfunction.	Yes, before September 12, 2019. No on and after September 12, 2019.	
§ 63.6(f)(2)–(3)	Methods for Determining Compliance	Yes.	
§ 63.6(g)(1)–(3)	Use of an Alternative Standard	Yes	
§ 63.6(h)	Compliance With Opacity/Visible Emission standards.	No	Subpart NNNN does not establish opacity standards and does not require continuous opacity monitoring systems (COMS).
§ 63.6(i)(1)–(16)	Extension of Compliance	Yes.	
§ 63.6(j)	Presidential Compliance Exemption	Yes.	
§ 63.7(a)(1)	Performance Test Requirements—Applicability.	Yes	Applies to all affected sources. Additional requirements for performance testing are specified in §§ 63.4164, 63.4165, and 63.4166.
§ 63.7(a)(2)	Performance Test Requirements—Dates	Yes	Applies only to performance tests for capture system and control device efficiency at sources using these to comply with the standards. Section 63.4160 specifies the schedule for performance test requirements that are earlier than those specified in § 63.7(a)(2).
§ 63.7(a)(3)	Performance Tests Required By the Administrator.	Yes.	
§ 63.7(b)–(d)	Performance Test Requirements—Notification, Quality Assurance Facilities Necessary for Safe Testing, Conditions During Test.	Yes	Applies only to performance tests for capture system and add-on control device efficiency at sources using these to comply with the standard.
§ 63.7(e)(1)	Conduct of performance tests	Yes, before September 12, 2019. No on and after September 12, 2019.	See § 63.4164(a)(1).
§ 63.7(e)(2)–(4)	Conduct of performance tests	Yes.	
§ 63.7(f)	Performance Test Requirements—Use of Alternative Test Method.	Yes	Applies to all test methods except those used to determine capture system efficiency.

TABLE 2 TO SUBPART NNNN OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART NNNN—Continued
 [You must comply with the applicable general provisions requirements according to the following table:]

Citation	Subject	Applicable to subpart NNNN	Explanation
§ 63.7(g)–(h)	Performance Test Requirements—Data Analysis, Recordkeeping, Reporting, Waiver of Test.	Yes	Applies only to performance tests for capture system and add-on control device efficiency at sources using these to comply with the standard.
§ 63.8(a)(1)–(3)	Monitoring Requirements—Applicability	Yes	Applies only to monitoring of capture system and add-on control device efficiency at sources using these to comply with the standard. Additional requirements for monitoring are specified in § 63.4168.
§ 63.8(a)(4)	Additional Monitoring Requirements	No	Subpart NNNN does not have monitoring requirements for flares.
§ 63.8(b)	Conduct of Monitoring	Yes.	
§ 63.8(c)(1)	Continuous Monitoring Systems (CMS) Operation and Maintenance.	Yes, before September 12, 2019. No on and after September 12, 2019.	
§ 63.8(c)(2)–(3)	Continuous Monitoring Systems (CMS) Operation and Maintenance.	Yes	Applies only to monitoring of capture system and add-on control device efficiency at sources using these to comply with the standard. Additional requirements for CMS operations and maintenance are specified in § 63.4168.
§ 63.8(c)(4)	CMS	No	Section 63.4168 specifies the requirements for the operation of CMS for capture systems and add-on control devices at sources using these to comply.
§ 63.8(c)(5)	COMS	No	Subpart NNNN does not have opacity or visible emission standards.
§ 63.8(c)(6)	CMS Requirements	No	Section 63.4168 specifies the requirements for monitoring systems for capture systems and add-on control devices at sources using these to comply.
§ 63.8(c)(7)	CMS Out-of-Control Periods	Yes.	
§ 63.8(c)(8)	CMS Out-of-Control Periods and Reporting	No	Section 63.4120 requires reporting of CMS out-of-control periods.
§ 63.8(d)–(e)	Quality Control Program and CMS Performance Evaluation.	No	Subpart NNNN does not require the use of CEMS.
§ 63.8(f)(1)–(5)	Use of an Alternative Monitoring Method ...	Yes	
§ 63.8(f)(6)	Alternative to Relative Accuracy Test	No	Subpart NNNN does not require the use of CEMS.
§ 63.8(g)(1)–(5)	Data Reduction	No	Sections 63.4167 and 63.4168 specify monitoring data reduction.
§ 63.9(a)–(d)	Notification Requirements	Yes.	
§ 63.9(e)	Notification of Performance Test	Yes	Applies only to capture system and add-on control device performance tests at sources using these to comply with the standard.
§ 63.9(f)	Notification of Visible Emissions/Opacity Test.	No	Subpart NNNN does not have opacity or visible emission standards.
§ 63.9(g)(1)–(3)	Additional Notifications When Using CMS	No	Subpart NNNN does not require the use of CEMS.
§ 63.9(h)	Notification of Compliance Status	Yes	Section 63.4110 specifies the dates for submitting the notification of compliance status.
§ 63.9(i)	Adjustment of Submittal Deadlines	Yes.	
§ 63.9(j)	Change in Previous Information	Yes.	
§ 63.10(a)	Recordkeeping/Reporting—Applicability and General Information.	Yes.	
§ 63.10(b)(1)	General Recordkeeping Requirements	Yes	Additional requirements are specified in §§ 63.4130 and 63.4131.
§ 63.10(b)(2)(i)	Recordkeeping of Occurrence and Duration of Startups and Shutdowns.	Yes, before September 12, 2019. No on and after September 12, 2019.	See § 63.4130(j).
§ 63.10(b)(2)(ii)	Recordkeeping of Failures to Meet Standards.	Yes, before September 12, 2019. No on and after September 12, 2019.	See § 63.4130(j).

TABLE 2 TO SUBPART NNNN OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART NNNN—Continued
[You must comply with the applicable General Provisions requirements according to the following table:]

Citation	Subject	Applicable to subpart NNNN	Explanation
§ 63.10(b)(2)(iii)	Recordkeeping Relevant to Maintenance of Air Pollution Control and Monitoring Equipment.	Yes.	
§ 63.10(b)(2)(iv)–(v)	Actions Taken to Minimize Emissions During SSM.	Yes, before September 12, 2019. No, on and after September 12, 2019.	See § 63.4130(j)(4) for a record of actions taken to minimize emissions during a deviation from the standard.
§ 63.10(b)(2)(vi)	Records for CMS malfunctions	Yes, before September 12, 2019. No, on and after September 12, 2019.	See § 63.4130(j) for records of periods of deviation from the standard, including instances where a CMS is inoperative or out-of-control.
§ 63.10(b)(2)(vii)–(xi)	Records	Yes.	
§ 63.10(b)(2)(xii)	Records	Yes.	
§ 63.10(b)(2)(xiii) .....	.....	No	Subpart NNNN does not require the use of CEMS.
§ 63.10(b)(2)(xiv) .....	.....	Yes.	
§ 63.10(b)(3)	Recordkeeping Requirements for Applicability Determinations.	Yes.	
§ 63.10(c)(1)–(6)	Additional Recordkeeping Requirements for Sources with CMS.	Yes.	
§ 63.10(c)(7)–(8)	Additional Recordkeeping Requirements for Sources with CMS.	No	See § 63.4130(j)(1) for records of periods of deviation from the standard, including instances where a CMS is inoperative or out-of-control.
§ 63.10(c)(10)–(14)	Additional Recordkeeping Requirements for Sources with CMS.	Yes.	
§ 63.10(c)(15)	Records Regarding the SSMP	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.10(d)(1)	General Reporting Requirements	Yes	Additional requirements are specified in § 63.4120.
§ 63.10(d)(2)	Report of Performance Test Results	Yes	Additional requirements are specified in § 63.4120(h).
§ 63.10(d)(3)	Reporting Opacity or Visible Emissions Observations.	No	Subpart NNNN does not require opacity or visible emissions observations.
§ 63.10(d)(4)	Progress Reports for Sources With Compliance Extensions.	Yes.	
§ 63.10(d)(5)	Startup, Shutdown, and Malfunction Reports.	Yes, before September 12, 2019. No, on and after September 12, 2019.	See § 63.4120(g).
§ 63.10(e)(1)–(2)	Additional CMS Reports	No	Subpart NNNN does not require the use of CEMS.
§ 63.10(e)(3)	Excess Emissions/CMS Performance Reports.	No	Section 63.4120(g) specifies the contents of periodic compliance reports.
§ 63.10(e)(4)	COMS Data Reports	No	Subpart NNNN does not specify requirements for opacity or COMS.
§ 63.10(f)	Recordkeeping/Reporting Waiver	Yes.	
§ 63.11	Control Device Requirements/Flares	No	Subpart NNNN does not specify use of flares for compliance.
§ 63.12	State Authority and Delegations	Yes.	
§ 63.13	Addresses	Yes.	
§ 63.14	Incorporation by Reference	Yes.	
§ 63.15	Availability of Information/Confidentiality	Yes.	

■ 22. Table 5 to subpart NNNN of part 63 is added to read as follows:

TABLE 5 TO SUBPART NNNN OF PART 63—LIST OF HAZARDOUS AIR POLLUTANTS THAT MUST BE COUNTED TOWARD TOTAL ORGANIC HAP CONTENT IF PRESENT AT 0.1 PERCENT OR MORE BY MASS

Chemical name	CAS No.
1,1,2,2-Tetrachloroethane	79–34–5
1,1,2-Trichloroethane	79–00–5
1,1-Dimethylhydrazine	57–14–7

TABLE 5 TO SUBPART NNNN OF PART 63—LIST OF HAZARDOUS AIR POLLUTANTS THAT MUST BE COUNTED TOWARD TOTAL ORGANIC HAP CONTENT IF PRESENT AT 0.1 PERCENT OR MORE BY MASS—Continued

Chemical name	CAS No.
1,2-Dibromo-3-chloropropane	96-12-8
1,2-Diphenylhydrazine	122-66-7
1,3-Butadiene	106-99-0
1,3-Dichloropropene	542-75-6
1,4-Dioxane	123-91-1
2,4,6-Trichlorophenol	88-06-2
2,4/2,6-Dinitrotoluene (mixture)	25321-14-6
2,4-Dinitrotoluene	121-14-2
2,4-Toluene diamine	95-80-7
2-Nitropropane	79-46-9
3,3'-Dichlorobenzidine	91-94-1
3,3'-Dimethoxybenzidine	119-90-4
3,3'-Dimethylbenzidine	119-93-7
4,4'-Methylene bis(2-chloroaniline)	101-14-4
Acetaldehyde	75-07-0
Acrylamide	79-06-1
Acrylonitrile	107-13-1
Allyl chloride	107-05-1
alpha-Hexachlorocyclohexane (a-HCH)	319-84-6
Aniline	62-53-3
Benzene	71-43-2
Benzidine	92-87-5
Benzoic chloride	98-07-7
Benzyl chloride	100-44-7
beta-Hexachlorocyclohexane (b-HCH)	319-85-7
Bis(2-ethylhexyl)phthalate	117-81-7
Bis(chloromethyl)ether	542-88-1
Bromoform	75-25-2
Captan	133-06-2
Carbon tetrachloride	56-23-5
Chlordane	57-74-9
Chlorobenzilate	510-15-6
Chloroform	67-66-3
Chloroprene	126-99-8
Cresols (mixed)	1319-77-3
DDE	3547-04-4
Dichloroethyl ether	111-44-4
Dichlorvos	62-73-7
Epichlorohydrin	106-89-8
Ethyl acrylate	140-88-5
Ethylene dibromide	106-93-4
Ethylene dichloride	107-06-2
Ethylene oxide	75-21-8
Ethylene thiourea	96-45-7
Ethylidene dichloride (1,1-Dichloroethane)	75-34-3
Formaldehyde	50-00-0
Heptachlor	76-44-8
Hexachlorobenzene	118-74-1
Hexachlorobutadiene	87-68-3
Hexachloroethane	67-72-1
Hydrazine	302-01-2
Isophorone	78-59-1
Lindane (hexachlorocyclohexane, all isomers)	58-89-9
m-Cresol	108-39-4
Methylene chloride	75-09-2
Naphthalene	91-20-3
Nitrobenzene	98-95-3
Nitrosodimethylamine	62-75-9
o-Cresol	95-48-7
o-Toluidine	95-53-4
Parathion	56-38-2
p-Cresol	106-44-5
p-Dichlorobenzene	106-46-7
Pentachloronitrobenzene	82-68-8
Pentachlorophenol	87-86-5
Propoxur	114-26-1
Propylene dichloride	78-87-5
Propylene oxide	75-56-9
Quinoline	91-22-5
Tetrachloroethene	127-18-4
Toxaphene	8001-35-2

TABLE 5 TO SUBPART NNNN OF PART 63—LIST OF HAZARDOUS AIR POLLUTANTS THAT MUST BE COUNTED TOWARD TOTAL ORGANIC HAP CONTENT IF PRESENT AT 0.1 PERCENT OR MORE BY MASS—Continued

Chemical name	CAS No.
Trichloroethylene	79-01-6
Trifluralin	1582-09-8
Vinyl bromide	593-60-2
Vinyl chloride	75-01-4
Vinylidene chloride	75-35-4

Subpart OOOO—National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles

■ 23. Section 63.4300 is amended by revising paragraphs (a)(3)(i), (b), and (c) to read as follows:

§ 63.4300 What are my general requirements for complying with this subpart?

- (a) * * *
- (3) * * *

(i) Before September 12, 2019, the web coating/printing or dyeing/finishing operation(s) must be in compliance with the applicable emission limit in Table 1 to this subpart or minimize emissions at all times as required by § 63.6(e)(1). On and after September 12, 2019, the web coating/printing or dyeing/finishing operation(s) must be in compliance with the applicable emission limit in Table 1 to this subpart at all times.

(b) Before September 12, 2019, you must always operate and maintain your affected source, including air pollution control and monitoring equipment, according to the provisions in § 63.6(e)(1)(i). On and after September 12, 2019, at all times, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the affected source.

(c) Before September 12, 2019, if your affected source uses an emission capture system and add-on control device, you must develop a written startup, shutdown, and malfunction plan according to the provisions in § 63.6(e)(3). The plan must address the startup, shutdown, and corrective actions in the event of a malfunction of the emission capture system or the add-on control device. The plan must also address any web coating/printing or dyeing/finishing operation equipment such as conveyors that move the substrate among enclosures that may cause increased emissions or that would affect capture efficiency if the process equipment malfunctions. A startup, shutdown, and malfunction plan is not required on and after September 12, 2019.

■ 24. Section 63.4310 is amended by revising paragraphs (c)(9) introductory text and (c)(9)(iv) and adding paragraph (c)(9)(v) to read as follows:

§ 63.4310 What notifications must I submit?

- (c) * * *

(9) For the emission rate with add-on controls option as specified in § 63.4291(a)(3) and (c)(3), the organic HAP overall control efficiency option as specified in § 63.4291(a)(4), and the oxidizer outlet organic HAP concentration option as specified in § 63.4291(a)(5), for each controlled web coating/printing or dyeing/finishing operation using an emission capture system and add-on control device other than a solvent recovery system for which you conduct liquid-liquid material balances according to § 63.4341(e)(5) or (f)(5) or § 63.4351(d)(5), you must include the information specified in paragraphs (c)(9)(i) through (v) of this section.

(iv) A statement of whether or not you developed and implemented the work practice plan required by § 63.4293.

(v) Before September 12, 2019, a statement of whether or not you developed the startup, shutdown, and malfunction plan required by § 63.4300(c). This statement is not

required on and after September 12, 2019.

- 25. Section 63.4311 is amended by:
- a. Revising paragraphs (a)(5) and (6) and (a)(7) introductory text;
 - b. Redesignating paragraph (a)(7)(i) as (a)(7)(i)(A);
 - c. Adding new paragraph (a)(7)(i) introductory text;
 - d. Redesignating paragraph (a)(7)(ii) as (a)(7)(i)(B) and revising it;
 - e. Redesignating paragraphs (a)(7)(iii) through (xv) as (a)(7)(i)(C) through (O), respectively;
 - f. Adding new paragraph (a)(7)(ii).
 - g. Revising paragraphs (a)(8) introductory text, (a)(8)(i), and (c) introductory text; and
 - h. Adding paragraphs (d) through (h).
- The revisions and additions read as follows:

§ 63.4311 What reports must I submit?

(a) * * *

(5) *Deviations: Compliant material option.* If you use the compliant material option, and there was a deviation from the applicable organic HAP content requirements in Table 1 to this subpart, the semiannual compliance report must contain the information in paragraph (a)(5)(i) or (ii) of this section, as applicable.

(i) Before September 12, 2019, the information in paragraph (a)(5)(i)(A) through (D) of this section.

(A) Identification of each coating, printing, slashing, dyeing or finishing material applied that deviated from the emission limit and each thinning or cleaning material applied in web coating/printing operations that contained organic HAP, and the dates and time periods each was applied.

(B) The calculation of the organic HAP content using Equation 1 of § 63.4321 for each coating or printing material identified in paragraph (a)(5)(i)(A) of this section. You do not need to submit background data supporting this calculation (e.g., information provided by material suppliers or manufacturers, or test reports).

(C) The determination of mass fraction of organic HAP for each regulated material identified in

paragraph (a)(5)(i)(A) of this section. You do not need to submit background data supporting this calculation (e.g., information provided by material suppliers or manufacturers, or test reports).

(D) A statement of the cause of each deviation.

(ii) On and after September 12, 2019, the information in paragraphs (a)(5)(ii)(A) through (E) of this section.

(A) Identification of each coating, printing, slashing, dyeing or finishing material applied that deviated from the emission limit and each thinning or cleaning material applied in web coating/printing operations that contained organic HAP, and the date, time, and duration each was applied.

(B) The calculation of the organic HAP content using Equation 1 of § 63.4321 for each coating or printing material identified in paragraph (a)(5)(ii)(A) of this section. You do not need to submit background data supporting this calculation (e.g., information provided by material suppliers or manufacturers, or test reports).

(C) The determination of mass fraction of organic HAP for each regulated material identified in paragraph (a)(5)(ii)(A) of this section. You do not need to submit background data supporting this calculation (e.g., information provided by material suppliers or manufacturers, or test reports).

(D) A statement of the cause of each deviation (including unknown cause, if applicable).

(E) The number of deviations and, for each deviation, a list of the affected source or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit in Table 1 to this subpart, and a description of the method used to estimate the emissions.

(6) *Deviations: Emission rate without add-on controls option.* If you use the emission rate without add-on controls option and there was a deviation from the applicable emission limit in Table 1 to this subpart, the semiannual compliance report must contain the information in paragraph (a)(6)(i) or (ii) of this section, as applicable.

(i) Before September 12, 2019, the information in paragraphs (a)(6)(i)(A) through (C) of this section.

(A) The beginning and ending dates of each compliance period during which the organic HAP emission rate exceeded the applicable emission limit in Table 1 to this subpart.

(B) The calculations used to determine the organic HAP emission rate for the compliance period in which

the deviation occurred. You must submit the calculations for Equations 1, 1A and 1B, 2, and 3 in § 63.4331 for web coating/printing operations; and for Equations 4, 4A, 5, and 6 in § 63.4331 for dyeing/finishing operations; and if applicable, the calculation used to determine mass of organic HAP in waste materials according to § 63.4331(a)(4)(iii) or (b)(3)(ii); and, for dyeing/finishing operations, if applicable, the mass of organic HAP in wastewater streams calculation for Equation 7 in § 63.4331. You do not need to submit background data supporting these calculations (e.g., information provided by materials suppliers or manufacturers, or test reports).

(C) A statement of the cause of each deviation.

(ii) On and after September 12, 2019, the information in paragraphs (a)(6)(ii)(A) through (D) of this section.

(A) The beginning and ending dates of each compliance period, during which the organic HAP emission rate exceeded the applicable emission limit in Table 1 to this subpart.

(B) The calculations used to determine the organic HAP emission rate for the compliance period in which the deviation occurred. You must submit the calculations for Equations 1, 1A and 1B, 2, and 3 in § 63.4331 for web coating/printing operations; and for Equations 4, 4A, 5, and 6 in § 63.4331 for dyeing/finishing operations; and if applicable, the calculation used to determine mass of organic HAP in waste materials according to § 63.4331(a)(4)(iii) or (b)(3)(ii); and, for dyeing/finishing operations, if applicable, the mass of organic HAP in wastewater streams calculation for Equation 7 in § 63.4331. You do not need to submit background data supporting these calculations (e.g., information provided by materials suppliers or manufacturers, or test reports).

(C) A statement of the cause of each deviation (including unknown cause, if applicable).

(D) The number of deviations, a list of the affected source or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit in Table 1 to this subpart, and a description of the method used to estimate the emissions.

(7) *Deviations: Add-on controls options.* If you use one of the add-on controls options in § 63.4291(a) or (c) and there was a deviation from an emission limitation (including any periods when emissions bypassed the add-on control device and were diverted to the atmosphere), the semiannual

compliance report must contain the information in paragraph (a)(7)(i) or (ii) of this section, as applicable.

(i) Before September 12, 2019, the information in paragraphs (a)(7)(i)(A) through (O) of this section. This includes periods of startup, shutdown, and malfunction during which deviations occurred.

* * * * *

(B) If you use the emission rate option, the calculations used to determine the organic HAP emission rate for each compliance period in which a deviation occurred. You must submit the calculations that apply to you, including Equations 1, 1A, 1B, and 2 of § 63.4331 and Equations 1, 1A, 1B, 1C, 2, 3, 3A and 3B and 4 of § 63.4341 for web coating/printing operations; and Equations 4, 4A, 5, 6, and 7 of § 63.4331 and Equations 5, 5A, 5B, 6, 7, and 8 of § 63.4341 for dyeing/finishing operations. You do not need to submit the background data supporting these calculations (e.g., information provided by materials suppliers or manufacturers, or test reports).

* * * * *

(ii) On and after September 12, 2019, the information in paragraphs (a)(7)(ii)(A) through (M), (O), and (P) of this section if there was a deviation from the applicable emission limit in Table 1 to this subpart or the applicable operating limit(s) in Table 2 to this subpart (including any periods when emissions bypassed the add-on control device and were diverted to the atmosphere), and the information in paragraph (a)(7)(ii)(N) of this section if there was a deviation from the applicable work practice standards in § 63.4293(b).

(A) The beginning and ending dates of each compliance period during which the organic HAP emission rate exceeded the applicable emission limit in Table 1 to this subpart.

(B) If you use the emission rate option, the calculations used to determine the organic HAP emission rate for each compliance period in which a deviation occurred. You must submit the calculations that apply to you, including Equations 1, 1A, 1B, and 2 of § 63.4331 and Equations 1, 1A, 1B, 1C, 2, 3, 3A and 3B and 4 of § 63.4341 for web coating/printing operations; and Equations 4, 4A, 5, 6, and 7 of § 63.4331 and Equations 5, 5A, 5B, 6, 7, and 8 of § 63.4341 for dyeing/finishing operations. You do not need to submit the background data supporting these calculations (e.g., information provided by materials suppliers or manufacturers, or test reports).

(C) If you use the organic HAP overall control efficiency option, the calculations used to determine the organic HAP overall control efficiency for each compliance period in which a deviation occurred. You must submit the calculations that apply to you, including Equations 1, 1A, and 1B of § 63.4331; Equations 1, 1A, 1B, 1C, 2, 3, 3A, and 3B of § 63.4341; and Equation 1 of § 63.4351. You do not need to submit the background data supporting these calculations (e.g., test reports).

(D) The date and time that each malfunction of the capture system or add-on control devices started and stopped.

(E) A brief description of the CPMS.

(F) The date of the latest CPMS certification or audit.

(G) For each instance that the CPMS was inoperative, except for zero (low-level) and high-level checks, the date, time, and duration that the CPMS was inoperative; the cause (including unknown cause) for the CPMS being inoperative; and descriptions of corrective actions taken.

(H) For each instance that the CPMS was out-of-control, as specified in § 63.8(c)(7), the date, time, and duration that the CPMS was out-of-control; the cause (including unknown cause) for the CPMS being out-of-control; and descriptions of corrective actions taken.

(I) The date, time, and duration of each deviation from an operating limit in Table 2 to this subpart, and the date, time, and duration of any bypass of the add-on control device.

(J) A summary of the total duration of each deviation from an operating limit in Table 2 to this subpart and each bypass of the add-on control device during the semiannual reporting period and the total duration as a percent of the total source operating time during that semiannual reporting period.

(K) A breakdown of the total duration of the deviations from the operating limits in Table 2 to this subpart and bypasses of the add-on control device during the semiannual reporting period into those that were due to control equipment problems, process problems, other known causes, and other unknown causes.

(L) A summary of the total duration of CPMS downtime during the semiannual reporting period and the total duration of CPMS downtime as a percent of the total source operating time during that semiannual reporting period.

(M) A description of any changes in the CPMS, web coating/printing or dyeing/finishing operation, emission capture system, or add-on control device since the last semiannual reporting period.

(N) For deviations from the work practice standards, the number of deviations, and, for each deviation, a description of the deviation; the date, time, and duration of the deviation; and the actions you took to minimize emissions in accordance with § 63.4300(b). The description of the deviation must include a list of the affected sources or equipment for which the deviation occurred and the cause of the deviation (including unknown cause, if applicable).

(O) For deviations from an emission limit in Table 1 to this subpart or operating limit in Table 2 to this subpart, a statement of the cause of each deviation (including unknown cause, if applicable).

(P) For each deviation from an emission limit in Table 1 to this subpart or operating limit in Table 2 to this subpart, a list of the affected sources or equipment for which a deviation occurred, an estimate of the quantity of each regulated pollutant emitted over any emission limit in Table 1 to this subpart, and a description of the method used to estimate the emissions.

(8) *Deviations: Equivalent Emission Rate Option.* If you use the equivalent emission rate option, and there was a deviation from the operating scenarios, as defined in § 63.4371, used to demonstrate initial compliance, the semiannual compliance report must contain the information in paragraphs (a)(8)(i) through (iv) of this section.

(i) Before September 12, 2019, the beginning and ending dates of each compliance period during which the deviation occurred. On and after September 12, 2019, the beginning and ending dates of each compliance period during which the deviation occurred, the number of deviations during the compliance period, and, for each deviation, the date, time, and duration of the deviation; a list of the affected sources or equipment; and a statement of the cause of the deviation (including an unknown cause, if applicable).

* * * * *

(c) Before September 12, 2019, if you use one of the add-on control options in § 63.4291(a) or (c) and you have a startup, shutdown, or malfunction during the semiannual reporting period, you must submit the reports specified in paragraphs (c)(1) and (2) of this section. The reports specified in paragraphs (c)(1) and (2) of this section are not required on and after September 12, 2019.

* * * * *

(d) Beginning no later than June 13, 2019, you must submit the results of the performance test required in paragraph

(b) of this section following the procedure specified in paragraphs (d)(1) through (3) of this section.

(1) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test, you must submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). The CEDRI interface can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). Performance test data must be submitted in a file format generated through the use of the EPA's ERT or an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test, you must submit the results of the performance test to the Administrator at the appropriate address listed in § 63.13, unless the Administrator agrees to or specifies an alternate reporting method.

(3) If you claim that some of the performance test information being submitted under paragraph (d)(1) of this section is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website, including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage medium to the EPA. The electronic medium must be clearly marked as CBI and mailed to U.S. EPA/OAPQS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (d)(1) of this section.

(e) Beginning on March 15, 2021, the owner or operator shall submit the initial notifications required in § 63.9(b) and the notification of compliance status required in § 63.9(h) and § 63.4310(c) to the EPA via CEDRI. The CEDRI interface can be accessed through the EPA's CDX (<https://cdx.epa.gov/>). The owner or operator must upload to CEDRI an electronic copy of each applicable notification in portable document format (PDF). The applicable notification must be submitted by the deadline specified in this subpart,

regardless of the method in which the reports are submitted. Owners or operators who claim that some of the information required to be submitted via CEDRI is CBI shall submit a complete report generated using the appropriate form in CEDRI or an alternate electronic file consistent with the extensible markup language (XML) schema listed on the EPA's CEDRI website, including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage medium to the EPA. The electronic medium shall be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted shall be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(f) Beginning on March 15, 2021, or once the reporting template has been available on the CEDRI website for 1 year, whichever date is later, the owner or operator shall submit the semiannual compliance report required in paragraph (a) of this section to the EPA via CEDRI. The CEDRI interface can be accessed through the EPA's CDX (<https://cdx.epa.gov>). The owner or operator must use the appropriate electronic template on the CEDRI website for this subpart or an alternate electronic file format consistent with the XML schema listed on the CEDRI website (<https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri>). The date report templates become available will be listed on the CEDRI website. If the reporting form for the semiannual compliance report specific to this subpart is not available in CEDRI at the time that the report is due, you must submit the report to the Administrator at the appropriate addresses listed in § 63.13. Once the form has been available in CEDRI for 1 year, you must begin submitting all subsequent reports via CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the reports are submitted. Owners or operators who claim that some of the information required to be submitted via CEDRI is CBI shall submit a complete report generated using the appropriate form in CEDRI or an alternate electronic file consistent with the XML schema listed on the EPA's CEDRI website, including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage medium to the EPA. The electronic medium shall be clearly

marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted shall be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(g) If you are required to electronically submit a report through CEDRI in the EPA's CDX, and due to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX and submitting a required report within the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description identifying the date, time and length of the outage; a rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved. The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(h) If you are required to electronically submit a report through CEDRI in the EPA's CDX and a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due, the owner or operator may assert a claim of force majeure for failure to timely comply with the reporting requirement. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts

of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage). If you intend to assert a claim of force majeure, you must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs. The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

■ 26. Section 63.4312 is amended by revising paragraphs (i), (j) introductory text, and (j)(1) and (2) to read as follows:

§ 63.4312 What records must I keep?

* * * * *

(i) Before September 12, 2019, you must keep records of the date, time, and duration of each deviation. On and after September 12, 2019, for each deviation from an emission limitation reported under § 63.4311(a)(5) through (8), a record of the information specified in paragraphs (i)(1) through (4) of this section, as applicable.

(1) The date, time, and duration of the deviation, as reported under § 63.4311(a)(5) through (8).

(2) A list of the affected sources or equipment for which the deviation occurred and the cause of the deviation, as reported under § 63.4311(a)(5) through (8).

(3) An estimate of the quantity of each regulated pollutant emitted over any applicable emission limit in Table 1 to this subpart or any applicable operating limit in Table 2 to this subpart, and a description of the method used to calculate the estimate, as reported under § 63.4311(a)(5) through (8). If you use the equivalent emission rate option to comply with this subpart, a record of the applicable information specified in § 63.4311(a)(8)(ii) through (iv) satisfies the recordkeeping requirement in this paragraph (i)(3).

(4) A record of actions taken to minimize emissions in accordance with § 63.4300(b) and any corrective actions

taken to return the affected unit to its normal or usual manner of operation.

(j) If you use the emission rate with add-on controls option, the organic HAP overall control efficiency option, or the oxidizer outlet organic HAP concentration option, you must also keep the records specified in paragraphs (j)(1) through (8) of this section.

(1) Before September 12, 2019, for each deviation, a record of whether the deviation occurred during a period of startup, shutdown, or malfunction. The record in this paragraph (j)(1) is not required on and after September 12, 2019.

(2) Before September 12, 2019, the records in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction. The records in this paragraph (j)(2) are not required on and after September 12, 2019.

* * * * *

■ 27. Section 63.4313 is amended by revising paragraph (a) to read as follows:

§ 63.4313 In what form and for how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review, according to § 63.10(b)(1). Where appropriate, the records may be maintained as electronic spreadsheets or as a database. Any records required to be maintained by this subpart that are in reports that were submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

* * * * *

■ 28. Section 63.4321 is amended by revising paragraphs (e)(1)(i)(A), (e)(1)(ii) and (iv), and (e)(2)(i) to read as follows:

§ 63.4321 How do I demonstrate initial compliance with the emission limitations?

* * * * *

- (e) * * *
(1) * * *
(i) * * *

(A) Count each organic HAP in Table 6 to this subpart that is measured to be present at 0.1 percent by mass or more and at 1.0 percent by mass or more for other compounds. For example, if toluene (not listed in Table 6 to this subpart) is measured to be 0.5 percent of the material by mass, you don't have to count it. Express the mass fraction of each organic HAP you count as a value truncated to no more than four places after the decimal point (e.g., 0.3791).

* * * * *

(ii) *Method 24 in appendix A-7 of part 60.* You may use Method 24 to determine the mass fraction of nonaqueous volatile matter and use that value as a substitute for mass fraction of organic HAP. As an alternative to using Method 24, you may use ASTM D2369-10 (R2015), "Test Method for Volatile Content of Coatings" (incorporated by reference, see § 63.14). For a multi-component coating with reactive chemicals, you may use Method 24 or ASTM D2369-10 (R2015) on the coating as applied to determine the mass fraction of nonaqueous volatile matter and use that value as a substitute for the mass fraction of organic HAP determined from the sum of organic HAP in each component.

* * * * *

(iv) *Information from the supplier or manufacturer of the material.* You may rely on information other than that generated by the test methods specified in paragraphs (e)(1)(i) through (iii) of this section, such as manufacturer's formulation data, if it represents each organic HAP in Table 6 to this subpart that is present at 0.1 percent by mass or more and at 1.0 percent by mass or more for other compounds. For example, if toluene (not listed in Table 6 to this subpart) is 0.5 percent of the material by mass, you do not have to count it. If there is a disagreement between such information and results of a test conducted according to paragraphs (e)(1)(i) through (iii) of this section on coating, thinning, or cleaning material, then the test method results will take precedence. Information from the supplier or manufacturer of the printing, slashing, dyeing, or finishing material is sufficient for determining the mass fraction of organic HAP.

* * * * *

(2) * * *

(i) *Method 24 in appendix A-7 of part 60.* You may use Method 24 for determining the mass fraction of solids of coating materials. As an alternative to using Method 24, you may use ASTM D2369-10 (R2015), "Test Method for Volatile Content of Coatings" (incorporated by reference, see § 63.14).

* * * * *

■ 29. Section 63.4340 is amended by revising the section heading and paragraph (b)(3) to read as follows:

§ 63.4340 By what date must I conduct initial performance tests and other initial compliance demonstrations?

* * * * *

(b) * * *

(3) You must complete the compliance demonstration for the initial compliance period according to the

requirements of § 63.4341. The initial compliance period begins on the applicable compliance date specified in § 63.4283 and ends on the last day of the 12th full month after the compliance date. The initial compliance demonstration includes the results of emission capture system and add-on control device performance tests conducted according to §§ 63.4360, 63.4361, and 63.4362; results of liquid-liquid material balances conducted according to § 63.4341(e)(5) or (f)(5); calculations according to § 63.4341 and supporting documentation showing that during the initial compliance period the organic HAP emission rate was equal to or less than the applicable emission limit in Table 1 to this subpart; the operating limits established during the performance tests and the results of the continuous parameter monitoring required by § 63.4364; and documentation of whether you developed and implemented the work practice plan required by § 63.4293.

■ 30. Section 63.4341 is amended:

■ a. In paragraph (e)(4) introductory text by removing the three sentences after the subject heading and adding four sentences in their place;

■ b. By revising paragraph (e)(5)(iii); and

■ c. In paragraph (f)(4) introductory text by removing the first four sentences after the subject heading and adding four new sentences in their place.

The additions and revision read as follows:

§ 63.4341 How do I demonstrate initial compliance?

* * * * *

(e) * * *

(4) * * * For each controlled web coating/printing operation using an emission capture system and add-on control device other than a solvent recovery system for which you conduct liquid-liquid material balances, calculate the organic HAP emissions reductions using Equation 1 of this section. The equation applies the emission capture system efficiency and add-on control device efficiency to the mass of organic HAP contained in the coating, printing, thinning, and cleaning materials applied in the web coating/printing operation served by the emission capture system and add-on control device during the compliance period. For any period of time a deviation specified in § 63.4342(c) or (d) occurs in the controlled web coating/printing operation, then you must assume zero efficiency for the emission capture system and add-on control device. Equation 1 of this section treats the coating, printing, thinning, and

cleaning materials applied during such a deviation as if they were used on an uncontrolled web coating/printing operation for the time period of the deviation. * * *

* * * * *

(5) * * *

(iii) Determine the mass fraction of volatile organic matter for each coating, printing, cleaning, and thinning material applied in the web coating/printing operation controlled by the solvent recovery system during the compliance period, kg volatile organic matter per kg coating, printing, cleaning, and thinning material. You may determine the volatile organic matter mass fraction using Method 24 in appendix A–7 of part 60, ASTM D2369–10 (R2015), “Test Method for Volatile Content of Coatings” (incorporated by reference, *see* § 63.14), or an EPA approved alternative method. Alternatively, you may use information provided by the manufacturer or supplier of the coating or printing material. In the event of any inconsistency between information provided by the manufacturer or supplier and the results of Method 24, ASTM D2369–10 (R2015), or an approved alternative method, the test method results will govern.

* * * * *

(f) * * *

(4) * * * For each controlled dyeing/finishing operation using an emission capture system and add-on control device other than a solvent recovery system for which you conduct liquid-liquid material balances, calculate the organic HAP emissions reductions using Equation 5 of this section. The equation applies the emission capture system efficiency and add-on control device efficiency to the mass of organic HAP contained in the dyeing and finishing materials applied in the dyeing/finishing operation served by the emission capture system and add-on control device during the compliance period. For any period of time a deviation specified in § 63.4342(c) or (d) occurs in the controlled dyeing/finishing operation, then you must assume zero efficiency for the emission capture system and add-on control device. Equation 5 of this section treats the dyeing and finishing materials applied during such a deviation as if they were applied on an uncontrolled dyeing/finishing operation for the time period of the deviation. * * *

* * * * *

■ 31. Section 63.4342 is amended by revising the section heading and paragraph (c) introductory text, adding

paragraph (c)(3), and revising paragraphs (f) and (h) to read as follows:

§ 63.4342 How do I conduct periodic performance tests and demonstrate continuous compliance with the emission limitations?

* * * * *

(c) You must demonstrate continuous compliance with each operating limit required by § 63.4292 that applies to you, as specified in Table 2 to this subpart, and you must conduct periodic performance tests as specified in paragraph (c)(3) of this section.

* * * * *

(3) Except for solvent recovery systems for which you conduct liquid-liquid material balances according to § 63.4351(d)(5), within 5 years following the previous performance test, you must conduct according to the procedures in §§ 63.4360, 63.4361, and 63.4362 a periodic performance test of each capture system and add-on control device used, and you must establish the operating limits required by § 63.4292. You must conduct the first periodic performance test and establish the operating limits required by § 63.4292 before March 15, 2022, unless you are already required to complete periodic performance tests as a requirement of renewing your facility's operating permit under 40 CFR part 70 or 40 CFR part 71 and have conducted a performance test on or after March 15, 2017. Thereafter you must conduct a performance test no later than 5 years following the previous performance test. Operating limits must be confirmed or reestablished during each performance test.

* * * * *

(f) As part of each semiannual compliance report required in § 63.4311, you must identify the coating/printing and dyeing/finishing operation(s) for which you use the emission rate with add-on controls option. If there were no deviations from the applicable emission limitations in §§ 63.4290, 63.4292, and 63.4293, you must submit a statement that, as appropriate, the web coating/printing operations or the dyeing/finishing operations were in compliance with the emission limitations during the reporting period because the organic HAP emission rate for each compliance period was less than or equal to the applicable emission limit in Table 1 to this subpart, and you achieved the operating limits required by § 63.4292 and the work practice standards required by § 63.4293 during each compliance period.

* * * * *

(h) Before September 12, 2019, consistent with §§ 63.6(e) and 63.7(e)(1),

deviations that occur during a period of startup, shutdown, or malfunction of the emission capture system, add-on control device, or web coating/printing or dyeing/finishing operation that may affect emission capture or control device efficiency are not violations if you demonstrate to the Administrator's satisfaction that you were operating in accordance with § 63.6(e)(1). The Administrator will determine whether deviations that occur during a period of startup, shutdown, or malfunction are violations according to the provisions in § 63.6(e). On and after September 12, 2019, as specified in § 63.4300(b), at all times, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions, and determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator.

* * * * *

■ 32. Section 63.4350 is amended by revising paragraphs (a)(3) and (b)(3) to read as follows:

§ 63.4350 By what date must I conduct performance tests and other initial compliance demonstrations?

(a) * * *

(3) You must complete the compliance demonstration for the initial compliance period according to the requirements of § 63.4351. The initial compliance period begins on the applicable compliance date specified in § 63.4283 and ends on the last day of the first full month after the compliance date, or the date you conduct the performance tests of the emission capture systems and add-on control devices, or initiate the first liquid-liquid material balance for a solvent recovery system, whichever is later. The initial compliance demonstration includes the results of emission capture system and add-on control device performance tests conducted according to §§ 63.4360, 63.4361, and 63.4362; results of liquid-liquid material balances conducted according to § 63.4351(d)(5); calculations according to § 63.4351 and supporting documentation showing that during the initial compliance period either the organic HAP overall control efficiency was equal to or greater than the applicable overall control efficiency limit in Table 1 to this subpart or the oxidizer outlet organic HAP concentration was no greater than 20 parts per million by volume (ppmv) on

a dry basis; the operating limits established during the performance tests and the results of the continuous parameter monitoring required by § 63.4364; and documentation of whether you developed and implemented the work practice plan required by § 63.4293.

* * * * *

(b) * * *

(3) You must complete the compliance demonstration for the initial compliance period according to the requirements of § 63.4351. The initial compliance period begins on the applicable compliance date specified in § 63.4283 and ends on the last day of the first full month after the compliance date. The initial compliance demonstration includes the results of emission capture system and add-on control device performance tests conducted according to §§ 63.4360, 63.4361, and 63.4362; results of liquid-liquid material balances conducted according to § 63.4351(d)(5); calculations according to § 63.4351 and supporting documentation showing that during the initial compliance period the organic HAP overall control efficiency was equal to or greater than the applicable organic HAP overall control efficiency limit in Table 1 to this subpart or the oxidizer outlet organic HAP concentration was no greater than 20 ppmv on a dry basis and the efficiency of the capture system was 100 percent; the operating limits established during the performance tests and the results of the continuous parameter monitoring required by § 63.4364; and documentation of whether you developed and implemented the work practice plan required by § 63.4293.

■ 33. Section 63.4351 is amended by revising paragraphs (a), (d)(4) introductory text, (d)(5)(iii), and (e) introductory text to read as follows:

§ 63.4351 How do I demonstrate initial compliance?

(a) You may use the organic HAP overall control efficiency option or the oxidizer outlet organic HAP concentration option for any individual web coating/printing operation, for any group of web coating/printing operations in the affected source, or for all of the web coating/printing operations in the affected source. You may include both controlled and uncontrolled web coating/printing operations in a group for which you use the organic HAP overall control efficiency option. You must use either the compliant material option, the emission rate without add-on controls option, or the emission rate with add-on controls option for any web coating/

printing operation(s) in the affected source for which you do not use either the organic HAP overall control efficiency option or the oxidizer outlet organic HAP concentration option. To demonstrate initial compliance, any web coating/printing operation for which you use the organic HAP overall control efficiency option must meet the applicable organic HAP overall control efficiency limitations in Table 1 to this subpart according to the procedures in paragraph (d) of this section. Any web coating/printing operation for which you use the oxidizer outlet organic HAP concentration option must meet the 20 ppmv on a dry basis limit and achieve 100 percent capture efficiencies according to the procedures in paragraph (e) of this section. To demonstrate initial compliance with either option, you also must meet the applicable operating limits in § 63.4292 according to the procedures in paragraph (b) of this section and the work practice standards in § 63.4293 according to the procedures in paragraph (c) of this section. When calculating the organic HAP overall control efficiency according to this section, do not include any coating, printing, thinning, or cleaning materials applied on web coating/printing operations for which you use the compliant material option, the emission rate without add-on controls option, or the oxidizer outlet organic HAP concentration option. You do not need to redetermine the mass of organic HAP in coating, printing, thinning, or cleaning materials that have been reclaimed onsite and reused in web coating/printing operation(s) for which you use the organic HAP overall control efficiency option.

* * * * *

(d) * * *

(4) *Calculate the organic HAP emissions reductions for controlled web coating/printing operations not using liquid-liquid material balance.* For each controlled web coating/printing operation using an emission capture system and add-on control device other than a solvent recovery system for which you conduct liquid-liquid material balances, calculate the organic HAP emissions reductions using Equation 1 of § 63.4341. The equation applies the emission capture system efficiency and add-on control device efficiency to the mass of organic HAP contained in the coating, printing, thinning, and cleaning materials applied in the web coating/printing operation served by the emission capture system and add-on control device during the

compliance period. For any period of time a deviation specified in § 63.4352(c) or (d) occurs in the controlled web coating/printing operation, then you must assume zero efficiency for the emission capture system and add-on control device. Equation 1 of § 63.4341 treats the coating, printing, thinning, and cleaning materials applied during such a deviation as if they were applied on an uncontrolled web coating/printing operation for the time period of the deviation.

* * * * *

(5) * * *

(iii) Determine the mass fraction of volatile organic matter for each coating and printing material applied in the web coating/printing operation controlled by the solvent recovery system during the compliance period, kg volatile organic matter per kg coating and printing material. You may determine the volatile organic matter mass fraction using Method 24 in appendix A-7 of part 60, ASTM D2369-10 (R2015), "Test Method for Volatile Content of Coatings" (incorporated by reference, *see* § 63.14), or an EPA approved alternative method. Alternatively, you may use information provided by the manufacturer or supplier of the coating or printing material. In the event of any inconsistency between information provided by the manufacturer or supplier and the results of Method 24, ASTM D2369-10 (R2015), or an approved alternative method, the test method results will govern.

* * * * *

(e) *Compliance with oxidizer outlet organic HAP concentration limit.* You must follow the procedures in paragraphs (e)(1) through (3) of this section to demonstrate compliance with the oxidizer outlet organic HAP concentration limit of no greater than 20 ppmv on a dry basis.

* * * * *

■ 34. Section 63.4352 is amended by revising paragraph (h) to read as follows:

§ 63.4352 How do I demonstrate continuous compliance with the emission limitations?

* * * * *

(h) Before September 12, 2019, consistent with §§ 63.6(e) and 63.7(e)(1), deviations that occur during a period of startup, shutdown, or malfunction of the emission capture system, add-on control device, or web coating/printing operation that may affect emission capture or control device efficiency are not violations if you demonstrate to the Administrator's satisfaction that you

were operating in accordance with § 63.6(e)(1). The Administrator will determine whether deviations that occur during a period of startup, shutdown, or malfunction are violations according to the provisions in § 63.6(e). On and after September 12, 2019, as specified in § 63.4300(b), at all times, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions, and determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator.

* * * * *

■ 35. Section 63.4360 is amended by revising paragraphs (a) introductory text and (a)(1) to read as follows:

§ 63.4360 What are the general requirements for performance tests?

(a) You must conduct each performance test required by § 63.4340 or § 63.4350 according to the requirements in this section, unless you obtain a waiver of the performance test according to the provisions in § 63.7(h).

(1) *Representative web coating/printing or dyeing/finishing operation operating conditions.* You must conduct the performance test under representative operating conditions for the web coating/printing or dyeing/finishing operation. Operations during periods of startup, shutdown, or nonoperation do not constitute representative conditions for purposes of conducting a performance test. The owner or operator may not conduct performance tests during periods of malfunction. You must record the process information that is necessary to document operating conditions during the test and explain why the conditions represent normal operation. Upon request, you must make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

* * * * *

■ 36. Section 63.4362 is amended by revising paragraphs (a)(1) through (4) and (b) introductory text to read as follows:

§ 63.4362 How do I determine the add-on control device emission destruction or removal efficiency?

* * * * *

(a) * * *

(1) Use Method 1 or 1A in appendix A-1 of part 60, as appropriate, to select

sampling sites and velocity traverse points.

(2) Use Method 2, 2A, 2C, 2D, or 2F in appendix A-1, or Method 2G in appendix A-2, of part 60, as appropriate, to measure gas volumetric flow rate.

(3) Use Method 3, 3A, or 3B in appendix A of part 60, as appropriate, for gas analysis to determine dry molecular weight. You may also use as an alternative to Method 3B, the manual method for measuring the oxygen, carbon dioxide, and carbon monoxide content of exhaust gas in ANSI/ASME, PTC 19.10-1981, "Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]" (incorporated by reference, see § 63.14).

(4) Use Method 4 in appendix A of part 60 to determine stack gas moisture.

* * * * *

(b) Measure the volatile organic matter concentration as carbon at the inlet and outlet of the add-on control device simultaneously, using Method 25 or 25A in appendix A-7 of part 60. If you are demonstrating compliance with the oxidizer outlet organic HAP concentration limit, only the outlet volatile organic matter concentration must be determined. The outlet volatile organic matter concentration is determined as the average of the three test runs. You may use Method 18 in appendix A-6 of part 60 to subtract methane emissions from measured volatile organic matter concentration as carbon.

* * * * *

■ 37. Section 63.4364 is amended by:

■ a. Revising paragraphs (a)(6) through (8) and (c) introductory text;

■ b. Redesignating paragraphs (c)(i) through (iii) as (c)(1) through (3), respectively; and

■ c. Revising newly redesignated paragraph (c)(1).

The revisions read as follows:

§ 63.4364 What are the requirements for CPMS installation, operation, and maintenance?

(a) * * *

(6) At all times, you must maintain the monitoring system in accordance with § 63.4300(b) and in proper working order including, but not limited to, keeping readily available necessary parts for routine repairs of the monitoring equipment.

(7) Before September 12, 2019, except for monitoring malfunctions, associated repairs, or required quality assurance or control activities (including calibration checks or required zero and span adjustments), you must conduct all monitoring at all times that the unit is

operating. On and after September 12, 2019, you must operate the CPMS and collect emission capture system and add-on control device parameter data at all times in accordance with § 63.4300(b). Data recorded during monitoring malfunctions, associated repairs, out-of-control periods, or required quality assurance or control activities shall not be used for purposes of calculating the emissions concentrations and percent reductions specified in Table 1 to this subpart. You must use all the data collected during all other periods in assessing compliance of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(8) Except for periods of required quality assurance or control activities, any averaging period during which the CPMS fails to operate and record data continuously as required by paragraph (a)(1) of this section, or during which generated data cannot be included in calculating averages as specified in paragraph (a)(7) of this section, constitutes a deviation, and you must notify the Administrator in accordance with § 63.4311(a).

* * * * *

(c) *Oxidizers.* If you are using an oxidizer to comply with the emission standards, you must comply with paragraphs (c)(1) through (3) of this section.

(1) Install, calibrate, maintain, and operate temperature monitoring equipment according to the manufacturer's specifications. The calibration of the chart recorder, data logger, or temperature indicator must be verified every 3 months or the chart recorder, data logger, or temperature indicator must be replaced. A thermocouple is considered part of the temperature indicator for purposes of performing periodic calibration and verification checks.

* * * * *

■ 38. Section 63.4371 is amended by revising the definition of "Deviation" to read as follows:

§ 63.4371 What definitions apply to this subpart?

* * * * *

Deviation means:

(1) Before September 12, 2019, any instance in which an affected source subject to this subpart or an owner or operator of such a source:

(i) Fails to meet any requirement or obligation established by this subpart

including but not limited to any emission limit, or operating limit, or work practice standard;

(ii) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(iii) Fails to meet any emission limit, or operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction regardless of

whether or not such failure is permitted by this subpart; and

(2) On and after September 12, 2019, any instance in which an affected source subject to this subpart or an owner or operator of such a source:

(i) Fails to meet any requirement or obligation established by this subpart including but not limited to any emission limit, or operating limit, or work practice standard; or

(ii) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the

operating permit for any affected source required to obtain such a permit.

* * * * *

No organic HAP means no organic HAP in Table 5 to this subpart is present at 0.1 percent by mass or more and no organic HAP not listed in Table 5 to this subpart is present at 1.0 percent by mass or more. The organic HAP content of a regulated material is determined according to § 63.4321(e)(1).

* * * * *

■ 39. Table 3 to subpart OOOO of part 63 is revised to read as follows:

TABLE 3 TO SUBPART OOOO OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART OOOO

[You must comply with the applicable General Provisions requirements according to the following table:]

Citation	Subject	Applicable to subpart OOOO	Explanation
§ 63.1(a)(1)–(12)	General Applicability	Yes	Applicability to subpart OOOO is also specified in § 63.4281.
§ 63.1(b)(1)–(3)	Initial Applicability Determination	Yes	
§ 63.1(c)(1)	Applicability After Standard Established	Yes	Area sources are not subject to subpart OOOO.
§ 63.1(c)(2)–(3)	Applicability of Permit Program for Area Sources.	No	
§ 63.1(c)(4)–(5)	Extensions and Notifications	Yes	Additional definitions are specified in § 63.4371.
§ 63.1(e)	Applicability of Permit Program Before Relevant Standard is Set.	Yes	
§ 63.2	Definitions	Yes	Section 63.4283 specifies the compliance dates. Section 63.4283 specifies the compliance dates. See § 63.4300(b) for general duty requirement.
§ 63.3(a)–(c)	Units and Abbreviations	Yes	
§ 63.4(a)(1)–(5)	Prohibited Activities	Yes	
§ 63.4(b)–(c)	Circumvention/Severability	Yes	
§ 63.5(a)	Construction/Reconstruction	Yes	
§ 63.5(b)(1)–(6)	Requirements for Existing, Newly Constructed, and Reconstructed Sources.	Yes	
§ 63.5(d)	Application for Approval of Construction/Reconstruction.	Yes	
§ 63.5(e)	Approval of Construction/Reconstruction	Yes	
§ 63.5(f)	Approval of Construction/Reconstruction Based on Prior State Review.	Yes	
§ 63.6(a)	Compliance With Standards and Maintenance Requirements—Applicability.	Yes	
§ 63.6(b)(1)–(7)	Compliance Dates for New and Reconstructed Sources.	Yes	Subpart OOOO does not establish opacity standards and does not require continuous opacity monitoring systems (COMS).
§ 63.6(c)(1)–(5)	Compliance Dates for Existing Sources	Yes	
§ 63.6(e)(1)(i)	Operation and Maintenance	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.6(e)(1)(ii)	Operation and Maintenance	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.6(e)(1)(iii)	Operation and Maintenance	Yes	
§ 63.6(e)(3)	Startup, Shutdown, and Malfunction Plan	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.6(f)(1)	Compliance Except During Startup, Shutdown, and Malfunction.	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.6(f)(2)–(3)	Methods for Determining Compliance	Yes	
§ 63.6(g)(1)–(3)	Use of an Alternative Standard	Yes	
§ 63.6(h)	Compliance With Opacity/Visible Emission Standards.	No	
§ 63.6(i)(1)–(16)	Extension of Compliance	Yes	

TABLE 3 TO SUBPART OOOO OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART OOOO—Continued
 [You must comply with the applicable General Provisions requirements according to the following table:]

Citation	Subject	Applicable to subpart OOOO	Explanation
§ 63.6(j)	Presidential Compliance Exemption	Yes	Applies to all affected sources. Additional requirements for performance testing are specified in §§ 63.4360, 63.4361, and 63.4362.
§ 63.7(a)(1)	Performance Test Requirements—Applicability.	Yes	
§ 63.7(a)(2)	Performance Test Requirements—Dates ..	Yes	Applies only to performance tests for capture system and control device efficiency at sources using these to comply with the standard.
§ 63.7(a)(3)	Performance Tests Required by the Administrator.	Yes	Applies only to performance tests for capture system and control device efficiency at sources using these to comply with the standard.
§ 63.7(b)–(d)	Performance Test Requirements—Notification, Quality Assurance, Facilities Necessary for Safe Testing, Conditions During Test.	Yes	
§ 63.7(e)(1)	Conduct of performance tests	Yes, before September 12, 2019. No, on and after September 12, 2019.	See § 63.4360.
§ 63.7(e)(2)–(4)	Conduct of performance tests	Yes	Applies to all test methods except those used to determine capture system efficiency.
§ 63.7(f)	Performance Test Requirements—Use of Alternative Test Method.	Yes	
§ 63.7(g)–(h)	Performance Test Requirements—Data Analysis, Recordkeeping, Waiver of Test.	Yes	Applies only to performance tests for capture system and add-on control device efficiency at sources using these to comply with the standards.
§ 63.8(a)(1)–(3)	Monitoring Requirements—Applicability	Yes	Applies only to monitoring of capture system and add-on control device efficiency at sources using these to comply with the standards. Additional requirements for monitoring are specified in § 63.4364.
§ 63.8(a)(4)	Additional Monitoring Requirements	No	Subpart OOOO does not have monitoring requirements for flares.
§ 63.8(b)	Conduct of Monitoring	Yes	Section 63.4364 specifies the requirements for the operation of CMS for capture systems and add-on control devices at sources using these to comply.
§ 63.8(c)(1)	Continuous Monitoring Systems (CMS) Operation and Maintenance.	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.8(c)(2)–(3)	CMS Operation and Maintenance	Yes	Applies only to monitoring of capture system and add-on control device efficiency at sources using these to comply with the standards. Additional requirements for CMS operations and maintenance are specified in § 63.4364.
§ 63.8(c)(4)	CMS	No	Section 63.4364 specifies the requirements for the operation of CMS for capture systems and add-on control devices at sources using these to comply.
§ 63.8(c)(5)	COMS	No	Subpart OOOO does not have opacity or visible emission standards.
§ 63.8(c)(6)	CMS Requirements	No	Section 63.4364 specifies the requirements for monitoring systems for capture systems and add-on control devices at sources using these to comply.
§ 63.8(c)(7)	CMS Out of Control Periods	Yes	Section 63.4311 requires reporting of CMS out-of-control periods.
§ 63.8(c)(8)	CMS Out of Control Periods and Reporting	No	
§ 63.8(d)–(e)	Quality Control Program and CMS Performance Evaluation.	No	Subpart OOOO does not require the use of CEMS.
§ 63.8(f)(1)–(5)	Use of an Alternative Monitoring Method ...	Yes	Subpart OOOO does not require the use of CEMS.
§ 63.8(f)(6)	Alternative to Relative Accuracy Test	No	
§ 63.8(g)(1)–(5)	Data Reduction	No	Sections 63.4363 and 63.4364 specify monitoring data reduction.
§ 63.9(a)	Applicability and General Information	Yes	Subpart OOOO provides 1 year for an existing source to submit an initial notification.
§ 63.9(b)	Initial Notifications	No	

TABLE 3 TO SUBPART OOOO OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART OOOO—Continued
 [You must comply with the applicable General Provisions requirements according to the following table:]

Citation	Subject	Applicable to subpart OOOO	Explanation
§ 63.9(c)	Request for Extension of Compliance	Yes	Applies only to capture system and add-on control device performance tests at sources using these to comply with the standards.
§ 63.9(d)	Notification that Source is Subject to Special Compliance Requirements.	Yes	
§ 63.9(e)	Notification of Performance Test	Yes	
§ 63.9(f)	Notification of Visible Emissions/Opacity Test.	No	Subpart OOOO does not have opacity or visible emission standards.
§ 63.9(g)(1)–(3)	Additional Notifications When Using CMS	No	Subpart OOOO does not require the use of CEMS.
§ 63.9(h)	Notification of Compliance Status	Yes	Section 63.4310 specifies the dates for submitting the notification of compliance status.
§ 63.9(i)	Adjustment of Submittal Deadlines	Yes	Additional Requirements are specified in §§ 63.4312 and 63.4313. See § 63.4312(i).
§ 63.9(j)	Change in Previous Information	Yes	
§ 63.10(a)	Recordkeeping/Reporting—Applicability and General Information.	Yes	
§ 63.10(b)(1)	General Recordkeeping Requirements	Yes	See § 63.4312(i).
§ 63.10(b)(2)(i)	Recordkeeping of Occurrence and Duration of Startups and Shutdowns.	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.10(b)(2)(ii)	Recordkeeping of Failures to Meet Standards.	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.10(b)(2)(iii)	Recordkeeping Relevant to Maintenance of Air Pollution Control and Monitoring Equipment.	Yes	See § 63.4312(i)(4) for a record of actions taken to minimize emissions during a deviation from the standard.
§ 63.10(b)(2)(iv)–(v)	Actions Taken to Minimize Emissions During Startup, Shutdown, and Malfunction.	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.10(b)(2)(vi)	Recordkeeping for CMS malfunctions	Yes, before September 12, 2019. No, on and after September 12, 2019..	
§ 63.10(b)(2)(vii)–(xi)	Records	Yes	Subpart OOOO does not require the use of CEMS.
§ 63.10(b)(2)(xii)	Records	Yes	
§ 63.10(b)(2)(xiii) .....	.....	No	
§ 63.10(b)(2)(xiv)		Yes	See § 63.4312(i)(1) for records of periods of deviation from the standard, including instances where a CMS is inoperative or out-of-control.
§ 63.10(b)(3)	Recordkeeping Requirements for Applicability Determinations.	Yes	
§ 63.10(c)(1)–(6)	Additional Recordkeeping Requirements for Sources with CMS.	Yes	
§ 63.10(c)(7)–(8)	Additional Recordkeeping Requirements for Sources with CMS.	No	Additional requirements are specified in § 63.4311.
§ 63.10(c)(10)–(14)	Additional Recordkeeping Requirements for Sources with CMS.	Yes	
§ 63.10(c)(15)	Records Regarding the Startup, Shutdown, and Malfunction Plan.	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.10(d)(1)	General Reporting Requirements	Yes	Additional requirements are specified in § 63.4311(b).
§ 63.10(d)(2)	Report of Performance Test Results	Yes	
§ 63.10(d)(3)	Reporting Opacity or Visible Emissions Observations.	No	
§ 63.10(d)(4)	Progress Reports for Sources With Compliance Extensions.	Yes	Subpart OOOO does not require opacity or visible emissions observations.

TABLE 3 TO SUBPART OOOO OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART OOOO—Continued
[You must comply with the applicable General Provisions requirements according to the following table:]

Citation	Subject	Applicable to subpart OOOO	Explanation
§ 63.10(d)(5)	Startup, Shutdown, and Malfunction Reports.	Yes, before September 12, 2019. No, on and after September 12, 2019.	See § 63.4311(a)(7).
§ 63.10(e)(1)–(2)	Additional CMS Reports	No	Subpart OOOO does not require the use of CEMS.
§ 63.10(e)(3)	Excess Emissions/CMS Performance Reports.	No	Section 63.4311(a) specifies the contents of periodic compliance reports.
§ 63.10(e)(4)	COMS Data Reports	No	Subpart OOOO does not specify requirements for opacity or COMS.
§ 63.10(f)	Recordkeeping/Reporting Waiver	Yes	
§ 63.11	Control Device Requirements/Flares	No	Subpart OOOO does not specify use of flares for compliance.
§ 63.12	State Authority and Delegations	Yes	
§ 63.13	Addresses	Yes	
§ 63.14	Incorporation by Reference	Yes	ASNI/ASME PTC 19.10–1981, part 10.
§ 63.15	Availability of Information/Confidentiality	Yes	

■ 40. Table 6 to subpart OOOO of part 63 is added to read as follows:

TABLE 6—TO SUBPART OOOO OF PART 63—LIST OF HAZARDOUS AIR POLLUTANTS THAT MUST BE COUNTED TOWARD TOTAL ORGANIC HAP CONTENT IF PRESENT AT 0.1 PERCENT OR MORE BY MASS

Chemical name	CAS No.
1,1,2,2-Tetrachloroethane	79–34–5
1,1,2-Trichloroethane	79–00–5
1,1-Dimethylhydrazine	57–14–7
1,2-Dibromo-3-chloropropane	96–12–8
1,2-Diphenylhydrazine	122–66–7
1,3-Butadiene	106–99–0
1,3-Dichloropropene	542–75–6
1,4-Dioxane	123–91–1
2,4,6-Trichlorophenol	88–06–2
2,4/2,6-Dinitrotoluene (mixture)	25321–14–6
2,4-Dinitrotoluene	121–14–2
2,4-Toluene diamine	95–80–7
2-Nitropropane	79–46–9
3,3'-Dichlorobenzidine	91–94–1
3,3'-Dimethoxybenzidine	119–90–4
3,3'-Dimethylbenzidine	119–93–7
4,4'-Methylene bis(2-chloroaniline)	101–14–4
Acetaldehyde	75–07–0
Acrylamide	79–06–1
Acrylonitrile	107–13–1
Allyl chloride	107–05–1
alpha-Hexachlorocyclohexane (a-HCH)	319–84–6
Aniline	62–53–3
Benzene	71–43–2
Benzidine	92–87–5
Benzotrichloride	98–07–7
Benzyl chloride	100–44–7
beta-Hexachlorocyclohexane (b-HCH)	319–85–7
Bis(2-ethylhexyl)phthalate	117–81–7
Bis(chloromethyl)ether	542–88–1
Bromoform	75–25–2
Captan	133–06–2
Carbon tetrachloride	56–23–5
Chlordane	57–74–9
Chlorobenzilate	510–15–6
Chloroform	67–66–3
Chloroprene	126–99–8
Cresols (mixed)	1319–77–3
DDE	3547–04–4
Dichloroethyl ether	111–44–4
Dichlorvos	62–73–7
Epichlorohydrin	106–89–8

TABLE 6—TO SUBPART OOOO OF PART 63—LIST OF HAZARDOUS AIR POLLUTANTS THAT MUST BE COUNTED TOWARD TOTAL ORGANIC HAP CONTENT IF PRESENT AT 0.1 PERCENT OR MORE BY MASS—Continued

Chemical name	CAS No.
Ethyl acrylate	140-88-5
Ethylene dibromide	106-93-4
Ethylene dichloride	107-06-2
Ethylene oxide	75-21-8
Ethylene thiourea	96-45-7
Ethylidene dichloride (1,1-Dichloroethane)	75-34-3
Formaldehyde	50-00-0
Heptachlor	76-44-8
Hexachlorobenzene	118-74-1
Hexachlorobutadiene	87-68-3
Hexachloroethane	67-72-1
Hydrazine	302-01-2
Isophorone	78-59-1
Lindane (hexachlorocyclohexane, all isomers)	58-89-9
m-Cresol	108-39-4
Methylene chloride	75-09-2
Naphthalene	91-20-3
Nitrobenzene	98-95-3
Nitrosodimethylamine	62-75-9
o-Cresol	95-48-7
o-Toluidine	95-53-4
Parathion	56-38-2
p-Cresol	106-44-5
p-Dichlorobenzene	106-46-7
Pentachloronitrobenzene	82-68-8
Pentachlorophenol	87-86-5
Propoxur	114-26-1
Propylene dichloride	78-87-5
Propylene oxide	75-56-9
Quinoline	91-22-5
Tetrachloroethene	127-18-4
Toxaphene	8001-35-2
Trichloroethylene	79-01-6
Trifluralin	1582-09-8
Vinyl bromide	593-60-2
Vinyl chloride	75-01-4
Vinylidene chloride	75-35-4

Subpart RRRR—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture

■ 41. Section 63.4900 is revised to read as follows:

§ 63.4900 What are my general requirements for complying with this subpart?

(a) The affected source must be in compliance at all times with the applicable emission limitations specified in §§ 63.4890, 63.4892, and 63.4893.

(b) Before September 12, 2019, you must always operate and maintain your affected source, including all air pollution control and monitoring equipment you use for purposes of complying with this subpart, according to the provisions in § 63.6(e)(1)(i). On and after September 12, 2019, at all times, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and

monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the affected source.

(c) Before September 12, 2019, if your affected source uses an emission capture system and add-on control device to comply with the emission limitations in § 63.4890, you must develop a written startup, shutdown, and malfunction plan (SSMP) according to the provisions in § 63.6(e)(3). The SSMP must address the startup, shutdown, and corrective

actions in the event of a malfunction of the emission capture system or the add-on control device. The SSMP must also address any coating operation equipment that may cause increased emissions or that would affect capture efficiency if the process equipment malfunctions, such as conveyors that move parts among enclosures. A startup, shutdown, and malfunction plan is not required on and after September 12, 2019.

■ 42. Section 63.4910 is amended by revising paragraph (c)(9)(v) to read as follows:

§ 63.4910 What notifications must I submit?

* * * * *

(c) * * *

(9) * * *

(v) Before September 12, 2019, a statement of whether or not you developed and implemented the startup, shutdown, and malfunction plan required by § 63.4900. This statement is not required on and after September 12, 2019.

■ 43. Section 63.4920 is amended by revising paragraphs (a)(3) introductory text, (a)(3)(ii), (a)(4), (a)(5) introductory text, (a)(5) through (7), and (c) introductory text to read as follows:

§ 63.4920 What reports must I submit?

(a) * * *

(3) *General requirements.* The semiannual compliance report must contain the information specified in paragraphs (a)(3)(i) through (v) of this section, and the information specified in paragraphs (a)(4) through (7) of this section that is applicable to your affected source.

* * * * *

(ii) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the report. Such certifications must also comply with the requirements of 40 CFR 70.5(d) or 40 CFR 71.5(d).

* * * * *

(4) *No deviations.* If there were no deviations from the emission limits, operating limits, and work practice standards in §§ 63.4890, 63.4892, and 63.4893, respectively, that apply to you, the semiannual compliance report must include an affirmative statement that there were no deviations from the emission limits, operating limits, or work practice standards in §§ 63.4890, 63.4892, and 63.4893 during the reporting period. If there were no deviations from these emission limitations, the semiannual compliance report must include the affirmative statement that is described in either § 63.4942(c), § 63.4952(c), or § 63.4962(f), as applicable. If you used the emission rate with add-on controls option and there were no periods during which the continuous parameter monitoring systems (CPMS) were out-of-control as specified in § 63.8(c)(7), the semiannual compliance report must include a statement that there were no periods during which the CPMS were out-of-control during the reporting period as specified in § 63.8(c)(7).

(5) *Deviations: Compliant material option.* If you used the compliant material option, and there was a deviation from the applicable emission limit in § 63.4890, the semiannual compliance report must contain the information in paragraph (a)(5)(i) or (ii) of this section, as applicable.

(i) Before September 12, 2019, the information in paragraphs (a)(5)(i)(A) through (D) of this section.

(A) Identification of each coating used that deviated from the emission limit, and of each thinner and cleaning material used that contained organic

HAP, and the dates and time periods each was used.

(B) The calculation of the organic HAP content for each coating identified in paragraph (a)(5)(i) of this section, using Equation 2 of § 63.4941. You do not need to submit background data supporting this calculation, for example, information provided by materials suppliers or manufacturers, or test reports.

(C) The determination of mass fraction of organic HAP for each coating, thinner, and cleaning material identified in paragraph (a)(5)(i) of this section. You do not need to submit background data supporting this calculation, for example, information provided by materials suppliers or manufacturers, or test reports.

(D) A statement of the cause of each deviation.

(ii) On and after September 12, 2019, if there was a deviation from the applicable emission limit in § 63.4890, the semiannual compliance report must contain the information in paragraphs (a)(5)(ii)(A) through (E) of this section.

(A) Identification of each coating used that deviated from the emission limit, and of each thinner and cleaning material used that contained organic HAP, and the date, time, and duration each was used.

(B) The calculation of the organic HAP content for each coating identified in paragraph (a)(5)(ii)(A) of this section, using Equation 2 of § 63.4941. You do not need to submit background data supporting this calculation, for example, information provided by materials suppliers or manufacturers, or test reports.

(C) The determination of mass fraction of organic HAP for each coating, thinner, and cleaning material identified in paragraph (a)(5)(ii)(A) of this section. You do not need to submit background data supporting this calculation, for example, information provided by materials suppliers or manufacturers, or test reports.

(D) A statement of the cause of each deviation (including unknown cause, if applicable).

(E) The number of deviations and, for each deviation, a list of the affected source or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit in § 63.4890, and a description of the method used to estimate the emissions.

(6) *Deviations: Emission rate without add-on controls option.* If you used the emission rate without add-on controls option, and there was a deviation from any applicable emission limit in § 63.4890, the semiannual compliance report must contain the information in

paragraph (a)(6)(i) or (ii) of this section, as applicable. You do not need to submit background data supporting these calculations, for example, information provided by materials suppliers or manufacturers, or test reports.

(i) Before September 12, 2019, the information in paragraphs (a)(6)(i)(A) through (E) of this section.

(A) The beginning and ending dates of each compliance period during which the organic HAP emission rate exceeded the applicable emission limit in § 63.4890.

(B) The calculation of the total mass of organic HAP emissions for each month, using Equations 1 of § 63.4951.

(C) The calculation of the total volume of coating solids used each month, using Equation 2 of § 63.4951.

(D) The calculation of the organic HAP emission rate for each month, using Equation 3 of § 63.4951.

(E) A statement of the cause of each deviation.

(ii) On and after September 12, 2019, if there was a deviation from the applicable emission limit in § 63.4890, the semiannual compliance report must contain the information in paragraphs (a)(6)(ii)(A) through (F) of this section.

(A) The beginning and ending dates of each compliance period during which the organic HAP emission rate exceeded the applicable emission limit in § 63.4890.

(B) The calculation of the total mass of organic HAP emissions for each month, using Equation 1 of § 63.4951.

(C) The calculation of the total volume of coating solids used each month, using Equation 2 of § 63.4951.

(D) The calculation of the organic HAP emission rate for each month, using Equation 3 of § 63.4951.

(E) A statement of the cause of each deviation (including unknown cause, if applicable).

(F) The number of deviations, a list of the affected source or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit in § 63.4890, and a description of the method used to estimate the emissions.

(7) *Deviations: Emission rate with add-on controls option.* If you used the emission rate with add-on controls option, and there was a deviation from any applicable emission limitation (including any periods when emissions bypassed the add-on control device and were diverted to the atmosphere), the semiannual compliance report must contain the information in paragraph (a)(7)(i) or (ii) of this section, as applicable.

(i) Before September 12, 2019, the information in paragraphs (a)(7)(i)(A) through (Q) of this section. This includes periods of startup, shutdown, and malfunction during which deviations occurred. You do not need to submit background data supporting these calculations, for example, information provided by materials suppliers or manufacturers, or test reports.

(A) The beginning and ending dates of each compliance period during which the organic HAP emission rate exceeded the applicable emission limit in § 63.4890.

(B) The calculation of the total mass of organic HAP emissions for the coatings, thinners, and cleaning materials used during each month, using Equation 1 of § 63.4951 and, if applicable, the calculation used to determine the total mass of organic HAP in waste materials sent or designated for shipment to a hazardous waste treatment, storage, and disposal facility (TSDF) for treatment or disposal during each compliance period, according to § 63.4951(e)(4).

(C) The calculation of the total volume of coating solids used, using Equation 2 of § 63.4951.

(D) The calculation of the mass of organic HAP emission reduction each month by emission capture systems and add-on control devices, using Equation 1 of § 63.4961, and Equation 3 of § 63.4961 for the calculation of the mass of organic HAP emission reduction for the coating operation controlled by solvent recovery systems each compliance period, as applicable.

(E) The calculation of the organic HAP emission rate for each compliance period, using Equation 4 of § 63.4961.

(F) The date and time that each malfunction started and stopped.

(G) A brief description of the CPMS.

(H) The date of the latest CPMS certification or audit.

(I) The date and time that each CPMS was inoperative, except for zero (low-level) and high-level checks.

(J) The date, time, and duration that each CPMS was out-of-control, including the information in § 63.8(c)(8).

(K) The date and time period of each deviation from an operating limit in Table 1 to this subpart; date and time period of any bypass of the add-on control device; and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(L) A summary of the total duration of each deviation from an operating limit in Table 1 to this subpart and each bypass of the add-on control device

during the semiannual reporting period and the total duration as a percent of the total affected source operating time during that semiannual reporting period.

(M) A breakdown of the total duration of the deviations from the operating limits in Table 1 to this subpart and bypasses of the add-on control device during the semiannual reporting period into those that were due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes.

(N) A summary of the total duration of CPMS downtime during the semiannual reporting period and the total duration of CPMS downtime as a percent of the total affected source operating time during that semiannual reporting period.

(O) A description of any changes in the CPMS, coating operation, emission capture system, or add-on control device since the last semiannual reporting period.

(P) For each deviation from the work practice standards, a description of the deviation; the date and time period of the deviation; and the actions you took to correct the deviation.

(Q) A statement of the cause of each deviation.

(ii) On and after September 12, 2019, the information in paragraphs (a)(7)(ii)(A) through (O), (Q), and (R) of this section if there was a deviation from the applicable emission limit in § 63.4890 or the applicable operating limit(s) in Table 1 to this subpart (including any periods when emissions bypassed the add-on control device and were diverted to the atmosphere) and the information in paragraph (a)(7)(ii)(P) of this section if there was a deviation from the work practice standards in § 63.4893(b).

(A) The beginning and ending dates of each compliance period during which the organic HAP emission rate exceeded the applicable emission limit in § 63.4890.

(B) The calculation of the total mass of organic HAP emissions for the coatings, thinners, and cleaning materials used during each month, using Equation 1 of § 63.4951 and, if applicable, the calculation used to determine the total mass of organic HAP in waste materials sent or designated for shipment to a hazardous waste treatment, storage, and disposal facility (TSDF) for treatment or disposal during each compliance period, according to § 63.4951(e)(4).

(C) The calculation of the total volume of coating solids used, using Equation 2 of § 63.4951.

(D) The calculation of the mass of organic HAP emission reduction each month by emission capture systems and add-on control devices, using Equation 1 of § 63.4961, and Equation 3 of § 63.4961 for the calculation of the mass of organic HAP emission reduction for the coating operation controlled by solvent recovery systems each compliance period, as applicable.

(E) The calculation of the organic HAP emission rate for each compliance period, using Equation 4 of § 63.4961.

(F) The date and time that each malfunction of the capture system or add-on control devices started and stopped.

(G) A brief description of the CPMS.

(H) The date of the latest CPMS certification or audit.

(I) For each instance that the CPMS was inoperative, except for zero (low-level) and high-level checks, the date, time, and duration that the CPMS was inoperative; the cause (including unknown cause) for the CPMS being inoperative, and descriptions of corrective actions taken.

(J) For each instance that the CPMS was out-of-control, as specified in § 63.8(c)(7), the date, time, and duration that the CPMS was out-of-control; the cause (including unknown cause) for the CPMS being out-of-control; and descriptions of corrective actions taken.

(K) The date, time, and duration of each deviation from an operating limit in Table 1 to this subpart; and the date, time, and duration of any bypass of the add-on control device.

(L) A summary of the total duration of each deviation from an operating limit in Table 1 to this subpart and each bypass of the add-on control device during the semiannual reporting period and the total duration as a percent of the total affected source operating time during that semiannual reporting period.

(M) A breakdown of the total duration of the deviations from the operating limits in Table 1 to this subpart and bypasses of the add-on control device during the semiannual reporting period into those that were due to control equipment problems, process problems, other known causes, and other unknown causes.

(N) A summary of the total duration of CPMS downtime during the semiannual reporting period and the total duration of CPMS downtime as a percent of the total affected source operating time during that semiannual reporting period.

(O) A description of any changes in the CPMS, coating operation, emission capture system, or add-on control

device since the last semiannual reporting period.

(P) For deviations from the work practice standards in § 63.4893(b), the number of deviations, and, for each deviation: A description of the deviation; the date, time, and duration of the deviation; and the actions taken to minimize emissions in accordance with § 63.4900(b). The description of the deviation must include a list of the affected sources or equipment for which a deviation occurred and the cause of the deviation (including unknown cause, if applicable).

(Q) For deviations from an emission limit in § 63.4890 or operating limit in Table 1 to this subpart, a statement of the cause of each deviation (including unknown cause, if applicable).

(R) For each deviation from an emission limit in § 63.4890 or operating limit in Table 1 to this subpart, a list of the affected sources or equipment for which a deviation occurred, an estimate of the quantity of each regulated pollutant emitted over any emission limit in § 63.4890, and a description of the method used to estimate the emissions.

* * * * *

(c) Before September 12, 2019, if you used the emission rate with add-on controls option and you had a startup, shutdown, or malfunction during the semiannual reporting period, you must submit the reports specified in paragraphs (c)(1) and (2) of this section. The reports specified in paragraphs (c)(1) and (2) of this section are not required on and after September 12, 2019.

* * * * *

■ 44. Section 63.4921 is added to read as follows:

§ 63.4921 What are my electronic reporting requirements?

(a) Beginning no later than June 13, 2019, you must submit the results of the performance test required § 63.4920(b) following the procedure specified in paragraphs (a)(1) through (3) of this section.

(1) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website¹⁴⁷ (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test, you must submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). The CEDRI interface can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). Performance test

data must be submitted in a file format generated through the use of the EPA's ERT or an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test, you must submit the results of the performance test to the Administrator at the appropriate address listed in § 63.13, unless the Administrator agrees to or specifies an alternate reporting method.

(3) If you claim that some of the performance test information being submitted under paragraph (a)(1) of this section is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website, including information claimed to be CBI, on a compact disc, flash drive or other commonly used electronic storage medium to the EPA. The electronic medium must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (a)(1) of this section.

(b) Beginning on March 15, 2021, the owner or operator shall submit the initial notifications required in § 63.9(b) and the notification of compliance status required in § 63.9(h) and § 63.4910(c) to the EPA via CEDRI. The CEDRI interface can be accessed through the EPA's CDX (<https://cdx.epa.gov/>). The owner or operator must upload to CEDRI an electronic copy of each applicable notification in portable document format (PDF). The applicable notification must be submitted by the deadline specified in this subpart, regardless of the method in which the reports are submitted. Owners or operators who claim that some of the information required to be submitted via CEDRI is CBI shall submit a complete report generated using the appropriate form in CEDRI or an alternate electronic file consistent with the extensible markup language (XML) schema listed on the EPA's CEDRI website, including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage medium to the EPA. The electronic medium shall be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader,

Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted shall be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(c) Beginning on March 15, 2021, or once the reporting template has been available on the CEDRI website for 1 year, whichever date is later, the owner or operator shall submit the semiannual compliance report required in § 63.4920 to the EPA via CEDRI. The CEDRI interface can be accessed through the EPA's CDX (<https://cdx.epa.gov/>). The owner or operator must use the appropriate electronic template on the CEDRI website for this subpart or an alternate electronic file format consistent with the XML schema listed on the CEDRI website (<https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri>). The date report templates become available will be listed on the CEDRI website. If the reporting form for the semiannual compliance report specific to this subpart is not available in CEDRI at the time that the report is due, you must submit the report to the Administrator at the appropriate addresses listed in § 63.13. Once the form has been available in CEDRI for 1 year, you must begin submitting all subsequent reports via CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the reports are submitted. Owners or operators who claim that some of the information required to be submitted via CEDRI is CBI shall submit a complete report generated using the appropriate form in CEDRI or an alternate electronic file consistent with the XML schema listed on the EPA's CEDRI website, including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage medium to the EPA. The electronic medium shall be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted shall be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(d) If you are required to electronically submit a report through CEDRI in the EPA's CDX, and due to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX and submitting a required report within

the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description identifying the date, time and length of the outage; a rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved. The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(e) If you are required to electronically submit a report through CEDRI in the EPA's CDX and a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due, the owner or operator may assert a claim of force majeure for failure to timely comply with the reporting requirement. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage). If you intend to assert a claim of force majeure, you must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event; describe the

measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs. The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

■ 45. Section 63.4930 is amended by revising paragraphs (j), (k) introductory text, and (k)(1) and (2) to read as follows:

§ 63.4930 What records must I keep?

* * * * *

(j) Before September 12, 2019, you must keep records of the date, time, and duration of each deviation. On and after September 12, 2019, for each deviation from an emission limitation reported under § 63.4920(a)(5) through (7), you must keep a record of the information specified in paragraphs (j)(1) through (4) of this section, as applicable.

(1) The date, time, and duration of the deviation, as reported under § 63.4920(a)(5) through (7).

(2) A list of the affected sources or equipment for which the deviation occurred and the cause of the deviation, as reported under § 63.4920(a)(5) through (7).

(3) An estimate of the quantity of each regulated pollutant emitted over any applicable emission limit in § 63.4890 or any applicable operating limit(s) in Table 1 to this subpart, and a description of the method used to calculate the estimate, as reported under § 63.4920(a)(5) through (7).

(4) A record of actions taken to minimize emissions in accordance with § 63.4900(b) and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(k) If you use the emission rate with add-on controls option, you must also keep the records specified in paragraphs (k)(1) through (8) of this section.

(1) Before September 12, 2019, for each deviation, a record of whether the deviation occurred during a period of startup, shutdown, or malfunction. The record in this paragraph (k)(1) is not required on and after September 12, 2019.

(2) Before September 12, 2019, the records in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction. The records in this paragraph (k)(2) are not required on and after September 12, 2019.

* * * * *

■ 46. Section 63.4931 is amended by revising paragraph (a) to read as follows:

§ 63.4931 In what form and for how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review, according to § 63.10(b)(1). Where appropriate, the records may be maintained as electronic spreadsheets or as a database. Any records required to be maintained by this subpart that are in reports that were submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

* * * * *

■ 47. Section 63.4941 is amended by revising paragraphs (a)(1)(i), (a)(2) and (4), and (b)(1), the definitions of "M_{volatiles}" and "D_{avg}" in Equation 1 in paragraph (b)(3), and paragraphs (c) and (e) to read as follows:

§ 63.4941 How do I demonstrate initial compliance with the emission limitations?

* * * * *

(a) * * *

(1) * * *

(i) Count each organic HAP in Table 5 to this subpart that is measured to be present at 0.1 percent by mass or more and at 1.0 percent by mass or more for other organic HAP compounds. For example, if toluene (not listed in Table 5 to this subpart) is measured to be 0.5 percent of the material by mass, you do not have to count it. Express the mass fraction of each organic HAP you count as a value truncated to four places after the decimal point (for example, 0.3791).

* * * * *

(2) *Method 24 in appendix A-7 of part 60.* For coatings, you may use Method 24 to determine the mass fraction of nonaqueous volatile matter and use that value as a substitute for mass fraction of organic HAP. As an alternative to using Method 24, you may use ASTM D2369-10 (R2015), "Test Method for Volatile Content of Coatings" (incorporated by reference, see § 63.14).

* * * * *

(4) *Information from the supplier or manufacturer of the material.* You may rely on information other than that generated by the test methods specified in paragraphs (a)(1) through (3) of this section, such as manufacturer's formulation data, if it represents each organic HAP in Table 5 to this subpart that is present at 0.1 percent by mass or

more and at 1.0 percent by mass or more for other organic HAP compounds. For example, if toluene (not listed in Table 5 to this subpart) is 0.5 percent of the material by mass, you do not have to count it. If there is a disagreement between such information and results of a test conducted according to paragraphs (a)(1) through (3) of this section, then the test method results will take precedence.

* * * * *

(b) * * *

(1) *Test results.* You may use ASTM D2697–03 (R2014), “Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings”, or D6093–97 (R2016), “Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer” (both incorporated by reference, *see* § 63.14), to determine the volume fraction of coating solids for each coating. Divide the nonvolatile volume percent obtained with the methods by 100 to calculate volume fraction of coating solids. Alternatively, you may use another test method once you obtain approval from the Administrator according to the requirements of § 63.7(f).

* * * * *

(3) * * *

$M_{\text{volatiles}}$ = Total volatile matter content of the coating, including HAP, volatile organic compounds (VOC), water, and exempt compounds, determined according to Method 24 in appendix A–7 of part 60, or according to ASTM D2369–10 (R2015) Standard Test Method for Volatile Content of Coatings (incorporated by reference, *see* § 63.14), grams volatile matter per liter coating.

D_{avg} = Average density of volatile matter in the coating, grams volatile matter per liter volatile matter, determined from test results using ASTM D1475–13, “Standard Test Method for Density of Liquid Coatings, Inks, and Related Products” (incorporated by reference, *see* § 63.14), information from the supplier or manufacturer of the material, or reference sources providing density or specific gravity data for pure materials. If there is disagreement between ASTM

D1475–13 test results and other information sources, the test results will take precedence.

(c) *Determine the density of each coating.* You must determine the density of each coating used during the compliance period from test results using ASTM D1475–13, “Standard Test Method for Density of Liquid Coatings, Inks, and Related Products” (incorporated by reference, *see* § 63.14), or information from the supplier or manufacturer of the material. If there is disagreement between ASTM D1475–13 test results and the supplier’s or manufacturer’s information, the test results will take precedence.

* * * * *

(e) *Compliance demonstration.* The calculated organic HAP content for each coating used during the initial compliance period must be less than or equal to the applicable emission limit in § 63.4890 and each thinner and cleaning material used during the initial compliance period must contain no organic HAP, determined according to paragraph (a) of this section. You must keep all records required by §§ 63.4930 and 63.4931. As part of the Notification of Compliance Status required in § 63.4910(c) and the semiannual compliance reports required in § 63.4920, you must identify each coating operation and group of coating operations for which you used the compliant material option. If there were no deviations from the emission limit, include a statement that each coating operation was in compliance with the emission limitations during the initial compliance period because it used no coatings for which the organic HAP content exceeded the applicable emission limit in § 63.4890, and it used no thinners or cleaning materials that contained organic HAP.

■ 48. Section 63.4951 is amended by revising paragraph (c) to read as follows:

§ 63.4951 How do I demonstrate initial compliance with the emission limitations?

* * * * *

(c) *Determine the density of each material.* You must determine the density of each coating, thinner, and cleaning material used during the compliance period according to the requirements in § 63.4941(c).

* * * * *

■ 49. Section 63.4960 is amended by revising the section heading to read as follows:

§ 63.4960 By what date must I conduct initial performance tests and other initial compliance demonstrations?

* * * * *

■ 50. Section 63.4961 is amended by revising paragraphs (h) introductory text and (j)(3) to read as follows:

§ 63.4961 How do I demonstrate initial compliance?

* * * * *

(h) *Calculate the organic HAP emission reduction for controlled coating operations not using liquid-liquid material balance.* For each controlled coating operation using an emission capture system and add-on control device other than a solvent recovery system for which you conduct liquid-liquid material balances, calculate the organic HAP emission reduction, using Equation 1 of this section. The calculation applies the emission capture system efficiency and add-on control device efficiency to the mass of organic HAP contained in the coatings, thinners, and cleaning materials that are used in the coating operation served by the emission capture system and add-on control device during the compliance period. For any period of time a deviation specified in § 63.4962(c) or (d) occurs in the controlled coating operation, you must assume zero efficiency for the emission capture system and add-on control device. Equation 1 of this section treats the materials used during such a deviation as if they were used on an uncontrolled coating operation for the time period of the deviation:

$$H_R = (A_I + B_I + C_I - R_w) \left(\frac{CE}{100} \times \frac{DRE}{100} \right) + H_{unc} \quad (\text{Eq. 1})$$

Where:

H_R = Mass of organic HAP emission reduction for the controlled coating operation during the compliance period, kg.

A_I = Total mass of organic HAP in the coatings used in the controlled coating operation during the compliance period, excluding coatings used during

deviations, kg, as calculated in Equation 1A of this section.

B_I = Total mass of organic HAP in the thinners used in the controlled coating operation during the compliance period, excluding thinners used during deviations, kg, as calculated in Equation 1B of this section.

C_I = Total mass of organic HAP in the cleaning materials used in the controlled coating operation during the compliance period, excluding cleaning materials used during deviations, kg, as calculated in Equation 1C of this section.

R_w = Total mass of organic HAP in waste materials sent or designated for shipment to a hazardous waste TSDF for treatment

or disposal during the compliance period, kg, determined according to § 63.4951(e)(4). The mass of any waste material reused during the same compliance period may not be included in R_w . (You may assign a value of zero to R_w if you do not wish to use this allowance.)

CE = Capture efficiency of the emission capture system vented to the add-on control device, percent. Use the test methods and procedures specified in §§ 63.4963 and 63.4964 to measure and record capture efficiency.

DRE = Organic HAP destruction or removal efficiency of the add-on control device, percent. Use the test methods and procedures in §§ 63.4963 and 63.4965 to measure and record the organic HAP destruction or removal efficiency.

H_{unc} = Total mass of organic HAP in the coatings, thinners, and cleaning materials used during all deviations specified in § 63.4962(c) and (d) that occurred during the compliance period in the controlled coating operation, kg, as calculated in Equation 1D of this section.

* * * * *

(j) * * *

(3) Determine the mass fraction of volatile organic matter for each coating, thinner, and cleaning material used in the coating operation controlled by the solvent recovery system during the compliance period. You may determine the volatile organic matter mass fraction using Method 24 in appendix A–7 of part 60, ASTM D2369–10 (R2015), “Test Method for Volatile Content of Coatings” (incorporated by reference, see § 63.14), or an EPA-approved alternative method. Alternatively, you may use information provided by the manufacturer or supplier of the coating. In the event of any inconsistency between information provided by the manufacturer or supplier and the results of Method 24, ASTM D2369–10 (R2015), or an approved alternative method, the test method results will govern.

* * * * *

■ 51. Section 63.4962 is amended by revising the section heading and paragraph (c) introductory text and adding paragraph (c)(3) to read as follows:

§ 63.4962 How do I conduct periodic performance tests and demonstrate continuous compliance with the emission limitations?

* * * * *

(c) You must demonstrate continuous compliance with each operating limit required by § 63.4892 that applies to you, as specified in Table 1 to this subpart, and you must conduct periodic performance tests as specified in paragraph (c)(3) of this section.

* * * * *

(3) Except for solvent recovery systems for which you conduct liquid-liquid material balances according to § 63.4961(j), within 5 years following the previous performance test, you must conduct according to the procedures in §§ 63.4963, 63.4964, and 63.4965 a periodic performance test of each capture system and add-on control device used, and you must establish the operating limits required by § 63.4892. You must conduct the first periodic performance test and establish the operating limits required by § 63.4892 before March 15, 2022, unless you are already required to complete periodic performance tests as a requirement of renewing your facility’s operating permit under 40 CFR part 70 or 40 CFR part 71 and have conducted a performance test on or after March 15, 2017. Thereafter you must conduct a performance test no later than 5 years following the previous performance test. Operating limits must be confirmed or reestablished during each performance test.

* * * * *

■ 52. Section 63.4963 is amended by revising paragraphs (a) introductory text and (a)(1) to read as follows:

§ 63.4963 What are the general requirements for performance tests?

(a) You must conduct each performance test required by §§ 63.4960 and 63.4962 according to the requirements in this section unless you obtain a waiver of the performance test according to the provisions in § 63.7(h).

(1) *Representative coating operation operating conditions.* You must conduct the performance test under representative operating conditions for the coating operation. Operations during periods of startup, shutdown, or nonoperation do not constitute representative conditions for purposes of conducting a performance test. The owner or operator may not conduct performance tests during periods of malfunction. You must record the process information that is necessary to document operating conditions during the test and explain why the conditions represent normal operation. Upon request, you must make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

* * * * *

■ 53. Section 63.4965 is amended by revising paragraphs (a)(1) through (4) and paragraph (b) to read as follows:

§ 63.4965 How do I determine the add-on control device emission destruction or removal efficiency?

* * * * *

(a) * * *

(1) Use Method 1 or 1A in appendix A–1 of part 60, as appropriate, to select sampling sites and velocity traverse points.

(2) Use Method 2, 2A, 2C, 2D, 2F in appendix A–1, or Method 2G in appendix A–2, of part 60, as appropriate, to measure gas volumetric flow rate.

(3) Use Method 3, 3A, or 3B in appendix A–2 of part 60, as appropriate, for gas analysis to determine dry molecular weight. You may also use as an alternative to Method 3B, the manual method for measuring the oxygen, carbon dioxide, and carbon monoxide content of exhaust gas in ANSI/ASME PTC 19.10–1981, “Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]” (incorporated by reference, see § 63.14).

(4) Use Method 4 in appendix A–3 of part 60 to determine stack gas moisture.

* * * * *

(b) Measure total gaseous organic mass emissions as carbon at the inlet and outlet of the add-on control device simultaneously, using either Method 25 or 25A in appendix A–7 of part 60, as specified in paragraphs (b)(1) through (3) of this section. You must use the same method for both the inlet and outlet measurements. You may use Method 18 in appendix A–6 of part 60 to subtract methane emissions from measured total gaseous organic mass emissions as carbon.

* * * * *

■ 54. Section 63.4966 is amended by revising the section heading, introductory text, and paragraph (e)(1) to read as follows:

§ 63.4966 How do I establish the emission capture system and add-on control device operating limits during performance tests?

During the performance tests required by §§ 63.4960 and 63.4962, and described in §§ 63.4963, 63.4964, and 63.4965, you must establish the operating limits required by § 63.4892 according to this section, unless you have received approval for alternative monitoring and operating limits under § 63.8(f) as specified in § 63.4892.

* * * * *

(e) * * *

(1) During the capture efficiency determination required by §§ 63.4960 and 63.4962, and described in §§ 63.4963 and 63.4964, you must monitor and record either the gas volumetric flow rate or the duct static pressure for each separate capture device in your emission capture system at least once every 15 minutes during each of the three test runs at a point in

the duct between the capture device and the add-on control device inlet.

* * * * *

■ 55. Section 63.4967 is amended by revising paragraphs (a)(4) and (5) and (c)(3) introductory text to read as follows:

§ 63.4967 What are the requirements for continuous parameter monitoring system installation, operation, and maintenance?

(a) * * *

(4) You must maintain the CPMS at all times in accordance with § 63.4900(b) and have readily available necessary parts for routine repairs of the monitoring equipment.

(5) Before September 12, 2019, you must operate the CPMS and collect emission capture system and add-on control device parameter data at all times that a controlled coating operation is operating, except during monitoring malfunctions, repairs to correct the monitor malfunctions, and required quality assurance or control activities (including, if applicable, calibration checks and required zero and span adjustments). On and after September 12, 2019, you must operate the CPMS and collect emission capture system and

add-on control device parameter data at all times in accordance with § 63.4900(b).

* * * * *

(c) * * *

(3) For each gas temperature monitoring device, you must meet the requirements in paragraphs (a) and (c)(3)(i) through (vi) of this section for each gas temperature monitoring device. For the purposes of this paragraph (c)(3), a thermocouple is part of the temperature sensor.

* * * * *

■ 56. Section 63.4981 is amended by revising the definition for “Deviation” to read as follows:

§ 63.4981 What definitions apply to this subpart?

* * * * *

Deviation means:

(1) Before September 12, 2019, any instance in which an affected source subject to this subpart or an owner or operator of such a source:

(i) Fails to meet any requirement or obligation established by this subpart including but not limited to any emission limit, or operating limit, or work practice standard;

(ii) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(iii) Fails to meet any emission limit, or operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction regardless of whether or not such failure is permitted by this subpart; and

(2) On and after September 12, 2019, any instance in which an affected source subject to this subpart or an owner or operator of such a source:

(i) Fails to meet any requirement or obligation established by this subpart including but not limited to any emission limit, or operating limit, or work practice standard; or

(ii) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.

* * * * *

■ 57. Table 2 to subpart RRRR of part 63 is revised to read as follows:

TABLE 2 TO SUBPART RRRR OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART RRRR

[You must comply with the applicable General Provisions requirements according to the following table:]

Citation	Subject	Applicable to subpart	Explanation
§ 63.1(a)(1)–(12)	General Applicability	Yes	Applicability to subpart RRRR is also specified in § 63.4881.
§ 63.1(b)(1)–(3)	Initial Applicability Determination	Yes	
§ 63.1(c)(1)	Applicability After Standard Established	Yes	Area sources are not subject to subpart RRRR.
§ 63.1(c)(2)–(3)	Applicability of Permit Program for Area Sources.	No	
§ 63.1(c)(4)–(5)	Extensions and Notifications	Yes	Additional definitions are specified in § 63.4981.
§ 63.1(e)	Applicability of Permit Program Before Relevant Standard is Set.	Yes	
§ 63.2	Definitions	Yes	Section 63.4883 specifies the compliance dates.
§ 63.3(a)–(c)	Units and Abbreviations	Yes	
§ 63.4(a)(1)–(5)	Prohibited Activities	Yes	Section 63.4883 specifies the compliance dates.
§ 63.4(b)–(c)	Circumvention/Severability	Yes	
§ 63.5(a)	Construction/Reconstruction	Yes	See § 63.4900(b) for general duty requirement.
§ 63.5(b)(1)–(6)	Requirements for Existing, Newly Constructed, and Reconstructed Sources.	Yes	
§ 63.5(d)	Application for Approval of Construction/Reconstruction.	Yes	See § 63.4900(b) for general duty requirement.
§ 63.5(e)	Approval of Construction/Reconstruction ...	Yes	
§ 63.5(f)	Approval of Construction/Reconstruction Based on Prior State Review.	Yes	See § 63.4900(b) for general duty requirement.
§ 63.6(a)	Compliance With Standards and Maintenance Requirements—Applicability.	Yes	
§ 63.6(b)(1)–(7)	Compliance Dates for New and Reconstructed Sources.	Yes	See § 63.4900(b) for general duty requirement.
§ 63.6(c)(1)–(5)	Compliance Dates for Existing Sources	Yes	
§ 63.6(e)(1)(i)	Operation and Maintenance	Yes, before September 12, 2019. No, on and after September 12, 2019.	

TABLE 2 TO SUBPART RRRR OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART RRRR—Continued
 [You must comply with the applicable General Provisions requirements according to the following table:]

Citation	Subject	Applicable to subpart	Explanation
§ 63.6(e)(1)(ii)	Operation and Maintenance	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.6(e)(1)(iii)	Operation and Maintenance	Yes	
§ 63.6(e)(3)	Startup, shutdown, and malfunction Plan (SSMP).	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.6(f)(1)	Compliance Except During Startup, Shutdown, and Malfunction.	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.6(f)(2)–(3)	Methods for Determining Compliance	Yes	
§ 63.6(g)(1)–(3)	Use of Alternative Standards	Yes	
§ 63.6(h)	Compliance With Opacity/Visible Emission Standards.	No	Subpart RRRR does not establish opacity standards and does not require continuous opacity monitoring systems (COMS).
§ 63.6(i)(1)–(16)	Extension of Compliance	Yes	
§ 63.6(j)	Presidential Compliance Exemption	Yes	
§ 63.7(a)(1)	Performance Test Requirements—Applicability.	Yes	Applies to all affected sources using an add-on control device to comply with the standards. Additional requirements for performance testing are specified in §§ 63.4963, 63.4964, and 63.4965.
§ 63.7(a)(2)	Performance Test Requirements—Dates ..	Yes	Applies only to performance tests for capture system and control device efficiency at sources using these to comply with the standards. Section 63.4960 specifies the schedule for performance test requirements that are earlier than those specified in § 63.7(a)(2).
§ 63.7(a)(3)	Performance Tests Required by the Administrator.	Yes	
§ 63.7(b)–(d)	Performance Test Requirements—Notification, Quality Assurance, Facilities Necessary Safe Testing, Conditions During Test.	Yes	Applies only to performance tests for capture system and add-on control device efficiency at sources using these to comply with the standards.
§ 63.7(e)(1)	Conduct of performance tests	Yes, before September 12, 2019. No, on and after September 12, 2019.	See § 63.4963(a).
§ 63.7(e)(2)–(4)	Conduct of performance tests	Yes..	
§ 63.7(f)	Performance Test Requirements—Use of Alternative Test Method.	Yes	Applies to all test methods except those used to determine capture system efficiency.
§ 63.7(g)–(h)	Performance Test Requirements—Data Analysis, Recordkeeping, Reporting, Waiver of Test.	Yes	Applies only to performance tests for capture system and add-on control device efficiency at sources using these to comply with the standards.
§ 63.8(a)(1)–(3)	Monitoring Requirements—Applicability	Yes	Applies only to monitoring of capture system and add-on control device efficiency at sources using these to comply with the standards. Additional requirements for monitoring are specified in § 63.4967.
§ 63.8(a)(4)	Additional Monitoring Requirements	No	Subpart RRRR does not have monitoring requirements for flares.
§ 63.8(b)	Conduct of Monitoring	Yes	
§ 63.8(c)(1)	Continuous Monitoring Systems (CMS) Operation and Maintenance.	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.8(c)(2)–(3)	CMS Operation and Maintenance	Yes	Applies only to monitoring of capture system and add-on control device efficiency at sources using these to comply with the standards. Additional requirements for CMS operations and maintenance are specified in § 63.4967.

TABLE 2 TO SUBPART RRRR OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART RRRR—Continued
 [You must comply with the applicable General Provisions requirements according to the following table:]

Citation	Subject	Applicable to subpart	Explanation
§ 63.8(c)(4)	CMS	No	Section 63.4967 specifies the requirements for the operation of CMS for capture systems and add-on control devices at sources using these to comply.
§ 63.8(c)(5)	COMS	No	Subpart RRRR does not have opacity or visible emissions standards.
§ 63.8(c)(6)	CMS Requirements	No	Section 63.4967 specifies the requirements for monitoring systems for capture systems and add-on control devices at sources using these to comply.
§ 63.8(c)(7)	CMS Out-of-Control Periods	Yes	
§ 63.8(c)(8)	CMS Out-of-Control Periods Reporting	No	Section 63.4920 requires reporting of CMS out-of-control periods.
§ 63.8(d)–(e)	Quality Control Program and CMS Performance Evaluation.	No	Subpart RRRR does not require the use of CEMS.
§ 63.8(f)(1)–(5)	Use of an Alternative Monitoring Method ...	Yes..	
§ 63.8(f)(6)	Alternative to Relative Accuracy Test	No	Subpart RRRR does not require the use of CEMS.
§ 63.8(g)(1)–(5)	Data Reduction	No	Sections 63.4966 and 63.4967 specify monitoring data reduction.
§ 63.9(a)–(d)	Notification Requirements	Yes	
§ 63.9(e)	Notification of Performance Test	Yes	Applies only to capture system and add-on control device performance tests at sources using these to comply with the standards.
§ 63.9(f)	Notification of Visible Emissions/Opacity Test.	No	Subpart RRRR does not have opacity or visible emission standards.
§ 63.9(g)(1)–(3)	Additional Notifications When Using CMS	No	Subpart RRRR does not require the use of CEMS.
§ 63.9(h)	Notification of Compliance Status	Yes	Section 63.4910 specifies the dates for submitting the notification of compliance status.
§ 63.9(i)	Adjustment of Submittal Deadlines	Yes	
§ 63.9(j)	Change in Previous Information	Yes	
§ 63.10(a)	Recordkeeping/Reporting—Applicability and General Information.	Yes	
§ 63.10(b)(1)	General Recordkeeping Requirements	Yes	Additional requirements are specified in §§ 63.4930 and 63.4931.
§ 63.10(b)(2)(i)	Recordkeeping of Occurrence and Duration of Startups and Shutdowns.	Yes, before September 12, 2019. No, on and after September 12, 2019.	See § 63.4930(j).
§ 63.10(b)(2)(ii)	Recordkeeping of Failures to Meet Standards.	Yes, before September 12, 2019. No, on and after September 12, 2019.	See § 63.4930(j).
§ 63.10(b)(2)(iii)	Recordkeeping Relevant to Maintenance of Air Pollution Control and Monitoring Equipment.	Yes	
§ 63.10(b)(2)(iv)–(v)	Actions Taken to Minimize Emissions During SSM.	Yes, before September 12, 2019.. No, on and after September 12, 2019.	See § 63.4930(j)(4) for a record of actions taken to minimize emissions during a deviation from the standard.
§ 63.10(b)(2)(vi)	Recordkeeping for CMS malfunctions	Yes, before September 12, 2019. No, on and after September 12, 2019.	See § 63.4930(j) for records of periods of deviation from the standard, including instances where a CMS is inoperative or out-of-control.
§ 63.10(b)(2)(vii)–(xi)	Records	Yes	
§ 63.10(b)(2)(xii)	Records	Yes	
§ 63.10(b)(2)(xiii) .....	.....	No	Subpart RRRR does not require the use of CEMS.
§ 63.10(b)(2)(xiv) .....	.....	Yes	
§ 63.10(b)(3)	Recordkeeping Requirements for Applicability Determinations.	Yes	
§ 63.10(c)(1)–(6)	Additional Recordkeeping Requirements for Sources with CMS.	Yes	
§ 63.10(c)(7)–(8)	Additional Recordkeeping Requirements for Sources with CMS.	No	See § 63.4930(j)(1) for records of periods of deviation from the standard, including instances where a CMS is inoperative or out-of-control.

TABLE 2 TO SUBPART RRRR OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART RRRR—Continued
[You must comply with the applicable General Provisions requirements according to the following table:]

Citation	Subject	Applicable to subpart	Explanation
§ 63.10(c)(10)–(14)	Additional Recordkeeping Requirements for Sources with CMS.	Yes	
§ 63.10(c)(15)	Records Regarding the SSMP	Yes, before September 12, 2019. No, on and after September 12, 2019.	
§ 63.10(d)(1)	General Reporting Requirements	Yes	Additional requirements are specified in § 63.4920.
§ 63.10(d)(2)	Report of Performance Test Results	Yes	Additional requirements are specified in § 63.4920(b).
§ 63.10(d)(3)	Reporting Opacity or Visible Emissions Observations.	No	Subpart RRRR does not require opacity or visible emissions observations.
§ 63.10(d)(4)	Progress Reports for Sources With Compliance Extensions.	Yes	
§ 63.10(d)(5)	Startup, Shutdown, and Malfunction Reports.	Yes, before September 12, 2019. No, on and after September 12, 2019.	See § 63.4920(a)(7).
§ 63.10(e)(1)–(2)	Additional CMS Reports	No	Subpart RRRR does not require the use of CEMS.
§ 63.10(e)(3)	Excess Emissions/CMS Performance Reports.	No	Section 63.4920(a) specifies the contents of periodic compliance reports.
§ 63.10(e)(4)	COMS Data Reports	No	Subpart RRRR does not specify requirements for opacity or COMS.
§ 63.10(f)	Recordkeeping/Reporting Waiver	Yes	
§ 63.11	Control Device Requirements/Flares	No	Subpart RRRR does not specify use of flares for compliance.
§ 63.12	State Authority and Delegations	Yes	
§ 63.13	Addresses	Yes	
§ 63.14	Incorporation by Reference	Yes	
§ 63.15	Availability of Information/Confidentiality	Yes	

■ 58. Table 5 to subpart RRRR of part 63 is added to read as follows:

TABLE 5 TO SUBPART RRRR OF PART 63—LIST OF HAZARDOUS AIR POLLUTANTS THAT MUST BE COUNTED TOWARD TOTAL ORGANIC HAP CONTENT IF PRESENT AT 0.1 PERCENT OR MORE BY MASS

Chemical name	CAS No.
1,1,2,2-Tetrachloroethane	79–34–5
1,1,2-Trichloroethane	79–00–5
1,1-Dimethylhydrazine	57–14–7
1,2-Dibromo-3-chloropropane	96–12–8
1,2-Diphenylhydrazine	122–66–7
1,3-Butadiene	106–99–0
1,3-Dichloropropene	542–75–6
1,4-Dioxane	123–91–1
2,4,6-Trichlorophenol	88–06–2
2,4/2,6-Dinitrotoluene (mixture)	25321–14–6
2,4-Dinitrotoluene	121–14–2
2,4-Toluene diamine	95–80–7
2-Nitropropane	79–46–9
3,3'-Dichlorobenzidine	91–94–1
3,3'-Dimethoxybenzidine	119–90–4
3,3'-Dimethylbenzidine	119–93–7
4,4'-Methylene bis(2-chloroaniline)	101–14–4
Acetaldehyde	75–07–0
Acrylamide	79–06–1
Acrylonitrile	107–13–1
Allyl chloride	107–05–1
alpha-Hexachlorocyclohexane (a-HCH)	319–84–6
Aniline	62–53–3
Benzene	71–43–2
Benzidine	92–87–5
Benzotrichloride	98–07–7
Benzyl chloride	100–44–7
beta-Hexachlorocyclohexane (b-HCH)	319–85–7

TABLE 5 TO SUBPART RRRR OF PART 63—LIST OF HAZARDOUS AIR POLLUTANTS THAT MUST BE COUNTED TOWARD TOTAL ORGANIC HAP CONTENT IF PRESENT AT 0.1 PERCENT OR MORE BY MASS—Continued

Chemical name	CAS No.
Bis(2-ethylhexyl)phthalate	117-81-7
Bis(chloromethyl)ether	542-88-1
Bromoform	75-25-2
Captan	133-06-2
Carbon tetrachloride	56-23-5
Chlordane	57-74-9
Chlorobenzilate	510-15-6
Chloroform	67-66-3
Chloroprene	126-99-8
Cresols (mixed)	1319-77-3
DDE	3547-04-4
Dichloroethyl ether	111-44-4
Dichlorvos	62-73-7
Epichlorohydrin	106-89-8
Ethyl acrylate	140-88-5
Ethylene dibromide	106-93-4
Ethylene dichloride	107-06-2
Ethylene oxide	75-21-8
Ethylene thiourea	96-45-7
Ethylidene dichloride (1,1-Dichloroethane)	75-34-3
Formaldehyde	50-00-0
Heptachlor	76-44-8
Hexachlorobenzene	118-74-1
Hexachlorobutadiene	87-68-3
Hexachloroethane	67-72-1
Hydrazine	302-01-2
Isophorone	78-59-1
Lindane (hexachlorocyclohexane, all isomers)	58-89-9
m-Cresol	108-39-4
Methylene chloride	75-09-2
Naphthalene	91-20-3
Nitrobenzene	98-95-3
Nitrosodimethylamine	62-75-9
o-Cresol	95-48-7
o-Toluidine	95-53-4
Parathion	56-38-2
p-Cresol	106-44-5
p-Dichlorobenzene	106-46-7
Pentachloronitrobenzene	82-68-8
Pentachlorophenol	87-86-5
Propoxur	114-26-1
Propylene dichloride	78-87-5
Propylene oxide	75-56-9
Quinoline	91-22-5
Tetrachloroethene	127-18-4
Toxaphene	8001-35-2
Trichloroethylene	79-01-6
Trifluralin	1582-09-8
Vinyl bromide	593-60-2
Vinyl chloride	75-01-4
Vinylidene chloride	75-35-4

requirements of § 23.863(a) through (d), amendment 23–34.

(6) No corrosive fluids or gases that may escape from any rechargeable lithium battery, may damage surrounding structure or any adjacent systems, equipment, electrical wiring, or the airplane in such a way as to cause a major or more severe failure condition, in accordance with § 23.1309, amendment 23–62, and applicable regulatory guidance.

(7) Each rechargeable lithium battery installation must have provisions to prevent any hazardous effect on structure or essential systems that may be caused by the maximum amount of heat the battery can generate during a short circuit of the battery or of its individual cells.

(8) Rechargeable lithium battery installations must have a system to automatically control the charging rate of the battery to prevent battery overheating and overcharging, and either:

i. A battery temperature sensing and over-temperature warning system with a means for automatically disconnecting the battery from its charging source in the event of an over-temperature condition; or

ii. A battery failure sensing and warning system with a means for automatically disconnecting the battery from its charging source in the event of battery failure.

(9) Any rechargeable lithium battery installation, the function of which is required for safe operation of the aircraft, must incorporate a monitoring and warning feature that will provide an indication to the appropriate flight crewmembers whenever the state of charge of the batteries has fallen below levels considered acceptable for dispatch of the aircraft.

Note 1 to paragraph (9): Reference § 23.1353(h) for dispatch consideration.

(10) The Instructions for Continued Airworthiness (ICA) required by § 23.1529 must contain maintenance requirements to assure that the battery has been sufficiently charged at appropriate intervals specified by the battery manufacturer and the equipment manufacturer that contain the rechargeable lithium battery or rechargeable lithium battery system. The lithium rechargeable batteries and lithium rechargeable battery systems must not degrade below specified ampere-hour levels sufficient to power the aircraft system. The ICA must also contain procedures for the maintenance of replacement batteries to prevent the installation of batteries that have degraded charge retention ability or

other damage due to prolonged storage at a low state of charge. Replacement batteries must be of the same manufacturer and part number as approved by the FAA.

Note 2 to paragraph (10): Maintenance requirements include procedures that check battery capacity, charge degradation at manufacturers recommended inspection intervals, and replace batteries at manufacturer's recommended replacement schedule/time to prevent age-related degradation.

Note 3 to paragraph (10): The term "sufficiently charged" means that the battery must retain enough charge, expressed in ampere-hours, to ensure that the battery cells will not be damaged. A battery cell may be damaged by low charge (*i.e.*, below certain level), resulting in a reduction in the ability to charge and retain a full charge. This reduction would be greater than the reduction that may result from normal operational degradation.

Note 4 to paragraph (10): Replacement battery in spares storage may be subject to prolonged storage at a low state of charge.

Issued in Kansas City, Missouri on July 19, 2018.

Pat Mullen,

Manager, Small Airplane Standards Branch, Aircraft Certification Service.

[FR Doc. 2018–15912 Filed 7–24–18; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2016–0442; FRL–9981–06–OAR]

RIN 2060–AS92

National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action finalizes the residual risk and technology review (RTR) conducted for the Portland Cement Manufacturing Industry source category regulated under national emission standards for hazardous air pollutants (NESHAP). These final amendments include no revisions to the numerical emission limits of the rule based on the RTR. The amendments reflect corrections and clarifications of the rule requirements and provisions. While the amendments do not result in reductions in emissions of hazardous air

pollutants (HAP), this action results in improved monitoring, compliance, and implementation of the rule.

DATES: This final action is effective on July 25, 2018.

ADDRESSES: The Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA–HQ–OAR–2016–0442. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed, some information is not publicly available, *e.g.*, confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <https://www.regulations.gov>, or in hard copy at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact Mr. Brian Storey, Sector Policies and Programs Division (D243–04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–1103; fax number: (919) 541–4991; and email address: storey.brian@epa.gov. For specific information regarding the risk modeling methodology, contact Mr. James Hirtz, Health and Environmental Impacts Division (C539–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0881; fax number: (919) 541–0840; and email address: hirtz.james@epa.gov. For information about the applicability of the NESHAP to a particular entity, contact Ms. Sara Ayres, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, U.S. EPA Region 5 (E–19J), 77 West Jackson Boulevard, Chicago, Illinois 60604; telephone number: (312) 353–6266; email address: ayres.sara@epa.gov.

SUPPLEMENTARY INFORMATION:

Preamble Acronyms and Abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to

ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

ACI activated carbon injection
CAA Clean Air Act
CFR Code of Federal Regulations
CISWI commercial and industrial solid waste incinerators
D/F dioxins and furans
EPA Environmental Protection Agency
HAP hazardous air pollutants
HCl hydrochloric acid
HI hazard index
HQ hazard quotient
lb pounds
MACT maximum achievable control technology
MIR maximum individual risk
ng/dscm nanograms per dry standard cubic meters
NAICS North American Industry Classification System
NEI National Emissions Inventory
NESHAP national emission standards for hazardous air pollutants
NTTAA National Technology Transfer and Advancement Act
OAQPS Office of Air Quality Planning and Standards
OMB Office of Management and Budget
PAH polyaromatic hydrocarbons
PM particulate matter
ppmvd parts per million by volume, dry basis
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
RTO regenerative thermal oxidizers
RTR residual risk and technology review
SO₂ sulfur dioxide
TEF toxicity equivalence factors
TEQ toxic equivalents
THC total hydrocarbons
TOSHI target organ-specific hazard index
tpy tons per year
TRIM.FaTE Total Risk Integrated Methodology. Fate, Transport, and Ecological Exposure model
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code

Background information. On September 21, 2017, the EPA proposed revisions to the Portland Cement Manufacturing Industry NESHAP based on our RTR. In this action, we are finalizing decisions and revisions for the rule. We summarize some of the more significant comments we timely received regarding the proposed rule and provide our responses in this preamble. A summary of all other public comments on the proposal and the EPA's responses to those comments is available in "Summary of Public Comments and Responses on Proposed Rules," Docket ID No. EPA-HQ-OAR-2016-0442. A "track changes" version of the regulatory language that incorporates the changes in this action is available in the docket.

Organization of this Document. The information in this preamble is organized as follows:

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 - E. Unfunded Mandates Reform Act (UMRA)
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 - G. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
 - H. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
 - I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
 - J. National Technology Transfer and Advancement Act (NTTAA)

- K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
- L. Congressional Review Act (CRA)

I. General Information

A. Does this action apply to me?

Table 1 of this preamble lists the NESHAP and associated regulated industrial source category that is the subject of this final rule. Table 1 is not intended to be exhaustive, but rather provides a guide for readers regarding the entities that this action is likely to affect. The rule standards will be directly applicable to the affected sources. Federal, state, local, and tribal government entities are not affected by this action. As defined in the *Initial List of Categories of Sources Under Section 112(c)(1) of the Clean Air Act Amendments of 1990* (57 FR 31576), the Portland Cement Manufacturing Industry source category is any facility engaged in manufacturing portland cement by either the wet or dry process. The category includes, but is not limited to, the following process units: kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging, and bulk loading and unloading systems. The source category does not include those kilns that burn hazardous waste and are subject to and regulated under 40 CFR part 63, subpart EEE, or kilns that burn solid waste and are subject to the Commercial and Industrial Solid Waste Incineration (CISWI) rule under 40 Code of Federal Regulations (CFR) part 60, subpart CCCC, and 40 CFR part 60, subpart DDDD.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

NESHAP and source category	NAICS ¹ code
Portland Cement Manufacturing Industry	327310

¹ North American Industry Classification System.

To determine whether your facility is affected, you should examine the applicability criteria in the appropriate NESHAP. If you have any questions regarding the applicability of any aspect of this NESHAP, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at: <https://www.epa.gov/stationary-sources-air-pollution/portland-cement-manufacturing-industry-national-emission-standards>. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents at this same website.

Additional information is available on the RTR website at <https://www.epa.gov/ttn/atw/rtr/rtrpg.html>. This information includes an overview of the RTR program, links to project websites for the RTR source categories, and detailed emissions and other data we used as inputs to the risk assessments.

C. Judicial Review and Administrative Reconsideration

Under Clean Air Act (CAA) section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit (the Court) by September 24, 2018. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, EPA WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate

General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority for this action?

Section 112 of the CAA establishes a two-stage regulatory process to address emissions of HAP from stationary sources. In the first stage, we must identify categories of sources emitting one or more of the HAP listed in CAA section 112(b) and then promulgate technology-based NESHAP for those sources. "Major sources" are those that emit, or have the potential to emit, any single HAP at a rate of 10 tons per year (tpy) or more, or 25 tpy or more of any combination of HAP. For major sources, these standards are commonly referred to as maximum achievable control technology (MACT) standards and must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). In developing MACT standards, CAA section 112(d)(2) directs the EPA to consider the application of measures, processes, methods, systems, or techniques, including, but not limited to, those that reduce the volume of or eliminate HAP emissions through process changes, substitution of materials, or other modifications; enclose systems or processes to eliminate emissions; collect, capture, or treat HAP when released from a process, stack, storage, or fugitive emissions point; are design, equipment, work practice, or operational standards; or any combination of the above.

For these MACT standards, the statute specifies certain minimum stringency requirements, which are referred to as MACT floor requirements, and which may not be based on cost considerations. See CAA section 112(d)(3). For new sources, the MACT floor cannot be less stringent than the emission control achieved in practice by the best-controlled similar source. The MACT standards for existing sources can be less stringent than floors for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources). In developing MACT standards, we must also consider control options that are more stringent

than the floor under CAA section 112(d)(2). We may establish standards more stringent than the floor, based on the consideration of the cost of achieving the emissions reductions, any non-air quality health and environmental impacts, and energy requirements.

In the second stage of the regulatory process, the CAA requires the EPA to undertake two different analyses, which we refer to as the technology review and the residual risk review. Under the technology review, we must review the technology-based standards and revise them "as necessary (taking into account developments in practices, processes, and control technologies)" no less frequently than every 8 years, pursuant to CAA section 112(d)(6). Under the residual risk review, we must evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. The residual risk review is required within 8 years after promulgation of the technology-based standards, pursuant to CAA section 112(f). In conducting the residual risk review, if the EPA determines that the current standards provide an ample margin of safety to protect public health, it is not necessary to revise the MACT standards pursuant to CAA section 112(f).¹ For more information on the statutory authority for this rule, see 82 FR 44254, September 21, 2017.

B. What is the Portland Cement Manufacturing Industry source category and how does the NESHAP regulate HAP emissions from the source category?

The EPA initially promulgated the Portland Cement Manufacturing Industry NESHAP on June 14, 1999 (64 FR 31898), under title 40, part 63, subpart LLL of the CFR. The rule was amended on April 5, 2002 (67 FR 16614); July 5, 2002 (67 FR 44766); December 6, 2002 (67 FR 72580); December 20, 2006 (71 FR 76518); September 9, 2010 (75 FR 54970); January 18, 2011 (76 FR 2832); February 12, 2013 (78 FR 10006); July 27, 2015 (80 FR 44772); September 11, 2015 (80 FR 54728); and July 25, 2016 (81 FR

¹ The Court has affirmed this approach of implementing CAA section 112(f)(2)(A): *NRDC v. EPA*, 529 F.3d 1077, 1083 (DC Cir. 2008) ("If EPA determines that the existing technology-based standards provide an 'ample margin of safety,' then the Agency is free to readopt those standards during the residual risk rulemaking.").

48356). The amendments further defined affected cement kilns as those used to manufacture portland cement, except for kilns that burn hazardous waste, and are subject to and regulated under 40 CFR part 63, subpart EEE, and kilns that burn solid waste, which are subject to the CISWI rule under 40 CFR part 60, subpart CCCC, and 40 CFR part 60, subpart DDDD. Additionally, onsite sources that are subject to standards for nonmetallic mineral processing plants in 40 CFR part 60, subpart OOO, are not subject to 40 CFR part 63, subpart LLL. Crushers are not covered by 40 CFR part 63, subpart LLL, regardless of their location. The subpart LLL NESHAP regulates HAP emissions from new and existing portland cement production facilities that are major or area sources of HAP, with one exception. Kilns located at facilities that are area sources

are not regulated for hydrochloric acid (HCl) emissions.

Portland cement manufacturing is an energy-intensive process in which cement is made by grinding and heating a mixture of raw materials such as limestone, clay, sand, and iron ore in a rotary kiln. The kiln is a large furnace that is fueled by coal, oil, gas, coke, and/or various waste materials. The product, known as clinker, from the kiln is cooled, ground, and then mixed with a small amount of gypsum to produce portland cement.

The main source of air toxics emissions from a portland cement plant is the kiln. Emissions originate from the burning of fuels and heating of feed materials. Air toxics are also emitted from the grinding, cooling, and materials handling steps in the manufacturing process. Pollutants

regulated under the 40 CFR part 63, subpart LLL, are particulate matter (PM) as a surrogate for non-mercury HAP metals, total hydrocarbons (THC) as a surrogate for organic HAP other than dioxins and furans (D/F), organic HAP as an alternative to the limit for THC, mercury, HCl (from major sources only), and D/F expressed as toxic equivalents (TEQ). The kiln is regulated for all HAP and raw material dryers are regulated for THC or the alternative organic HAP. Clinker coolers are regulated for PM. Finish mills and raw mills are regulated for opacity. During periods of startup and shutdown, the kiln, clinker cooler, and raw material dryer are regulated by work practice standards. Open clinker storage piles are regulated by work practice standards. The emission standards for the affected sources are summarized in Table 2.

TABLE 2—EMISSION LIMITS FOR KILNS, CLINKER COOLERS, RAW MATERIAL DRYERS, RAW AND FINISH MILLS

If your source is a (an):	And the operating mode is:	And it is located at a:	Your emissions limits are:	And the units of the emissions limit are:	The oxygen correction factor is:
1. Existing kiln	Normal operation	Major or area source	PM ¹ 0.07	Pounds (lb)/ton clinker.	NA.
			D/F ² 0.2	Nanograms/dry standard cubic meters (ng/dscm) (TEQ).	7 percent.
			Mercury ⁵⁵	lb/million (MM) tons clinker.	NA.
			THC ³⁴ 24	Parts per million, volumetric dry (ppmvd).	7 percent.
2. Existing kiln	Normal operation	Major source	HCl 3	ppmvd	7 percent.
3. Existing kiln	Startup and shutdown.	Major or area source	Work practice standards (63.1346(g)).	NA	NA.
4. New kiln	Normal operation	Major or area source	PM ¹ 0.02	lb/ton clinker	NA.
			D/F ² 0.2	ng/dscm (TEQ)	7 percent.
			Mercury 21	lb/MM tons clinker	NA.
			THC ³⁴ 24	ppmvd	7 percent.
5. New kiln	Normal operation	Major source	HCl 3	ppmvd	7 percent.
6. New kiln	Startup and shutdown.	Major or area source	Work practice standards (63.1346(g)).	NA	NA.
7. Existing clinker cooler.	Normal operation	Major or area source	PM 0.07	lb/ton clinker	NA.
8. Existing clinker cooler.	Startup and shutdown.	Major or area source	Work practice standards (63.1348(b)(9)).	NA	NA.
9. New clinker cooler	Normal operation	Major or area source	PM 0.02	lb/ton clinker	NA.
10. New clinker cooler.	Startup and shutdown.	Major or area source	Work practice standards (63.1348(b)(9)).	NA	NA.
11. Existing or new raw material dryer.	Normal operation	Major or area source	THC ³⁴ 24	ppmvd	NA.
12. Existing or new raw material dryer.	Startup and shutdown.	Major or area source	Work practice standards (63.1348(b)(9)).	NA	NA.
13. Existing or new raw or finish mill.	All operating modes	Major source	Opacity 10	percent	NA.

¹ The initial and subsequent PM performance tests are performed using Method 5 or 5I and consist of three test runs.

² If the average temperature at the inlet to the first PM control device (fabric filter or electrostatic precipitator) during the D/F performance test is 400 degrees Fahrenheit or less, this limit is changed to 0.40 ng/dscm (TEQ).

³ Measured as propane.

⁴ Any source subject to the 24 ppmvd THC limit may elect to meet an alternative limit of 12 ppmvd for total organic HAP.

C. What changes did we propose for the Portland Cement Manufacturing Industry source category in our September 21, 2017, proposed rule?

On September 21, 2017, the EPA published a proposed rule in the **Federal Register** for the Portland Cement Manufacturing Industry NESHAP, 40 CFR part 63, subpart LLL, that took into consideration the RTR analyses (82 FR 44254). In the proposed rule, we found that risks due to emissions of air toxics from this source category are acceptable and that the standards provide an ample margin of safety to protect public health, and we identified no new cost-effective controls under the technology review to achieve further emissions reductions. We proposed no revisions to the numerical emission limits based on these analyses. However, the EPA did propose amendments to correct and clarify rule requirements and provisions.

III. What is included in this final rule?

This action finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112 for the Portland Cement Manufacturing Industry source category. This action also finalizes other changes to the NESHAP including amendments to correct and clarify rule requirements and provisions.

A. What are the final rule amendments based on the risk review for the Portland Cement Manufacturing Industry source category?

The EPA proposed no changes to 40 CFR part 63, subpart LLL, based on the risk review conducted pursuant to CAA section 112(f). Specifically, we determined that risks from the Portland Cement Manufacturing Industry source category are acceptable, that the standards provide an ample margin of safety to protect public health, and that it is not necessary to set a more stringent standard to prevent an adverse environmental effect. The EPA received no new data or other information during the public comment period that changed this determination. Therefore, we are not requiring additional controls under CAA section 112(f)(2).

B. What are the final rule amendments based on the technology review for the Portland Cement Manufacturing Industry source category?

The EPA proposed no changes to 40 CFR part 63, subpart LLL, based on the

technology review conducted pursuant to CAA section 112(d)(6). Specifically, we determined that there are no developments in practices, processes, and control technologies that warrant revisions to the MACT standards for this source category. The EPA received no new data or other information during the public comment period that affected the technology review determination. Therefore, we are not requiring additional control under CAA section 112(d)(6).

C. What other changes have been made to the NESHAP?

In the September 21, 2017, proposed rule, we proposed additional revisions, which included changes to clarify monitoring, testing, and recordkeeping, and reporting requirements and the correction of typographical errors. Based on the comments received, we are now finalizing the following amendments to the rule:

- We correct a paragraph in the reporting requirements that mistakenly required that affected sources report their 30-operating day rolling average for D/F temperature monitoring.
- We correct a provision that required facility owners or operators to keep records of both daily clinker production and kiln feed rates.
- We clarify that the submittal dates for semiannual summary reports required under 40 CFR 63.1354(b)(9) are 60 days after the end of the reporting period.
- We resolve conflicting provisions that apply when a sulfur dioxide (SO₂) continuous parametric monitoring system is used to monitor HCl compliance.
- We clarify that the requirement in 40 CFR 63.1349(b)(1)(vi) only applies to kilns with inline raw mills.
- We clarify that the 40 CFR part 63, subpart LLL D/F standards were developed based on toxic equivalency factors (TEFs) developed in 1989, as referenced in the TEQ definition section of the rule (40 CFR 63.1341).
- We clarify that the performance test requirements for affected sources that have been idle through one or more periods that required a performance test to demonstrate compliance.
- We remove 40 CFR 63.1343(d) and Table 2 that contain emission limits that were applicable prior to September 2015.
- We revise Equation 18 of the rule to include a missing term in the equation.

- We revise 40 CFR 63.1350(g)(4) to say "record" instead of "report."

D. What are the effective and compliance dates of the standards?

Because these amendments only provide corrections and clarifications to the current rule and do not impose new requirements on the industry, we are making these amendments effective and are requiring compliance upon promulgation of the final rule.

IV. What is the rationale for our final decisions and amendments for the Portland Cement Manufacturing Industry source category?

This section provides a description of our proposed action and this final action, the EPA's rationale for the final decisions and amendments, and a summary of key comments and responses. Other comments, comment summaries, and the EPA's responses can be found "National Emission Standards for Hazardous Air Pollutants from Portland Cement Manufacturing (40 CFR part 63, subpart LLL) Residual Risk and Technology Review, Final Amendments: Summary of Public Comments and Responses on Proposed Rules," which is available in the docket for this action (EPA-HQ-OAR-2016-0442).

A. Residual Risk Review for the Portland Cement Manufacturing Industry Source Category

1. What did we propose pursuant to CAA section 112(f) for the Portland Cement Manufacturing Industry source category?

Pursuant to CAA section 112(f), the EPA conducted a residual risk review and presented the results of this review, along with our proposed decisions regarding risk acceptability, ample margin of safety, and adverse environmental effects, in the September 21, 2017, proposed rule (82 FR 44254). The results of the risk assessment are presented briefly in Table 3, and in more detail in the document titled "Residual Risk Assessment for the Portland Cement Manufacturing Source Category in Support of the July 2018 Final Rule," available in the docket for this rulemaking (Docket ID No. EPA-HQ-OAR-2016-0442).

TABLE 3—INHALATION RISK ASSESSMENT SUMMARY FOR PORTLAND CEMENT MANUFACTURING INDUSTRY SOURCE CATEGORY

	Cancer MIR (in-1 million)		Cancer incidence (cases per year) ¹	Population with risk of 1-in-1 million or greater ¹	Population with risk of 10-in-1 million or greater ¹	Max chronic noncancer HI
	Based on actual emissions	Based on allowable emissions				
Source Category	1 (formaldehyde, benzene)	4 (formaldehyde, benzene)	0.01	130	0	HI < 1 (Actuals and Allowables).
Whole Facility	70 (arsenic and chromium VI)	.....	0.02	20,000	690	HI = 1 (Actuals).

¹ Cancer incidence and populations exposed are based upon actual emissions.

The results of the chronic inhalation cancer risk assessment based on actual emissions from the Portland Cement Manufacturing Industry source category indicate that the maximum lifetime individual cancer risk posed by the 91 facilities is 1-in-1 million or less. The total estimated cancer incidence from this source category is 0.01 excess cancer cases per year, or one excess case in every 100 years. Regarding the noncancer risk assessment, the maximum chronic noncancer target organ-specific hazard index (TOSHI) for the source category could be up to 0.02 (for respiratory health effects) from the portland cement manufacturing processes. Regarding short-term (acute) health hazards posed by actual baseline emissions, the highest screening acute hazard quotient (HQ) for the source category is estimated to be 0.2. No facilities were found to have an acute HQ greater than 1 for any of the acute benchmarks examined.

Potential multipathway health risks under a fisher and farmer scenario were identified using a 3-tier screening analysis of HAP known to be persistent and bio-accumulative in the environment emitted by facilities in this source category and, if necessary, a site-specific assessment utilizing TRIM.FaTE. Based on the results of the multipathway cancer screening analyses of arsenic and dioxin emissions, we conclude that the cancer risk from ingestion exposure to the individual most exposed is less than 1-in-1 million for arsenic, and, based on a tier 3 analysis, less than 20-in-1 million for dioxins. Based on the tier 1 multipathway screening analysis of cadmium emissions and the refined site-specific multipathway analysis of mercury emissions, the maximum chronic noncancer TOSHI due to ingestion exposure is less than 1 for actual emissions.

Finally, potential differences between actual emission levels and the maximum emissions allowable under the EPA's standards (*i.e.*, "allowable emissions") were also calculated for the source category. Allowable emissions were calculated using the emission

limits for existing sources in the current NESHAP in conjunction with the emission factors for metallic HAP, organic HAP and D/F congeners, as appropriate, the annual production capacity, and, when the emission limit was a concentration-based limit, the annual hours of operation reported by each source. Risk results from the inhalation risk assessment indicate that the maximum lifetime individual cancer risk could increase from 1-in-1 million for actual emissions to as high as 4-in-1 million for allowable emissions. At the allowable emissions level, the maximum chronic noncancer TOSHI was 0.06 (for respiratory health effects). The total estimated cancer incidence from this source category at the allowable emissions level was about 0.03 excess cancer cases per year, or 3 excess cases in every 100 years.

In determining whether risk is acceptable, the EPA considered all available health information and risk estimation uncertainty, as described above. The results indicate that inhalation cancer risk to the individual most exposed under both actual and allowable emissions scenarios are considerably less than 100-in-1 million, which is the presumptive limit of acceptability. The maximum chronic noncancer TOSHI due to inhalation exposures is less than 1 for both actual emissions and up to 1 due to allowable emissions. The multipathway analysis indicates a cancer risk less than 20-in-1 million from ingestion based upon our tier 3 screening analysis, while a refined site-specific multipathway analysis indicates that the HI for ingestion exposures is less than 1. Finally, the conservative evaluation of acute noncancer risk concluded that acute risk is below a level of concern. Taking into account this information, we proposed that the risks remaining after implementation of the existing MACT standards for the Portland Cement Manufacturing Industry were acceptable.

As directed by CAA section 112(f)(2), we also evaluated whether the existing MACT standards for the Portland Cement Manufacturing Industry provide

an ample margin of safety to protect public health. In addition to considering all of the health risks and other health information considered in the risk acceptability determination, in the ample margin of safety analysis we evaluated the cost and feasibility of available control technologies and other measures (including the controls, measures, and costs reviewed under the technology review) that could be applied in this source category to further reduce the risks due to emissions of HAP. Our inhalation risk analysis indicated very low risk from the facilities in the source category based upon actual emissions (1-in-1 million), and just slightly higher risk based upon allowable emissions (4-in-1 million). Therefore, very little reduction in inhalation risk could be realized regardless of the availability of control options.

The HAP risk drivers contributing to the inhalation maximum individual risk (MIR) were gaseous organic HAP: formaldehyde, benzene, naphthalene, and acetaldehyde. More than 62 percent of the mass emissions of these compounds originated from kiln operations. The first technology we considered in our ample margin of safety analysis was a regenerative thermal oxidizer (RTO) used to control organic HAP emissions from the kiln exhaust. It is expected that an RTO, when used in conjunction with the existing activated carbon injection (ACI), only offers an additional 50-percent removal efficiency of organic HAP from the kiln exhaust, due to the reduced THC concentration leaving the ACI. ACI control devices are currently used by industry, and the addition of an RTO as control would include configuring the RTO in series, following the ACI. We found that the use of an RTO in series with the existing ACI control was not cost effective for this industry, and given the small reduction in organic HAP emissions, the addition of an RTO would have little effect on the source category risks.

Other technologies evaluated included the use of an existing ACI with the addition of wet scrubbers to help

control organic HAP, including D/F emissions, from the kiln exhaust. For the March 24, 1998, proposal of the Portland Cement Manufacturing Industry NESHAP (63 FR 14182), we performed a beyond-the-floor analysis and determined that, based on the additional costs and the level of D/F emissions reduction achievable, the costs were not justified (63 FR 14199–14201). In this technology review, we conclude that, as with the findings of the 1998 rule, the use of the combination of an ACI system in series with a wet scrubber is not cost effective for the industry to reduce organic HAP or D/F emissions, and would have little effect on the source category risk.

Although our multipathway screening analysis results did not indicate risks of concern from mercury emissions, we also performed an evaluation of halogenated carbon injection as a control of mercury emissions from the kiln exhaust. In the May 6, 2009, beyond-the-floor analysis for the Portland Cement Manufacturing Industry NESHAP, we determined that, based on the costs of control, and the negligible level of mercury emission reduction achieved by the controls, the costs of using a halogenated carbon injection system were not justified (74 FR 21149). As we determined in the 2009 rule, we do not consider the use of halogenated carbon injection system to be cost effective for the industry to use to reduce mercury emissions, and it would have little effect on the low risks identified for this source category.

Due to the low risk, the minimal risk reductions that could be achieved with the various control options that we evaluated, and the substantial costs associated with additional control options, we proposed that the current standards provide an ample margin of safety to protect public health.

The EPA conducted a screening assessment to examine the potential for an adverse environmental effect as required under section 112(f)(2)(A) of the CAA. Section 112(a)(7) of the CAA defines “adverse environmental effect” as “any significant and widespread adverse effect, which may reasonably be anticipated, to wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.” Based on the results of the environmental risk screening assessment, the EPA concluded that there was not an adverse environmental effect from the Portland Cement Manufacturing Industry source category.

2. How did the risk review change for the Portland Cement Manufacturing Industry source category?

We received comments both supporting and opposing the proposed residual risk review and our proposed determination that no revisions are warranted under CAA section 112(f)(2). After review of these comments, we determined that no changes to our risk review are necessary. The following section provides a summary of the major comments received and our responses to those comments. All comments and our specific responses can be found in the document titled “National Emission Standards for Hazardous Air Pollutants from Portland Cement Manufacturing (40 CFR part 63, subpart LLL) Residual Risk and Technology Review, Final Amendments: Summary of Public Comments and Responses on Proposed Rules,” which is available in the docket for this action.

3. What key comments did we receive on the risk review, and what are our responses?

Generally, comments that were not supportive of the proposed determination suggested changes to the underlying risk assessment methodology. One comment specific to the source category stated that the EPA’s National Emissions Inventory (NEI) data from 2014 documented 1,447.25 tons of polycyclic aromatic hydrocarbons (PAH) emitted by the source category, yet PAH emission data were not included in Table 3.1–1, “Summary of Emissions from the Portland Cement Manufacturing Source Category and Dose-Response Values Used in the Residual Risk Assessment” (Docket ID No. EPA–HQ–OAR–2016–0442–0153), nor were PAH quantitatively assessed elsewhere in the risk assessment.

The EPA disagrees with the commenter that the risk assessment did not address PAH. The Portland Cement Manufacturing Industry NESHAP regulates organic HAP emissions indirectly with an emissions limit for THC. As an alternative, the EPA established an emissions limit for non-dioxin organic HAP. In developing the MACT standard, the EPA reviewed the results of 18 test reports where organic HAP were measured (Docket ID No. EPA–HQ–OAR–2002–0051–3429). Naphthalene was the only PAH reported. Based on a review of emissions test data where organic HAP were measured simultaneously with THC, the EPA found that, on average, organic HAP emissions comprise about 35 percent of the THC. In the test data reviewed for the 2009 proposed rule (74

FR 21136), nine specific organic HAP were identified and are the pollutants that must be tested for when choosing to comply with the organic HAP limit. One of the nine organic HAP identified was the PAH naphthalene. No other PAH species were present in measurable amounts in the test data reviewed. Naphthalene is one of the PAH listed in Table 3.1–1 of the risk assessment report. Based on our review of the test data for organic HAP, the only PAH emitted above detection limits is naphthalene.

The EPA also disputes the commenter’s claim that PAH emissions, as reported in the 2014 NEI, totaled over 1,400 tons. Our inspection of the 2014 NEI data for total PAH from the cement sector showed annual emissions of 1,449 pounds, not tons. That is less than 1 tpy for total PAH, whereas our risk assessment used total naphthalene emissions of 38 tpy from the Portland Cement Manufacturing Industry source category. Furthermore, no additional PAH emissions data were submitted to the EPA by the commenter or other commenters to support their claims.

EPA also received comments and information from representatives of portland cement manufacturing facilities who, while supportive of EPA’s residual risk determination, stated that the EPA’s risk estimates were based on flawed data, such that emission rates were overestimated for several pollutants. In response, the EPA acknowledges that our risk assessment results for the Portland Cement Manufacturing Industry source category are dependent on the emission rates used in the assessment. If we were to lower emission rates based on more accurate data, we expect lower risk estimates. Because the EPA has determined that the risk is acceptable, and that the existing standards provide an ample margin of safety to protect public health, using the emissions data provided by the commenters would potentially reduce risk further but would not change our determinations under the risk review. Accordingly, we concluded that it was reasonable to not update the risk assessment following proposal. We, therefore, finalized the risk assessment report and re-submitted it to the docket as “Residual Risk Assessment for the Portland Cement Manufacturing Source Category in Support of the July 2018 Final Rule.”

4. What is the rationale for our final approach and final decisions for the risk review?

For the reasons explained in the proposed rule, the Agency determined that the risks from the Portland Cement

Manufacturing Industry source category are acceptable, and the current standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. Since proposal, our determinations regarding risk acceptability, ample margin of safety, and adverse environmental effects have not changed. Therefore, we are not revising 40 CFR part 63, subpart LLL, to require additional controls pursuant to CAA section 112(f)(2) based on the residual risk review and are readopting the existing emissions standards under CAA section 112(f)(2).

B. Technology Review for the Portland Cement Manufacturing Industry Source Category

1. What did we propose pursuant to CAA section 112(d)(6) for the Portland Cement Manufacturing Industry source category?

Pursuant to CAA section 112(d)(6), the EPA conducted a technology review and summarized the results of the review in the September 21, 2017, proposed rule (82 FR 44277). The results of the technology review are briefly discussed below, and in more detail in the memorandum, "Technology Review for the Portland Cement Production Source Category," which is available in the docket for this action (Docket ID No. EPA-HQ-OAR-2016-0442-0189). The technology review focused on identifying and evaluating developments in practices, processes, and control technologies for the Portland Cement Manufacturing Industry source category. We reviewed technologies currently available to industry, and reviewed previous beyond-the-floor analyses, to determine if there had been any developments in existing technologies, or whether previous conclusions made by the EPA had changed. Additionally, we reviewed new developments in control technologies and determined the availability of each control, the costs associated with the installation and annual maintenance associated with each control, and the effectiveness of each technology in reducing HAP emissions. Based on information available to the EPA, the technologies reviewed do not provide sufficient reductions in HAP to support changing the standard to reflect technological developments (82 FR 44277).

2. How did the technology review change for the Portland Cement Manufacturing Industry source category?

The technology review for the Portland Cement Manufacturing Industry source category has not changed since proposal. As proposed, the EPA is not making changes to the standards pursuant to CAA section 112(d)(6).

3. What key comments did we receive on the technology review, and what are our responses?

We received comments in support of the proposed determination that no revisions to the standards are necessary under CAA section 112(d)(6).

We also received comments opposing our proposed technology review determination. Of the comments received, one commenter specifically opposed the technology review determination, and suggested that the EPA did not consider or recommend the use of selective catalytic reduction technologies (SCR) as mercury control, to control D/F emissions, as THC and volatile organic compound control, and as metallic HAP control.

The EPA disagrees with the commenter's argument that EPA failed to accurately assess SCR as a technology development capable of controlling HAP emissions. SCR technology is used to control nitrogen oxide (NOx) emissions from gas turbines, internal combustion engines, and fossil fuel-fired utility boilers. The use of SCR by the Portland Cement Manufacturing Industry source category is, however, problematic for various reasons. For example, the chemical composition of raw materials used to manufacture portland cement varies by location across the United States. This variability in raw materials means that the stack gas chemistry also varies across cement plants, often requiring plant-specific controls for certain pollutants, such as NOx. The presence of pyritic sulfur in raw materials and the resulting SO₂ emissions, for example, requires that higher temperatures be maintained at the kiln to avoid the formation of ammonium bisulfate salt, which can foul SCR catalysts. Additionally, high dust levels and the nature of dusts typical of the portland cement manufacturing process also creates difficulties not found in other industries where SCR works well for NOx control. In the case of mercury, SCR does not directly reduce mercury emissions. Instead, SCR oxidizes mercury from its elemental form and the oxidized form can then be more easily captured in

scrubbers. However, since scrubbers are uncommon in the cement industry, SCR would have little impact in reducing mercury emissions from cement kilns, unless a scrubber was also installed. Regarding D/F emissions control, the primary method of D/F control at U.S. cement plants is temperature control, which is already a requirement of the current subpart LLL standard. In general, no information is available by facilities operating SCR in the U.S. relevant to the effectiveness of an SCR for HAP control.

Review of comments on our technology review did not change our proposed determination under CAA section 112(d)(6). These comments and our specific responses to those comments can be found in the comment summary and response document titled, "National Emission Standards for Hazardous Air Pollutants from Portland Cement Manufacturing (40 CFR part 63, subpart LLL) Residual Risk and Technology Review, Final Amendments: Summary of Public Comments and Responses on Proposed Rules," which is available in the docket for this action.

4. What is the rationale for our final approach for the technology review?

For the reasons explained in the preamble to the proposed rule, we determined there were several technologies that have the potential for reducing HAP emissions from cement kiln. However, as stated in the proposed rule, most of these technologies have not been widely used in the United States by the Portland Cement Manufacturing Industry, so source category-specific data on their long-term performance and costs are lacking (82 FR 44278). Since proposal, neither the technology review nor our determination as a result of the technology review has changed, and we are not revising 40 CFR part 63, subpart LLL, pursuant to CAA section 112(d)(6).

C. Other Amendments to the Portland Cement Manufacturing Industry NESHAP

1. What amendments did we propose?

In the September 21, 2017, action, we proposed the following amendments to the rule to clarify monitoring, testing, and recordkeeping and reporting requirements and to correct typographical errors:

- We proposed to remove the reference to the D/F temperature monitoring system in 40 CFR 63.1354(b)(9)(vi).
- We proposed to correct a provision that requires facility owners or operators

to keep records of both daily clinker production and kiln feed rates.

- We proposed to clarify that the submittal dates for semiannual summary reports required under 40 CFR 63.1354(b)(9) are 60 days after the end of the reporting period consistent with the Agency's statement in the October 2016 rule guidance for 40 CFR part 63, subpart LLL.

- We proposed to resolve conflicting provisions in 40 CFR 63.1349(b)(8)(x) and 40 CFR 63.1350(l)(3).

- We proposed to clarify the requirement in 40 CFR 63.1349(b)(1)(vi) to state that the provision of the section only applies to kilns with inline raw mills.

- We proposed that the 1989 TEFs be incorporated into the rule to clarify that they are the appropriate factors for calculating TEQ.

- We proposed to clarify the performance test requirements after extended shutdowns of existing kilns.

- We proposed to remove 40 CFR 63.1343(d) and Table 2 that contain emission limits that were applicable prior to September 2015.

2. What key comments did we receive and what are our responses?

Several commenters stated they generally supported the September 21, 2017, proposed rule, with several stating that the proposed revisions to 40 CFR part 63, subpart LLL, would improve monitoring, compliance, and implementation of the rule.

There were some comments that favored, and some that opposed the EPA's proposal to allow facilities 180 days to demonstrate that a kiln can comply with the standards when coming out of an extended idle period (82 FR 44279). These comments are discussed in the following paragraphs.

One commenter in favor of the proposal requested that the EPA clarify that units that were idled during the time when compliance was required to be demonstrated, have 180 days *after coming out of the idle period* to demonstrate compliance. To accomplish this, the commenter recommended that EPA revise the language of proposed 40 CFR 63.1348(a) to state: "For an affected source subject to this subpart, you must demonstrate compliance with the emissions standards and operating limits by using the test methods and procedures in §§ 63.1349 and 63.7. Any affected source that was unable to demonstrate compliance before the compliance date due to being idled, or that had demonstrated compliance but was idled during the normal window for the next compliance test, must demonstrate compliance within 180

days after coming out of the idle period." The EPA believes this request provides additional clarification to the proposed rule amendment, and has revised the rule text to incorporate the suggested change.

In contrast, the EPA received comments opposed to our decision to allow facilities 180 days to demonstrate that a kiln can comply with the rule standards when coming out of an extended idle period. The commenter took issue with the fact that the regulatory language does not make clear whether the 180-day non-compliant period would be just a 6-month exemption or could be even longer, and requested a clear trigger start or end-date, or sources could use this repeatedly after any shutdown, simply by citing the new provision. Further, the commenter noted that the proposed rule does not define the term "due to being idled," nor does it include language to limit the use of this exemption. The commenter stated that the EPA's proposal would contravene the CAA's requirement for "enforceable" emission limits, and any cement plant that took advantage of the EPA's proposed 180-day compliance exemption would violate its permit requirements. As stated by the commenter, a facility that restarted operations after being idled and then ran for 6 months without demonstrating compliance could not possibly certify that it was "in compliance" with permit requirements because it would not know if it was in compliance; likewise, it could not "promptly report any deviations" because it would not know if deviations occurred.

The EPA's response regarding the commenter's concerns regarding the 180-day exemption is based, in part, on the decision made on March 16, 1994 (59 FR 12425), and promulgated in 40 CFR 63.7(a)(2) to allow new facilities 180 days to demonstrate initial compliance. The provisions of 40 CFR 63.1348(a) are to allow previously idled kilns to reach a steady-state condition and schedule and perform compliance testing, as provided for new emission sources in 40 CFR 63.7(a)(2). It is reasonable to expect that a kiln operating the same controls that previously resulted in compliance would continue to be in compliance when operating the same equipment in the same manner, and the 180-day extension is simply a period during which they must complete the process of demonstrating compliance. There is no change to the facilities obligation to operate in compliance.

Additionally, it is unreasonable to assume that portland cement

manufacturing facilities would cease operations of a kiln for a period of time in order to circumvent compliance demonstration requirements. It is our opinion that this would not be in the best economic interest of the facility, by potentially limiting production, and profitability, for the sake of circumventing a rule requirement for demonstrating compliance.

Lastly, we believe the recommended amendment to the proposed rule suggested by the previous commenter would allow a specific time to demonstrate compliance, and therefore, are revising the rule to state, "Any affected source that was unable to demonstrate compliance before the compliance date due to being idled, or that had demonstrated compliance but was idled during the normal window for the next compliance test, must demonstrate compliance within 180 days after coming out of the idle period."

These comments and our specific responses to those comments can be found in the comment summary and response document titled, "National Emission Standards for Hazardous Air Pollutants from Portland Cement Manufacturing (40 CFR part 63, subpart LLL) Residual Risk and Technology Review, Final Amendments: Summary of Public Comments and Responses on Proposed Rules," which is available in the docket for this action.

3. How did the requirements change since proposal?

Based on the comments received, we are now finalizing the following amendments to the rule:

- We correct a paragraph in the reporting requirements that mistakenly required that affected sources report their 30-operating day rolling average for D/F temperature monitoring, including a revision to 40 CFR 63.1350(g)(4) to say "record" instead of "report."

- We correct a provision that required facility owners or operators to keep records of both daily clinker production and kiln feed rates.

- We clarify that the submittal dates for semiannual summary reports required under 40 CFR 63.1354(b)(9) are 60 days after the end of the reporting period.

- We resolve conflicting provisions that apply when an SO₂ continuous parametric monitoring system is used to monitor HCl compliance.

- We clarify the requirement in 40 CFR 63.1349(b)(1)(vi) only applies to kilns with inline raw mills.

- We clarify that the 40 CFR part 63, subpart LLL, D/F standards were

developed based on TEFs developed in 1989, as referenced in the TEQ definition section of the rule (40 CFR 63.1341).

- We clarify the performance test requirements for affected sources that have been idle through one or more periods that required a performance test to demonstrate compliance.
- We remove 40 CFR 63.1343(d) and Table 2 that contain emission limits that were applicable prior to September 2015.
- We revise Equation 18 of the rule to include a missing term in the equation.

V. Summary of Cost, Environmental, and Economic Impacts, and Additional Analyses Conducted

A. What are the affected sources?

We anticipate that the 91 portland cement manufacturing facilities currently operating in the United States will be affected by this final rule.

B. What are the air quality impacts?

We are not establishing new emission limits and are not requiring additional controls; therefore, no air quality impacts are expected as a result of the final amendments to the rule.

C. What are the cost impacts?

Recent amendments to the Portland Cement Manufacturing Industry NESHAP have addressed electronic reporting and changes in policies regarding startup, shutdown, and malfunction. Additionally, there are no changes to emission standards or add-on controls associated with this action. Therefore, the final amendments impose no additional costs.

D. What are the economic impacts?

No economic impacts result from this final action.

E. What are the benefits?

While the amendments in this final rule do not result in reductions in emissions of HAP, this action results in improved monitoring, compliance, and implementation of the rule.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not

submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations (40 CFR part 63, subpart LLL) and has assigned OMB control number 2060–0416. This action does not change the information collection requirements.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden, or otherwise has a positive economic effect on the small entities subject to the rule. We estimate that three of the 26 existing Portland cement entities are small entities and comprise three plants. After considering the economic impacts of this final action on small entities, we have concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. It will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. The EPA is aware of one tribally owned Portland cement facility currently subject to 40 CFR part 63, subpart LLL, that will be subject to this final action. However, the provisions of this rule are not expected to impose new or substantial direct compliance costs on tribal governments since the provisions in this final action are clarifying and correcting monitoring and testing requirements and recordkeeping and reporting requirements. This final action also provides clarification for owners and operators on bringing new or previously furloughed kilns back on line. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629).

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by U.S.C. 804(2).

List of Subjects for 40 CFR Part 63

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

Dated: July 13, 2018.

Andrew R. Wheeler,
Acting Administrator.

For the reasons stated in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations (CFR) is 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 LLL—National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry

■ 2. Section 63.1341 is amended by:
■ a. Removing the definition of "affirmative defense"; and
■ b. Revising the definitions of "dioxins and furans (D/F)," "in-line coal mill," and "TEQ."

The revisions read as follows:

§ 63.1341 Definitions.

* * * * *
Dioxins and furans (D/F) means tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzo dioxins and furans.
* * * * *

In-line coal mill means a coal mill using kiln exhaust gases in their process. A coal mill with a heat source other than the kiln or a coal mill using exhaust gases from the clinker cooler is not an in-line coal mill.
* * * * *

TEQ means the international method of expressing toxicity equivalents for dioxins and furans as defined in U.S. EPA, Interim Procedures for Estimating Risks Associated with Exposures to Mixtures of Chlorinated Dibenzo-p-dioxins and -dibenzofurans (CDDs and CDFs) and 1989 Update, March 1989. The 1989 Toxic Equivalency Factors (TEFs) used to determine the dioxin and

furans TEQs are listed in Table 2 to subpart LLL of Part 63.
* * * * *

§ 63.1343 [Amended]

■ 3. Section 63.1343 is amended by removing paragraph (d) and Table 2.
■ 4. Section 63.1348 is amended by:
■ a. Adding a sentence after the first sentence in paragraph (a) introductory text;
■ b. Revising paragraph (a)(3)(i), the second sentence in paragraph (a)(3)(iv), and paragraphs (a)(4)(ii), (a)(7)(ii), (b)(3)(ii), and (b)(4);
■ c. Adding a heading to paragraph (b)(5); and
■ d. Revising paragraph (b)(5)(i).

The additions and revisions read as follows:

§ 63.1348 Compliance requirements.

(a) *Initial Performance Test Requirements.* * * * Any affected source that was unable to demonstrate compliance before the compliance date due to being idled, or that had demonstrated compliance but was idled during the normal window for the next compliance test, must demonstrate compliance within 180 days after coming out of the idle period. * * *
* * * * *

(3) *D/F compliance.* (i) If you are subject to limitations on D/F emissions under § 63.1343(b), you must demonstrate initial compliance with the D/F emissions standards by using the performance test methods and procedures in § 63.1349(b)(3). The owner or operator of a kiln with an in-line raw mill must demonstrate initial compliance by conducting separate performance tests while the raw mill is operating and the raw mill is not operating. Determine the D/F TEQ concentration for each run and calculate the arithmetic average of the TEQ concentrations measured for the three runs to determine continuous compliance.
* * * * *

(iv) * * * Compliance is demonstrated if the system is maintained within ± 5 percent accuracy during the performance test determined in accordance with the procedures and criteria submitted for review in your monitoring plan required in § 63.1350(p).
(4) * * *

(ii) *Total Organic HAP Emissions Tests.* If you elect to demonstrate compliance with the total organic HAP emissions limit under § 63.1343(b) in lieu of the THC emissions limit, you must demonstrate compliance with the total organic HAP emissions standards

by using the performance test methods and procedures in § 63.1349(b)(7).
* * * * *

(7) * * *
(ii) Perform required emission monitoring and testing of the kiln exhaust prior to the reintroduction of the coal mill exhaust, and also testing the kiln exhaust diverted to the coal mill. All emissions must be added together for all emission points, and must not exceed the limit per each pollutant as listed in § 63.1343(b).
(b) * * *
(3) * * *

(ii) *Bag Leak Detection System (BLDS).* If you install a BLDS on a raw mill or finish mill in lieu of conducting the daily visible emissions testing, you must demonstrate compliance using a BLDS that is installed, operated, and maintained in accordance with the requirements of § 63.1350(f)(4)(ii).

(4) *D/F Compliance.* If you are subject to a D/F emissions limitation under § 63.1343(b), you must demonstrate compliance using a continuous monitoring system (CMS) that is installed, operated and maintained to record the temperature of specified gas streams in accordance with the requirements of § 63.1350(g).

(5) *Activated Carbon Injection Compliance.* (i) If you use activated carbon injection to comply with the D/F emissions limitation under § 63.1343(b), you must demonstrate compliance using a CMS that is installed, operated, and maintained to record the rate of activated carbon injection in accordance with the requirements § 63.1350(h)(1).
* * * * *

■ 5. Section 63.1349 is amended by:
■ a. Revising paragraphs (b)(1)(vi), (b)(3)(iv), (b)(4)(i), (b)(6)(i)(A), (b)(7)(viii)(A), (b)(8)(vi), and (b)(8)(vii)(B); and
■ b. Removing and reserving paragraph (d).

The revisions read as follows:

§ 63.1349 Performance testing requirements.

* * * * *
(b)(1) * * *
(vi) For each performance test, conduct at least three separate test runs under the conditions that exist when the affected source is operating at the level reasonably expected to occur. Conduct each test run to collect a minimum sample volume of 2 dscm for determining compliance with a new source limit and 1 dscm for determining compliance with an existing source limit. Calculate the time weighted average of the results from three

consecutive runs, including applicable sources as required by paragraph (b)(1)(viii) of this section, to determine compliance. You need not determine the particulate matter collected in the impingers “back half” of the Method 5 or Method 5I particulate sampling train to demonstrate compliance with the PM standards of this subpart. This shall not preclude the permitting authority from requiring a determination of the “back half” for other purposes. For kilns with inline raw mills, testing must be conducted while the raw mill is on and while the raw mill is off. If the exhaust streams of a kiln with an inline raw mill and a clinker cooler are comingled, then the comingled exhaust stream must be tested with the raw mill on and the raw mill off.

* * * * *

(3) * * *

(iv) The run average temperature must be calculated for each run, and the average of the run average temperatures must be determined and included in the performance test report and will determine the applicable temperature limit in accordance with § 63.1346(b).

* * * * *

(4) * * *

(i) If you are subject to limitations on THC emissions, you must operate a CEMS in accordance with the requirements in § 63.1350(i). For the purposes of conducting the accuracy and quality assurance evaluations for CEMS, the THC span value (as propane) is 50 to 60 ppmvw and the reference method (RM) is Method 25A of appendix A to part 60 of this chapter.

* * * * *

(6) * * *

(i)(A) If the source is equipped with a wet scrubber, tray tower or dry scrubber, you must conduct performance testing using Method 321 of appendix A to this part unless you have installed a CEMS that meets the requirements § 63.1350(l)(1). For kilns with inline raw mills, testing must be conducted for the raw mill on and raw mill off conditions.

* * * * *

(7) * * *

(viii) * * *

(A) Determine the THC CEMS average values in ppmvw, and the average of your corresponding three total organic HAP compliance test runs, using Equation 12.

$$\bar{x} = \frac{1}{n} \sum_{i=1}^n X_i, \bar{y} = \frac{1}{n} \sum_{i=1}^n Y_i \quad (\text{Eq. 12})$$

Where:

$\bar{x}$ = The THC CEMS average values in ppmvw.

X_i = The THC CEMS data points for all three test runs i.

$\bar{y}$ = The organic HAP average values in ppmvw.

Y_i = The organic HAP concentrations for all three test runs i.

n = The number of data points.

* * * * *

(8) * * *

(vi) If your kiln has an inline kiln/raw mill, you must conduct separate performance tests while the raw mill is operating (“mill on”) and while the raw

mill is not operating (“mill off”). Using the fraction of time the raw mill is on and the fraction of time that the raw mill is off, calculate this limit as a weighted average of the SO₂ levels measured during raw mill on and raw mill off compliance testing with Equation 17.

$$R = (y * t) + x * (1 - t) \quad (\text{Eq. 17})$$

Where:

R = Operating limit as SO₂, ppmvw.

y = Average SO₂ CEMS value during mill on operations, ppmvw.

t = Percentage of operating time with mill on, expressed as a decimal.

x = Average SO₂ CEMS value during mill off operations, ppmvw.

1-t = Percentage of operating time with mill off, expressed as a decimal.

(vii) * * *

(B) Determine your SO₂ CEMS instrument average ppm, and the average of your corresponding three HCl compliance test runs, using Equation 18.

$$\bar{x} = \frac{1}{n} \sum_{i=1}^n X_i, \bar{y} = \frac{1}{n} \sum_{i=1}^n Y_i \quad (\text{Eq. 18})$$

Where:

$\bar{x}$ = The SO₂ CEMS average values in ppmvw.

X_i = The SO₂ CEMS data points for the three runs constituting the performance test.

$\bar{y}$ = The HCl average values in ppmvw.

Y_i = The HCl emission concentration expressed as ppmv corrected to 7 percent oxygen for the three runs constituting the performance test.

n = The number of data points.

* * * * *

text, (g)(4), (h)(2)(ii), (j), (k)(2) introductory text, (k)(2)(ii) and (iii), (k)(5)(ii), (l)(1) introductory text, and (l)(3) to read as follows:

§ 63.1350 Monitoring requirements.

* * * * *

(g) *D/F monitoring requirements.* If you are subject to an emissions limitation on D/F emissions, you must comply with the monitoring requirements of paragraphs (g)(1) through (5) and (m)(1) through (4) of

this section to demonstrate continuous compliance with the D/F emissions standard. You must also develop an emissions monitoring plan in accordance with paragraphs (p)(1) through (4) of this section.

* * * * *

(4) Every hour, record the calculated rolling three-hour average temperature using the average of 180 successive one-minute average temperatures. See § 63.1349(b)(3).

* * * * *

■ 6. Section 63.1350 is amended by revising paragraphs (g) introductory

(h) * * *
(2) * * *

(ii) Each hour, calculate the 3-hour rolling average of the selected parameter value for the previous 3 hours of process operation using all of the one-minute data available (*i.e.*, the CMS is not out-of-control).

* * * * *

(j) *Total organic HAP monitoring requirements.* If you are complying with the total organic HAP emissions limits, you must continuously monitor THC according to paragraphs (i)(1) and (2) of this section or in accordance with Performance Specification 8 or Performance Specification 8A of appendix B to part 60 of this chapter and comply with all of the requirements for continuous monitoring systems found in the general provisions, subpart A of this part. You must operate and maintain each CEMS according to the quality assurance requirements in Procedure 1 of appendix F in part 60 of this chapter. You must also develop an

emissions monitoring plan in accordance with paragraphs (p)(1) through (4) of this section.

(k) * * *

(2) In order to quality assure data measured above the span value, you must use one of the four options in paragraphs (k)(2)(i) through (iv) of this section.

* * * * *

(ii) Quality assure any data above the span value by proving instrument linearity beyond the span value established in paragraph (k)(1) of this section using the following procedure. Conduct a weekly “above span linearity” calibration challenge of the monitoring system using a reference gas with a certified value greater than your highest expected hourly concentration or greater than 75 percent of the highest measured hourly concentration. The “above span” reference gas must meet the requirements of PS 12A, Section 7.1 and must be introduced to the measurement system at the probe.

Record and report the results of this procedure as you would for a daily calibration. The “above span linearity” challenge is successful if the value measured by the Hg CEMS falls within 10 percent of the certified value of the reference gas. If the value measured by the Hg CEMS during the above span linearity challenge exceeds ± 10 percent of the certified value of the reference gas, the monitoring system must be evaluated and repaired and a new “above span linearity” challenge met before returning the Hg CEMS to service, or data above span from the Hg CEMS must be subject to the quality assurance procedures established in paragraph (k)(2)(iii) of this section. In this manner all hourly average values exceeding the span value measured by the Hg CEMS during the week following the above span linearity challenge when the CEMS response exceeds ± 20 percent of the certified value of the reference gas must be normalized using Equation 22.

$$\frac{\text{Certified reference gas value}}{\text{Measured value of reference gas}} \times \text{Measured stack gas result} = \text{Normalized stack gas result} \quad (\text{Eq. 22})$$

(iii) Quality assure any data above the span value established in paragraph (k)(1) of this section using the following procedure. Any time two consecutive 1-hour average measured concentrations of Hg exceeds the span value you must, within 24 hours before or after, introduce a higher, “above span” Hg reference gas standard to the Hg CEMS. The “above span” reference gas must meet the requirements of PS 12A, Section 7.1, must target a concentration level between 50 and 150 percent of the highest expected hourly concentration measured during the period of measurements above span, and must be introduced at the probe. While this target represents a desired concentration range that is not always achievable in practice, it is expected that the intent to meet this range is demonstrated by the value of the reference gas. Expected values may include “above span” calibrations done before or after the above span measurement period. Record and report the results of this procedure as you would for a daily calibration. The “above span” calibration is successful if the value measured by the Hg CEMS is within 20 percent of the certified value of the reference gas. If the value measured by the Hg CEMS exceeds 20 percent of the certified value of the reference gas, then you must normalize the one-hour average stack gas values measured above the span during the 24-hour period preceding or following the

“above span” calibration for reporting based on the Hg CEMS response to the reference gas as shown in Equation 22. Only one “above span” calibration is needed per 24-hour period.

* * * * *

(5) * * *

(ii) On a continuous basis, determine the mass emissions of mercury in lb/hr from the alkali bypass and coal mill exhausts by using the mercury hourly emissions rate and the exhaust gas flow rate to calculate hourly mercury emissions in lb/hr.

* * * * *

(l) * * *

(1) If you monitor compliance with the HCl emissions limit by operating an HCl CEMS, you must do so in accordance with Performance Specification (PS) 15 or PS 18 of appendix B to part 60 of this chapter, or, upon promulgation, in accordance with any other performance specification for HCl CEMS in appendix B to part 60 of this chapter. You must operate, maintain, and quality assure a HCl CEMS installed and certified under PS 15 according to the quality assurance requirements in Procedure 1 of appendix F to part 60 of this chapter except that the Relative Accuracy Test Audit requirements of Procedure 1 must be replaced with the validation requirements and criteria of sections 11.1.1 and 12.0 of PS 15. If you choose

to install and operate an HCl CEMS in accordance with PS 18, you must operate, maintain, and quality assure the HCl CEMS using the associated Procedure 6 of appendix F to part 60 of this chapter. For any performance specification that you use, you must use Method 321 of appendix A to this part as the reference test method for conducting relative accuracy testing. The span value and calibration requirements in paragraphs (l)(1)(i) and (ii) of this section apply to HCl CEMS other than those installed and certified under PS 15 or PS 18.

* * * * *

(3) If the source is equipped with a wet or dry scrubber or tray tower, and you choose to monitor SO₂ emissions, monitor SO₂ emissions continuously according to the requirements of § 60.63(e) and (f) of this chapter. If SO₂ levels increase above the 30-day rolling average SO₂ operating limit established during your performance test by 10 percent or more, you must:

(i) As soon as possible but no later than 30 days after you exceed the established SO₂ value conduct an inspection and take corrective action to return the SO₂ emissions to within the operating limit; and

(ii) Within 90 days of the exceedance or at the time of the next compliance test, whichever comes first, conduct an HCl emissions compliance test to determine compliance with the HCl

emissions limit and to verify or re-establish the SO₂ CEMS operating limit.

* * * * *

■ 7. Section 63.1354 is amended by:

- a. Revising paragraphs (b)(9) introductory text and (b)(9)(vi);
 - b. Redesignating paragraph (b)(9)(viii) as paragraph (b)(11)(i) introductory text and revising newly redesignated paragraph (b)(11)(i);
 - c. Adding paragraphs (b)(11)(i)(A) through (C);
 - d. Redesignating paragraph (b)(9)(ix) as paragraph (b)(11)(ii);
 - e. Redesignating paragraph (b)(9)(x) as paragraph (b)(12) and revising newly redesignated paragraph (b)(12); and
 - f. Revising paragraphs (b)(10) and (c).
- The revisions read as follows:

§ 63.1354 Reporting requirements.

* * * * *

(b) * * *

(9) The owner or operator shall submit a summary report semiannually within 60 days of the reporting period to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). You must use the appropriate electronic report in CEDRI for this subpart. Instead of using the electronic report in CEDRI for this subpart, you may submit an alternate electronic file consistent with the extensible markup language (XML) schema listed on the CEDRI website (<https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri>), once the XML schema is available. If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, you must submit the report the Administrator at the appropriate address listed in § 63.13. You must begin submitting reports via CEDRI no later than 90 days after the form becomes available in CEDRI. The excess emissions and summary reports must be submitted no later than 60 days after the end of the reporting period, regardless of the method in which the reports are submitted. The report must contain the information specified in

§ 63.10(e)(3)(vi). In addition, the summary report shall include:

* * * * *

(vi) For each PM CPMS, HCl, Hg, and THC CEMS, SO₂ CEMS, or Hg sorbent trap monitoring system, within 60 days after the reporting periods, you must report all of the calculated 30-operating day rolling average values derived from the CPMS, CEMS, CMS, or Hg sorbent trap monitoring systems.

* * * * *

(10) If the total continuous monitoring system downtime for any CEM or any CMS for the reporting period is 10 percent or greater of the total operating time for the reporting period, the owner or operator shall submit an excess emissions and continuous monitoring system performance report along with the summary report.

(11)(i) You must submit the information specified in paragraphs (b)(11)(i)(A) and (B) of this section no later than 60 days following the initial performance test. All reports must be signed by a responsible official.

(A) The initial performance test data as recorded under § 63.1349(a).

(B) The values for the site-specific operating limits or parameters established pursuant to § 63.1349(b)(1), (3), (6), (7), and (8), as applicable, and a description, including sample calculations, of how the operating parameters were established during the initial performance test.

(C) As of December 31, 2011, and within 60 days after the date of completing each performance evaluation or test, as defined in § 63.2, conducted to demonstrate compliance with any standard covered by this subpart, you must submit the relative accuracy test audit data and performance test data, except opacity data, to the EPA by successfully submitting the data electronically via CEDRI and by using the Electronic Reporting Tool (ERT) (see <https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>). For any performance evaluations with no corresponding RATA pollutants listed on the ERT website, you must submit the results of the performance

evaluation to the Administrator at the appropriate address listed in § 63.13.

* * * * *

(12) All reports required by this subpart not subject to the requirements in paragraphs (b)(9) introductory text and (b)(11)(i) of this section must be sent to the Administrator at the appropriate address listed in § 63.13. The Administrator or the delegated authority may request a report in any form suitable for the specific case (e.g., by commonly used electronic media such as Excel spreadsheet, on CD or hard copy). The Administrator retains the right to require submittal of reports subject to paragraphs (b)(9) introductory text and (b)(11)(i) of this section in paper format.

(c) For each failure to meet a standard or emissions limit caused by a malfunction at an affected source, you must report the failure in the semi-annual compliance report required by § 63.1354(b)(9). The report must contain the date, time and duration, and the cause of each event (including unknown cause, if applicable), and a sum of the number of events in the reporting period. The report must list for each event the affected source or equipment, an estimate of the amount of each regulated pollutant emitted over the emission limit for which the source failed to meet a standard, and a description of the method used to estimate the emissions. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with § 63.1348(d), including actions taken to correct a malfunction.

■ 8. Section 63.1355 is amended by revising paragraph (e) to read as follows:

§ 63.1355 Recordkeeping requirements.

* * * * *

(e) You must keep records of the daily clinker production rates according to the clinker production monitoring requirements in § 63.1350(d).

* * * * *

■ 9. Table 1 to subpart LLL of part 63 is amended by adding the entry "63.10(e)(3)(v)" in alphanumeric order to read as follows:

TABLE 1 TO SUBPART LLL OF PART 63—APPLICABILITY OF GENERAL PROVISIONS

Citation	Requirement	Applies to subpart LLL	Explanation
63.10(e)(3)(v)	Due Dates for Excess Emissions and No CMS Performance Reports.	.....	§ 63.1354(b)(9) specifies due date.
*	*	*	*

- 10. Add table 2 to subpart LLL of part 63 to read as follows:

TABLE 2 TO SUBPART LLL OF PART 63—1989 TOXIC EQUIVALENCY FACTORS (TEFs)

Dioxins/Furans	TEFs 1989
2,3,7,8-TCDD	1
1,2,3,7,8-PeCDD	0.5
1,2,3,4,7,8-HxCDD	0.1
1,2,3,6,7,8-HxCDD	0.1
1,2,3,7,8,9-HxCDD	0.1
1,2,3,4,6,7,8-HpCDD	0.01
OCDD	0.001
2,3,7,8-TCDF	0.1
1,2,3,7,8-PeCDF	0.05
2,3,4,7,8-PeCDF	0.5
1,2,3,4,7,8-HxCDF	0.1
1,2,3,6,7,8-HxCDF	0.1
1,2,3,7,8,9-HxCDF	0.1
2,3,4,6,7,8-HxCDF	0.1
1,2,3,4,6,7,8-HpCDF	0.01
1,2,3,4,7,8,9-HpCDF	0.01
OCDF	0.001

[FR Doc. 2018-15718 Filed 7-24-18; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA-HQ-OAR-2017-0548; FRL-9981-17-OAR]

RIN 2060-AU13

Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards—San Antonio, Texas Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is establishing initial air quality designations for the eight counties in the San Antonio-New Braunfels, Texas Core Based Statistical Area (CBSA) for the 2015 primary and secondary national ambient air quality standards (NAAQS) for ozone. The EPA is designating Bexar County as the San Antonio, Texas nonattainment area and the remaining seven counties as attainment/unclassifiable areas. The San Antonio, Texas nonattainment area is also being classified as Marginal by operation of law according to the severity of its air quality problem. Of the five classification categories, Marginal nonattainment areas have ozone levels that are closest to the ozone NAAQS at the time of designation. This action completes the initial designations for the 2015 ozone NAAQS. The EPA designated all other areas of the country

for the 2015 ozone NAAQS in actions signed by the Administrator on November 6, 2017, and April 30, 2018.

DATES: The effective date of this rule is September 24, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2017-0548. All documents in the docket are listed in the index at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in the docket or in hard copy at the EPA Docket Center, EPA WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Office of Air and Radiation Docket and Information Center is (202) 566-1742.

In addition, the EPA has established a website for rulemakings for the initial area designations for the 2015 ozone NAAQS at <https://www.epa.gov/ozone-designations>. The website includes the EPA's final designations, as well as designation recommendation letters from states and tribes, the EPA's 120-letters notifying the states whether the EPA intends to modify the state's recommendation, technical support documents, responses to comments and other related technical information.

The public may also inspect this rule and state-specific technical support information in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT:

Denise Scott, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-01, Research Triangle Park, NC 27711, phone number (919) 541-4280, email: scott.denise@epa.gov or Carrie Paige, U.S. Environmental Protection Agency, Region 6, Mail Code: 6MM-AB, 445 Ross Avenue, Dallas, TX 75202, telephone (214) 665-6521, email: paige.carrie@epa.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

The following is an outline of the preamble.

I. Preamble Glossary of Terms and Acronyms

- II. What is the purpose of this action?
- III. What is ozone and how is it formed?
- IV. What are the 2015 ozone NAAQS and the health and welfare concerns they address?
- V. What are the CAA requirements for air quality designations?
- VI. What is the chronology for this designations rule and what guidance did the EPA provide?
- VII. What air quality data has the EPA used to designate the counties in the San Antonio-New Braunfels, Texas CBSA for the 2015 ozone NAAQS?
- VIII. What are the ozone air quality classifications?
- IX. Where can I find information forming the basis for this rule and exchanges between the EPA and the state?
- X. Environmental Justice Concerns
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 - A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulations and Regulatory Review
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 - J. National Technology Transfer and Advancement Act (NTTAA)
 - K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
 - L. Congressional Review Act (CRA)
 - M. Judicial Review

I. Preamble Glossary of Terms and Acronyms

The following are abbreviations of terms used in the preamble.

APA Administrative Procedure Act
 CAA Clean Air Act
 CFR Code of Federal Regulations
 CBSA Core Based Statistical Area
 DC District of Columbia
 EPA Environmental Protection Agency
 FR Federal Register
 NAAQS National Ambient Air Quality Standards
 NO_x Nitrogen Oxides
 NTTAA National Technology Transfer and Advancement Act
 PPM Parts per million
 RFA Regulatory Flexibility Act
 UMRA Unfunded Mandate Reform Act of 1995
 TAR Tribal Authority Rule
 U.S. United States
 U.S.C. United States Code
 VOC Volatile Organic Compounds

MISSOURI—1997 ANNUAL PM_{2.5} NAAQS—Continued
[Primary and secondary]

Designated area	Designation ^a		Classification	
	Date ¹	Type	Date ²	Type
St. Louis County	August 3, 2018	Attainment		
St. Louis City	August 3, 2018	Attainment		
*	*	*	*	*

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is 90 days after January 5, 2005, unless otherwise noted.

² This date is July 2, 2014, unless otherwise noted.

* * * * *

[FR Doc. 2018–16003 Filed 8–2–18; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 63

[EPA–HQ–OAR–2016–0442; FRL–9981–06–
OAR]

RIN 2060–AS92

**National Emission Standards for
Hazardous Air Pollutants From the
Portland Cement Manufacturing
Industry Residual Risk and
Technology Review**

Correction

In rule document 2018–15718
beginning on page 35122 in the issue of

Wednesday, July 25, 2018, make the
following correction:

**Table 1 to Subpart LLL of Part 63
[Corrected]**

■ On page 35135, the table should read
as set forth below:

TABLE 1 TO SUBPART LLL OF PART 63—APPLICABILITY OF GENERAL PROVISIONS

Citation	Requirement	Applies to subpart LLL	Explanation
*	*	*	*
63.10(e)(3)(v)	Due Dates for Excess Emissions and CMS Performance Reports.	No	§ 63.1354(b)(9) specifies due date.
*	*	*	*

[FR Doc. C1–2018–15718 Filed 8–2–18; 8:45 am]

BILLING CODE 1301–00–D

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 300

[EPA–HQ–SFUND–2010–1086; FRL–9979–
68–OLEM]

RIN 2050–AG67

**Addition of a Subsurface Intrusion
Component to the Hazard Ranking
System; Corrections**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Correcting amendments.

SUMMARY: On January 9, 2017, the
Environmental Protection Agency

published a final rule which added
subsurface intrusion component to the
Superfund Hazard Ranking System.
That document inadvertently failed to
update the Table of Contents and
contained a few other typographical
errors. This document corrects the final
regulation.

DATES: This correction is effective
August 3, 2018.

FOR FURTHER INFORMATION CONTACT:

Terry Jeng, phone: (703) 603–8852,
email: jeng.terry@epa.gov, Site
Assessment and Remedy Decisions
Branch, Assessment and Remediation
Division, Office of Superfund
Remediation and Technology
Innovation (Mailcode 5204P), U.S.
Environmental Protection Agency, 1200
Pennsylvania Avenue NW, Washington,
DC 20460.

SUPPLEMENTARY INFORMATION: This is
EPA's erratum to the final rule titled
Addition of a Subsurface Intrusion
Component to the Hazard Ranking
System, published January 9, 2017 (82
FR 2760). This is the second set of
corrections. The first set of corrections
was published in the **Federal Register**
on January 31, 2018 (83 FR 4430). This
document augments those corrections.

Section 553 of the Administrative
Procedure Act (APA), 5 U.S.C.
553(b)(3)(B), provides that, when an
agency for good cause finds that notice
and public procedure are impracticable,
unnecessary, or contrary to the public
interest, the agency may issue a rule
without providing notice and an
opportunity for public comment. *See*
Utility Solid Waste Activities Group v.
EPA, 236 F.3d 749, 752 (D.C. Cir. 2001).
We have determined that there is good

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 63

[EPA-HQ-OAR-2010-0682; FRL-9986-68-OAR]

RIN 2060-AT50

National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards: Petroleum Refinery Sector Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action finalizes amendments to the petroleum refinery National Emission Standards for Hazardous Air Pollutants (NESHAP) (referred to as Refinery MACT 1 and Refinery MACT 2) and to the New Source Performance Standards (NSPS) for Petroleum Refineries to clarify the requirements of these rules and to make technical corrections and minor revisions to requirements for work practice standards, recordkeeping, and reporting which were proposed in the **Federal Register** on April 10, 2018. This action also finalizes amendments to the compliance date of the requirements for existing maintenance vents from August 1, 2017, to December 26, 2018, which were proposed in the **Federal Register** on July 10, 2018.

DATES: This final rule is effective on November 26, 2018. The incorporation by reference of certain publications listed in the rule was approved by the Director of the Federal Register as of June 24, 2008.

ADDRESSES: The Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA-HQ-OAR-2010-0682. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <https://www.regulations.gov>, or in hard copy at the EPA Docket Center, EPA WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time

(EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Docket Center is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact Ms. Brenda Shine, Sector Policies and Programs Division (E143-01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-3608; fax number: (919) 541-0516; and email address: shine.brenda@epa.gov. For information about the applicability of the NESHAP to a particular entity, contact Ms. Maria Malave, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, EPA WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-7027; and email address: malave.maria@epa.gov.

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here.

AFPM American Fuel and Petrochemical Manufacturers
API American Petroleum Institute
AWP Alternative Work Practice
CAA Clean Air Act
CBI confidential business information
CFR Code of Federal Regulations
CEDRI Compliance and Emissions Data Reporting Interface
CDX Central Data Exchange
CRA Congressional Review Act
CRU catalytic reforming unit
DCU delayed coking unit
EPA Environmental Protection Agency
FCCU fluid catalytic cracking unit
FR Federal Register
HAP hazardous air pollutant(s)
lbs pounds
LEL lower explosive limit
MACT maximum achievable control technology
MPV miscellaneous process vent
NAAQS National Ambient Air Quality Standards
NESHAP National Emission Standards for Hazardous Air Pollutants
NOCS Notice of Compliance Status
NSPS New Source Performance Standard
NTTAA National Technology Transfer and Advancement Act
OEL open-ended line
OSHA Occupational Safety and Health Administration
PM particulate matter
ppb parts per billion
ppm parts per million
PRA Paperwork Reduction Act
PRD pressure relief device
psi pounds per square inch

psia pounds per square inch absolute
RFA Regulatory Flexibility Act
RIN Regulatory Information Number
RSR Refinery Sector Rule
SMR steam-methane reforming
TTN Technology Transfer Network
UMRA Unfunded Mandates Reform Act
VOC volatile organic compounds

Background information. On April 10, 2018, and July 10, 2018, the EPA proposed revisions to the Petroleum Refineries NESHAP and NSPS, (April 2018 Proposal and July 2018 Proposal), respectively (83 FR 15458, April 10, 2018; 83 FR 31939, July 10, 2018). After consideration of the public comments we received on these proposed rules, in this action, we are finalizing revisions to the NESHAP and NSPS rules. We summarize the significant comments we received regarding the April 2018 Proposal and the July 2018 Proposal and provide our responses in this preamble. In addition, a Response to Comments document, which is in the docket for this rulemaking, summarizes and responds to additional comments which were received regarding the April 2018 Proposal. A “track changes” version of the regulatory language that incorporates the changes in this action is also available in the docket.

Organization of this document. The information in this preamble is organized as follows:

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 - B. Where can I get a copy of this document and other related information?
 - C. Judicial Review and Administrative Reconsideration
- II. Background
- III. What is included in this final rule?
 - A. Clarifications and Technical Corrections to Refinery MACT 1
 - B. Clarifications and Technical Corrections to Refinery MACT 2
 - C. Clarifications and Technical Corrections to NSPS Ja
- IV. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted
- V. Statutory and Executive Order Reviews
 - A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
 - B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs
 - C. Paperwork Reduction Act (PRA)
 - D. Regulatory Flexibility Act (RFA)
 - E. Unfunded Mandates Reform Act (UMRA)
 - F. Executive Order 13132: Federalism
 - G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- II. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
 - I. Executive Order 13211: Actions Concerning Regulations That

- Significantly Affect Energy Supply, Distribution, or Use
- J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR part 51
- K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
- L. Congressional Review Act (CRA)

I. General Information

A. Does this action apply to me?

Regulated entities. Categories and entities potentially regulated by this action are shown in Table 1 of this preamble.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

NESHAP and source category	NAICS ¹ code
40 CFR part 63, subpart CC Petroleum Refineries	324110

¹North American Industry Classification System.

Table 1 of this preamble is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by the final action for the source category listed. To determine whether your facility is affected, you should examine the applicability criteria in the appropriate NESHAP. If you have any questions regarding the applicability of any aspect of this NESHAP, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at: <https://www.epa.gov/stationary-sources-air-pollution/petroleum-refinery-sector-risk-and-technology-review-and-new-source>. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents at this same website.

C. Judicial Review and Administrative Reconsideration

Under Clean Air Act (CAA) section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by January 25, 2019.

Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, EPA WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

On December 1, 2015, the EPA finalized amendments to the Petroleum Refinery NESHAP in 40 Code of Federal Regulations (CFR) part 63, subparts CC and UUU, referred to as Refinery MACT 1 and 2, respectively, and the NSPS for petroleum refineries in 40 CFR part 60, subparts J and Ja (80 FR 75178) (December 2015 Rule). The final amendments to Refinery MACT 1 include a number of new requirements for “maintenance vents,” pressure relief devices (PRDs), delayed coking units (DCUs), and flares, and also establishes a fence line monitoring requirement.

The December 2015 Rule included revisions to the continuous compliance alternatives for catalytic cracking units and provisions specific to startup and shutdown of catalytic cracking units and sulfur recovery plants. The December 2015 Rule also finalized technical corrections and clarifications to Refinery NSPS subparts J and Ja to address issues raised by the American Petroleum Institute (API) in their 2008 and 2012 petitions for reconsideration of the final NSPS Ja rule that had not been previously addressed. These

include corrections and clarifications to provisions for sulfur recovery plants, performance testing, and control device operating parameters.

In the process of implementing these new requirements, numerous questions and issues have been identified and we proposed clarifications and technical amendments to address these questions and issues on April 10, 2018 (April 2018 Proposal) (83 FR 15458; April 10, 2018). These issues were raised in petitions for reconsideration and in separately issued letters from industry and in meetings with industry groups.

The EPA received three separate petitions for reconsideration. Two petitions were jointly filed by API and American Fuel and Petrochemical Manufacturers (AFPM). The first of these petitions was filed on January 19, 2016 and requested an administrative reconsideration under section 307(d)(7)(B) of the CAA of certain provisions of Refinery MACT 1 and 2, as promulgated in the December 2015 Rule. Specifically, API and AFPM requested that the EPA reconsider the maintenance vent provisions in Refinery MACT 1; the alternate startup, shutdown, or hot standby standards for fluid catalytic cracking units (FCCUs) in Refinery MACT 2; the alternate startup and shutdown for sulfur recovery units in Refinery MACT 2; and the new catalytic reforming units (CRUs) purging limitations in Refinery MACT 2. The request pertained to providing and/or clarifying the compliance time for these requirements. Based on this request and additional information received, the EPA issued a proposal on February 9, 2016 (81 FR 6814), and a final rule on July 13, 2016 (81 FR 45232), fully responding to the January 19, 2016, petition for reconsideration. The second petition from API and AFPM was filed on February 1, 2016 and outlined a number of specific issues related to the work practice standards for PRDs and flares, and the alternative water overflow provisions for DCUs, as well as a number of other specific issues on other aspects of the rule. The third petition was filed on February 1, 2016, by Earthjustice on behalf of Air Alliance Houston, California Communities Against Toxics, the Clean Air Council, the Coalition for a Safe Environment, the Community In-Power and Development Association, the Del Amo Action Committee, the Environmental Integrity Project, the Louisiana Bucket Brigade, the Sierra Club, the Texas Environmental Justice Advocacy Services, and Utah Physicians for a Healthy Environment. The Earthjustice petition claimed that several aspects of the revisions to Refinery MACT 1 were

not addressed in the proposed rule, and, thus, the public was precluded from commenting on them during the public comment period, including: (1) Work practice standards for PRDs and flares; (2) alternative water overflow provisions for DCUs; (3) reduced monitoring provisions for fence line monitoring; and (4) adjustments to the risk assessment to account for these changes from what was proposed. On June 16, 2016, the EPA sent letters to petitioners granting reconsideration on issues where petitioners claimed they had not been provided an opportunity to comment. These petitions and letters granting reconsideration are available for review in the rulemaking docket (see Docket ID Nos. EPA-HQ-OAR-2010-0682-0860, EPA-HQ-OAR-2010-0682-0891 and EPA-HQ-OAR-2010-0682-0892).

On October 18, 2016 (81 FR 71661), the EPA proposed for public comment the issues for which reconsideration was granted in the June 16, 2016, letters. The EPA identified five issues for which it was seeking public comment: (1) The work practice standards for PRDs; (2) the work practice standards for emergency flaring events; (3) the assessment of risk as modified based on implementation of these PRD and emergency flaring work practice standards; (4) the alternative work practice (AWP) standards for DCUs employing the water overflow design; and (5) the provision allowing refineries to reduce the frequency of fence line monitoring at sampling locations that consistently record benzene concentrations below 0.9 micrograms per cubic meter. In that notice, the EPA also proposed two minor clarifying amendments to correct a cross referencing error and to clarify that facilities complying with overlapping equipment leak provisions must still comply with the PRD work practice standards in the December 2015 Rule.

The February 1, 2016, API and AFPM petition for reconsideration included a number of recommendations for technical amendments and clarifications that were not specifically addressed in the October 18, 2016, proposal.¹ In addition, API and AFPM asked for clarification on various requirements of the final amendments in a July 12, 2016, letter.² The EPA addressed many of the

clarification requests from the July 2016 letter and the petition for reconsideration in a letter issued on April 7, 2017.³ API and AFPM also raised additional issues associated with the implementation of the final rule amendments in a March 28, 2017, letter to the EPA⁴ and provided a list of typographical errors in the rule in a January 27, 2017, meeting⁵ with the EPA. On January 10, 2018, AFPM submitted a letter containing a comparison of the electronic CFR, the **Federal Register** documents, and the redline versions of the December 2015 Rule and October 2016 amendments to the Refinery Sector Rule noting differences and providing suggestions as to how these discrepancies should be resolved.⁶ These items are located in Docket ID No. EPA-HQ-OAR-2016-0682. On April 10, 2018 (83 FR 15848), the EPA published proposed additional revisions to the December 2015 Rule addressing many of the issues and clarifications identified by API and AFPM in their February 2016 petition for reconsideration and their subsequent communications with the EPA.

On July 10, 2018, the EPA published a proposed rule (July 2018 Proposal) to revise the compliance date for maintenance vents located at sources constructed on or before June 30, 2014, from August 1, 2017, to January 30, 2019, (83 FR 31939; July 10, 2018). We proposed to change the compliance date to address challenges petroleum refinery owners or operators are experiencing in attempting to comply with the December 2015 Rule maintenance vent requirements, notwithstanding the additional compliance time provided by our revision of the compliance date to August 1, 2017, plus an additional 1-year (*i.e.*, August 1, 2018) compliance extension granted by the relevant permitting authorities for each source pursuant to the requirements set forth in the General Provisions at 40 CFR 63.6(i). The requirements for maintenance vents promulgated in the December 2015 Rule resulted in the need for completing the “management of change process” for

affected sources (81 FR 45232, 45237, July 13, 2016). We also recognized that the Agency had proposed technical revisions and clarifications to the maintenance vent provisions in the April 2018 Proposal and that an extension would also allow the EPA to take final action on that proposal prior to the extended compliance date. Technical revisions and clarifications are being finalized in today's rule.

The April 2018 Proposal provided a 45-day comment period ending on May 25, 2018. The EPA received 16 comments on the proposed amendments from refiners, equipment manufacturers, trade associations, environmental groups, and private citizens. The July 2018 Proposal provided a 30-day comment period ending on August 9, 2018. The EPA received comments on the proposed revisions from refiners, trade associations, environmental groups, and private citizens. This preamble to the final rule provides a discussion of the final revisions, including changes in response to comments on the proposal, as well as a summary of the significant comments received and responses.

III. What is included in this final rule?

A. Clarifications and Technical Corrections to Refinery MACT 1

1. Definitions

What is the history of the definitions addressed in the April 2018 Proposal?

In the April 2018 Proposal, we proposed to amend four definitions: Flare purge gas, supplemental natural gas, relief valve, and reference control technology for storage vessel and to define an additional term. Specific to flare purge gas, we proposed for the term to include gas needed for other safety reasons. For flare supplemental gas, we proposed to amend the definition to specifically exclude assist air or assist steam. For relief valves we narrowed the definition to include PRDs that are designed to re-close after the pressure relief. As a complementary amendment, we proposed to add a definition for PRD. Finally, we proposed to revise the definition of reference control technology for storage vessels to be consistent with the storage vessel rule requirements in section 63.660.

What key comments were received on definitions?

We did not receive public comments on the proposed addition and revisions of these definitions.

¹ Supplemental Request for Administrative Reconsideration of Targeted Elements of EPA's Final Rule “Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards; Final Rule,” Howard Feldman, API, and David Friedman, AFPM, February 1, 2016. Docket ID No. EPA-HQ-OAR-2010-0682-0892.

² Letter from Matt Todd, API, and David Friedman, AFPM, to Penny Lassiter, EPA, July 12, 2016. Available in Docket ID No. EPA-HQ-OAR-2010-0682.

³ Letter from Peter Tsirigotis, EPA, to Matt Todd, API, and David Friedman, AFPM, April 7, 2017. Available at: <https://www.epa.gov/stationarysources-air-pollution/december-2015-refinerysector-rule-response-letters-qa>.

⁴ Letter from Matt Todd, API, and David Friedman, AFPM, to Penny Lassiter, EPA, March 28, 2017. Available in Docket ID No. EPA-HQ-OAR-2010-0682.

⁵ Meeting minutes for January 27, 2017, EPA meeting with API. Available in Docket ID No. EPA-HQ-OAR-2010-0682.

⁶ David Friedman, “Comparison of Official CFR and e-CFR Postings Regarding MACT CC/UUU and NSPS Ja Postings.” Message to Penny Lassiter and Brenda Shine, January 10, 2018. Email.

What is the EPA's final decision on the definitions?

We are finalizing the addition and revisions of these definitions as proposed.

2. Miscellaneous Process Vent Provisions

In the April 2018 Proposal, we proposed several amendments to address petitioners' requests for revisions and clarifications to the requirements identifying and managing the subset of miscellaneous process vents (MPV) that result from maintenance activities. In the July 2018 Proposal, we proposed to change the compliance date of the requirements for existing maintenance vents. We describe each of these proposals in the following subparagraphs.

a. Notice of Compliance Status (NOCS) Report

What is the history of the NOCS report for MPV addressed in the April 2018 Proposal?

In their March 28, 2017, letter (Docket ID No. EPA-HQ-OAR-2010-0682-0915), API and AFPM noted that the MPV provisions at section 63.643(c) do not require an owner or operator to designate a maintenance vent as Group 1 or Group 2 MPV. However, they stated that the reporting requirements at section 63.655(f)(1)(ii) are unclear as to whether a NOCS report is needed for some or all maintenance vents. We did not intend for maintenance vents to be included in the NOCS report. The rule has separate requirements for characterizing, recording, and reporting maintenance vents in section 63.655(g)(13) and (h)(12); therefore, it is not necessary to identify each place where equipment may be opened for maintenance in a NOCS report. To clarify this, we proposed to add language to section 63.643(c) to explicitly state that maintenance vents need not be identified in the NOCS report.

What key comments were received on the NOCS report for MPV provisions?

We did not receive comments on the proposed amendment in section 63.643(c) to explicitly state that maintenance vents need not be identified in the NOCS report.

What is the EPA's final decision on the NOCS report for MPV provisions?

We are finalizing the amendment in section 63.643(c) as proposed.

b. Maintenance Vents Associated With Equipment Containing Pyrophoric Catalysts

What is the history of regulatory text for maintenance vents associated with equipment containing pyrophoric catalyst addressed in the April 2018 Proposal?

Under 40 CFR 63.643(c) an owner or operator may designate a process vent as a maintenance vent if the vent is only used as a result of startup, shutdown, maintenance, or inspection of equipment where equipment is emptied, depressurized, degassed, or placed into service. Facilities generally must comply with one of three conditions prior to venting maintenance vents to the atmosphere (section 63.643(c)(1)(i)-(iii)). However, section 63.643(c)(1)(iv) of the December 2015 Rule provides flexibility for maintenance vents associated with equipment containing pyrophoric catalyst (or simply "pyrophoric units"), such as hydrotreaters and hydrocrackers, at refineries that do not have pure hydrogen supply. At many refineries, pure hydrogen is generated by steam-methane reforming (SMR), with hydrogen concentrations of 98 volume percent or higher. The other source of hydrogen available at refineries is from the CRU. This catalytic reformer hydrogen may have hydrogen concentrations of 50 percent or more and may contain appreciable concentrations of light hydrocarbons which limit the ability of vents associated with this source of hydrogen to meet the lower explosive limit (LEL) of 10 percent or less. The December 2015 Rule limits the flexibility to maintenance vents associated with pyrophoric units at refineries without a pure hydrogen supply. For pyrophoric units at a refinery without a pure hydrogen supply, the December 2015 Rule provides that the LEL of the vapor in the equipment must be less than 20 percent, except for one event per year not to exceed 35 percent.

API and AFPM took issue with the regulatory language that drew a distinction based on whether there is a pure hydrogen supply located at the refinery. As described in the preamble to the April 2018 Proposal (83 FR 15462), we reviewed comments from API and AFPM as well as additional information contained in an August 1, 2017, letter (Docket ID No. EPA-HQ-OAR-2010-0682-0916) which provided evidence that a single refinery may have many pyrophoric units, some that have a pure hydrogen supply and some that do not have a pure hydrogen supply. Thus, our assumption at the time we

issued the December 2015 Rule that all pyrophoric units at a single refinery either would or would not have a pure hydrogen supply was incorrect. Therefore, we proposed to modify the portion of the regulatory text that distinguished units based on whether there was a pure hydrogen supply "at the refinery" and instead base the regulation on whether a pure hydrogen supply was available for the pyrophoric unit.

What key comments were received on the regulatory text for maintenance vents associated with equipment containing pyrophoric catalyst?

Comment b.1: One commenter (-0953) stated that the proposed language is inadequately defined, and allows the refiner to opt in to the provision providing flexibility by, for example, shutting down the source of the pure hydrogen supply.

Response b.1: In most cases, the pyrophoric unit will be supplied by either pure SMR hydrogen or catalytic reforming hydrogen. As purging with hydrogen is one of the steps used to de-inventory this equipment, the refiner cannot shutdown the hydrogen supply prior to de-inventorying the equipment. If a pyrophoric unit can be supplied with either SMR and catalytic reformer hydrogen, and the SMR hydrogen is being used during normal operations of the pyrophoric unit prior to de-inventorying the unit, we consider it a violation of the good air pollution control practices requirement in section 63.643(n) to switch the hydrogen supply only for de-inventorying the equipment. We also note that the refiner must keep records of the lack of a pure hydrogen supply as required at section 63.655(i)(12)(v).

Comment b.2: One commenter stated that the EPA has not provided any assessment of the potential increase of uncontrolled emissions to the atmosphere, or an analysis of the increase in health risks or the environmental impact of the proposed exemption, or an assessment of the industry-provided cost data.

Response b.2: The docket for the rulemaking includes the information upon which we based our decisions, including costs and environmental impact estimates of the provision providing flexibility to maintenance vents associated with pyrophoric units without a pure hydrogen supply. We had reviewed this information and determined that it was a reasonable estimate of the impacts (see Docket ID Nos. EPA-HQ-OAR-2010-0682-0733 and -0909). This information supports our statement in the April 2018

Proposal that this amendment is not projected to appreciably impact emission reductions associated with the standard. In fact, considering secondary emissions from the flare or other control system needed to comply with the 10 percent LEL limit, this provision providing flexibility to maintenance vents associated with pyrophoric units without a pure hydrogen supply is expected to result in a net environmental benefit.

Comment b.3: One commenter stated that the exemption does not comport with the requirements of CAA section 112(d)(2)–(3), which requires the standards to be no less stringent than the maximum achievable control technology (MACT) floor. The commenter points to the voluntary survey of hydrogen production units as submitted by API and notes that 12 of 62 units not connected to a pure hydrogen supply reported being able to comply with the 10 percent LEL standard. As such, the commenter contends that the MACT floor should be 10 percent LEL for equipment containing pyrophoric catalysts regardless of whether or not they are connected to a pure hydrogen supply and, thus, there should be no alternative based on whether or not a pure hydrogen supply is available. Furthermore, the commenter stated that costs cannot be used as justification for providing a higher emission limit alternative to MACT standards, particularly those based on the MACT floor.

Response b.3: As an initial matter, the EPA did not intend to re-open the issue of what is the MACT floor for pyrophoric units through the proposal. Rather, the issue raised was whether the flexibility provided should only be for pyrophoric units located at a refinery without a pure hydrogen supply or should also apply to pyrophoric units located at a facility that has a pure hydrogen supply but for which pure hydrogen is not available at the unit. Regardless, we disagree with the commenter that the survey results submitted by API support a conclusion that 10 percent LEL is the MACT floor for all pyrophoric units. The survey provided by API was not the type of rigorous survey that could provide a basis for establishing the MACT floor. As an initial matter, the API survey did not include the universe of pyrophoric units and there is no information to suggest whether the best performers for the subset of units addressed in the survey represents the top performing 12 percent of sources across the industry. Also, because the exact questions and definitions of terms were not provided,

there may be some misinterpretation of the results. For example, it is unclear from the summary provided if the question was whether the facility owners or operators could meet 10 percent LEL for all events (*i.e.*, a never-to-be-exceeded limit) or if this was more of an operational average.

We agree with the commenter that costs cannot be considered in establishing a MACT standard. We based this provision on an assessment of the overall environmental impacts associated with the emission limitations and concluded that the best performing pyrophoric units without a pure hydrogen supply, when considering secondary impacts, was to meet a 20 percent LEL with one exception not to exceed 35 percent LEL per year. The API survey does not provide support to change our analysis of the MACT floor in the December 2015 Rule.

Comment b.4: One commenter (–0958) pointed out that the proposed amendment to section 63.643(c)(1)(iv) is inconsistent with the description of the amendment included in the preamble to the April 2018 Proposal. Specifically, the description of the amendment in the preamble of the April 2018 Proposal does not contain the additional phrase, “considering all such maintenance vents at the refinery,” which was included in the amendatory text. The commenter suggested that the EPA delete this phrase as it could be interpreted to limit the use of the 35 percent allowance to once per year per refinery rather than to once per year per piece of equipment.

Response b.4: We agree that the preamble discussion and the rule language regarding these revisions are not consistent. We did not intend to limit the one time per year 35 percent LEL to the refinery; rather, we intended it to apply to each pyrophoric unit without a pure hydrogen supply. Consistent with our intent as expressed in the preamble discussion of the April 2018 Proposal, 83 FR at 15462, we are removing the phrase, “considering all such maintenance vents at the refinery” from the regulatory text at section 63.643(c)(1)(iv) for the final amendments promulgated by this rulemaking.

What is the EPA’s final decision on the regulatory text for maintenance vents associated with equipment containing pyrophoric catalyst?

We are finalizing the proposed amendment with one change. In response to the public comments received, we are not including the phrase “considering all such maintenance vents at the refinery” in

the final regulatory text at section 63.643(c)(1)(iv), as revised by this rulemaking.

c. Control Requirements for Maintenance Vents

What is the history of the provisions for the control requirements for maintenance vents addressed in the April 2018 Proposal?

Paragraph 63.643(a) specifies that Group 1 miscellaneous process vents must be controlled by 98 percent or to 20 parts per million by volume or to a flare meeting the requirements in section 63.670. This paragraph also states in the second sentence that requirements for maintenance vents are specified in section 63.643(c), “and the owner or operator is only required to comply with the requirements in section 63.643(c).” Paragraphs (c)(1) through (3) then specify requirements for maintenance vents. Paragraph (c)(1) requires that equipment must be depressured to a control device, fuel gas system, or back to the process until one of the conditions in paragraph (c)(1)(i) through (iv) is met. In reviewing these rule requirements, the EPA noted that we did not specify that the control device in (c)(1) must also meet the Group 1 miscellaneous process vent control device requirements in paragraph (a). The second sentence in section 63.643(a) could be misinterpreted to mean that a facility complying with the maintenance vent provisions in section 63.643(c) must only comply with the requirements in paragraph (c) and not the control requirements in paragraph (a) for the control device referenced by paragraph (c)(1). In omitting these requirements, we did not intend that the control requirement for maintenance vents prior to atmospheric release would not be compliant with Group 1 controls as specified in section 63.643(a). In order to clarify this intent, we proposed to amend paragraph section 63.643(c)(1) to include control device specifications equivalent to those in section 63.643(a).

What key comments were received on the provisions for the control requirements for maintenance vents?

We received one comment in support of this revision.

What is the EPA’s final decision on the provisions for the control requirements for maintenance vents?

We are finalizing the amendment to § 63.643(c)(1) to include control device specifications equivalent to those in § 63.643(a), as proposed.

d. Additional Maintenance Vent Alternative for Equipment Blinding

What is the history of the maintenance vent alternative for equipment blinding addressed in the April 2018 Proposal?

We proposed a new alternative compliance option for the subset of maintenance vents subject to the provisions addressed at § 63.643(c)(v). The proposed alternative compliance option would apply to equipment that must be blinded to seal off hydrocarbon-containing streams prior to conducting maintenance activities.

What key comments were received on the maintenance vent alternative for equipment blinding?

We received two comments on the proposed amendment. One commenter expressed concern regarding the burden of the recordkeeping associated with this alternative compliance option. The second commenter asserted that the use of work practice standards for maintenance vents is illegal. As detailed in the comment summaries and responses included in the response to comment document for this final rule (Docket ID No. EPA-HQ-OAR-2010-0682), we were not persuaded to make changes to the proposed amendments.

What is the EPA's final decision on the maintenance vent alternative for equipment blinding?

We are finalizing the new alternative compliance option for the subset of maintenance vents subject to the requirements of § 63.643(c)(v) for which equipment blinding is necessary, as proposed.

e. Recordkeeping for Maintenance Vents on Equipment Containing Less Than 72 Pounds per Day (lbs/day) of Volatile Organic Compounds (VOC)

What is the history of the provisions regarding recordkeeping for maintenance vents on equipment containing less than 72 lbs/day of VOC provisions addressed in the April 2018 Proposal?

Under section 63.643(c) an owner or operator may designate a process vent as a maintenance vent if the vent is only used as a result of startup, shutdown, maintenance, or inspection of equipment where equipment is emptied, depressurized, degassed, or placed into service. The rule specifies that prior to venting a maintenance vent to the atmosphere, process liquids must be removed from the equipment as much as practical and the equipment must be depressured to a control device, fuel gas system, or back to the process until one of several conditions, as applicable, is

met. One condition specifies that equipment containing less than 72 lbs/day of VOC can be depressured directly to the atmosphere provided that the mass of VOC in the equipment is determined and provided that refiners keep records of the process units or equipment associated with the maintenance vent and the date of each maintenance vent opening, and the estimate of the total quantity of VOC in the equipment at the time of vent opening. Therefore, each maintenance vent opening would be documented on an event-basis.

Industry petitioners noted that there are numerous routine maintenance activities, such as replacing sampling line tubing or replacing a pressure gauge, that involve potential releases of very small amounts of VOC, often less than 1 lb/day, that are well below the 72 lbs/day of VOC threshold provided in section 63.643(c)(1)(iii). They claimed that documenting each individual event is burdensome and unnecessary. As stated in the preamble to the April 2018 Proposal (83 FR 15463), the EPA agrees that documentation of each release from maintenance vents which serve equipment containing less than 72 lbs/day of VOC is not necessary provided there is a demonstration that the event is compliant with the requirement that the equipment contains less than 72 lbs/day of VOC. Therefore, we proposed to revise the event-specific recordkeeping requirements specific to maintenance vent openings in equipment containing less than 72 lbs/day of VOC to only require a record demonstrating that the total quantity of VOC in the equipment based on the type, size, and contents is less than 72 lbs/day of VOC at the time of the maintenance vent opening.

What key comments were received on the recordkeeping for maintenance vents on equipment containing less than 72 lbs/day of VOC provisions?

We received two comments on this proposed amendment. One commenter maintained that the event-specific recordkeeping requirements are too burdensome, while the other commenter maintained that the recordkeeping requirements are not adequate to assure compliance with the rule. As detailed in the comment summaries and responses included in the response to comment document for this final rule (Docket ID No. EPA-HQ-OAR-2010-0682), we concluded that the proposed amendment struck the right balance between requiring the necessary information needed to demonstrate and enforce compliance with the 72 lbs/day of VOC maintenance vent provision

while reducing the recordkeeping and reporting burden with more detailed records.

What is the EPA's final decision on the recordkeeping for maintenance vents on equipment containing less than 72 lbs/day of VOC provisions?

We are finalizing these amendments as proposed.

f. Bypass Monitoring for Open-Ended Lines (OEL)

What is the history of the bypass monitoring provisions for OELs addressed in the April 2018 Proposal?

API and AFPM requested clarification of the bypass monitoring provisions in section 63.644(c) for OEL (Docket ID Nos. EPA-HQ-OAR-2010-0682-0892 and -0915). This provision excludes components subject to the Refinery MACT 1 equipment leak provisions in section 63.648 from the bypass monitoring requirement. Noting that the provisions in section 63.648 only apply to components in organic hazardous air pollutants (HAP) service (*i.e.*, greater than 5-weight percent HAP), API and AFPM asked whether the EPA also intended to exclude open-ended valves or lines that are in VOC service (less than 5-weight percent HAP) and are capped and plugged in compliance with the standards in NSPS subpart VV or VVa or the Hazardous Organic NESHAP (HON; 40 CFR part 63, subpart H) that are substantively equivalent to the Refinery MACT 1 equipment leak provisions in section 63.648.

Commenters noted that OELs in conveyances carrying a Group 1 MPV could be in less than 5-weight percent HAP service, but could still be capped and plugged in accordance with another rule, such as NSPS subpart VV or VVa or the HON. As stated in the preamble to the proposed rule (83 FR 15464), the EPA agrees that, because the use of a cap, blind flange, plug, or second valve for an open-ended valve or line is sufficient to prevent a bypass, the Refinery MACT 1 bypass monitoring requirements in section 63.644(c) are redundant with NSPS subpart VV in these cases. Therefore, we proposed to amend section 63.644(c) to make clear that open-ended valves or lines that are capped and plugged sufficient to meet the standards in NSPS subpart VV at § 60.482-6(a)(2), (b), and (c), are not subject to the bypass monitoring in section 63.644(c).

What key comments were received on the bypass monitoring provisions for OELs?

Comment f.1: One commenter (-0958) expressed support for the addition of

the bypass monitoring option for capped or plugged OELs in section 63.644(c)(3). The commenter suggested that the EPA similarly amend section 63.660(i)(2) to provide this new monitoring alternative for vent systems handling Group 1 storage vessel vents. A different commenter (–0953) opposed this revision, stating that the EPA did not show or provide any evidence to support the statement that the monitoring requirements are “redundant with NSPS subpart VV.” The commenter recommended that the EPA require a compliance demonstration or otherwise demonstrate that the provisions are equivalent.

Response f.1: The December 2015 Rule bypass provisions require either a flow indicator or the use of a valve locked in a non-diverting position using a car-seal or lock and key. The general equipment leak provisions for OELs are installation of a plug, cap or secondary valve. Based on the effectiveness of this equipment work practice standard, continuous or periodic monitoring of these secondarily-sealed lines are not generally required. With the elimination of the exemption for discharges associated with maintenance activities and process upsets under the definition of “periodically discharged” in the December 2015 Rule, there are a number of process lines that are not traditional bypass lines and that were not previously considered an MPV or an MPV bypass, but now are. Many of these lines are small and not conducive to the installation of a car-seal or lock and key so they cannot comply with the current bypass provisions. Most of these small lines have been previously regulated via Refinery MACT 1’s requirement to comply with the NSPS open-ended line provisions, which are an effective means to control emissions from these smaller lines. Because the existing equipment leak provisions for these types of OELs serve the same purpose and are more appropriate for these smaller lines, we determined that it is reasonable to provide for this method of compliance for these OELs.

What is the EPA’s final decision on the bypass monitoring provisions for OELs?

We are finalizing this amendment as proposed. In response to comments received on the proposed rule, we are providing this new monitoring alternative for vent systems handling Group 1 storage vessel vents at section 63.660(i)(2) in the final rule.

g. Compliance Date Extension for Existing Maintenance Vents

What is the history of the compliance date extension for existing maintenance vents addressed in the July 2018 Proposal?

In the July 2018 Proposal, we proposed to amend the compliance date for maintenance vent provisions applicable to existing sources (*i.e.*, those constructed or reconstructed on or before June 30, 2014) promulgated at 40 CFR 63.643(c). The basis for this proposal was that sources needed additional time to follow the “management of change” process. We also noted that we had proposed substantive revisions to the maintenance vent requirements as part of the April 2018 Proposal.

What significant comments were received on the compliance date extension for existing maintenance vents?

Comment g.1: One commenter (–0968) stated that the proposed compliance extension is arbitrary and capricious because the EPA has not provided any evidence as to why refineries could not comply with the August 1, 2017, compliance date and why a revised compliance date of January 30, 2019, is as expeditious as practicable, as required by CAA section 112(i)(3)(A). The commenter noted that the EPA referred to the fact that some number of refinery owners and operators have applied for and received compliance extensions of up to one year from their permitting authorities pursuant to 40 CFR 63.6(i), but does not provide any evidence of these applications or subsequent state agency determinations in the rulemaking record. The commenter further noted that the EPA’s failure to provide this information in the record for the rulemaking has inhibited the public’s ability to provide fully informed comments, and as such, the EPA is in violation of the notice-and-comment and public participation requirements of CAA section 307(d). The commenter also disagreed with the EPA’s statement in the preamble of the July 2018 Proposal that the source requests for an extension from the permitting authorities is demonstrative of refinery owners and operators acting on “good faith efforts.” Rather, the commenter asserted that the filing of these requests shows an avoidance of compliance with the rule.

The commenter stated that the proposed compliance extension is particularly harmful since the EPA has acknowledged that there are significant disproportionate impacts of refinery

pollution to communities of color and low-income people. The commenter noted that the EPA has not supported the conclusion in the July 2018 Proposal that the extension of compliance would have an insignificant effect on emissions reductions. A separate commenter (–0971) concurred with the EPA’s conclusions that the proposed compliance extension would have an insignificant effect on emissions reductions.

The commenter also stated that the EPA’s reliance on regulatory uncertainty due to the April 2018 Proposal as part of the justification for the need for a compliance extension is at odds with the CAA’s explicit prohibition on any delay or postponement of a final rule based on reconsideration (see CAA section 307(d)(7)(B)). The commenter further added that this provision only allows the EPA to stay a rule’s effective date during reconsideration, not to postpone compliance, and only enables the EPA to do so for up to three months. Another commenter (–0971) expressed support for the proposed compliance extension for maintenance vents because of regulatory uncertainty since the EPA proposed amendments in April 2018 Proposal, but has not yet finalized those proposed amendments. The commenter stated that these revisions are critical to providing certainty as to what is required and to assure equipment may be isolated for maintenance under all expected maintenance situations. The commenter noted that maintenance vents are located across the refinery, and time will be needed to review procedures that would implement those revisions under refinery management of change processes, incorporate the changes into refinery compliance procedures and recordkeeping and reporting systems, and provide training to employees.

Response g.1: The EPA is not finalizing the extension of the compliance date as proposed in July 2018. However, in order to provide sources with time to understand the amended maintenance requirements, to determine which maintenance compliance option best meets their needs, and to come into compliance we are modifying the compliance date so that it is 30 days following the effective date of the final rule. Due to the variety of different types of maintenance vents and their ubiquitous nature, there has been some uncertainty as to how the maintenance vent requirements apply; whether the provisions, as promulgated, are appropriate for all types of vents; and the time needed to make the requisite modifications to ensure

compliance. The maintenance vent provisions in their current form were promulgated in the December 2015 Rule in order to replace a start-up, shutdown and malfunction (SSM) provision that was included in the original MACT standard. The EPA was replacing the SSM provisions because in *Sierra Club v. EPA*, [551 F.3d 1019 (D.C. Cir. 2008)], the D.C. Circuit determined that SSM provisions, similar to those included in the Refinery MACT were inconsistent with the requirements of the CAA. The EPA originally provided a compliance date as of the effective date of the December 2015 Rule (January 30, 2016), but subsequently extended that date to August 2017 based on information from refineries that they needed more time to comply. As previously noted, many refineries sought a further extension until August 2018 from state permitting authorities. Establishing a compliance date 30 days following promulgation of these revisions will allow refineries a modest amount of time to ensure any remaining maintenance vents not yet in compliance with the MACT, as modified through this final action, are in compliance.

With respect to the comments on the effect of emissions reductions relative to the July 2018 Proposal, we reached this conclusion based on several factors. First, maintenance events typically occur about once per year or less frequently for major equipment. Thus, during the proposed period of the compliance extension (approximately 6 months from the August 2018 compliance date that applied to most refineries due to extensions granted by state permitting authorities), some equipment would have no major events and other equipment, at most, should experience only one event. Second, facilities would still be required to comply with the general requirements to use good air pollution control practices during maintenance events. Many facility owners or operators already have standard procedures for emptying and degassing equipment. While these procedures are not as stringent as the MACT requirements for maintenance vents as adopted in the December 2015 Rule and as we had proposed in April 2018, they would provide some limit on emissions to the atmosphere. In a meeting with industry representatives, an example of the type of emissions occurring from maintenance vents was provided to the Agency (Docket ID No. EPA-HQ-OAR-2010-0682-0909). Based on that example, the Agency estimates that approximately 200 lbs of VOC would be released from purging 6 pieces of equipment containing

pyrophoric catalyst when venting at 35 percent LEL rather than 10 percent LEL. Based on our previous analysis of impacts for risk and technology review revisions to Refinery MACT 1, we estimate approximately 10 percent of VOC emissions are HAP, so that we estimate on the order of approximately 3 pounds of HAP emissions ($0.1 \times 200/6$) would occur per major equipment venting event. The maintenance vent provisions as adopted in the December 2015 Rule were projected to reduce emissions of HAP by 5,200 tons per year (80 FR 75178, December 1, 2015). Therefore, based on the low expected emissions from each major equipment venting event, the expected limited occurrence of maintenance venting events, and the likelihood that many types of maintenance venting events are in compliance with the MACT, the compliance extension would have an insignificant effect on emissions.

What is the EPA's final decision on the compliance date extension for existing maintenance vents?

The EPA is not finalizing the compliance extension as proposed in the July 2018 Proposal. However, in order to provide sources with time to understand the amended maintenance requirements, to determine which maintenance compliance option best meets their needs, and to come into compliance, we are modifying the compliance date so that it is 30 days following the effective date of the final rule.⁷

3. Pressure Relief Device Provisions

a. Clarification of Requirements for PRD "in organic HAP service"

What is the history of the requirements for PRD "in organic HAP service" addressed in the April 2018 Proposal?

The introductory text for the equipment leak provisions for PRD in section 63.648(j) requires compliance with no detectable emission provisions for PRD "in organic HAP gas or vapor service" and the pressure release management requirements for PRD "for all pressure relief devices." However, the pressure release management requirements for PRD in section 63.648(j)(3) are applicable only to PRD "in organic HAP service." There are five specific provisions within the pressure release management requirements for PRD listed in paragraphs 63.648(j)(3)(i) through (v). In the first four paragraphs, the phrase "each [or any] affected pressure relief device" is used, but this

⁷CFR 5 U.S.C. 553(d) providing a 30-day period prior to a rule taking effect.

phrase is missing in the fifth paragraph. API and AFPM requested that we clarify whether releases listed in section 63.648(j)(3)(v) are limited to PRDs "in organic HAP service." Consistent with the requirements in section 63.648(j)(3)(i) through (iv) and the Agency's intent when promulgating the provisions in section 63.648(j)(3), we proposed to add the phrase, "affected pressure relief device" to section 63.648(j)(3)(v). We also proposed to amend the introductory text in paragraph (j) to add the phrase, "in organic HAP service" at the end of the last sentence to further clarify that the pressure release management requirements for PRD in section 63.648(j)(3) are applicable to "all pressure relief devices in organic HAP service."

What key comments were received on the requirements for PRD "in organic HAP service"?

We did not receive any public comments on these proposed amendments.

What is the EPA's final decision on the requirements for PRD "in organic HAP service"?

We are finalizing these amendments as proposed.

b. Redundant Release Prevention Measures in 40 CFR 63.648(j)(3)(ii)

What is the history of the requirements for redundant release prevention measures addressed in the April 2018 Proposal?

Section 63.648(j)(3)(ii) lists options for three redundant release prevention measures that must be applied to affected PRDs. The prevention measures in paragraph (j)(3)(ii) include: (A) Flow, temperature, level, and pressure indicators with deadman switches, monitors, or automatic actuators; (B) documented routine inspection and maintenance programs and/or operator training (maintenance programs and operator training may count as only one redundant prevention measure); (C) inherently safer designs or safety instrumentation systems; (D) deluge systems; and (E) staged relief system where initial pressure relief valves (with lower set release pressure) discharges to a flare or other closed vent system and control device. In their petition for reconsideration (Docket ID No. EPA-HQ-OAR-2010-0682-0892), API and AFPM requested clarification as to whether two prevention measures can be selected from the list in § 63.648(j)(3)(ii)(A). API and AFPM noted that the rule does not state that the measures in paragraph (j)(3)(ii)(A)

are to be considered a single prevention measure. The Agency grouped the measures listed in subparagraph A together because of similarities they have; however, they can be separate measures. Therefore, as the EPA explains in the preamble to the April 2018 Proposal (83 FR 15464), if these measures operate independently, they are considered two separate redundant prevention measures.

What key comments were received on the requirements for redundant release prevention measures?

We did not receive any public comments on this proposed amendment.

What is the EPA's final decision on the requirements for redundant release prevention measures?

We are finalizing the amendment to § 63.648(j)(3)(ii)(A), which clarifies that independent, non-duplicative systems count as separate redundant prevention measures, as proposed.

c. Pilot-Operated PRD and Balanced Bellows PRD

What is the history of the provisions for pilot-operated PRD and balanced bellows PRD addressed in the April 2018 Proposal?

In a letter dated March 28, 2017, API and AFPM requested clarification on whether pilot-operated PRDs are required to comply with the pressure release management provisions of section 63.648(j)(1) through (3). Based on our understanding of pilot-operated PRD (see memorandum, "Pilot-operated PRD," in Docket ID No. EPA-HQ-OAR-2010-0682) and balanced bellows PRD, we proposed that pilot-operated and balanced bellows PRD are subject to the requirements in section 63.648(j)(1) and (2), but are not subject to the requirements in section 63.648(j)(3) because the primary releases from these PRD are vented to a control device. We also proposed to amend the reporting requirements in section 63.655(g)(10) and the recordkeeping requirements in section 63.655(i)(11) to retain the requirements to report and keep records of each release to the atmosphere through the pilot vent that exceeds 72 lbs/day of VOC, including the duration of the pressure release through the pilot vent and the estimate of the mass quantity of each organic HAP release.

What key comments were received on the provisions for pilot-operated PRD and balanced bellows PRD?

We received one public comment on this proposed amendment. The commenter was generally opposed to

the addition of balanced bellows and pilot-operated PRD to the work practice standard requirements for PRD. The comment and the EPA's response are available in the response to comments document for this rulemaking (Docket ID No. EPA-HQ-OAR-2010-0682).

What is the EPA's final decision on the provisions for pilot-operated PRD and balanced bellows PRD?

We are finalizing these amendments as proposed.

4. Delayed Coking Unit Decoking Operation Provisions

What is the history of the delayed coking unit decoking operation provisions addressed in the April 2018 Proposal?

The provisions in 40 CFR 63.657(a) require owners or operators of DCU to depressure each coke drum to a closed blowdown system until the coke drum vessel pressure or temperature meets the applicable limits specified in the rule (2 psig or 220 degrees Fahrenheit for existing sources). Special provisions are provided in 40 CFR 63.657(e) and (f) for DCU using "water overflow" or "double-quench" method of cooling, respectively. According to 40 CFR 63.657(e), the owner or operator of a DCU using the "water overflow" method of coke cooling must hardpipe the overflow water (*i.e.*, via an overhead line) or otherwise prevent exposure of the overflow water to the atmosphere when transferring the overflow water to the overflow water storage tank whenever the coke drum vessel temperature exceeds 220 degrees Fahrenheit. The provision in 40 CFR 63.657(e) also provides that the overflow water storage tank may be an open or fixed-roof tank provided that a submerged fill pipe (pipe outlet below existing liquid level in the tank) is used to transfer overflow water to the tank.

In the October 18, 2016, reconsideration proposal, we opened the provisions in 40 CFR 63.657(e) for public comment, but we did not propose to amend the requirements. In response to the October 18, 2016, reconsideration proposal, we received several comments regarding the provisions in 40 CFR 63.657(e) for DCU using the water overflow method of coke cooling. Based on these comments, in the April 2018 Proposal we proposed amendments to the water overflow requirements in 40 CFR 63.657(e) to clarify that an owner or operator of a DCU with a water overflow design does not need to comply with the provisions in 40 CFR 63.657(e) if they comply with the primary pressure or temperature limits in 40 CFR 63.657(a) prior to

overflowing any water. We also proposed to add a requirement to use a separator or disengaging device when using the water overflow method of cooling to prevent entrainment of gases from the coke drum vessel to the overflow water storage tank and we proposed that gases from the separator must be routed to a closed vent blowdown system or otherwise controlled following the requirements for a Group 1 miscellaneous process vent. As separators appear to be an integral part of the water overflow system design, we did not project any capital investment or additional operating costs associated with this proposed amendment.

What key comments were received on the delayed coking unit decoking operation provisions?

The following is a summary of the key comments received in response to our April 2018 Proposal and our responses to these comments. Detailed public comments and the EPA responses are included in the response to comments document for this final action (Docket ID EPA-HQ-OAR-2010-0682).

Comment 1: Industry commenters (–0955, –0958) stated that the proposed amendment to require DCU using the water overflow compliance option to have a disengaging device is unsupported by the record for the proposed rule and was not included in the Information Collection Request (ICR) or MACT floor analysis supporting the December 2015 Rule. The commenters noted that the EPA has not determined how many DCU use the water overflow method of coke cooling or how many will require the installation of a disengaging device, instead basing the provisions on a report by one facility using such a device. The same commenters stated that the EPA has not quantified the expected emission reductions associated with the proposed amendment to require DCU using the water overflow compliance option to have a disengaging device. One of the commenters (–0955) maintained that the emissions from the overflow water are small and sufficiently controlled via the submerged fill requirement. This commenter provided various analyses to support their contention that the emissions from their overflow water are small, including results of facility-specific industrial hygiene monitoring programs, which the commenter claims have shown that operators exposures to benzene are "orders of magnitude below the Occupational Safety and Health Administration (OSHA) exposure limit of 1.0 parts per million (ppm), at 0.003 ppm (300 parts per billion (ppb)) and

less.” Both of these commenters also asserted that the EPA should not finalize the proposed amendment to require DCU using the water overflow compliance option to have a disengaging device.

Another commenter (–0953) asserted that the EPA did not provide any quantitative assessment of emissions from water overflow DCU compared to the primary MACT standard in order to demonstrate that the water overflow is at least as stringent as the MACT floor requirement (no draining or venting until the pressure in the drum is at or below 2 psig). According to the commenter, without this direct supporting analysis, the EPA’s inclusion of the water overflow provision is arbitrary and capricious. The commenter recommended that the water overflow provisions not be finalized or that additional control requirements be placed on the storage tank receiving the water overflow. Specifically, the commenter recommended that the rule require these tanks to be vented to a control device that achieves 98-percent destruction efficiency or better. Alternatively, the commenter recommended that the EPA develop minimum requirements for the liquid height and volume of water in the receiving tank and a maximum limit on the temperature of the water in the tank. The commenter also recommended that the EPA set restrictions on the re-use of the overflow water without prior additional treatment to remove organic contaminants.

Two commenters (–0955, –0958) stated that, if the requirement to use a disengaging device is finalized, the EPA should provide a compliance date 3 years after the effective date of the rule, as provided under CAA section 112(i)(3)(A), due to the expected expense and timing needed for equipment installation to comply with this requirement. One commenter (–0955) described the specific steps required for a DCU system not equipped with a disengaging device to comply with the proposed rule including: Design, engineering, permit application submission and permit receipt, and installation, estimating it will take between 24–36 months to complete.

Response 1: We agree that we did not include the water overflow provisions in the MACT floor analysis supporting the December 2015 Rule. The MACT floor analysis resulted in a determination that emissions from the DCU must be controlled (no atmospheric venting, draining or deheading of the coke drum) until the coke drum vessel pressure is at or below 2 psig is the MACT floor. In developing

an alternative compliance method, such as the DCU water overflow provisions, we are only required to ensure that the alternative being provided is at least as stringent (achieves the same or lower emissions) as the established MACT floor.

We disagree that the record does not support the proposal. In comments received on the June 30, 2014, proposed risk and technology review “Sector Rule,” Phillips 66 requested special provisions for water overflow (see Docket ID No. EPA–HQ–OAR–0682–0614). Further, we understood from background meetings that there are two main suppliers of DCU technology, one of which took over the ConocoPhillips technology licenses (see Docket ID No. EPA–HQ–OAR–2010–0682–0216). As Phillips 66 was an initial developer of the technology, we surmised that the DCU designed for water overflow were likely all based on the Phillips 66 design. They also noted in their comments that they operated two units with water overflow design. While the ICR supporting the December 2015 Rule did not specifically ask about the water overflow method of cooling, we did ask the height of the drum and the height of the water in the drum prior to first draining. Three DCU were reported to have water height when first draining equal to the drum height and two DCU were reported to have water height greater than the drum height. From these data, we estimated that 2 to 5 DCU used the water overflow method of cooling. We understood that Phillips 66 likely operated most of the DCU designed to use the water overflow method of cooling. Therefore, when Phillips 66 provided a water overflow DCU design that included a water-vapor disengaging drum, we expected all water overflow DCU had this design. In subsequent meetings with API and AFPM, we discussed our findings and our intention to add a requirement for a vapor disengaging drum (see Docket ID No. EPA–HQ–OAR–2010–0682–0910 and –0911). These records clearly show we carefully considered this proposed requirement and we informed industry representatives from API, AFPM, and some individual refinery representatives of our conclusions prior to the proposal.

We agree that the EPA has not provided a quantitative assessment of the emissions from the DCU when using water overflow. Rather, for the December 2015 Rule, we relied on a qualitative assessment because the precise mechanism of the emissions from the DCU is not well understood. This qualitative analysis did not consider the entrainment of gases in the overflow water or the need for the use

of a disengaging drum. To support this final action, we estimated, to the best of our ability, the emissions from a typical DCU using water overflow method of cooling for units using a vapor disengaging device and one with no vapor disengaging device and compared them with the emissions projected for a DCU using conventional method of cooling complying with the 2 psig MACT standard. We found that the emissions from a DCU using water overflow method of cooling and a vapor disengaging device had emissions significantly less than a conventional DCU complying with the 2 psig standard. We also found that the emissions from a DCU using the water overflow method of cooling without a vapor disengaging device could have emissions exceeding those for a conventional DCU complying with the 2 psig pressure limit (see memorandum entitled “Estimating Emissions from Delayed Coking Units Using the Water Overflow Method of Cooling” in Docket ID No. EPA–HQ–OAR–2010–0682). Our emission estimates are higher than the emissions estimated by the commenter because their analyses did not consider entrained gases in the overflow water. In a follow-up meeting with this commenter, we learned that the concentration monitored near the overflow water tank was 0.3 ppm benzene (consistent with the value of 300 ppb). This concentration, while below the OSHA exposure limit of 1 ppm, is not “orders of magnitude below” the OSHA exposure limit and provides strong evidence that emissions near the water overflow tank are higher than would be projected based on their analysis submitted during the comment period.

Based on our analysis, we find that the water overflow method of cooling alternative achieves greater emission reductions than the primary 2 psig pressure limit when a vapor disengaging device is used for the overflow water prior to the water storage tank. Because emissions without the disengaging device in the case where the receiving tank is not vented to a control device can exceed that of a conventional DCU complying with the 2 psig pressure limit, we conclude that it is necessary for the alternative compliance method to require use of a disengaging device unless the receiving tank is vented to a control device.

Although cost consideration is not relevant for determining MACT, we disagree that the EPA did not consider the expense of installing a disengaging device. As part of the cost estimates for the DCU MACT requirements established in the December 2015 Rule,

80 FR 75226, we considered compliance costs for every DCU that did not already meet the 2 psig pressure limit. Because we already considered compliance costs in our burden estimates for the December 2015 Rule, there was no basis for assuming that compliance with the alternative standard proposed here would result in additional or otherwise different compliance costs and to do so would result in double-counting the compliance costs.

With respect to the commenter requesting additional controls on the tank receiving the water overflow, our analysis supports the conclusion that the main source of emissions from the water overflow systems is entrained vapors in the overflow water. We agree that venting the receiving tank to a control device is a reasonable alternative to using a disengaging device and we have added this as an alternative compliance option for DCU using the water overflow method of cooling. However, venting the receiving tank to a control device when a vapor disengaging device is already used is unnecessary and redundant. We agree that adding certain limitations on overflow water temperature, receiving tank water volume and temperature can help to reduce emissions when a vapor disengaging device is not used, but we do not believe adding these limitations will make water overflow without a vapor disengaging device equivalent to the primary 2 psig emission limitation. Based on our analysis, we find that the use of a disengaging device with submerged fill requirement is as stringent as the MACT floor and that additional restrictions on the receiving storage vessel for these DCU are not necessary to comply with MACT.

Finally, regarding the compliance date, we agree that it will take time to design, procure, and install a disengaging drum for those DCU using water overflow and that do not currently have a disengaging drum. Similarly, venting the receiving tank to a control device as an alternative to using a disengaging device will also require time to design and retrofit the tank with a fixed roof and closed vent system to control. We originally provided a 3-year compliance schedule due to the design, engineering, and equipment installation that could be required to meet the emission limitations for DCU in the December 2015 Rule. As the December 2015 Rule did not require a vapor disengaging drum or controlled tank and similar enhancements in the enclosed blowdown system will be needed for facilities to comply with the April 2018 Proposal, we are providing a limited compliance extension, of 2 years

from the effective date of this final rule that alters the work practice standard by establishing the vapor disengaging drum requirement. This extension will only be afforded for DCU that use the water overflow method of cooling without adequate systems for a vapor disengaging device or controlled tank, which we consider to be as expeditious as practicable based on comments received on the April 2018 Proposal. We are also including operational requirements on the water overflow system for these DCU in the interim to minimize emissions to the greatest extent possible as requested by one of the commenters. These operational limits will not require any additional equipment, so implementation can occur immediately. We do not expect that these operational limits are sufficient to ensure that emissions from these units will be less than conventional DCU complying with the 2 psig standard at all times, but they will help to ensure emissions are not unrestricted in this interim period. We also note that pursuant to the provisions in § 63.6(i), which are generally applicable, refinery owners or operators may seek compliance extensions on a case-by-case basis if necessary.

What is the EPA's final decision on the delayed coking unit decoking operation provisions?

We are finalizing the requirement for DCU using the water overflow provisions in section 63.657(e) to use a separator or disengaging device to prevent entrainment of gases in the cooling water. In response to comments, we are providing a limited compliance extension, of 2 years from the effective date of this final rule, only for DCU that use the water overflow method of cooling that document the need to design, procure, and install a disengaging device, which we consider to be as expeditious as practicable based on comments received on the April 2018 Proposal. We are providing operational restrictions on these DCU in the interim to minimize emissions to the greatest extent possible. Finally, in response to comments, we are including, as an alternative to the use of a vapor disengaging drum, requirements to discharge the overflow water to a storage vessel vented to a control device (*i.e.*, a vessel meeting the requirements for storage vessels in 40 CFR part 63, subpart SS).

5. Fenceline Monitoring Provisions

What is the history of the fenceline monitoring provisions addressed in the April 2018 Proposal?

We proposed several amendments to the fenceline monitoring provisions in Refinery MACT 1. Many of the proposed revisions to the fenceline monitoring provisions are related to requirements for reporting monitoring data.

The December 2015 Rule included new EPA Methods 325A and B specifying monitor siting and quantitative sample analysis procedures. Method 325A requires an additional monitor be placed near known VOC emission sources if the VOC emissions source is located within 50 meters of the monitoring perimeter and the source is between two monitors. In the April 2018 Proposal, we proposed an alternative to the additional monitor siting requirements if the only known VOC emission sources within 50 meters of the monitoring perimeter between two monitors are pumps, valves, connectors, sampling connections, and open-ended line sources. The proposed alternative requires that these sources be actively monitored monthly using audio, visual, or olfactory means and quarterly using Method 21 or the AWP for equipment leaks.

In addition, we proposed to revise the quarterly reporting requirements in section 63.655(h)(8) to specify that it means calendar year quarters (*i.e.*, Quarter 1 is from January 1 to March 31; Quarter 2 is from April 1 through June 30; Quarter 3 is from July 1 through September 30; and Quarter 4 is from October 1 through December 31) rather than being tied to the date compliance monitoring began.

We also proposed to require one field blank per sampling period rather than two as currently required. Similarly, we proposed to decrease the number of duplicate samples that must be collected each sampling period. Instead of requiring a duplicate sample for every 10 monitoring locations, we proposed that facilities with 19 or fewer monitoring locations be required to collect one duplicate sample per sampling period and facilities with 20 or more sampling locations be required to collect two duplicate samples per sampling period. We also proposed to require that duplicate samples be averaged together to determine the sampling location's benzene concentration for the purposes of calculating the benzene concentration difference (Δc).

Consistent with the requirements in section 63.658(k) for requesting an alternative test method for collecting

and/or analyzing samples, we also proposed to revise the Table 6 entry for section 63.7(f) to indicate that section 63.7(f) applies except that alternatives directly specified in 40 CFR part 63, subpart CC, do not require additional notification to the Administrator or the approval of the Administrator.

What key comments were received on the fenceline monitoring provisions?

We received minor comments on these proposed revisions. The comment summaries and the EPA responses are available in the response to comments document for this final rule (Docket ID No. EPA-HQ-OAR-2010-0682).

What is the EPA's final decision on the fenceline monitoring provisions?

The proposed revisions to the fenceline monitoring requirements, as described above, are being finalized as proposed with one minor change. In the April 2018 proposal, § 63.655(h)(8)(viii) specified that CEDRI would calculate the biweekly concentration difference (Δc) for benzene for each sampling period and the annual average Δc for benzene for each sampling period. However, in order to accurately reflect CEDRI's current configuration, we are finalizing § 63.655(h)(8)(viii) to require the reporter to calculate and report the values of the biweekly and annual average Δc for benzene.

6. Storage Vessel Provisions

What is the history of the storage vessel provisions addressed in the April 2018 Proposal?

We received comments from API and AFPM in their February 1, 2016, petition for reconsideration regarding the incorporation of 40 CFR part 63, subpart WW, storage vessel provisions and 40 CFR part 63, subpart SS, closed vent systems and control device provisions into Refinery MACT 1 requirements for Group 1 storage vessels at 40 CFR 63.660. The pre-amended version of the Refinery MACT 1 rule specified (by cross reference at 40 CFR 63.646) that storage vessels containing liquids with a vapor pressure of 76.6 kilopascals (approximately 11 pounds per square inch (psi)) or greater must be vented to a closed vent system or to a control device consistent with the requirements in section 63.119 of the HON. API and AFPM pointed out that the EPA did not retain this provision at 40 CFR 63.660 in the December 2015 Rule. We agree that the language was inadvertently omitted. We did not intend to deviate from the longstanding requirement limiting the vapor pressure of material that can be stored in a floating roof tank. Therefore, we

proposed to revise the introductory text in 40 CFR 63.660 to clarify that owners or operators of affected Group 1 storage vessels storing liquids with a maximum true vapor pressure less than 76.6 kilopascals (11.0 psi) can comply with either the requirements in 40 CFR part 63, subpart WW or SS, and that owners or operators storing liquids with a maximum true vapor pressure greater than or equal to 76.6 kilopascals (11.0 psi) must comply with the requirements in 40 CFR part 63, subpart SS.

We also received comments from API and AFPM in their February 1, 2016, petition for reconsideration regarding provisions in section 63.660(b). Section 63.660(b)(1) allows Group 1 storage vessels to comply with alternatives to those specified in section 63.1063(a)(2) of subpart WW. Section 63.660(b)(2) specifies additional controls for ladders having at least one slotted leg. The petitioners explained that section 63.1063(a)(2)(ix) provides extended compliance time for these controls, but that it is unclear whether this additional compliance time extends to the use of the alternatives to comply with section 63.660(b). We proposed language to clarify that the additional compliance time specified in the alternative included at section 63.1063(a)(2) applies to the implementation of controls in section 63.660(b).

We also proposed language to clarify at section 63.660(c) that the initial inspection requirements that apply with initial filling of the storage vessels are not required again if a vessel transitions from the existing source requirements in section 63.646 to new source requirements in section 63.660.

The following is a summary of the comment received in response to our April 2018 Proposal and our response to this comment. We did not receive any other comments related to the proposed amendments for storage vessels.

What comment was received on the storage vessel provisions?

Comment 1: One commenter (–0958) claims that the EPA proposed revisions to the introductory paragraph of section 63.660 to allow certain storage vessels to comply with alternative requirements is not an acceptable control measure. The commenter states that the proposed revisions included 11.0 psia as parenthetical equivalent to the 76.6 kPa threshold. The commenter recommended that the EPA revise the 11.0 psia to 11.1 psia as this represents a more accurate conversion and consistency with historical regulations.

Response 1: Upon reviewing this issue, we agree with the commenter that 11.1 psia is the correct value to use

when converting 76.6 kilopascals to psia and we are revising the proposed language to use 11.1 psia rather than 11.0 psia in this introductory paragraph.

What is the EPA's final decision on the storage vessel provisions?

After considering public comments on the proposed amendments, the EPA is finalizing the amendment to the introductory text in 40 CFR 63.660 with a change from 11.0 psia to 11.1 psia. We are finalizing the amendments to section 63.660(b) and section 63.660(c) as proposed.

7. Flare Control Device Provisions

What is the history of the flare control device provisions addressed in the April 2018 Proposal?

API and AFPM requested clarification in a December 1, 2016, letter to the EPA (Docket ID No. EPA-HQ-OAR-2010-0682–0913) regarding assist steam line designs that entrain air into the lower or upper steam at the flare tip. The industry representatives noted that many of the steam-assisted flare lines have this type of air entrainment and likely were part of the dataset analyzed to develop the standards established in the December 2015 Rule for steam-assisted flares. API and AFPM, therefore, maintain that these flares should not be considered to have assist air, and that they are appropriately and adequately regulated under the final standards in the December 2015 Rule for steam-assisted flares. Because flares with assist air are required to comply with both a combustion zone net heating value (NHV_{cz}) and a net heating value dilution parameter (NHV_{ad}), there is increased burden in having to comply with two operating parameters, and API and AFPM contend that this burden is unnecessary.

In the preamble to the April 2018 Proposal, we stated that air intentionally entrained through steam nozzles meets the definition of assist air. However, we also noted that if this is the only assist air introduced prior to or at the flare tip, it is reasonable in most cases for the owner or operator to only need to comply with the NHV_{cz} operating limit. We also noted that, for flare tips with an effective tip diameter of 9 inches or more, there are no flare tip steam induction designs that can entrain enough assist air to cause a flare operator to have a deviation of the NHV_{ad} operating limit without first deviating from the NHV_{cz} operating limit. Therefore, we proposed in section 63.670(f)(1) to allow owners or operators of flares whose only assist air is from perimeter assist air entrained in lower

and upper steam at the flare tip and with a flare tip diameter of 9 inches or greater to comply only with the NHV_{oz} operating limit. Steam-assisted flares with perimeter assist air and an effective tip diameter of less than 9 inches would remain subject to the requirement to account for the amount of assist air intentionally entrained within the calculation of NHV_{air}. We further proposed to add provisions to section 63.670(i)(6) specifying that owners or operators of these smaller diameter steam-assisted flares use the steam flow rate and the maximum design air-to-steam ratio of the steam tube's air entrainment system for determining the flow rate of this assist air.

We also proposed several clarifying amendments for flares in response to API and AFPM's February 1, 2016, petition for reconsideration (Docket ID No. EPA-HQ-OAR-2010-0682-0892) as outlined below.

- For air assisted flares, we proposed to amend section 63.670(i)(5) to include provisions for continuously monitoring fan speed or power and using fan curves for determining assist air flow rates to clarify that this is an acceptable method of determining air flow rates.

- We proposed two amendments relative to the visible emissions monitoring requirements in section 63.670(h) and (h)(1). We proposed to clarify that the initial 2-hour visible emission demonstration should be conducted the first time regulated materials are routed to the flare. We also proposed to amend section 63.670(h)(1) to clarify that the daily 5-minute observations must only be conducted on days the flare receives regulated materials and that the additional visible emissions monitoring is specific to cases when visible emissions are observed while regulated material is routed to the flare.

- We proposed to amend section 63.670(o)(1)(iii)(B) to clarify that the owner or operator must establish the smokeless capacity of the flare in a 15-minute block average and to amend section 63.670(o)(3)(i) to clarify that the exceedance of the smokeless capacity of the flare is based on a 15-minute block average.

What comments were received on the flare control device provisions?

The following is a summary of one comment received in response to our April 2018 Proposal and our response to this comment. All other comments related to the proposed amendments for the flare provisions are included in the response to comments document for this final action (Docket ID No. EPA-HQ-2010-0682).

Comment 1: One commenter (–0958) explained that assist air may only be entrained in upper steam. Thus, they requested that the proposed revision to section 63.670(f)(1) and section 63.670(i)(6) be changed from “lower and upper” to “lower and/or upper.” The commenter also requested that the EPA clarify that the tip diameter referenced in section 63.670(i)(6) is the effective diameter as defined in section 63.670(n)(1) and section 63.670(k)(1). Finally, the commenter requested that the EPA clarify that section 63.670(i)(6) applies to flares with an effective diameter less than 9 inches and stated that perimeter air monitoring for a steam-assisted flare with an effective diameter equal to or greater than 9 inches is not required.

Response 1: We did not mean to limit the air entrainment provisions to only instances where air is entrained in both lower and upper steam at the flare tip. We agree that the language “lower and/or upper steam” is more accurate and consistent with our intent. We also agree that we should refer to the “effective diameter” of the flare tip as defined in the equation for NHV_{air} in section 63.670(n)(1). This clarification was made in section 63.670(f)(1); this term is not used in section 63.670(i)(6).

What is the EPA's final decision on the flare control device provisions?

After considering the comments, we are finalizing the proposed amendment in section 63.670(f)(1) and section 63.670(i)(6) with a change in language from “lower and upper” to “lower and/or upper.” We are also finalizing the proposed amendment in section 63.670(f)(1) with a change in language from “flare tip diameter” to “effective diameter,” a term that is defined in section 63.670(n)(1) and section 63.670(k)(1). The proposed clarifying amendments related to air assisted flares, visible emissions monitoring requirements, and smokeless capacity of the flare are being finalized as proposed.

8. Recordkeeping and Reporting Provisions

What is the history of the recordkeeping and reporting provisions addressed in the April 2018 Proposal?

We proposed several clarifying amendments for recordkeeping and reporting requirements in response to questions received from API and AFPM as well as in response to API and AFPM's March 28, 2017, letter (Docket ID No. EPA-HQ-OAR-2010-0682–0915).

Refinery owners or operators must submit a NOCS with 150 days of the

compliance date associated with the provisions in the December 2015 Rule. We proposed to amend sections 63.655(f) and (f)(6) to provide that sources having a compliance date on or after February 1, 2016, may submit the NOCS in the periodic report rather than as a separate submission.

We proposed several amendments for electronic reporting requirements at sections 63.655(f)(1)(i)(B)(3) and (C)(2), (f)(1)(iii), (f)(2), and (f)(4) to clarify that when the results of performance tests or evaluations are reported in the NOCS, the results are due by the date the NOCS is due, whether the results are reported via Compliance and Emissions Data Reporting Interface (CEDRI) or in hard copy as part of the NOCS report. If the results are reported via CEDRI, we also proposed to specify that sources need not resubmit those results in the NOCS, but may instead submit specified information identifying that a performance test or evaluation was conducted and the units and pollutants that were tested. We also proposed to add the phrase “Unless otherwise specified by this subpart” to sections 63.655(h)(9)(i) and (ii) to make clear that test results associated with a NOCS report are due at the time the NOCS is due and not within 60 days of completing the performance test or evaluation. We also proposed to amend several references in Table 6—General Provisions Applicability to Subpart CC that discuss reporting requirements for performance tests or performance evaluations.

We proposed to revise the provision in section 63.655(h)(10) to include processes to assert claims of EPA system outage or *force majeure* events as a basis for extending the electronic reporting deadlines.

We also proposed to revise section 63.655(i)(5) to restore the subparagraphs which were inadvertently not included in the published CFR due to a clerical error.

The amendments to section 63.655(h)(5)(iii) included in the December 2015 Rule (80 FR 75247) were not included in the regulations as published by the CFR. As reflected in the instructions to the amendments, we intended for the option to use an automated data compression recording system to be an approved monitoring alternative. In addition, in reviewing this amendment, the EPA noted that 40 CFR 63.655(h)(5) specifically addresses mechanisms for owners or operators to request approval for alternatives to the continuous operating parameter monitoring and recordkeeping provisions, while the provisions in 40 CFR 63.655(i)(3) specifically include

options already approved for continuous parameter monitoring system (CPMS). Consistent with our intent for the use of an automated data compression recording system to be an approved monitoring alternative, we proposed to move paragraph 63.655(h)(5)(iii) to 63.655(i)(3)(ii)(C).

Finally, we proposed a number of editorial and other corrections in Table 2 of the April 2018 Proposal (83 FR 15470).

What significant comments were received on the recordkeeping and reporting provisions?

The following is a summary of the significant comments received in response to our April 2018 Proposal and our response to these comments. All other comments related to the proposed amendments for the recordkeeping and reporting provisions are included in the response to comments document for this final action (Docket ID No. EPA-HQ-2010-0682).

Comment 1: One commenter (–0958) objected to the proposed revisions to section 63.655(f) and section 63.655(f)(6) which require facilities to include their NOCS in the periodic report following the compliance activity. The commenter suggested that the EPA revert to the 150-day NOCS submission requirements as was included in the December 2015 Rule amendments for the sources listed in Table 11 of 40 CFR part 63, subpart CC, which have a compliance date on or after February 1, 2016. The commenter explained that for petroleum refinery owners and operators completing compliance activities requiring an NOCS in the latter half of the periodic reporting period, as little as 60 days could be provided to perform the test and generate the submission in order to include it in the periodic report.

Response 1: The proposed revisions were specifically included to address the commenter's original request to align the new compliance notifications with the semiannual periodic reports to reduce burden. As the commenter has withdrawn the request for these revisions, we are not finalizing these proposed revisions.

Comment 2: One commenter (–0958) supported the proposed revision allowing petroleum refinery owners and operators to request an extension for reporting under specified circumstances. One such circumstance is if the EPA's electronic reporting systems is out-of-service in the five business days prior to the report due date. Proposed revisions in section 63.655(h)(10)(i) and section 63.1575(l)(1) require the extension

request to include the date, time, and length of the electronic reporting system outage. The commenter requested that the EPA remove these details from the requirements for the extension request as this is information the EPA, rather than the reporter, keeps. The commenter suggested that the EPA could require reporters to identify the dates on which they attempted to access the system in the 5-day period preceding the reporting due date.

Response 2: We agree with the commenter. While users may know the length of time for a planned outage, as this information is provided to users, it is unlikely that a user will know the length of time for an unplanned outage. However, users will know the dates and times that they attempted but were unable to access the system. Therefore, we have revised the language in section 63.655(h)(10)(i) and section 63.1575(l)(1) to state that owner or operators must provide information on the date(s) and time(s) the Central Data Exchange (CDX) or the CEDRI was unavailable when the user attempted to access it in the 5 business days prior to the submission deadline.

What is the EPA's final decision on the recordkeeping and reporting provisions?

In response to the public comments received, we are not finalizing the proposed amendments to section 63.655(f) and section 63.655(f)(6) which require facilities to include their NOCS in the periodic report following the compliance activity.

Also in response to the public comments received, we are finalizing the proposed amendment to section 63.655(h)(10) with changes. In the final rule, a refinery owner or operator's request for an extension must include information on the date(s) and time(s) the CDX or the CEDRI was unavailable when the user attempted to access it in the 5 business days prior to the submission deadline, rather than requiring information regarding the length of the outage.

We are finalizing the amendments to the electric reporting requirements in sections 63.655(f)(1)(i)(B)(3) and (C)(2), (f)(1)(iii), (f)(2), and (f)(4), sections 63.655(h)(9)(i) and (ii), and Table 6—General Provisions Applicability to 40 CFR part 63, subpart CC, as proposed.

We are finalizing the restoration of paragraph 63.655(i)(5), as proposed. We are also finalizing moving paragraph 63.655(h)(5)(iii) to 63.655(i)(3)(ii)(C), as proposed. We are also finalizing the editorial and other corrections in Table 2 of the April 2018 Proposal (83 FR 15470), as proposed.

B. Clarifications and Technical Corrections to Refinery MACT 2

1. FCCU Provisions

What is the history of the FCCU provisions addressed in the April 2018 Proposal?

In order to demonstrate compliance with the alternative particulate matter (PM) standard for FCCU as provided at section 63.1564(a)(5)(ii), the outlet (exhaust) gas flow rate of the catalyst regenerator must be determined. As provided in section 63.1573(a), owners or operators may determine this flow rate using a flow CPMS or an alternative. Currently, the language in section 63.1573(a) restricts the use of the alternative to occasions when “the unit does not introduce any other gas streams into the catalyst regenerator vent.” API and AFPM (Docket ID No. EPA-HQ-OAR-2010-0682–0915) claim that while this restriction is appropriate for determining the flow rate for applying emissions limitations downstream of the regenerator because additional gases introduced to the vent would not be measured using this method, it is not a necessary constraint for determining compliance with the alternative PM limit. This is because the alternative PM standard applies at the outlet of the regenerator prior to the primary cyclone inlet and this is the flow measured by the alternative in section 63.1573(a). As described in the preamble of the April 2018 Proposal (83 FR 15471). We proposed to amend section 63.1573(a) to remove that restriction.

Additionally, API and AFPM noted in their February 1, 2016, petition (EPA-HQ-OAR-2010-0682–0892) for reconsideration that the FCCU alternative organic HAP standard for startup, shutdown, and hot standby in section 63.1565(a)(5)(ii) requires maintaining the oxygen concentration in the regenerator exhaust gas at or above 1 volume percent (dry) (*i.e.*, greater than or equal to 1-percent oxygen (O₂) measured on a dry basis); however, they claim process O₂ analyzers measure O₂ on a wet basis. As described in the preamble of the April 2018 Proposal (83 FR 15471), meeting the 1-percent O₂ standard on a wet basis measurement will always mean that there is more O₂ than if the concentration value is corrected to a dry basis. As such, we proposed to amend section 63.1565(a)(5)(ii) and Table 10 to allow for the use of a wet O₂ measurement for demonstrating compliance with the standard so long as it is used directly with no correction for moisture content.

The following is a summary of the one comment received in response to our April 2018 Proposal and our response to this comment on the proposed amendments to the FCCU provisions.

What comment was received on the FCCU provisions?

Comment 1: One commenter (–0958) supported the EPA’s proposed revisions to section 63.1573(a)(1), which allows the use of the inlet velocity requirement during periods of startup, shutdown, and malfunction (SSM) for an FCCU as an alternative to the PM standard regardless of the configuration of the catalytic regenerator exhaust vent stream. The same commenter suggested additional clarifications relative to the alternative PM standard. These clarifications include:

(1) Amending the last sentence in section 63.1573(a)(1) to clarify that the requirement to use the same procedure for performance tests and subsequent monitoring does not apply to the use of the alternative in section 63.1564(c)(5), since the alternative only applies during SSM.

(2) Revising the first sentence of section 63.1573(a)(2) to specifically allow use for demonstrating compliance with section 63.1564(c)(5).

(3) Amending the footnote to Item 12 in Table 3 to make it clear that either alternative in (a)(1) or (a)(2) is acceptable for demonstrating compliance. The commenter also recommended providing a separate footnote as other items reference footnote 1.

(4) Adding the footnote from Item 12 in Table 3 to Item 10 in Table 7.

Response 1: We agree with the commenter that the last sentence in section 63.1573(a)(1) is provided to ensure that the operating limits are established using the same monitoring techniques as the on-going monitoring. As no site-specific operating limit is required for compliance with section 63.1564(c)(5), that requirement is not applicable to this additional allowance of this alternative. We are revising the language in the final rule to clarify.

We disagree that it is appropriate to revise the first sentence in section 63.1573(a)(2), as requested by the commenter, because the flow rate must be determined based on actual flow conditions, not standard conditions; therefore, Equation 2 in section 63.1573 is not applicable to demonstrate compliance with section 63.1564(c)(5).

What is the EPA’s final decision on the FCCU provisions?

In consideration of public comments, we are finalizing the amendments to the

FCCU provisions, as proposed with one change to section 63.1573(a) to clarify that the provision does not apply to the use of the alternative in section 63.1564(c)(5).

2. Other Provisions

What is the history of the other Refinery MACT 2 provisions addressed in the April 2018 Proposal?

We proposed several clarifying amendments for other Refinery MACT 2 requirements in response to API and AFPM’s petition for reconsideration (Docket ID No. EPA–HQ–OAR–2010–0682–0892) as well as in response to the API and AFPM’s March 28, 2017, letter (Docket ID No. EPA–HQ–OAR–2010–0682–0915).

We proposed to amend section 63.1572(d)(1) to be consistent with the analogous language in section 63.671(a)(4).

We proposed to amend the recordkeeping requirements in section 63.1576(a)(2)(i) to apply only when facilities elect to comply with the alternative startup and shutdown standards provided in section 63.1564(a)(5)(ii), section 63.1565(a)(5)(ii), or sections 63.1568(a)(4)(ii) or (iii).

We proposed several amendments for electronic reporting including at section 63.1574(a)(3) to clarify that the results of performance tests conducted to demonstrate initial compliance are to be reported by the due date of the NOCS whether the results are reported via CEDRI or in hard copy as part of the NOCS report. If the results are reported via CEDRI, we also proposed to specify that sources need not resubmit those results in the NOCS, but may instead submit information identifying that a performance test or evaluation was conducted and the units and pollutants that were tested. We also proposed to amend the submission of the results of periodic performance tests and the 1-time hydrogen cyanide (HCN) test required in sections 63.1571(a)(5) and (6) to require inclusion with the semiannual compliance reports as specified in section 63.1575(f) instead of within 60 days of completing the performance evaluation. Similarly, we proposed to streamline reporting of the results of performance evaluations and continuous monitoring systems (as provided in item 2 to Table 43) to align with the semiannual compliance reports as specified in section 63.1575(f) rather than requiring a separate submission. We also proposed to add the phrase “Unless otherwise specified by this subpart” to sections 63.1575(k)(1) and (2) to make clear that performance tests

or performance evaluations required to be reported in a NOCS report or a semiannual compliance report are not subject to the 60-day deadline specified in the paragraphs. We also proposed to add section 63.1575(l) to address extensions to electronic reporting deadlines. We also proposed clarifying amendments to several references in Table 44—Applicability of NESHAP General Provisions to 40 CFR part 63, subpart UUU.

Finally, we proposed a number of editorial and other corrections in Table 3 of the April 2018 Proposal (83 FR 15472).

The following is a summary of the significant comments received in response to our April 2018 Proposal and our response to these comments. It should be noted that the comment summary and response for the reporting extension in section 63.655(h)(10)(i) and section 63.1575(l)(1) is addressed in section III.A.8 of this preamble. All other comments related to the proposed amendments for the other Refinery MACT 2 provisions are included in the response to comments document for this final action (Docket ID No. EPA–HQ–2010–0682).

What significant comment was received on the other Refinery MACT 2 provisions?

Comment 1: One commenter (–0958) recommended that the EPA revise the proposed requirement in section 63.1571(a), (a)(5), (a)(6), and Table 6 Item 1.ii to complete initial PM (or nickel) performance test within 60 days of startup for new units to instead allow for completion and reporting of the performance test by the 150-day notice of compliance status date since a new unit may not be up to full production rates within the first 60 days.

Response 1: In reviewing the existing provisions regarding performance tests in Refinery MACT 2 (40 CFR part 63, subpart UUU), we agree that the initial performance tests are required to be completed and reported no later than 150 days after the compliance date (see section 63.1574(a)(3)(ii)). To better align the proposed revisions with the existing requirements, we are revising the proposed requirement to complete and report these tests no later than 150 days after the compliance date (see section 63.1574(a)(3)(ii)).

What is the EPA’s final decision on the other Refinery MACT 2 provisions?

After considering public comment, we are finalizing these amendments with some revisions to the due dates for initial performance tests in sections 63.1571(a), (a)(5), (a)(6), and Table 6

Item 1.ii as well as edits to the proposed language in the extensions to electronic reporting provisions in section 63.1575(l) (as described in section III.A.8 of this preamble). We are finalizing the amendments at section 63.1572(d)(1), section 63.1576(a)(2)(i), and Table 3 of the April 2018 Proposal (83 FR 15472), as proposed.

C. Clarifications and Technical Corrections to NSPS Ja

We proposed three revisions in NSPS Ja to improve consistency, remove redundancy, and correct grammar at section 60.105a(b)(2)(ii), section 60.106a(a)(1)(vi), and section 60.106a(a)(1)(iii), respectively. We did not receive public comments on these proposed amendments. We are finalizing these amendments as proposed.

IV. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted

As described in the April 2018 Proposal and associated memorandum titled, "Projected Cost and Burden Reduction for the Proposed Amendments of the 2015 Risk and Technology Review: Petroleum Refineries," (Docket ID No. EPA-HQ-OAR-2010-0682-0925), the technical corrections and clarifications included in this final rule are expected to result in overall cost and burden reductions. Consistent with the April 2018 Proposal, the final amendments expected to reduce burden are: Revisions of the maintenance vent provisions related to the availability of a pure hydrogen supply for equipment containing pyrophoric catalyst, revisions of recordkeeping requirements for maintenance vents associated with equipment containing less than 72 lbs/day VOC, inclusion of specific provisions for pilot-operated and balanced bellows PRDs, and inclusion of specific provisions related to steam tube air entrainment for flares. The other final amendments included in this rulemaking will have an insignificant effect on the costs or burdens associated with the standards. Additionally, none of the final amendments are projected to appreciably impact the emissions reductions associated with these standards.

We are finalizing the provisions for maintenance vent recordkeeping and PRD as proposed, and, thus, the cost and burden reductions estimated in the April 2018 Proposal and supporting memorandum are still accurate. The final revisions to the recordkeeping requirements for maintenance vents associated with equipment containing

less than 72 lbs/day VOC are estimated to yield savings of approximately \$677,000 per year considering the actual estimated annualized burden of the December 2015 Rule. The final provisions for pilot-operated and balanced bellows PRDs included in this final rulemaking yield a reduction in capital investment of \$1.1 million and a reduction in annualized costs of \$330,000 per year considering the actual estimated annualized burden of the December 2015 Rule.

It should be noted that we are finalizing amendments to the proposed provisions for maintenance vent provisions related to the availability of a pure hydrogen supply for equipment containing pyrophoric catalyst and provisions related to steam tube air entrainment for flares with revisions as described in sections III.A.2 and III.A.7 of this preamble. The revisions described in sections III.A.2 and III.A.7 are not expected to impact the cost and burden reductions estimated in the referenced April 2018 Proposal and memorandum for these provisions, as they are clarifying in nature.

As explained in the April 2018 Proposal, there were no capital costs estimated for the maintenance vent provisions in the December 2015 Rule and only limited recordkeeping and reporting costs. Capital investment estimates provided by industry stakeholders for the maintenance vent provisions included in the December 2015 Rule was approximately \$76 million. The inclusion of the capital costs for the maintenance vent provisions would have increased the previously estimated annualized cost included in the December 2015 Rule by \$7,174,400 per year. Through the revisions being finalized in this rule, these costs will not be incurred by refinery owners and operators. Similarly, while significant capital and operating costs were projected for flares, we may have underestimated the number of steam-assisted flares that would also have to demonstrate compliance with the NHV_{am} operating limit in the December 2015 Rule impacts analysis. Considering such flares, the annualized cost of the December 2015 Rule for steam-assisted flares would have increased the previously estimated annualized cost included in the December 2015 Rule by \$3,300,000 per year. Through the revisions being finalized in this rulemaking which allows owners or operators of certain steam-assisted flares with air entrainment at the flare tip to comply only with the NHV_{oz} operating limits, these costs will not be incurred by refinery owners and operators.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is considered an Executive Order 13771 deregulatory action. Details on the estimated cost savings of this final rule can be found in the EPA's analysis of the present value and annualized value estimates associated with this action located in Docket ID No. EPA-HQ-OAR-2010-0682.

C. Paperwork Reduction Act (PRA)

The information collection activities in this rule have been submitted for approval to OMB under the PRA. The ICR document that the EPA prepared has been assigned EPA ICR number 1692.12. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

One of the final technical amendments included in this rule impacts the recordkeeping requirements in 40 CFR part 63, subpart CC for certain maintenance vents associated with equipment containing less than 72 lbs/day VOC as found at 40 CFR 63.655(i)(12)(iv). The new recordkeeping requirement specifies records used to estimate the total quantity of VOC in the equipment and the type and size limits of equipment that contain less than 72 lbs/day of VOC at the time of the maintenance vent opening be maintained. As specified in 40 CFR 63.655(i)(12)(iv), additional records are required if the inventory procedures were not followed for each maintenance vent opening or if the equipment opened exceeded the type and size limits (*i.e.*, 72 lbs/day VOC). These additional records include identification of the maintenance vent, the process units or equipment associated with the maintenance vent, the date of maintenance vent opening, and records used to estimate the total quantity of VOC in the equipment at the

time the maintenance vent was opened to the atmosphere. These records will assist the EPA with determining compliance with the standards set forth in 40 CFR 63.643(c)(iv).

Respondents/affected entities:

Owners or operators of existing or new major source petroleum refineries that are major sources of HAP emissions. The NAICS code is 324110 for petroleum refineries.

Respondent's obligation to respond:

All data in the ICR that are recorded are required by the amendments to 40 CFR part 63, subpart CC, National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries.

Estimated number of respondents:

142.

Frequency of response: Once per year per respondent.

Total estimated burden: 16 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$1,640 (per year), includes \$0 annualized capital or operation and maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the Agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden, or otherwise has a positive economic effect on the small entities subject to the rule. The action consists of amendments, clarifications, and technical corrections which are expected to reduce regulatory burden. As described in section IV of this preamble, we expect burden reduction for: (1) Revisions of the maintenance vent provisions related to the availability of a pure hydrogen supply for equipment containing pyrophoric catalyst, (2) revisions of recordkeeping requirements for maintenance vents associated with equipment containing

less than 72 lbs/day VOC, (3) inclusion of specific provisions for pilot-operated and balanced bellows PRDs, and (4) inclusion of specific provisions related to steam tube air entrainment for flares. Furthermore, as noted in section IV of this preamble, we do not expect the final amendments to change the expected economic impact analysis performed for the existing rule. We have, therefore, concluded that this action will relieve regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. It will not have substantial direct effect on tribal governments, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The final amendments serve to make technical clarifications and corrections, as well as revise compliance dates. We expect the final revisions will have an insignificant effect on emission reductions. Therefore, the final amendments should not appreciably increase risk for any populations.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This rulemaking involves technical standards. As described in section III.C of this preamble, the EPA has decided to use the voluntary consensus standard ANSI/ASME PTC 19.10–1981, “Flue and Exhaust Gas Analyses,” as an acceptable alternative to EPA Methods 3A and 3B for the manual procedures only and not the instrumental procedures. This method is available at the American National Standards Institute (ANSI), 1899 L Street NW, 11th Floor, Washington, DC 20036 and the American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016–5990. See <https://www.ansi.org> and <https://www.asme.org>.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). The final amendments serve to make technical clarifications and corrections, as well as revise compliance dates. We expect the final technical clarifications and corrections will have an insignificant effect on emission reductions. The additional compliance time provided for existing maintenance vents is expected to have an insignificant effect on emission reductions as many refiners already have measures in place due to state and other federal requirements to minimize emissions during these periods. Further, the maintenance vent opening periods are relatively infrequent and are usually of short duration. Additionally, the final compliance date only provides approximately 6 months beyond the August 1, 2018, compliance date for most facilities, which are operating under 1-year compliance extensions (from the previous deadline of August 1, 2017) they received from states based on the procedure in 40 CFR 63.6(i). Therefore, the final amendments should

not appreciably increase risk for any populations.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of Congress and to the Comptroller General of the United States. This is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 60

Environmental protection,
Administrative practice and procedures,
Air pollution control, Hazardous
substances, Incorporation by reference,
Intergovernmental relations, Reporting
and recordkeeping requirements.

40 CFR Part 63

Environmental protection,
Administrative practice and procedures,
Air pollution control, Hazardous
substances, Incorporation by reference,
Intergovernmental relations, Reporting
and recordkeeping requirements.

Dated: November 8, 2018.

Andrew R. Wheeler,
Acting Administrator.

For the reasons stated in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

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

Subpart A—General Provisions

■ 2. Section 60.17 is amended by revising paragraph (g)(14) to read as follows:

§ 60.17—Incorporations by reference.

* * * * *

(g) * * * * *

(14) ASME/ANSI PTC-19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], (Issued August 31, 1981), IBR approved for §§ 60.56e(b), 60.63(f), 60.106(c), 60.104a(d), (h), (i), and (j), 60.105a(b), (d), (f), and (g), 60.106a(a), 60.107a(a), (c), and (d), tables 1 and 3 to subpart EEEE, tables 2 and 4 to subpart FFFF, table 2 to subpart JJJJ, §§ 60.285a(f), 60.4415(a), 60.2145(s) and (t), 60.2710(s), (t), and (w), 60.2730(g), 60.4900(b), 60.5220(b), tables 1 and 2 to subpart LLLL, tables 2 and 3 to subpart MMMM, §§ 60.5406(c), 60.5406a(c),

60.5407a(g), 60.5413(b), 60.5413a(b), and 60.5413a(d).

* * * * *

Subpart Ja—Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007

■ 3. Section 60.105a is amended by revising paragraph (b)(2)(ii) to read as follows:

§ 60.105a—Monitoring of emissions and operations for fluid catalytic cracking units (FCCU) and fluid coking units (FCU).

* * * * *

(b) * * * * *

(2) * * * * *

(ii) The owner or operator shall conduct performance evaluations of each CO₂ and O₂ monitor according to the requirements in § 60.13(c) and Performance Specification 3 of appendix B to this part. The owner or operator shall use Method 3, 3A or 3B of appendix A-2 to this part for conducting the relative accuracy evaluations. The method ANSI/ASME PTC-19.10-1981, “Flue and Exhaust Gas Analyses,” (incorporated by reference, see § 60.17) is an acceptable alternative to EPA Method 3B of appendix A-2 to part 60.

* * * * *

■ 4. Section 60.106a is amended by revising paragraph (a)(1)(iii) to read as follows:

§ 60.106a—Monitoring of emissions and operations for sulfur recovery plants.

(a) * * * * *

(1) * * * * *

(iii) The owner or operator shall conduct performance evaluations of each SO₂ monitor according to the requirements in § 60.13(c) and Performance Specification 2 of appendix B to part 60. The owner or operator shall use Method 6 or 6C of appendix A-4 to part 60. The method ANSI/ASME PTC-19.10-1981, “Flue and Exhaust Gas Analyses,” (incorporated by reference, see § 60.17) is an acceptable alternative to EPA Method 6.

* * * * *

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

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

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

Subpart CC—National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries

■ 6. Section 63.641 is amended by:

■ a. Revising the definitions of “Flare purge gas” and “Flare supplemental gas”;

■ b. Adding a definition of “Pressure relief device” in alphabetical order;

■ c. Revising the introductory text and adding paragraphs (1)(i) and (ii) to the definition of “Reference control technology for storage vessels”; and

■ d. Revising the definition of “Relief valve”.

The revisions and addition read as follows:

§ 63.641 Definitions.

* * * * *

Flare purge gas means gas introduced between a flare header’s water seal and the flare tip to prevent oxygen infiltration (backflow) into the flare tip or for other safety reasons. For a flare with no water seal, the function of *flare purge gas* is performed by flare sweep gas and, therefore, by definition, such a flare has no *flare purge gas*.

Flare supplemental gas means all gas introduced to the flare to improve the heat content of combustion zone gas. *Flare supplemental gas* does not include assist air or assist steam.

* * * * *

Pressure relief device means a valve, rupture disk, or similar device used only to release an unplanned, nonroutine discharge of gas from process equipment in order to avoid safety hazards or equipment damage. A pressure relief device discharge can result from an operator error, a malfunction such as a power failure or equipment failure, or other unexpected cause. Such devices include conventional, spring-actuated relief valves, balanced bellows relief valves, pilot-operated relief valves, rupture disks, and breaking, buckling, or shearing pin devices.

* * * * *

Reference control technology for storage vessels means either:

(1) * * *

(i) An internal floating roof, including an external floating roof converted to an internal floating roof, meeting the specifications of § 63.1063(a)(1)(i), (a)(2), and (b) and § 63.660(b)(2);

(ii) An external floating roof meeting the specifications of § 63.1063(a)(1)(ii), (a)(2), and (b) and § 63.660(b)(2); or

* * * * *

Relief valve means a type of pressure relief device that is designed to re-close after the pressure relief.

* * * * *

■ 7. Section 63.643 is amended by:

- a. Revising paragraphs (c) introductory text, (c)(1) introductory text, and (c)(1)(ii) through (iv); and
- b. Adding a new paragraph (c)(1)(v).

The revisions and addition read as follows:

§ 63.643 Miscellaneous process vent provisions.

* * * * *

(c) An owner or operator may designate a process vent as a maintenance vent if the vent is only used as a result of startup, shutdown, maintenance, or inspection of equipment where equipment is emptied, depressurized, degassed or placed into service. The owner or operator does not need to designate a maintenance vent as a Group 1 or Group 2 miscellaneous process vent nor identify maintenance vents in a Notification of Compliance Status report. The owner or operator must comply with the applicable requirements in paragraphs (c)(1) through (3) of this section for each maintenance vent according to the compliance dates specified in table 11 of this subpart, unless an extension is requested in accordance with the provisions in § 63.6(i).

(1) Prior to venting to the atmosphere, process liquids are removed from the equipment as much as practical and the equipment is depressured to a control device meeting requirements in paragraphs (a)(1) or (2) of this section, a fuel gas system, or back to the process until one of the following conditions, as applicable, is met.

* * * * *

(ii) If there is no ability to measure the LEL of the vapor in the equipment based on the design of the equipment, the pressure in the equipment served by the maintenance vent is reduced to 5 pounds per square inch gauge (psig) or less. Upon opening the maintenance vent, active purging of the equipment cannot be used until the LEL of the vapors in the maintenance vent (or inside the equipment if the maintenance is a hatch or similar type of opening) is less than 10 percent.

(iii) The equipment served by the maintenance vent contains less than 72 pounds of total volatile organic compounds (VOC).

(iv) If the maintenance vent is associated with equipment containing pyrophoric catalyst (e.g., hydrotreaters and hydrocrackers) and a pure hydrogen supply is not available at the equipment at the time of the startup, shutdown, maintenance, or inspection activity, the LEL of the vapor in the equipment must be less than 20 percent, except for one event per year not to exceed 35 percent.

(v) If, after applying best practices to isolate and purge equipment served by a maintenance vent, none of the applicable criterion in paragraphs (c)(1)(i) through (iv) can be met prior to installing or removing a blind flange or similar equipment blind, the pressure in the equipment served by the maintenance vent is reduced to 2 psig or less, Active purging of the equipment may be used provided the equipment pressure at the location where purge gas is introduced remains at 2 psig or less.

* * * * *

■ 8. Section 63.644 is amended by:

- a. Revising paragraph (c) introductory text;

■ b. Removing the period at the end of paragraph (c)(2) and adding “; or” in its place; and

- c. Adding paragraph (c)(3).

The revision and addition read as follows:

§ 63.644 Monitoring provisions for miscellaneous process vents.

* * * * *

(c) The owner or operator of a Group 1 miscellaneous process vent using a vent system that contains bypass lines that could divert a vent stream away from the control device used to comply with paragraph (a) of this section either directly to the atmosphere or to a control device that does not comply with the requirements in § 63.643(a) shall comply with either paragraph (c)(1), (2), or (3) of this section. Use of the bypass at any time to divert a Group 1 miscellaneous process vent stream to the atmosphere or to a control device that does not comply with the requirements in § 63.643(a) is an emissions standards violation. Equipment such as low leg drains and equipment subject to § 63.648 are not subject to this paragraph (c).

* * * * *

(3) Use a cap, blind flange, plug, or a second valve for an open-ended valve or line following the requirements specified in § 60.482–6(a)(2), (b) and (c).

* * * * *

■ 9. Section 63.648 is amended by:

- a. Revising the introductory text of paragraphs (a), (c), and (j); and

■ b. Revising paragraphs (j)(3)(ii)(A) and (E), (j)(3)(iv), (j)(3)(v) introductory text, and (j)(4).

The revisions read as follows:

§ 63.648 Equipment leak standards.

(a) Each owner or operator of an existing source subject to the provisions of this subpart shall comply with the provisions of 40 CFR part 60, subpart VV, and paragraph (b) of this section except as provided in paragraphs (a)(1)

through (3), and (c) through (j) of this section. Each owner or operator of a new source subject to the provisions of this subpart shall comply with subpart H of this part except as provided in paragraphs (c) through (j) of this section.

* * * * *

(c) In lieu of complying with the existing source provisions of paragraph (a) in this section, an owner or operator may elect to comply with the requirements of §§ 63.161 through 63.169, 63.171, 63.172, 63.175, 63.176, 63.177, 63.179, and 63.180 except as provided in paragraphs (c)(1) through (12) and (c) through (j) of this section.

* * * * *

(j) Except as specified in paragraph (j)(4) of this section, the owner or operator must comply with the requirements specified in paragraphs (j)(1) and (2) of this section for pressure relief devices, such as relief valves or rupture disks, in organic HAP gas or vapor service instead of the pressure relief device requirements of § 60.482–4 or § 63.165, as applicable. Except as specified in paragraphs (j)(4) and (5) of this section, the owner or operator must also comply with the requirements specified in paragraph (j)(3) of this section for all pressure relief devices in organic HAP service.

* * * * *

(3) * * *

(ii) * * *

(A) Flow, temperature, liquid level and pressure indicators with deadman switches, monitors, or automatic actuators. Independent, non-duplicative systems within this category count as separate redundant prevention measures.

* * * * *

(E) Staged relief system where initial pressure relief device (with lower set release pressure) discharges to a flare or other closed vent system and control device.

* * * * *

(iv) The owner or operator shall determine the total number of release events occurred during the calendar year for each affected pressure relief device separately. The owner or operator shall also determine the total number of release events for each pressure relief device for which the root cause analysis concluded that the root cause was a *force majeure* event, as defined in this subpart.

(v) Except for pressure relief devices described in paragraphs (j)(4) and (5) of this section, the following release events from an affected pressure relief device are a violation of the pressure release management work practice standards:

* * * * *

(4) *Pressure relief devices routed to a control device.* (i) If all releases and potential leaks from a pressure relief device are routed through a closed vent system to a control device, back into the process or to the fuel gas system, the owner or operator is not required to comply with paragraph (j)(1), (2), or (3) (if applicable) of this section.

(ii) If a pilot-operated pressure relief device is used and the primary release valve is routed through a closed vent system to a control device, back into the process or to the fuel gas system, the owner or operator is required to comply only with paragraphs (j)(1) and (2) of this section for the pilot discharge vent and is not required to comply with paragraph (j)(3) of this section for the pilot-operated pressure relief device.

(iii) If a balanced bellows pressure relief device is used and the primary release valve is routed through a closed vent system to a control device, back into the process or to the fuel gas system, the owner or operator is required to comply only with paragraphs (j)(1) and (2) of this section for the bonnet vent and is not required to comply with paragraph (j)(3) of this section for the balanced bellows pressure relief device.

(iv) Both the closed vent system and control device (if applicable) referenced in paragraphs (j)(4)(i) through (iii) of this section must meet the requirements of § 63.644. When complying with this paragraph (j)(4), all references to “Group 1 miscellaneous process vent” in § 63.644 mean “pressure relief device.”

(v) If a pressure relief device complying with this paragraph (j)(4) is routed to the fuel gas system, then on and after January 30, 2019, any flares receiving gas from that fuel gas system must be in compliance with § 63.670.

* * * * *

■ 10. Section 63.655 is amended by:

■ a. Revising paragraphs (f)(1)(i)(A)(1) through (3), (f)(1)(i)(B)(3), (f)(1)(i)(C)(2), (f)(1)(iii), (f)(2), (f)(4), (g)(2)(i)(B)(1) and (g)(10) introductory text;

■ b. Redesignating paragraph (g)(10)(iii) as (g)(10)(iv);

■ c. Adding new paragraph (g)(10)(iii);

■ d. Revising paragraph (g)(13) introductory text and paragraph (h)(2)(ii);

■ e. Removing and reserving paragraph (h)(5)(iii);

■ f. Revising paragraph (h)(8)

■ g. Revising paragraph (h)(9)(i) introductory text and paragraph (h)(9)(ii) introductory text;

■ h. Adding paragraph (h)(10);

■ i. Revising paragraph (i)(3)(ii)(B);

■ j. Adding paragraphs (i)(3)(ii)(C) and (i)(5)(i) through (v);

■ k. Revising paragraphs (i)(7)(iii)(B) and (i)(11) introductory text;

■ l. Adding paragraph (i)(11)(iv);

■ m. Revising paragraph (i)(12) introductory text and paragraph (i)(12)(iv); and

■ n. Adding paragraph (i)(12)(vi).

The revisions and additions read as follows:

§ 63.655 Reporting and recordkeeping requirements.

* * * * *

(f) * * *

(1) * * *

(i) * * *

(A) * * *

(1) For each Group 1 storage vessel complying with either § 63.646 or § 63.660 that is not included in an emissions average, the method of compliance (*i.e.*, internal floating roof, external floating roof, or closed vent system and control device).

(2) For storage vessels subject to the compliance schedule specified in § 63.640(h)(2) that are not complying with § 63.646 or § 63.660 as applicable, the anticipated compliance date.

(3) For storage vessels subject to the compliance schedule specified in § 63.640(h)(2) that are complying with § 63.646 or § 63.660, as applicable, and the Group 1 storage vessels described in § 63.640(l), the actual compliance date.

(B) * * *

(3) If the owner or operator elects to submit the results of a performance test, identification of the storage vessel and control device for which the performance test will be submitted, and identification of the emission point(s) that share the control device with the storage vessel and for which the performance test will be conducted. If the performance test is submitted electronically through the EPA's Compliance and Emissions Data Reporting Interface (CEDRI) in accordance with § 63.655(h)(9), the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in the Notification of Compliance Status in lieu of the performance test results. The performance test results must be submitted to CEDRI by the date the Notification of Compliance Status is submitted.

(C) * * *

(2) If a performance test is conducted instead of a design evaluation, results of the performance test demonstrating that the control device achieves greater than or equal to the required control efficiency. A performance test conducted prior to the compliance date of this subpart can be used to comply

with this requirement, provided that the test was conducted using EPA methods and that the test conditions are representative of current operating practices. If the performance test is submitted electronically through the EPA's Compliance and Emissions Data Reporting Interface in accordance with § 63.655(h)(9), the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in the Notification of Compliance Status in lieu of the performance test results. The performance test results must be submitted to CEDRI by the date the Notification of Compliance Status is submitted.

* * * * *

(iii) For miscellaneous process vents controlled by control devices required to be tested under § 63.645 and § 63.116(c), performance test results including the information in paragraphs (f)(1)(iii)(A) and (B) of this section.

Results of a performance test conducted prior to the compliance date of this subpart can be used provided that the test was conducted using the methods specified in § 63.645 and that the test conditions are representative of current operating conditions. If the performance test is submitted electronically through the EPA's Compliance and Emissions Data Reporting Interface in accordance with § 63.655(h)(9), the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in the Notification of Compliance Status in lieu of the performance test results. The performance test results must be submitted to CEDRI by the date the Notification of Compliance Status is submitted.

* * * * *

(2) If initial performance tests are required by §§ 63.643 through 63.653, the Notification of Compliance Status report shall include one complete test report for each test method used for a particular source. On and after February 1, 2016, for data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test, you must submit the results in accordance with § 63.655(h)(9) by the date that you submit the Notification of Compliance Status, and you must include the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted in the Notification of Compliance Status. All other performance test results must

be reported in the Notification of Compliance Status.

* * * * *

(4) Results of any continuous monitoring system performance evaluations shall be included in the Notification of Compliance Status report, unless the results are required to be submitted electronically by § 63.655(h)(9). For performance evaluation results required to be submitted through CEDRI, submit the results in accordance with § 63.655(h)(9) by the date that you submit the Notification of Compliance Status and include the process unit where the CMS is installed, the parameter measured by the CMS, and the date that the performance evaluation was conducted in the Notification of Compliance Status.

* * * * *

(g) * * *
(2) * * *
(i) * * *
(B) * * *

(1) A failure is defined as any time in which the internal floating roof has defects; or the primary seal has holes, tears, or other openings in the seal or the seal fabric; or the secondary seal (if one has been installed) has holes, tears, or other openings in the seal or the seal fabric; or, for a storage vessel that is part of a new source, the gaskets no longer close off the liquid surface from the atmosphere; or, for a storage vessel that is part of a new source, the slotted membrane has more than a 10 percent open area.

* * * * *

(10) For pressure relief devices subject to the requirements § 63.648(j), Periodic Reports must include the information specified in paragraphs (g)(10)(i) through (iv) of this section.

* * * * *

(iii) For pilot-operated pressure relief devices in organic HAP service, report each pressure release to the atmosphere through the pilot vent that equals or exceeds 72 pounds of VOC per day, including duration of the pressure release through the pilot vent and estimate of the mass quantity of each organic HAP released.

* * * * *

(13) For maintenance vents subject to the requirements in § 63.643(c), Periodic Reports must include the information specified in paragraphs (g)(13)(i) through (iv) of this section for any release exceeding the applicable limits in § 63.643(c)(1). For the purposes of this reporting requirement, owners or operators complying with § 63.643(c)(1)(iv) must report each venting event for which the lower

explosive limit is 20 percent or greater; owners or operators complying with § 63.643(c)(1)(v) must report each venting event conducted under those provisions and include an explanation for each event as to why utilization of this alternative was required.

* * * * *

(h) * * *

(2) * * *

(ii) In order to afford the Administrator the opportunity to have an observer present, the owner or operator of a storage vessel equipped with an external floating roof shall notify the Administrator of any seal gap measurements. The notification shall be made in writing at least 30 calendar days in advance of any gap measurements required by § 63.120(b)(1) or (2) or § 63.1063(d)(3). The State or local permitting authority can waive this notification requirement for all or some storage vessels subject to the rule or can allow less than 30 calendar days' notice.

* * * * *

(8) For fence-line monitoring systems subject to § 63.658, each owner or operator shall submit the following information to the EPA's Compliance and Emissions Data Reporting Interface (CEDRI) on a quarterly basis. (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). The first quarterly report must be submitted once the owner or operator has obtained 12 months of data. The first quarterly report must cover the period beginning on the compliance date that is specified in Table 11 of this subpart and ending on March 31, June 30, September 30 or December 31, whichever date is the first date that occurs after the owner or operator has obtained 12 months of data (i.e., the first quarterly report will contain between 12 and 15 months of data). Each subsequent quarterly report must cover one of the following reporting periods: Quarter 1 from January 1 through March 31; Quarter 2 from April 1 through June 30; Quarter 3 from July 1 through September 30; and Quarter 4 from October 1 through December 31. Each quarterly report must be electronically submitted no later than 45 calendar days following the end of the reporting period.

(i) Facility name and address.

(ii) Year and reporting quarter (i.e., Quarter 1, Quarter 2, Quarter 3, or Quarter 4).

(iii) For the first reporting period and for any reporting period in which a passive monitor is added or moved, for each passive monitor: The latitude and longitude location coordinates; the

sampler name; and identification of the type of sampler (i.e., regular monitor, extra monitor, duplicate, field blank, inactive). The owner or operator shall determine the coordinates using an instrument with an accuracy of at least 3 meters. Coordinates shall be in decimal degrees with at least five decimal places.

(iv) The beginning and ending dates for each sampling period.

(v) Individual sample results for benzene reported in units of $\mu\text{g}/\text{m}^3$ for each monitor for each sampling period that ends during the reporting period. Results below the method detection limit shall be flagged as below the detection limit and reported at the method detection limit.

(vi) Data flags that indicate each monitor that was skipped for the sampling period, if the owner or operator uses an alternative sampling frequency under § 63.658(c)(3).

(vii) Data flags for each outlier determined in accordance with Section 9.2 of Method 325A of appendix A of this part. For each outlier, the owner or operator must submit the individual sample result of the outlier, as well as the evidence used to conclude that the result is an outlier.

(viii) The biweekly concentration difference (Δc) for benzene for each sampling period and the annual average Δc for benzene for each sampling period.

(9) * * *

(i) Unless otherwise specified by this subpart, within 60 days after the date of completing each performance test as required by this subpart, the owner or operator shall submit the results of the performance tests following the procedure specified in either paragraph (h)(9)(i)(A) or (B) of this section.

* * * * *

(ii) Unless otherwise specified by this subpart, within 60 days after the date of completing each CEMS performance evaluation as required by this subpart, the owner or operator must submit the results of the performance evaluation following the procedure specified in either paragraph (h)(9)(ii)(A) or (B) of this section.

* * * * *

(10)(i) If you are required to electronically submit a report through the Compliance and Emissions Data Reporting Interface (CEDRI) in the EPA's Central Data Exchange (CDX), and due to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX

and submitting a required report within the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description identifying the date(s) and time(s) the CDX or CEDRI were unavailable when you attempted to access it in the 5 business days prior to the submission deadline; a rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved. The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(ii) If you are required to electronically submit a report through CEDRI in the EPA's CDX and a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due, the owner or operator may assert a claim of force majeure for failure to timely comply with the reporting requirement. For the purposes of this paragraph, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage). If you intend to assert a claim of force majeure, you must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description of

the force majeure event and a rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs. The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

- (i) * * *
- (3) * * *
- (ii) * * *

(B) Block average values for 1 hour or shorter periods calculated from all measured data values during each period. If values are measured more frequently than once per minute, a single value for each minute may be used to calculate the hourly (or shorter period) block average instead of all measured values; or

(C) All values that meet the set criteria for variation from previously recorded values using an automated data compression recording system.

(1) The automated data compression recording system shall be designed to:

- (i) Measure the operating parameter value at least once every hour.
- (ii) Record at least 24 values each day during periods of operation.
- (iii) Record the date and time when monitors are turned off or on.
- (iv) Recognize unchanging data that may indicate the monitor is not functioning properly, alert the operator, and record the incident.

(v) Compute daily average values of the monitored operating parameter based on recorded data.

(2) You must maintain a record of the description of the monitoring system and data compression recording system including the criteria used to determine which monitored values are recorded and retained, the method for calculating daily averages, and a demonstration that the system meets all criteria of paragraph (i)(3)(ii)(C)(1) of this section.

* * * * *

- (5) * * *

(i) Identification of all petroleum refinery process unit heat exchangers at the facility and the average annual HAP concentration of process fluid or intervening cooling fluid estimated when developing the Notification of Compliance Status report.

(ii) Identification of all heat exchange systems subject to the monitoring

requirements in § 63.654 and identification of all heat exchange systems that are exempt from the monitoring requirements according to the provisions in § 63.654(b). For each heat exchange system that is subject to the monitoring requirements in § 63.654, this must include identification of all heat exchangers within each heat exchange system, and, for closed-loop recirculation systems, the cooling tower included in each heat exchange system.

(iii) Results of the following monitoring data for each required monitoring event:

- (A) Date/time of event.
- (B) Barometric pressure.
- (C) El Paso air stripping apparatus water flow milliliter/minute (ml/min) and air flow, ml/min, and air temperature, °Celsius.
- (D) FID reading (ppmv).
- (E) Length of sampling period.
- (F) Sample volume.

(G) Calibration information identified in Section 5.4.2 of the "Air Stripping Method (Modified El Paso Method) for Determination of Volatile Organic Compound Emissions from Water Sources" Revision Number One, dated January 2003, Sampling Procedures Manual, Appendix P: Cooling Tower Monitoring, prepared by Texas Commission on Environmental Quality, January 31, 2003 (incorporated by reference—see § 63.14).

(iv) The date when a leak was identified, the date the source of the leak was identified, and the date when the heat exchanger was repaired or taken out of service.

(v) If a repair is delayed, the reason for the delay, the schedule for completing the repair, the heat exchange exit line flow or cooling tower return line average flow rate at the monitoring location (in gallons/minute), and the estimate of potential strippable hydrocarbon emissions for each required monitoring interval during the delay of repair.

* * * * *

- (7) * * *

(iii) * * *

(B) The pressure or temperature of the coke drum vessel, as applicable, for the 5-minute period prior to the pre-vent draining.

* * * * *

(11) For each pressure relief device subject to the pressure release management work practice standards in § 63.648(j)(3), the owner or operator shall keep the records specified in paragraphs (i)(11)(i) through (iii) of this section. For each pilot-operated pressure relief device subject to the

requirements at § 63.648(j)(4)(ii) or (iii), the owner or operator shall keep the records specified in paragraph (i)(11)(iv) of this section.

* * * * *

(iv) For pilot-operated pressure relief devices, general or release-specific records for estimating the quantity of VOC released from the pilot vent during a release event, and records of calculations used to determine the quantity of specific HAP released for any event or series of events in which 72 or more pounds of VOC are released in a day.

(12) For each maintenance vent opening subject to the requirements in § 63.643(c), the owner or operator shall keep the applicable records specified in paragraphs (i)(12)(i) through (vi) of this section.

* * * * *

(iv) If complying with the requirements of § 63.643(c)(1)(iii), records used to estimate the total quantity of VOC in the equipment and the type and size limits of equipment that contain less than 72 pounds of VOC at the time of maintenance vent opening. For each maintenance vent opening for which the deinventory procedures specified in paragraph (i)(12)(i) of this section are not followed or for which the equipment opened exceeds the type and size limits established in the records specified in this paragraph, identification of the maintenance vent, the process units or equipment associated with the maintenance vent, the date of maintenance vent opening, and records used to estimate the total quantity of VOC in the equipment at the time the maintenance vent was opened to the atmosphere.

* * * * *

(vi) If complying with the requirements of § 63.643(c)(1)(v), identification of the maintenance vent, the process units or equipment associated with the maintenance vent, records documenting actions taken to comply with other applicable alternatives and why utilization of this alternative was required, the date of maintenance vent opening, the equipment pressure and lower explosive limit of the vapors in the equipment at the time of discharge, an indication of whether active purging was performed and the pressure of the equipment during the installation or removal of the blind if active purging was used, the duration the maintenance vent was open during the blind installation or removal process, and records used to estimate the total quantity of VOC in the equipment at the time the maintenance

vent was opened to the atmosphere for each applicable maintenance vent opening.

* * * * *

■ 11. Section 63.657 is amended by revising paragraphs (a)(1)(i) and (ii), (a)(2)(i) and (ii), (b)(5), and (c) to read as follows:

§ 63.657 Delayed coking unit decoking operation standards.

(a) * * *

(1) * * *

(i) An average vessel pressure of 2 psig or less determined on a rolling 60-event average; or

(ii) An average vessel temperature of 220 degrees Fahrenheit or less determined on a rolling 60-event average.

(2) * * *

(i) A vessel pressure of 2.0 psig or less for each decoking event; or

(ii) A vessel temperature of 218 degrees Fahrenheit or less for each decoking event.

* * * * *

(b) * * *

(5) The output of the pressure monitoring system must be reviewed each day the unit is operated to ensure that the pressure readings fluctuate as expected between operating and cooling/decoking cycles to verify the pressure taps are not plugged. Plugged pressure taps must be unplugged or otherwise repaired prior to the next operating cycle.

* * * * *

(c) The owner or operator of a delayed coking unit using the “water overflow” method of coke cooling prior to complying with the applicable requirements in paragraph (a) of this section must meet the requirements in either paragraph (c)(1) or (c)(2) of this section or, if applicable, the requirements in paragraph (c)(3) of this section. The owner or operator of a delayed coking unit using the “water overflow” method of coke cooling subject to this paragraph shall determine the coke drum vessel temperature as specified in paragraphs (c) and (d) of this section and shall not otherwise drain or vent the coke drum until the coke drum vessel temperature is at or below the applicable limits in paragraph (a)(1)(ii) or (a)(2)(ii) of this section.

(1) The overflow water must be directed to a separator or similar disengaging device that is operated in a manner to prevent entrainment of gases from the coke drum vessel to the overflow water storage tank. Gases from the separator or disengaging device must be routed to a closed blowdown

system or otherwise controlled following the requirements for a Group 1 miscellaneous process vent. The liquid from the separator or disengaging device must be hardpiped to the overflow water storage tank or similarly transported to prevent exposure of the overflow water to the atmosphere. The overflow water storage tank may be an open or uncontrolled fixed-roof tank provided that a submerged fill pipe (pipe outlet below existing liquid level in the tank) is used to transfer overflow water to the tank.

(2) The overflow water must be directed to a storage vessel meeting the requirements for storage vessels in subpart SS of this part.

(3) Prior to November 26, 2020, if the equipment needed to comply with paragraphs (c)(1) or (2) of this section are not installed and operational, you must comply with all of the requirements in paragraphs (c)(3)(i) through (iv) of this section.

(i) The temperature of the coke drum, measured according to paragraph (c) of this section, must be 250 degrees Fahrenheit or less prior to initiation of water overflow and at all times during the water overflow.

(ii) The overflow water must be hardpiped to the overflow water storage tank or similarly transported to prevent exposure of the overflow water to the atmosphere.

(iii) The overflow water storage tank may be an open or uncontrolled fixed-roof tank provided that all of the following requirements are met.

(A) A submerged fill pipe (pipe outlet below existing liquid level in the tank) is used to transfer overflow water to the tank.

(B) The liquid level in the storage tank is at least 6 feet above the submerged fill pipe outlet at all times during water overflow.

(C) The temperature of the contents in the storage tank remain below 150 degrees Fahrenheit at all times during water overflow.

* * * * *

■ 12. Section 63.658 is amended by revising paragraphs (c)(1), (2) and (3), (d)(1) introductory text and (d)(2), (e) introductory text, (c)(3)(iv), (f)(1)(i) introductory text, and (f)(1)(i)(B) to read as follows:

§ 63.658 Fenceline monitoring provisions.

* * * * *

(c) * * *

(1) As it pertains to this subpart, known sources of VOCs, as used in Section 8.2.1.3 in Method 325A of appendix A of this part for siting passive monitors, means a wastewater

treatment unit, process unit, or any emission source requiring control according to the requirements of this subpart, including marine vessel loading operations. For marine vessel loading operations, one passive monitor should be sited on the shoreline adjacent to the dock. For this subpart, an additional monitor is not required if the only emission sources within 50 meters of the monitoring boundary are equipment leak sources satisfying all of the conditions in paragraphs (c)(1)(i) through (iv) of this section.

(i) The equipment leak sources in organic HAP service within 50 meters of the monitoring boundary are limited to valves, pumps, connectors, sampling connections, and open-ended lines. If compressors, pressure relief devices, or agitators in organic HAP service are present within 50 meters of the monitoring boundary, the additional passive monitoring location specified in Section 8.2.1.3 in Method 325A of appendix A of this part must be used.

(ii) All equipment leak sources in gas or light liquid service (and in organic HAP service), including valves, pumps, connectors, sampling connections and open-ended lines, must be monitored using EPA Method 21 of 40 CFR part 60, appendix A–7 no less frequently than quarterly with no provisions for skip period monitoring, or according to the provisions of § 63.11(c) Alternative Work practice for monitoring equipment for leaks. For the purpose of this provision, a leak is detected if the instrument reading equals or exceeds the applicable limits in paragraphs (c)(1)(ii)(A) through (E) of this section:

(A) For valves, pumps or connectors at an existing source, an instrument reading of 10,000 ppmv.

(B) For valves or connectors at a new source, an instrument reading of 500 ppmv.

(C) For pumps at a new source, an instrument reading of 2,000 ppmv.

(D) For sampling connections or open-ended lines, an instrument reading of 500 ppmv above background.

(E) For equipment monitored according to the Alternative Work practice for monitoring equipment for leaks, the leak definitions contained in § 63.11 (c)(6)(i) through (iii).

(iii) All equipment leak sources in organic HAP service, including sources in gas, light liquid and heavy liquid service, must be inspected using visual, audible, olfactory, or any other detection method at least monthly. A leak is detected if the inspection identifies a potential leak to the atmosphere or if there are indications of liquids dripping.

(iv) All leaks identified by the monitoring or inspections specified in paragraphs (c)(1)(ii) or (iii) of this section must be repaired no later than 15 calendar days after it is detected with no provisions for delay of repair. If a repair is not completed within 15 calendar days, the additional passive monitor specified in Section 8.2.1.3 in Method 325A of appendix A of this part must be used.

(2) The owner or operator may collect one or more background samples if the owner or operator believes that an offsite upwind source or an onsite source excluded under § 63.640(g) may influence the sampler measurements. If the owner or operator elects to collect one or more background samples, the owner or operator must develop and submit a site-specific monitoring plan for approval according to the requirements in paragraph (i) of this section. Upon approval of the site-specific monitoring plan, the background sampler(s) should be operated co-currently with the routine samplers.

(3) If there are 19 or fewer monitoring locations, the owner or operator shall collect at least one co-located duplicate sample per sampling period and at least one field blank per sampling period. If there are 20 or more monitoring locations, the owner or operator shall collect at least two co-located duplicate samples per sampling period and at least one field blank per sampling period. The co-located duplicates may be collected at any of the perimeter sampling locations.

* * * * *

(d) * * *

(1) If a near-field source correction is used as provided in paragraph (i)(2) of this section or if an alternative test method is used that provides time-resolved measurements, the owner or operator shall:

* * * * *

(2) For cases other than those specified in paragraph (d)(1) of this section, the owner or operator shall collect and record sampling period average temperature and barometric pressure using either an on-site meteorological station in accordance with Section 8.3.1 through 8.3.3 of Method 325A of appendix A of this part or, alternatively, using data from a United States Weather Service (USWS) meteorological station provided the USWS meteorological station is within 40 kilometers (25 miles) of the refinery.

* * * * *

(c) The owner or operator shall use a sampling period and sampling

frequency as specified in paragraphs (c)(1) through (3) of this section.

* * * * *

(3) * * *

(iv) If every sample at a monitoring site that is monitored at the frequency specified in paragraph (c)(3)(iii) of this section is at or below 0.9 µg/m³ for 2 years (*i.e.*, 4 consecutive semiannual samples), only one sample per year is required for that monitoring site. For yearly sampling, samples shall occur at least 10 months but no more than 14 months apart.

* * * * *

(f) * * *

(1) * * *

(i) Except when near-field source correction is used as provided in paragraph (i) of this section, the owner or operator shall determine the highest and lowest sample results for benzene concentrations from the sample pool and calculate Δc as the difference in these concentrations. Co-located samples must be averaged together for the purposes of determining the benzene concentration for that sampling location, and, if applicable, for determining Δc. The owner or operator shall adhere to the following procedures when one or more samples for the sampling period are below the method detection limit for benzene:

* * * * *

(B) If all sample results are below the method detection limit, the owner or operator shall use the method detection limit as the highest sample result and zero as the lowest sample result when calculating Δc.

* * * * *

■ 13. Section 63.660 is amended by revising the introductory text, paragraph (b) introductory text, paragraphs (b)(1) and (c), and paragraph (i)(2) introductory text, and adding paragraph (i)(2)(iii) to read as follows:

§ 63.660 Storage vessel provisions.

On and after the applicable compliance date for a Group 1 storage vessel located at a new or existing source as specified in § 63.640(h), the owner or operator of a Group 1 storage vessel storing liquid with a maximum true vapor pressure less than 76.6 kilopascals (11.1 pounds per square inch) that is part of a new or existing source shall comply with either the requirements in subpart WW or SS of this part according to the requirements in paragraphs (a) through (i) of this section and the owner or operator of a Group 1 storage vessel storing liquid with a maximum true vapor pressure greater than or equal to 76.6 kilopascals (11.1 pounds per square inch) that is

part of a new or existing source shall comply with the requirements in subpart SS of this part according to the requirements in paragraphs (a) through (i) of this section.

* * * * *

(b) A floating roof storage vessel complying with the requirements of subpart WW of this part may comply with the control option specified in paragraph (b)(1) of this section and, if equipped with a ladder having at least one slotted leg, shall comply with one of the control options as described in paragraph (b)(2) of this section. If the floating roof storage vessel does not meet the requirements of § 63.1063(a)(2)(i) through (a)(2)(viii) as of June 30, 2014, these requirements do not apply until the next time the vessel is completely emptied and degassed, or January 30, 2026, whichever occurs first.

(1) In addition to the options presented in §§ 63.1063(a)(2)(viii)(A) and (B) and 63.1064, a floating roof storage vessel may comply with § 63.1063(a)(2)(viii) using a flexible enclosure device and either a gasketed or welded cap on the top of the guidepole.

* * * * *

(c) For storage vessels previously subject to requirements in § 63.646, initial inspection requirements in § 63.1063(c)(1) and (c)(2)(i) (i.e., those related to the initial filling of the storage vessel) or in § 63.983(b)(1)(i)(A), as applicable, are not required. Failure to perform other inspections and monitoring required by this section shall constitute a violation of the applicable standard of this subpart.

* * * * *

(i) * * *
(2) If a closed vent system contains a bypass line, the owner or operator shall comply with the provisions of either § 63.983(a)(3)(i) or (ii) or paragraph (iii) of this section for each closed vent system that contains bypass lines that could divert a vent stream either directly to the atmosphere or to a control device that does not comply with the requirements in subpart SS of this part. Except as provided in paragraphs (i)(2)(i) and (ii) of this section, use of the bypass at any time to divert a Group 1 storage vessel either directly to the atmosphere or to a control device that does not comply with the requirements in subpart SS of this part is an emissions standards violation. Equipment such as low leg drains and equipment subject to § 63.648 are not subject to this paragraph (i)(2).

* * * * *

(iii) Use a cap, blind flange, plug, or a second valve for an open-ended valves or line following the requirements specified in § 60.482–6(a)(2), (b) and (c).

* * * * *

■ 14. Section 63.670 is amended by:

■ a. Revising paragraph (f);

■ b. Revising paragraphs (h) introductory text, (h)(1), and (i) introductory text;

■ c. Adding paragraphs (i)(5) and (6);

■ d. Revising paragraph (j)(6) introductory text;

■ e. Revising the definition of the Q_{cum} term in the equation in paragraph (k)(3);

■ f. Revising paragraph (m)(2) introductory text;

■ g. Revising the definitions of the Q_{NG2} , Q_{NG1} , and NHV_{NG} terms in the equation in paragraph (m)(2);

■ h. Revising paragraph (n)(2) introductory text;

■ i. Revising the definitions of the Q_{NG2} , Q_{NG1} , and NHV_{NG} terms in the equation in paragraph (n)(2); and

■ j. Revising paragraphs (o) introductory text, (o)(1)(ii)(B), (o)(1)(iii)(B), and (o)(3)(i).

The revisions and additions read as follows:

§ 63.670 Requirements for flare control devices.

* * * * *

(f) *Dilution operating limits for flares with perimeter assist air.* Except as provided in paragraph (f)(1) of this section, for each flare actively receiving perimeter assist air, the owner or operator shall operate the flare to maintain the net heating value dilution parameter (NHV_{dil}) at or above 22 British thermal units per square foot (Btu/ft^2) determined on a 15-minute block period basis when regulated material is being routed to the flare for at least 15-minutes. The owner or operator shall monitor and calculate NHV_{dil} as specified in paragraph (n) of this section.

(1) If the only assist air provided to a specific flare is perimeter assist air intentionally entrained in lower and/or upper steam at the flare tip and the effective diameter is 9 inches or greater, the owner or operator shall comply only with the NHV_{oz} operating limit in paragraph (e) of this section for that flare.

(2) [Reserved]

* * * * *

(h) *Visible emissions monitoring.* The owner or operator shall conduct an initial visible emissions demonstration using an observation period of 2 hours using Method 22 at 40 CFR part 60, appendix A–7. The initial visible emissions demonstration should be

conducted the first time regulated materials are routed to the flare. Subsequent visible emissions observations must be conducted using either the methods in paragraph (h)(1) of this section or, alternatively, the methods in paragraph (h)(2) of this section. The owner or operator must record and report any instances where visible emissions are observed for more than 5 minutes during any 2 consecutive hours as specified in § 63.655(g)(11)(ii).

(1) At least once per day for each day regulated material is routed to the flare, conduct visible emissions observations using an observation period of 5 minutes using Method 22 at 40 CFR part 60, appendix A–7. If at any time the owner or operator sees visible emissions while regulated material is routed to the flare, even if the minimum required daily visible emission monitoring has already been performed, the owner or operator shall immediately begin an observation period of 5 minutes using Method 22 at 40 CFR part 60, appendix A–7. If visible emissions are observed for more than one continuous minute during any 5-minute observation period, the observation period using Method 22 at 40 CFR part 60, appendix A–7 must be extended to 2 hours or until 5-minutes of visible emissions are observed. Daily 5-minute Method 22 observations are not required to be conducted for days the flare does not receive any regulated material.

* * * * *

(i) *Flare vent gas, steam assist and air assist flow rate monitoring.* The owner or operator shall install, operate, calibrate, and maintain a monitoring system capable of continuously measuring, calculating, and recording the volumetric flow rate in the flare header or headers that feed the flare as well as any flare supplemental gas used. Different flow monitoring methods may be used to measure different gaseous streams that make up the flare vent gas provided that the flow rates of all gas streams that contribute to the flare vent gas are determined. If assist air or assist steam is used, the owner or operator shall install, operate, calibrate, and maintain a monitoring system capable of continuously measuring, calculating, and recording the volumetric flow rate of assist air and/or assist steam used with the flare. If pre-mix assist air and perimeter assist are both used, the owner or operator shall install, operate, calibrate, and maintain a monitoring system capable of separately measuring, calculating, and recording the volumetric flow rate of premix assist air and perimeter assist air used with the

flare. Flow monitoring system requirements and acceptable alternatives are provided in paragraphs (i)(1) through (6) of this section.

* * * * *

(5) Continuously monitoring fan speed or power and using fan curves is an acceptable method for continuously monitoring assist air flow rates.

(6) For perimeter assist air intentionally entrained in lower and/or upper steam, the monitored steam flow rate and the maximum design air-to-steam volumetric flow ratio of the entrainment system may be used to determine the assist air flow rate.

(j) * * *

(6) Direct compositional or net heating value monitoring is not required for gas streams that have been demonstrated to have consistent composition (or a fixed minimum net heating value) according to the methods in paragraphs (j)(6)(i) through (iii) of this section.

* * * * *

(k) * * *

(3) * * *

* * * * *

Q_{cum} = Cumulative volumetric flow over 15-minute block average period, standard cubic feet.

* * * * *

(m) * * *

(2) Owners or operators of flares that use the feed-forward calculation methodology in paragraph (l)(5)(i) of this section and that monitor gas composition or net heating value in a location representative of the cumulative vent gas stream and that directly monitor flare supplemental gas flow additions to the flare must

determine the 15-minute block average NHV_{cz} using the following equation.

* * * * *

Q_{NG2} = Cumulative volumetric flow of flare supplemental gas during the 15-minute block period, scf.

Q_{NG1} = Cumulative volumetric flow of flare supplemental gas during the previous 15-minute block period, scf. For the first 15-minute block period of an event, use the volumetric flow value for the current 15-minute block period, i.e., $Q_{NG1} = Q_{NG2}$.

$NIIV_{NG}$ = Net heating value of flare supplemental gas for the 15-minute block period determined according to the requirements in paragraph (j)(5) of this section, Btu/scf.

* * * * *

(n) * * *

(2) Owners or operators of flares that use the feed-forward calculation methodology in paragraph (l)(5)(i) of this section and that monitor gas composition or net heating value in a location representative of the cumulative vent gas stream and that directly monitor flare supplemental gas flow additions to the flare must determine the 15-minute block average NHV_{dl} using the following equation only during periods when perimeter assist air is used. For 15-minute block periods when there is no cumulative volumetric flow of perimeter assist air, the 15-minute block average NHV_{dl} parameter does not need to be calculated.

* * * * *

Q_{NG2} = Cumulative volumetric flow of flare supplemental gas during the 15-minute block period, scf.

Q_{NG1} = Cumulative volumetric flow of flare supplemental gas during the previous 15-minute block period, scf. For the first 15-minute block period of an event, use the volumetric flow value for the current

15-minute block period, i.e., $Q_{NG1} = Q_{NG2}$.

$NIIV_{NG}$ = Net heating value of flare supplemental gas for the 15-minute block period determined according to the requirements in paragraph (j)(5) of this section, Btu/scf.

* * * * *

(o) *Emergency flaring provisions.* The owner or operator of a flare that has the potential to operate above its smokeless capacity under any circumstance shall comply with the provisions in paragraphs (o)(1) through (7) of this section.

(1) * * *

(ii) * * *

(B) Implementation of prevention measures listed for pressure relief devices in § 63.648(j)(3)(ii)(A) through (E) for each pressure relief device that can discharge to the flare.

* * * * *

(iii) * * *

(B) The smokeless capacity of the flare based on a 15-minute block average and design conditions. *Note:* A single value must be provided for the smokeless capacity of the flare.

* * * * *

(3) * * *

(i) The vent gas flow rate exceeds the smokeless capacity of the flare based on a 15-minute block average and visible emissions are present from the flare for more than 5 minutes during any 2 consecutive hours during the release event.

* * * * *

■ 15. Table 6 to Subpart CC is amended by revising the entries “63.6(f)(3)”, “63.6(h)(8)”, “63.7(a)(2)”, “63.7(f)”, “63.7(h)(3)”, and “63.8(c)” to read as follows:

TABLE 6—GENERAL PROVISIONS APPLICABILITY TO SUBPART CC^a

Reference	Applies to subpart CC	Comment
63.6(f)(3)	Yes	Except the cross-references to § 63.6(f)(1) and (e)(1)(i) are changed to § 63.642(n) and performance test results may be written or electronic.
63.6(h)(8)	Yes	Except performance test results may be written or electronic.
63.7(a)(2)	Yes	Except test results must be submitted in the Notification of Compliance Status report due 150 days after compliance date, as specified in § 63.655(f), unless they are required to be submitted electronically in accordance with § 63.655(h)(9). Test results required to be submitted electronically must be submitted by the date the Notification of Compliance Status report is submitted.
63.7(f)	Yes	Except that additional notification or approval is not required for alternatives directly specified in Subpart CC.

TABLE 6—GENERAL PROVISIONS APPLICABILITY TO SUBPART CC^a—Continued

Reference	Applies to subpart CC	Comment
63.7(h)(3)	Yes	Yes, except site-specific test plans shall not be required, and where § 63.7(h)(3)(i) specifies waiver submittal date, the date shall be 90 days prior to the Notification of Compliance Status report in § 63.655(f).
63.8(e)	Yes	Except that results are to be submitted electronically if required by § 63.655(h)(9).

■ 16. Table 11 to subpart CC is amended by revising items (2)(iv), (3)(iv) and (4)(v) to read as follows:

TABLE 11—COMPLIANCE DATES AND REQUIREMENTS

If the construction/reconstruction date is . . .	Then the owner or operator must comply with . . .	And the owner or operator must achieve compliance . . .	Except as provided in . . .
(2) * * *	(iv) Requirements for existing sources in § 63.643(c).	On or before December 26, 2018	§§ 63.640(k), (l) and (m) and 63.643(d).
(3) * * *	(iv) Requirements for existing sources in § 63.643(c).	On or before December 26, 2018	§§ 63.640(k), (l) and (m) and 63.643(d).
(4) * * *	(v) Requirements for existing sources in § 63.643(c).	On or before December 26, 2018	§§ 63.640(k), (l) and (m) and 63.643(d).

■ 17. Table 13 to Subpart CC is amended by revising the entry “Hydrogen analyzer” to read as follows:

TABLE 13—CALIBRATION AND QUALITY CONTROL REQUIREMENTS FOR CPMS

Parameter	Minimum accuracy requirements	Calibration requirements
Hydrogen analyzer	±2 percent over the concentration measured or 0.1 volume percent, whichever is greater.	Specify calibration requirements in your site specific CPMS monitoring plan. Calibration requirements should follow manufacturer's recommendations at a minimum. Where feasible, select the sampling location at least two equivalent duct diameters from the nearest control device, point of pollutant generation, air in-leakages, or other point at which a change in the pollutant concentration occurs.

Subpart UUU—National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units

■ 18. Section 63.1564 is amended by revising the introductory text of paragraphs (b)(4)(iii), (c)(3), and (c)(4) and revising paragraph (c)(5)(iii) to read as follows:

§ 63.1564 What are my requirements for metal HAP emissions from catalytic cracking units?

* * * * *

(b) * * *

(4) * * *

(iii) If you elect Option 3 in paragraph (a)(1)(v) of this section, the Ni lb/hr emission limit, compute your Ni emission rate using Equation 5 of this section and your site-specific Ni

operating limit (if you use a continuous opacity monitoring system) using Equations 6 and 7 of this section as follows:

* * * * *

(c) * * *

(3) If you use a continuous opacity monitoring system and elect to comply with Option 3 in paragraph (a)(1)(v) of this section, determine continuous compliance with your site-specific Ni

operating limit by using Equation 11 of this section as follows:

* * * * *

(4) If you use a continuous opacity monitoring system and elect to comply with Option 4 in paragraph (a)(1)(vi) of this section, determine continuous compliance with your site-specific Ni operating limit by using Equation 12 of this section as follows:

* * * * *

(5) * * *

(iii) Calculating the inlet velocity to the primary internal cyclones in feet per second (ft/sec) by dividing the average volumetric flow rate (acfm) by the cumulative cross-sectional area of the primary internal cyclone inlets (ft²) and by 60 seconds/minute (for unit conversion).

* * * * *

■ 19. Section 63.1565 is amended by revising paragraph (a)(5)(ii) to read as follows:

§ 63.1565 What are my requirements for organic HAP emissions from catalytic cracking units?

(a) * * *

(5) * * *

(ii) You can elect to maintain the oxygen (O₂) concentration in the exhaust gas from your catalyst regenerator at or above 1 volume percent (dry basis) or 1 volume percent (wet basis with no moisture correction).

* * * * *

■ 20. Section 63.1569 is amended by revising paragraph (c)(2) to read as follows:

§ 63.1569 What are my requirements for HAP emissions from bypass lines?

* * * * *

(c) * * *

(2) Demonstrate continuous compliance with the work practice standard in paragraph (a)(3) of this section by complying with the procedures in your operation, maintenance, and monitoring plan.

■ 21. Section 63.1571 is amended by revising the introductory text of paragraphs (a), (a)(5) and (a)(6), and by revising the introductory text of paragraphs (d)(1) and (d)(2) to read as follows:

§ 63.1571 How and when do I conduct a performance test or other initial compliance demonstration?

(a) *When must I conduct a performance test?* You must conduct initial performance tests and report the results by no later than 150 days after the compliance date specified for your source in § 63.1563 and according to the provisions in § 63.7(a)(2) and

§ 63.1574(a)(3). If you are required to do a performance evaluation or test for a semi-regenerative catalytic reforming unit catalyst regenerator vent, you may do them at the first regeneration cycle after your compliance date and report the results in a followup Notification of Compliance Status report due no later than 150 days after the test. You must conduct additional performance tests as specified in paragraphs (a)(5) and (6) of this section and report the results of these performance tests according to the provisions in § 63.1575(f).

(5) *Periodic performance testing for PM or Ni.* Except as provided in paragraphs (a)(5)(i) and (ii) of this section, conduct a periodic performance test for PM or Ni for each catalytic cracking unit at least once every 5 years according to the requirements in Table 4 of this subpart. You must conduct the first periodic performance test no later than August 1, 2017 or within 150 days of startup of a new unit.

(6) *One-time performance testing for Hydrogen Cyanide (HCN).* Conduct a performance test for HCN from each catalytic cracking unit no later than August 1, 2017 or within 150 days of startup of a new unit according to the applicable requirements in paragraphs (a)(6)(i) and (ii) of this section.

* * * * *

(d) * * *

(1) If you must meet the HAP metal emission limitations in § 63.1564, you elect the option in paragraph (a)(1)(v) in § 63.1564 (Ni lb/hr), and you use continuous parameter monitoring systems, you must establish an operating limit for the equilibrium catalyst Ni concentration based on the laboratory analysis of the equilibrium catalyst Ni concentration from the initial performance test. Section 63.1564(b)(2) allows you to adjust the laboratory measurements of the equilibrium catalyst Ni concentration to the maximum level. You must make this adjustment using Equation 1 of this section as follows:

* * * * *

(2) If you must meet the HAP metal emission limitations in § 63.1564, you elect the option in paragraph (a)(1)(vi) in § 63.1564 (Ni per coke burn-off), and you use continuous parameter monitoring systems, you must establish an operating limit for the equilibrium catalyst Ni concentration based on the laboratory analysis of the equilibrium catalyst Ni concentration from the initial performance test. Section 63.1564(b)(2) allows you to adjust the laboratory measurements of the

equilibrium catalyst Ni concentration to the maximum level. You must make this adjustment using Equation 2 of this section as follows:

* * * * *

■ 22. Section 63.1572 is amended by revising paragraphs (c)(1) and (d)(1) to read as follows:

§ 63.1572 What are my monitoring installation, operation, and maintenance requirements?

* * * * *

(c) * * *

(1) You must install, operate, and maintain each continuous parameter monitoring system according to the requirements in Table 41 of this subpart. You must also meet the equipment specifications in Table 41 of this subpart if pH strips or colorimetric tube sampling systems are used. You must meet the requirements in Table 41 of this subpart for BLD systems. Alternatively, before August 1, 2017, you may install, operate, and maintain each continuous parameter monitoring system in a manner consistent with the manufacturer's specifications or other written procedures that provide adequate assurance that the equipment will monitor accurately.

* * * * *

(d) * * *

(1) Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities (including as applicable, calibration checks and required zero and span adjustments), you must conduct all monitoring in continuous operation (or collect data at all required intervals) at all times the affected source is operating.

* * * * *

■ 23. Section 63.1573 is amended by revising paragraph (a)(1) introductory text to read as follows:

§ 63.1573 What are my monitoring alternatives?

(a) * * * (1) You may use this alternative to a continuous parameter monitoring system for the catalytic regenerator exhaust gas flow rate for your catalytic cracking unit if the unit does not introduce any other gas streams into the catalyst regeneration vent (*i.e.*, complete combustion units with no additional combustion devices). You may also use this alternative to a continuous parameter monitoring system for the catalytic regenerator atmospheric exhaust gas flow rate for your catalytic reforming unit during the coke burn and rejuvenation cycles if the unit operates as a constant pressure system during these cycles. You may

also use this alternative to a continuous parameter monitoring system for the gas flow rate exiting the catalyst regenerator to determine inlet velocity to the primary internal cyclones as required in § 63.1564(c)(5) regardless of the configuration of the catalytic regenerator exhaust vent downstream of the regenerator (*i.e.*, regardless of whether or not any other gas streams are introduced into the catalyst regeneration vent). Except, if you only use this alternative to demonstrate compliance with § 63.1564(c)(5), you shall use this procedure for the performance test and for monitoring after the performance test. You shall:

* * * * *

■ 24. Section 63.1574 is amended by revising paragraph (a)(3)(ii) to read as follows:

§ 63.1574 What notifications must I submit and when?

(a) * * *

(3) * * *

(ii) For each initial compliance demonstration that includes a performance test, you must submit the notification of compliance status no later than 150 calendar days after the compliance date specified for your affected source in § 63.1563. For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test, you must submit the results in accordance with § 63.1575(k)(1)(i) by the date that you submit the Notification of Compliance Status, and you must include the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted in the Notification of Compliance Status. For performance evaluations of continuous monitoring systems (CMS) measuring relative accuracy test audit (RATA) pollutants that are supported by the EPA's ERT as listed on the EPA's ERT website at the time of the evaluation, you must submit the results in accordance with § 63.1575(k)(2)(i) by the date that you submit the Notification of Compliance Status, and you must include the process unit where the CMS is installed, the parameter measured by the CMS, and the date that the performance evaluation was conducted in the Notification of Compliance Status. All other performance test and performance evaluation results (*i.e.*, those not supported by EPA's ERT) must be reported in the Notification of Compliance Status.

* * * * *

■ 25. Section 63.1575 is amended by:

■ a. Revising paragraphs (f)(1), (k)(1) introductory text and (k)(2) introductory text; and

■ b. Adding paragraph (l).

The revisions and additions read as follows:

§ 63.1575 What reports must I submit and when?

* * * * *

(f) * * *

(1) A copy of any performance test or performance evaluation of a CMS done during the reporting period on any affected unit, if applicable. The report must be included in the next semiannual compliance report. The copy must include a complete report for each test method used for a particular kind of emission point tested. For additional tests performed for a similar emission point using the same method, you must submit the results and any other information required, but a complete test report is not required. A complete test report contains a brief process description; a simplified flow diagram showing affected processes, control equipment, and sampling point locations; sampling site data; description of sampling and analysis procedures and any modifications to standard procedures; quality assurance procedures; record of operating conditions during the test; record of preparation of standards; record of calibrations; raw data sheets for field sampling; raw data sheets for field and laboratory analyses; documentation of calculations; and any other information required by the test method. For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test, you must submit the results in accordance with paragraph (k)(1)(i) of this section by the date that you submit the compliance report, and instead of including a copy of the test report in the compliance report, you must include the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted in the compliance report. For performance evaluations of CMS measuring relative accuracy test audit (RATA) pollutants that are supported by the EPA's ERT as listed on the EPA's ERT website at the time of the evaluation, you must submit the results in accordance with paragraph (k)(2)(i) of this section by the date that you submit the compliance report, and you must include the process unit where the CMS is installed, the parameter measured by the CMS,

and the date that the performance evaluation was conducted in the compliance report. All other performance test and performance evaluation results (*i.e.*, those not supported by EPA's ERT) must be reported in the compliance report.

* * * * *

(k) * * *

(1) Unless otherwise specified by this subpart, within 60 days after the date of completing each performance test as required by this subpart, you must submit the results of the performance tests following the procedure specified in either paragraph (k)(1)(i) or (ii) of this section.

* * * * *

(2) Unless otherwise specified by this subpart, within 60 days after the date of completing each CEMS performance evaluation required by § 63.1571(a) and (b), you must submit the results of the performance evaluation following the procedure specified in either paragraph (k)(2)(i) or (ii) of this section.

* * * * *

(l) *Extensions to electronic reporting deadlines.* (1) If you are required to electronically submit a report through the Compliance and Emissions Data Reporting Interface (CEDRI) in the EPA's Central Data Exchange (CDX), and due to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX and submitting a required report within the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description identifying the date(s) and time(s) the CDX or CEDRI were unavailable when you attempted to access it in the 5 business days prior to the submission deadline; a rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved. The decision to accept the

claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(2) If you are required to electronically submit a report through CEDRI in the EPA's CDX and a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due, the owner or operator may assert a claim of force majeure for failure to timely comply with the reporting requirement. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of

such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage). If you intend to assert a claim of force majeure, you must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the reporting must

occur as soon as possible after the force majeure event occurs. The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

■ 26. Section 63.1576 is amended by revising paragraph (a)(2)(i) to read as follows:

§ 63.1576 What records must I keep, in what form, and for how long?

(a) * * *

(2) * * *

(i) Record the date, time, and duration of each startup and/or shutdown period for which the facility elected to comply with the alternative standards in § 63.1564(a)(5)(ii) or § 63.1565(a)(5)(ii) or § 63.1568(a)(4)(ii) or (iii).

* * * * *

■ 27. Table 3 to Subpart UUU is amended by revising the table heading and entries for items 2.c, 6, 7, 8 and 9 to read as follows:

TABLE 3 TO SUBPART UUU OF PART 63—CONTINUOUS MONITORING SYSTEMS FOR METAL HAP EMISSIONS FROM CATALYTIC CRACKING UNITS

For each new or existing catalytic cracking unit . . .	If you use this type of control device for your vent . . .	You shall install, operate, and maintain a . . .
2. * * *	c. Wet scrubber	Continuous parameter monitoring system to measure and record the pressure drop across the scrubber, ² the gas flow rate entering or exiting the control device, ¹ and total liquid (or scrubbing liquor) flow rate to the control device.
6. Option 1a: Elect NSPS subpart J, PM per coke burn-off limit, not subject to the NSPS for PM in 40 CFR 60.102 or 60.102a(b)(1).	Any	See item 1 of this table.
7. Option 1b: Elect NSPS subpart Ja, PM per coke burn-off limit, not subject to the NSPS for PM in 40 CFR 60.102 or 60.102a(b)(1).	Any	The applicable continuous monitoring systems in item 2 of this table.
8. Option 1c: Elect NSPS subpart Ja, PM concentration limit not subject to the NSPS for PM in 40 CFR 60.102 or 60.102a(b)(1).	Any	See item 3 of this table.
9. Option 2: PM per coke burn-off limit, not subject to the NSPS for PM in 40 CFR 60.102 or 60.102a(b)(1).	Any	The applicable continuous monitoring systems in item 2 of this table.

¹ If applicable, you can use the alternative in § 63.1573(a)(1) instead of a continuous parameter monitoring system for gas flow rate.

² If you use a jet ejector type wet scrubber or other type of wet scrubber equipped with atomizing spray nozzles, you can use the alternative in § 63.1573(b) instead of a continuous parameter monitoring system for pressure drop across the scrubber.

■ 28. Table 4 to Subpart UUU of Part 63 is amended by revising the entries for items 9.c and 10.c to read as follows:

* * * * *

TABLE 4 TO SUBPART UUU OF PART 63—REQUIREMENTS FOR PERFORMANCE TESTS FOR METAL HAP EMISSIONS FROM CATALYTIC CRACKING UNITS

	*	*	*	*	*	*	*
For each new or existing catalytic cracking unit catalyst regenerator vent . . .	You must . . .	Using . . .	According to these requirements . . .				
9. * * *	c. Determine the equilibrium catalyst Ni concentration.	XRF procedure in appendix A to this subpart 1; or EPA Method 6010B or 6020 or EPA Method 7520 or 7521 in SW-8462; or an alternative to the SW-846 method satisfactory to the Administrator.	You must obtain 1 sample for each of the 3 test runs; determine and record the equilibrium catalyst Ni concentration for each of the 3 samples; and you may adjust the laboratory results to the maximum value using Equation 1 of § 63.1571, if applicable.				
10. * * *	c. Determine the equilibrium catalyst Ni concentration.	See item 9.c. of this table	You must obtain 1 sample for each of the 3 test runs; determine and record the equilibrium catalyst Ni concentration for each of the 3 samples; and you may adjust the laboratory results to the maximum value using Equation 2 of § 63.1571, if applicable.				

* * * * *

■ 29. Table 5 to Subpart UUU is amended by revising the entry for item 3 to read as follows:

TABLE 5 TO SUBPART UUU OF PART 63—INITIAL COMPLIANCE WITH METAL HAP EMISSION LIMITS FOR CATALYTIC CRACKING UNITS

	*	*	*	*	*	*	*
For each new and existing catalytic cracking unit . . .	For the following emission limit . . .	You have demonstrated compliance if . . .					
3. Subject to NSPS for PM in 40 CFR 60.102a(b)(1)(ii), electing to meet the PM per coke burn-off limit.	PM emissions must not exceed 0.5 g/kg (0.5 lb PM/1,000 lb) of coke burn-off).	You have already conducted a performance test to demonstrate initial compliance with the NSPS and the measured PM emission rate is less than or equal to 0.5 g/kg (0.5 lb/1,000 lb) of coke burn-off in the catalyst regenerator. As part of the Notification of Compliance Status, you must certify that your vent meets the PM limit. You are not required to do another performance test to demonstrate initial compliance. As part of your Notification of Compliance Status, you certify that your BLD; CO ₂ , O ₂ , or CO monitor; or continuous opacity monitoring system meets the requirements in § 63.1572.					

■ 30. Table 6 to Subpart UUU is amended by revising the entries for items 1.a.ii and 7 to read as follows:

TABLE 6 TO SUBPART UUU OF PART 63—CONTINUOUS COMPLIANCE WITH METAL HAP EMISSION LIMITS FOR CATALYTIC CRACKING UNITS

For each new and existing catalytic cracking unit . . .	Subject to this emission limit for your catalyst regenerator vent . . .	You shall demonstrate continuous compliance by . . .				
1. * * *	a. * * *	ii. Conducting a performance test before August 1, 2017 or within 150 days of startup of a new unit and thereafter following the testing frequency in § 63.1571(a)(5) as applicable to your unit.				
7. Option 1b: Elect NSPS subpart Ja requirements for PM per coke burn-off limit, not subject to the NSPS for PM in 40 CFR 60.102 or 60.102a(b)(1).	PM emissions must not exceed 1.0 g/kg (1.0 lb PM/1,000 lb) of coke burn-off.	See item 2 of this table.				

■ 31. Table 10 to Subpart UUU is amended by revising the entry for item 3 to read as follows:

TABLE 10 TO SUBPART UUU OF PART 63—CONTINUOUS MONITORING SYSTEMS FOR ORGANIC HAP EMISSIONS FROM CATALYTIC CRACKING UNITS

For each new or existing catalytic cracking unit . . .	And you use this type of control device for your vent . . .	You shall install, operate, and maintain this type of continuous monitoring system . . .				
3. During periods of startup, shutdown or hot standby electing to comply with the operating limit in § 63.1565(a)(5)(ii).	Any	Continuous parameter monitoring system to measure and record the concentration by volume (wet or dry basis) of oxygen from each catalyst regenerator vent. If measurement is made on a wet basis, you must comply with the limit as measured (no moisture correction).				

■ 32. Table 43 to Subpart UUU is amended by revising the entry for item 2 to read as follows:

TABLE 43 TO SUBPART UUU OF PART 63—REQUIREMENTS FOR REPORTS

You must submit . . .	The report must contain . . .		You shall submit the report . . .			
2. Performance test and CEMS performance evaluation data.	On and after February 1, 2016, the information specified in § 63.1575(k)(1).		Semiannually according to the requirements in § 63.1575(b) and (f).			

■ 33. Table 44 to Subpart UUU is amended by revising the entries

“63.6(f)(3)”, “63.6(h)(7)(i)”, “63.6(h)(8)”, “63.7(a)(2)”, “63.7(g)”,

“63.8(e)”, “63.10(d)(2)”, “63.10(e)(1)–(2)”, and “63.10(e)(4)” to read as follows:

TABLE 44 TO SUBPART UUU OF PART 63—APPLICABILITY OF NESHAP GENERAL PROVISIONS TO SUBPART UUU

Citation	Subject	Applies to subpart UUU	Explanation
§ 63.6(f)(3) .....	.....	Yes	Except the cross-references to § 63.6(f)(1) and (e)(1)(i) are changed to § 63.1570(c) and this subpart specifies how and when the performance test results are reported.
§ 63.6(h)(7)(i)	Report COM Monitoring Data from Performance Test.	Yes	Except this subpart specifies how and when the performance test results are reported.
§ 63.6(h)(8)	Determining Compliance with Opacity/VE Standards.	Yes	Except this subpart specifies how and when the performance test results are reported.
§ 63.7(a)(2)	Performance Test Dates	Yes	Except this subpart specifies that the results of initial performance tests must be submitted within 150 days after the compliance date.
§ 63.7(g)	Data Analysis, Recordkeeping, Reporting.	Yes	Except this subpart specifies how and when the performance test or performance evaluation results are reported and § 63.7(g)(2) is reserved and does not apply.
§ 63.8(e)	CMS Performance Evaluation	Yes	Except this subpart specifies how and when the performance evaluation results are reported.
§ 63.10(d)(2)	Performance Test Results	No	This subpart specifies how and when the performance test results are reported.
§ 63.10(e)(1)–(2)	Additional CMS Reports	Yes	Except this subpart specifies how and when the performance evaluation results are reported.
§ 63.10(e)(4)	COMS Data Reports	Yes	Except this subpart specifies how and when the performance test results are reported.

warrant, or petty officer designated by the Captain of the Port North Carolina (COTP) for the enforcement of the safety zone.

(c) *Regulations.* (1) The general regulations governing safety zones in subpart C of this part apply to the area described in paragraph (a) of this section.

(2) Entry into or remaining in this safety zone is prohibited unless authorized by the COTP North Carolina or the COTP North Carolina's designated representative.

(3) All vessels within this safety zone when this section becomes effective must depart the zone immediately.

(4) To request permission to remain in, enter, or transit through the safety zone, contact the COTP North Carolina or the COTP North Carolina's representative through the Coast Guard Sector North Carolina Command Duty Officer, Wilmington, North Carolina, at telephone number 910-343-3882, or on VHF-FM marine band radio channel 13 (165.65 MHz) or channel 16 (156.8 MHz).

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

Dated: June 25, 2018.

Bion B. Stewart,

Captain, U.S. Coast Guard, Captain of the Port North Carolina.

[FR Doc. 2018-14169 Filed 6-29-18; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA-HQ-OAR-2009-0234; FRL-9980-41-OAR]

RIN 2060-AT42

Remaining Requirements for Mercury and Air Toxics Standards (MATS) Electronic Reporting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to extend the period during which certain electronic reports required by the Mercury and Air Toxics Standards (MATS) may be submitted as portable document format (PDF) files using the Emissions Collection and Monitoring Plan System (ECMPS) Client Tool. This action will extend the end date of that period from June 30, 2018, to July 1, 2020. This extension is necessary because the electronic reporting system that owners or operators of affected MATS sources will be required to use when PDF filing is no longer allowed will not be available by June 30, 2018. This extension does not alter the responsibility of owners or operators of affected MATS sources to comply with the applicable MATS and report their compliance information to the appropriate authority. In addition, this extension ensures that the compliance information can be submitted in a timely manner and made available to the public. Finally, this rule is effective on July 1, 2018, to provide the regulated community a continuous and viable vehicle to submit compliance reports.

DATES: This final rule is effective on July 1, 2018.

ADDRESSES: *Docket:* The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2009-0234. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Mr. Barrett Parker, Sector Policies and Programs Division, Office of Air Quality Planning and Standards (D243-05), Environmental Protection Agency, Research Triangle Park, NC 27711;

telephone number: (919) 541-5635; email address: parker.barrett@epa.gov.

SUPPLEMENTARY INFORMATION: The information in this preamble is organized as follows:

- I. General Information
 - A. Does this action apply to me?
 - B. What action is the Agency taking?
 - C. What is the Agency's authority for taking this action?
 - D. What are the incremental costs and benefits of this action?
- II. Supplemental Information
 - A. Background
 - B. Why is the Agency taking final action without providing an opportunity for public comment?
 - C. Why is the Agency making this action effective on July 1, 2018?
- III. What is the scope of this amendment?
- IV. What specific amendments to 40 CFR part 63, subpart UUUUU are made by this rule?
- V. Statutory and Executive Order Reviews
 - A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
 - B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs
 - C. Paperwork Reduction Act (PRA)
 - D. Regulatory Flexibility Act (RFA)
 - E. Unfunded Mandates Reform Act (UMRA)
 - F. Executive Order 13132: Federalism
 - G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
 - H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
 - I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
 - J. National Technology Transfer and Advancement Act (NTTAA)
 - K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
 - L. Congressional Review Act (CRA)

I. General Information

A. Does this action apply to me?

Categories and entities potentially affected by this action include:

Category	NAICS code ¹	Examples of potentially regulated entities
Industry	221112	Fossil fuel-fired EGUs.
Federal government	² 221122	Fossil fuel-fired EGUs owned by the Federal government.
State/local/Tribal government	² 221122	Fossil fuel-fired EGUs owned by municipalities.
	921150	Fossil fuel-fired EGUs in Indian country.

¹ North American Industry Classification System.

² Federal, state, or local government-owned and operated establishments are classified according to the activity in which they are engaged.

This table is not intended to be exhaustive, but rather provides a guide

for readers regarding entities likely to be regulated by this action. This table lists

the types of entities that the EPA is now aware could potentially be regulated by

this action. Other types of entities not listed in the table could also be regulated. To determine whether your entity is regulated by this action, you should carefully examine the applicability criteria in 40 CFR 63.9981 of the rule. If you have questions regarding the applicability of this action to a particular entity, consult either the air permitting authority for the entity or your EPA Regional representative as listed in 40 CFR 63.13.

B. What action is the Agency taking?

This final action extends the period allowing owners or operators of affected sources subject to the National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units (commonly known as the Mercury and Air Toxics Standards (MATS)) to submit certain reports as PDF file attachments using the ECMPS Client Tool until July 1, 2020. Prior to this extension, that period was scheduled to end on June 30, 2018. As explained further below, the EPA finds that there is “good cause” under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(B)) to make the amendments extending the deadline final without prior notice and comment, in part because the rule maintains the status quo, and the reporting system that would apply without the extension (*i.e.*, the Compliance and Emissions Data Reporting Interface (CEDRI)) is currently unable to accept the MATS reports, thus, making it impossible for the regulated community to comply with all reporting requirements without this extension. Thus, as explained further below, the EPA maintains that notice and comment is unnecessary and contrary to the public interest for this action. The EPA also finds good cause under APA 553(d)(3) to make this rule effective on July 1, 2018, instead of 30 days after publication as generally required, to ensure that there are no gaps in the regulated community’s ability to submit all the required reports.

C. What is the Agency’s authority for taking this action?

The Agency’s authority is found at 42 U.S.C. 7401 *et seq.* and 5 U.S.C. 553 *et seq.*

D. What are the incremental costs and benefits of this action?

This extension of the time period allowing temporary submission of PDF file attachments has neither costs nor benefits.

II. Supplemental Information

A. Background

On February 12, 2012, the EPA issued the final MATS (77 FR 9304; February 16, 2012). In that rule, owners or operators of coal- or oil-fired electric utility steam generating units (EGUs) were required to report emissions and compliance information electronically using two data systems: The ECMPS Client Tool and CEDRI. The two electronic reporting systems were intended to accept different MATS compliance related information (*e.g.*, the ECMPS Client Tool was to be used by EGU owners or operators to report, among other things, mercury (Hg) continuous monitoring data and the CEDRI system was to be used to submit, among other things, semiannual compliance reports). See 40 CFR 63.10031(a), (f).

After promulgation, but prior to the existing-source compliance date of April 16, 2015, the regulated community suggested to the EPA that the electronic reporting burden of MATS could be significantly reduced if all the required information were reported to one data system instead of two. Specifically, the regulated community suggested that the EPA amend MATS to require all the data to be reported through the ECMPS Client Tool, which is a familiar data system that most EGU owners or operators have been using since 2009 to meet the electronic reporting requirements of the Acid Rain Program.

In response, the EPA decided to require all electronic reports required by MATS to be submitted through the ECMPS Client Tool, but the Agency recognized that it could not make the necessary changes to the ECMPS Client Tool by the April 16, 2015, compliance date. For that reason, the EPA issued a final rule on March 24, 2015, prior to the MATS compliance date, revising the MATS reporting requirements (80 FR 15511; March 24, 2015). Among other things, the final rule suspended the requirement to submit to CEDRI the MATS compliance reports described in 40 CFR 63.10031(f)(1), (f)(2), and (f)(4), and instead allowed parties to submit those reports to the ECMPS Client Tool as PDF files. See 40 CFR 63.10031(f)(6). The EPA included a self-imposed deadline of April 17, 2017, to revise the ECMPS Client Tool to accept all of the MATS compliance information. If the revised system was not ready by that date, the rule required reporting of the MATS compliance data to revert to the original two-system approach on and after that date. See 40 CFR 63.10031(f).

On September 29, 2016, the EPA proposed for comment to revise MATS

to require a single electronic reporting system, (*i.e.*, the ECMPS Client Tool), and also proposed to extend the PDF file reporting period from April 17, 2017, to December 31, 2017, by which date the Agency believed it would complete the necessary changes to the ECMPS Client Tool (81 FR 67062; September 29, 2016). The comment period was scheduled to close on October 31, 2016, but it was subsequently extended until November 15, 2016, in response to requests from several stakeholders for an extension. The public comments were generally supportive of simplifying and streamlining the MATS reporting requirements and to use the ECMPS Client Tool as the single electronic reporting system. However, industry commenters questioned whether the EPA would complete the changes to the ECMPS Client Tool by December 31, 2017, and suggested dates ranging from six quarters after completion of the final rule was issued to 2020. No commenters stated that the EPA should not extend the PDF file reporting period. On April 6, 2017, the EPA finalized an extension of the PDF file reporting period from April 17, 2017, to June 30, 2018, because the Agency recognized it would not complete the necessary revisions to the ECMPS Client Tool and conduct the necessary testing by the December 31, 2017, proposed extension date (82 FR 16736; April 6, 2017).¹

The EPA continues to work on the ECMPS Client Tool, but the Agency recently concluded that the changes and necessary testing will not be completed by June 30, 2018. In addition, the CEDRI interface is not currently capable of accepting the compliance reports that are currently being submitted via PDF files to the ECMPS Client Tool. This means that EGU owners or operators would be unable to submit the required reports if PDF file reporting authority is not extended. Moreover, the CEDRI interface cannot be operational before July 1, 2018 (*i.e.*, the first date CEDRI reporting would be required absent an extension), and the EPA is continuing to change the ECMPS Client Tool to accept all of the MATS compliance reports. For these reasons, the EPA has concluded that it is reasonable to continue to allow the PDF file reporting option. This extension changes neither the responsibility of all owners or operators of affected sources to comply with the applicable MATS emissions standards and other requirements nor the compliance information available to the

¹ In addition to extending the interim PDF file submission process to June 30, 2018, the final rule also made a few technical corrections to Appendix A.

public as PDF files. For all these reasons, the EPA is revising the reporting requirements in the MATS regulations, 40 CFR 63.10021 and 63.10031, by extending the period for affected sources to submit certain compliance related information via PDF file reports from June 30, 2018, to July 1, 2020.

B. Why is the Agency taking final action without providing an opportunity for public comment?

As noted above, this action amends the reporting requirements by extending the period for affected sources to submit certain compliance related information via PDF file reports. This extension is critical because: (1) The EPA is still working to revise the ECMPS Client Tool so that it can accept all of the MATS compliance reports, and (2) the CEDRI system that would apply without this extension is not able to accept the compliance reports that are currently being submitted via PDF files. Without this action, affected source owners or operators would be unable to report certain MATS compliance information as required in the regulations and, as a result, the public would not have access to that information.

Section 553(b)(B) of the APA, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. *See also* the final sentence of section 307(d)(1) of the Clean Air Act (CAA), 42 U.S.C. 7607(d)(1), indicating that CAA section 307(d) does not apply in the case of any rule or circumstance referred to in section 553(b)(B) of the APA. As explained further below, the EPA finds that providing notice and comment is unnecessary in this situation because the extension of PDF file reporting maintains the status quo and does not relieve the regulated community of its responsibility to comply with the MATS. In addition, when in April 2017 the EPA proposed and finalized an extension of the PDF file reporting requirement, the Agency received no comments against or legal challenge to that extension rulemaking. Finally, the EPA also finds that notice and comment rulemaking in these circumstances would be contrary to the public interest because the electronic system that would apply without the extension (*i.e.*, CEDRI) is currently unable to accept the MATS compliance reports that are currently being submitted via PDF files. Therefore, it would not be possible for affected source owners or operators to

comply with all of the MATS reporting requirements without the extension and the public would be deprived of certain compliance related information as a result. The delay that would be inherent in notice and comment rulemaking would result in a potential loss of public availability of compliance information that is contrary to the public interest.

The EPA has determined that notice and comment procedures are unnecessary here for a number of reasons. First, this action will simply maintain the status quo and does not introduce any new substantive requirements.

Second, the EPA has no viable alternative to extending of PDF file reporting given that the CEDRI system is not currently able to accept the necessary reports. The EPA has concluded that the July 2020 extension date will provide the necessary time to complete the changes to and test the ECMPS Client Tool.

Third, the Agency previously provided an opportunity for comment on whether a PDF file reporting extension is justified where the electronic reporting system is not available. The Agency provided this opportunity for comment in the September 29, 2016, proposed rule (finalized April 6, 2017) to extend the PDF file reporting until June 30, 2018 (81 FR 67062; September 29, 2016 and 82 FR 16736; April 7, 2017). The EPA did not receive any comments suggesting that the extension of the PDF file reporting was unreasonable, although commenters did suggest the Agency provide more time than proposed. As a result, the Agency finalized an extension to June 30, 2018, 7 months longer than proposed, but considerably less time than suggested in comments. *See* 82 FR 16736. In this final rule, the EPA is recognizing that, as commenters in 2016 suggested, more time is needed to complete the move to the ECMPS Client Tool and that a longer extension of the PDF file reporting than the one previously afforded is appropriate.

In addition to finding that notice and comment rulemaking is unnecessary, the EPA also finds that providing notice and comment in this situation would be contrary to the public interest. If the EPA were to delay this action to provide an opportunity for public comment, there would be a gap period during which the public would not have access to all of the MATS compliance information required by the rule. As explained above, the CEDRI system is not currently capable of accepting the MATS compliance reports that parties would be required to submit to it. Thus,

if the PDF file reporting extension were not provided, some MATS compliance information would not be accessible to the public for some time. In addition, EGU owners or operators, along with the public and regulatory agencies, are already familiar with the interim PDF file submission process and the EPA continues to work on the ECMPS Client Tool so that it can accept all of the MATS compliance reports. The current process of EGU owners or operators attaching PDF files when submitting reports via the ECMPS Client Tool is well understood by all parties interested in the data and ensures that all compliance data are reported. Conversely, EGU owners or operators are not familiar with CEDRI reporting for MATS, so requiring compliance with CEDRI for some interim period before the full implementation of the ECMPS Client Tool would potentially cause confusion for the regulated community and the public. The EPA maintains that, in light of these facts, it is contrary to the public interest to have an interim period during which both the EPA and EGU owners or operators would have to expend the resources and time necessary to enable partial CEDRI reporting before fully converting to the ECMPS Client Tool. For these reasons, the EPA finds that providing notice and comment in these particular circumstances would be contrary to the public interest.

For all these reasons, the EPA finds good cause exists under section 553(b)(B) of the APA to issue this final rule without prior notice and opportunity for comment.

C. Why is the Agency making this action effective on July 1, 2018?

The EPA also finds good cause to make this final rule effective on July 1, 2018. Section 553(d) of the APA, 5 U.S.C. 553(d), provides that final rules shall not become effective until 30 days after publication in the **Federal Register**, "except . . . as otherwise provided by the agency for good cause," among other exceptions. The purpose of this provision is to "give affected parties a reasonable time to adjust their behavior before the final rule takes effect." *Omnipoint Corp. v. FCC*, 78 F.3d 620, 630 (DC Cir. 1996); *see also United States v. Gavrilovic*, 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history). Thus, in determining whether good cause exists to waive the 30-day delay, an agency should "balance the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable amount of time

to prepare for the effective date of its ruling.” *Gavrilovic*, 551 F.2d at 1105. The EPA has determined that it is necessary to make this final rule effective on July 1, 2018, instead of 30 days after publication in the **Federal Register**, to ensure that there are no gaps in the ability of affected MATS sources to submit the required compliance reports, given that the current authority to submit PDF file reports expires on June 30, 2018. The EPA also has determined that the owners or operators of affected MATS sources do not need time to adjust to this final action because this final rule simply maintains the status quo and does not introduce any new substantive requirements.

For these reasons, the EPA finds good cause exists under section 553(d)(3) of the APA to make this rule effective on July 1, 2018, instead of 30 days after publication in the **Federal Register**.

III. What is the scope of this amendment?

This action amends the reporting requirement in the MATS regulation, 40 CFR 63.10021 and 10031.

IV. What specific amendments to 40 CFR part 63, subpart UUUUU are made by this rule?

The interim PDF reporting process described in 40 CFR 63.10031(f) has been further extended through June 30, 2020, to allow sufficient time for software development, programming, and testing. Until then, compliance with the emissions and operating limits continues to be assessed based on the various PDF file report submittals described in 40 CFR 63.10021(e)(9) and 63.10031(f). Data are also obtained from Hg, hydrogen chloride, hydrogen fluoride, and sulfur dioxide continuous emission monitoring systems, as well as Hg sorbent trap monitoring systems, as reported through the ECMPS Client Tool.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulation and has assigned OMB Control Number 2060–0567. This action does not change the information collection requirements, and this action does not impose any new information collection burden under the PRA.

D. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the APA, 5 U.S.C. 553, or any other statute. This rule is not subject to notice and comment requirements because the Agency has invoked the APA “good cause” exemption under 5 U.S.C. 553(b).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. As described earlier, this action has no net regulatory burden on governments already subject to MATS. Accordingly, we have determined that this action will not result in any “significant” adverse economic impact for small governments.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. As described earlier, this action has no substantial direct effect on Indian tribes already subject to MATS. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This regulatory action extends the deadline for interim reporting of electronic data; it does not have any impact on human health or the environment.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and comment rulemaking procedures are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 808(2)). The EPA has made a good cause finding for this rule as discussed in sections II.B and C of this preamble, including the basis for that finding.

List of Subjects in 40 CFR Part 63

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

Dated: June 26, 2018.

E. Scott Pruitt,
Administrator.

For the reasons set forth in the preamble, the EPA amends 40 CFR part 63 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 UUUUU—National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units

■ 2. Section 63.10021 is amended by revising paragraph (e)(9) to read as follows:

§ 63.10021 How do I demonstrate continuous compliance with the emission limitations, operating limits, and work practice standards?

* * * * *

(e) * * *

(9) Report the dates of the initial and subsequent tune-ups in hard copy, as specified in 63.10031(f)(5), through June 30, 2020. On or after July 1, 2020, report the date of all tune-ups electronically, in accordance with § 63.10031(f). The tune-up report date is the date when tune-up requirements in paragraphs (e)(6) and (7) of this section are completed.

* * * * *

■ 3. Section 63.10031 is amended by revising paragraphs (f) introductory text, (f)(1), (2), (4), and (f)(6) introductory text to read as follows:

§ 63.10031 What reports must I submit and when?

* * * * *

(f) On or after July 1, 2020, within 60 days after the date of completing each performance test, you must submit the performance test reports required by this subpart to the EPA's WebFIRE database by using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov>). Performance test data must be submitted in the file format generated through use of EPA's Electronic Reporting Tool (ERT) (see <https://www.epa.gov/ttn/chief/ert/index.html>). Only data collected using those test methods on the ERT website are subject to this requirement for submitting reports electronically to WebFIRE. Owners or operators who

claim that some of the information being submitted for performance tests is confidential business information (CBI) must submit a complete ERT file including information claimed to be CBI on a compact disk or other commonly used electronic storage media (including, but not limited to, flash drives) to EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAPQS/CORE CBI Office, Attention: WebFIRE Administrator, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same ERT file with the CBI omitted must be submitted to EPA via CDX as described earlier in this paragraph. At the discretion of the delegated authority, you must also submit these reports, including the confidential business information, to the delegated authority in the format specified by the delegated authority.

(1) On or after July 1, 2020, within 60 days after the date of completing each CEMS (SO₂, PM, HCl, HF, and Hg) performance evaluation test, as defined in § 63.2 and required by this subpart, you must submit the relative accuracy test audit (RATA) data (or, for PM CEMS, RCA and RRA data) required by this subpart to EPA's WebFIRE database by using CEDRI that is accessed through EPA's CDX (<https://cdx.epa.gov>). The RATA data shall be submitted in the file format generated through use of EPA's Electronic Reporting Tool (ERT) (<https://www.epa.gov/ttn/chief/ert/index.html>). Only RATA data compounds listed on the ERT website are subject to this requirement. Owners or operators who claim that some of the information being submitted for RATAs is confidential business information (CBI) shall submit a complete ERT file including information claimed to be CBI on a compact disk or other commonly used electronic storage media (including, but not limited to, flash drives) by registered letter to EPA and the same ERT file with the CBI omitted to EPA via CDX as described earlier in this paragraph. The compact disk or other commonly used electronic storage media shall be clearly marked as CBI and mailed to U.S. EPA/OAPQS/CORE CBI Office, Attention: WebFIRE Administrator, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. At the discretion of the delegated authority, owners or operators shall also submit these RATAs to the delegated authority in the format specified by the delegated authority. Owners or operators shall submit calibration error testing, drift checks, and other information required in the performance evaluation as

described in § 63.2 and as required in this chapter.

(2) On or after July 1, 2020, for a PM CEMS, PM CPMS, or approved alternative monitoring using a HAP metals CEMS, within 60 days after the reporting periods ending on March 31st, June 30th, September 30th, and December 31st, you must submit quarterly reports to the EPA's WebFIRE database by using the CEDRI that is accessed through the EPA's CDX (<https://cdx.epa.gov>). You must use the appropriate electronic reporting form in CEDRI or provide an alternate electronic file consistent with EPA's reporting form output format. For each reporting period, the quarterly reports must include all of the calculated 30-boiler operating day rolling average values derived from the CEMS and PM CPMS.

* * * * *

(4) On or after July 1, 2020, submit the compliance reports required under paragraphs (c) and (d) of this section and the notification of compliance status required under § 63.10030(e) to the EPA's WebFIRE database by using the CEDRI that is accessed through the EPA's CDX (<https://cdx.epa.gov>). You must use the appropriate electronic reporting form in CEDRI or provide an alternate electronic file consistent with EPA's reporting form output format.

* * * * *

(6) Prior to July 1, 2020, all reports subject to electronic submittal in paragraphs (f) introductory text, (f)(1), (2), and (4) of this section shall be submitted to the EPA at the frequency specified in those paragraphs in electronic portable document format (PDF) using the ECMPs Client Tool. Each PDF version of a submitted report must include sufficient information to assess compliance and to demonstrate that the testing was done properly. The following data elements must be entered into the ECMPs Client Tool at the time of submission of each PDF file:

* * * * *

[FR Doc. 2018–14308 Filed 6–29–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 10–90; FCC 18–37]

Connect America Fund

AGENCY: Federal Communications Commission.

ACTION: Technical amendments.

SUMMARY: This document corrects errors in the rules that increase the amount of

(1) EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
* * * * *				
* * * * *				
[FR Doc. 2019–10724 Filed 5–22–19; 8:45 am]				
BILLING CODE 6560–50–P				
ENVIRONMENTAL PROTECTION AGENCY				
40 CFR Part 63				
National Emission Standards for Hazardous Air Pollutants for Source Categories				
<i>CFR Correction</i>				
In Title 40 of the Code of Federal Regulations, Part 63, 63.8980 to end of part 63, revised as of July 1, 2018, make the following corrections in Subpart UUUUU:	Electronic Reporting Tool (ERT) (see https://www.epa.gov/ttn/chief/ert/index.html). Only data collected using those test methods on the ERT website are subject to this requirement for submitting reports electronically to WebFIRE. Owners or operators who claim that some of the information being submitted for performance tests is confidential business information (CBI) must submit a complete ERT file including information claimed to be CBI on a compact disk or other commonly used electronic storage media (including, but not limited to, flash drives) to EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAPQS/CORE CBI Office, Attention: WebFIRE Administrator, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same ERT file with the CBI omitted must be submitted to EPA via CDX as described earlier in this paragraph. At the discretion of the delegated authority, you must also submit these reports, including the confidential business information, to the delegated authority in the format specified by the delegated authority.			other commonly used electronic storage media shall be clearly marked as CBI and mailed to U.S. EPA/OAPQS/CORE CBI Office, Attention: WebFIRE Administrator, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. At the discretion of the delegated authority, owners or operators shall also submit these RATAs to the delegated authority in the format specified by the delegated authority. Owners or operators shall submit calibration error testing, drift checks, and other information required in the performance evaluation as described in § 63.2 and as required in this chapter.
■ 1. On page 188, in § 63.10021, paragraph (e)(9) is revised to read as follows:				(2) On or after July 1, 2020, for a PM CEMS, PM CPMS, or approved alternative monitoring using a HAP metals CEMS, within 60 days after the reporting periods ending on March 31st, June 30th, September 30th, and December 31st, you must submit quarterly reports to the EPA's WebFIRE database by using the CEDRI that is accessed through the EPA's CDX (https://cdx.epa.gov). You must use the appropriate electronic reporting form in CEDRI or provide an alternate electronic file consistent with EPA's reporting form output format. For each reporting period, the quarterly reports must include all of the calculated 30-boiler operating day rolling average values derived from the CEMS and PM CPMS.
§ 63.10021 How do I demonstrate continuous compliance with the emission limitations, operating limits, and work practice standards?				
(e) * * *				
(9) Report the dates of the initial and subsequent tune-ups in hard copy, as specified in § 63.10031(f)(5), through June 30, 2020. On or after July 1, 2020, report the date of all tune-ups electronically, in accordance with § 63.10031(f). The tune-up report date is the date when tune-up requirements in paragraphs (e)(6) and (7) of this section are completed.	(1) On or after July 1, 2020, within 60 days after the date of completing each CEMS (SO ₂ , PM, HCl, HF, and Hg) performance evaluation test, as defined in § 63.2 and required by this subpart, you must submit the relative accuracy test audit (RATA) data (or, for PM CEMS, RCA and RRA data) required by this subpart to EPA's WebFIRE database by using CEDRI that is accessed through EPA's CDX (https://cdx.epa.gov). The RATA data shall be submitted in the file format generated through use of EPA's Electronic Reporting Tool (ERT) (https://www.epa.gov/ttn/chief/ert/index.html). Only RATA data compounds listed on the ERT website are subject to this requirement. Owners or operators who claim that some of the information being submitted for RATAs is confidential business information (CBI) shall submit a complete ERT file including information claimed to be CBI on a compact disk or other commonly used electronic storage media (including, but not limited to, flash drives) by registered letter to EPA and the same ERT file with the CBI omitted to EPA via CDX as described earlier in this paragraph. The compact disk or			(4) On or after July 1, 2020, submit the compliance reports required under paragraphs (c) and (d) of this section and the notification of compliance status required under § 63.10030(e) to the EPA's WebFIRE database by using the CEDRI that is accessed through the EPA's CDX (https://cdx.epa.gov). You must use the appropriate electronic reporting form in CEDRI or provide an alternate electronic file consistent with EPA's reporting form output format.
■ 2. On page 195, in § 63.10031, paragraphs (f) introductory text, (f)(1), (2), (4), and (f)(6) introductory text are revised to read as follows:				
§ 63.10031 What reports must I submit and when?				
(f) On or after July 1, 2020, within 60 days after the date of completing each performance test, you must submit the performance test reports required by this subpart to the EPA's WebFIRE database by using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through the EPA's Central Data Exchange (CDX) (https://cdx.epa.gov). Performance test data must be submitted in the file format generated through use of EPA's				(6) Prior to July 1, 2020, all reports subject to electronic submittal in paragraphs (f) introductory text, (f)(1), (2), and (4) of this section shall be submitted to the EPA at the frequency specified in those paragraphs in electronic portable document format (PDF) using the ECMPS Client Tool. Each PDF version of a submitted report must include sufficient information to

assess compliance and to demonstrate that the testing was done properly. The following data elements must be entered into the ECMPS Client Tool at the time of submission of each PDF file:

* * * * *

[FR Doc. 2019-10766 Filed 5-22-19; 8:45 am]

BILLING CODE 1301-00-D

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 10

[Docket No. OST-2016-0028]

RIN 2105-AE46

Maintenance of and Access to Records Pertaining to Individuals

AGENCY: Office of the Secretary (OST), U.S. Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: On October 4, 2018, the Department of Transportation issued a notice of proposed rulemaking requesting comment on proposed exemptions from certain requirements of the Privacy Act for the Department's insider threat program system of records. The exemptions are necessary to protect properly classified information from disclosure, preserve the integrity of insider threat inquiries, and protect the identities of sources in such inquiries and any related investigations. The Department received no comments on this proposed rule. As a result, this final rule will finalize the proposed rule without change.

DATES: This final rule is effective May 23, 2019.

ADDRESSES: You may access docket number DOT-OST-2016-0028 by any of the following methods:

- *Federal Rulemaking Portal:* Go to <http://www.regulations.gov>.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Ave. SE, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202-493-2251.

FOR FURTHER INFORMATION CONTACT:

Claire Barrett, Departmental Chief Privacy Officer, Office of the Chief Information Officer, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590 or privacy@dot.gov or (202) 366-8135.

SUPPLEMENTARY INFORMATION: DOT identifies a system of records that is exempt from one or more provisions off the Privacy Act (pursuant to 5 U.S.C. 552a(j) or (k)) both in the system of records notice published in the **Federal Register** for public comment and in an appendix to DOT's regulations implementing the Privacy Act (49 CFR part 10, appendix). This rule exempts records in the Insider Threat Program system of records from subsections (c)(3) (Accounting of Disclosures), (d) (Access to Records), (e)(1) and (e)(4)(G) through (I) (Agency Requirements) and (f) (Agency Rules) of the Privacy Act to the extent that records are properly classified, in accordance with 5 U.S.C. 552a(k)(1), or consist of investigatory material compiled for law enforcement purposes in accordance with 5 U.S.C. 552a(k)(2).

As DOT received no comments on the notice of proposed rulemaking published on October 4, 2018 (83 FR 50053), we are finalizing the proposed rule without change.

Regulatory Analysis and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

DOT considered the impact of this rulemaking action under Executive Orders 12866 and 13563 (January 18, 2011, "Improving Regulation and Regulatory Review"), and DOT Order 2100.6, "Policies and Procedures for Rulemakings." DOT has determined that this action will not constitute a significant regulatory action within the meaning of Executive Order 12866 and within the meaning of DOT regulatory policies and procedures. This rulemaking has not been reviewed by the Office of Management and Budget. This rulemaking will not result in any costs. Since these records would be exempt from certain provisions of the Privacy Act, DOT would not have to expend any funds in order to administer those aspects of the Act.

B. Regulatory Flexibility Act

DOT has evaluated the effect these changes will have on small entities and does not believe that this rulemaking will impose any costs on small entities because the reporting requirements themselves are not changed and because the rule applies only to information on individuals that is maintained by the Federal Government or that is already publicly available. Therefore, I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

C. National Environmental Policy Act

DOT has analyzed the environmental impacts of this final action pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that it is categorically excluded pursuant to DOT Order 5610.1C, Procedures for Considering Environmental Impacts (44 FR 56420, Oct. 1, 1979). Categorical exclusions are actions identified in an agency's NEPA implementing procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). See 40 CFR 1508.4. In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* Paragraph 3.c.5 of DOT Order 5610.1C incorporates by reference the categorical exclusions for all DOT Operating Administrations. This action is covered by the categorical exclusion listed in the Federal Highway Administration's implementing procedures, "[p]romulgation of rules, regulations, and directives." 23 CFR 771.117(c)(20). The purpose of this rulemaking is to amend the Appendix to DOT's Privacy Act regulations. The Department does not anticipate any environmental impacts and there are no extraordinary circumstances present in connection with this rulemaking.

E. Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, Federalism, dated August 4, 1999, and it has been determined that it will not have a substantial direct effect on, or sufficient Federalism implications for, the States, nor would it limit the policymaking discretion of the States. Therefore, the preparation of a Federalism Assessment is not necessary.

F. Executive Order 13084 (Consultation and Coordination With Indian Tribal Governments)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Because it would not effect on Indian Tribal Governments, the funding and consultation requirements of Executive Order 13084 do not apply.

G. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*),