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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 9 and 63

[IL-64-2-5807; FRL-6345-7]

RIN 2060-AF29

### National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This action finalizes national emission standards for hazardous air pollutants (NESHAP) for ferroalloys production: ferromanganese and silicomanganese. This rule was proposed under the title of "national emission standards for hazardous air pollutants for ferroalloys production." The EPA changed the title of the final rule to reflect the specific ferroalloy produced (ferromanganese and silicomanganese) at the only existing source to be regulated. The EPA also has deleted the proposed applicability to ferrochromium production with this action and withdrawn the proposed rule for ferronickel production facilities.

The EPA has identified ferromanganese and silicomanganese facilities as major sources of hazardous air pollutants (HAP) emissions of manganese. Manganese can adversely affect human health. The effects of chronic human exposure to environmental levels of manganese through inhalation include subtle but not insignificant effects on the central nervous system. These effects, reported in workers exposed to manganese, include slow visual reaction time, loss of eye-hand coordination, and imprecise hand movements caused by small tremors. The NESHAP requires affected sources to meet emission standards that reflect the application of maximum achievable control technology (MACT). **DATES:** *Effective Date.* The final rule is effective May 20, 1999.

*Judicial Review.* Under Clean Air Act section 307(b), judicial review of this nationally applicable final action is available only by the filing of a petition for review in the U.S. Court of Appeals

for the District of Columbia Circuit within 60 days of publication of this rule. Under section 307(b)(2), the regulations that are the subject of this action may not be challenged later in civil or criminal proceedings brought by EPA in reliance on them.

**ADDRESSES:** *Docket.* All information considered by the EPA in developing this rulemaking, including public comments on the proposed rule and other information developed by the EPA in addressing those comments since proposal, is located in Public Docket No. A-92-59 at the following address: Air and Radiation Docket and Information Center (6102), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460. The docket is located at the above address in Room M-1500, Waterside Mall (ground floor), and may be inspected from 8:00 a.m. to 5:30 p.m., Monday through Friday. Materials related to this rulemaking are available upon request from the Air and Radiation Docket and Information Center by calling (202) 260-7548 or 7549. The FAX number for the Center is (202) 260-4400. A reasonable fee may be charged for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Mr. Conrad Chin, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541-1512; facsimile (919) 541-5600, electronic mail address "chin.conrad@epamail.epa.gov".

#### SUPPLEMENTARY INFORMATION:

#### Regulated Entities

This action regulates entities that are industrial facilities producing ferromanganese or silicomanganese. Regulated categories and entities include those sources listed in the following primary Standard Industrial Classification code: 3313, Electrometallurgical Products, Except Steel.

This description provides a guide for readers regarding entities regulated by this final action. It lists the types of entities that the EPA is aware of that would be regulated. To determine whether a facility is regulated, the owner or operator should examine the applicability criteria in § 63.1650 of the rule. At this time, the EPA knows of only one facility (the Elkem Metals Company plant in Marietta, Ohio) that is subject to the final rule. Direct questions regarding the applicability of this action to a particular entity should be directed to the person listed in the preceding **FOR FURTHER INFORMATION**

**CONTACT** section or the relevant permitting authority.

#### Electronic Access

This document, the regulatory text, and other background information are available in Docket No. A-92-59, by request from the EPA's Air and Radiation Docket and Information Center (see **ADDRESSES**), or through the EPA web site at: <http://www.epa.gov/ttn/oarpg>.

#### Preamble Outline

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#### I. Background

##### A. What Is the Statutory and Regulatory Authority for the Final Rule?

Section 112 of the Clean Air Act (Act) requires that the EPA promulgate regulations to control HAP emissions

from major and area sources. The control of HAP is achieved through promulgation of emission standards under section 112(d) and (f) and operational and work practice standards under section 112(h) for categories of sources that emit HAP.

The statutory authority for this action is provided by sections 101, 112, 114, 116, and 301 of the Act as amended (42 U.S.C. 7401, 7412, 7414, 7416, and 7601).

**B. What Are the Benefits and Costs of the Final Rule?**

The final rule is expected to apply to only one facility, the Elkem Metals Company plant in Marietta, Ohio (Elkem). The following discussion of environmental, energy, and economic impacts is limited to this facility. No new facilities are anticipated.

The EPA believes that the final standards will have the primary effect of codifying existing control equipment and practices. Therefore, no additional emission control equipment would be required to comply with the final standards, and no significant emission reduction or other environmental impacts are anticipated to result from this rulemaking.

Cost and economic impacts are expected to be minimal. The only costs associated with the final standards are those required to perform compliance assurance activities such as performance testing, monitoring, reporting, and recordkeeping. However, these costs are minor compared to costs already incurred by the facility in meeting its permit obligations for criteria pollutants. Section IV.F. of this preamble addresses the burden associated with recordkeeping and reporting.

**C. How Did the Public Participate in Developing the Rule?**

Prior to proposal, the EPA met with industry representatives and State regulatory authorities several times to discuss the data and information used to develop the proposed standards. In addition, these and other potential stakeholders, including equipment vendors and environmental groups, had opportunity to comment on the proposed standards.

The proposed standards were published in the **Federal Register** on August 4, 1998 (63 FR 41508). The preamble to the proposed standards discussed the availability of technical support documents, which described in detail the information gathered during the standards development process. Public comments were solicited at proposal.

The EPA provided interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards in a public hearing. However, no member of the public requested to speak at a hearing, so none was held.

The original public comment period ended on October 5, 1998. However, at the request of the only affected facility, the EPA extended the comment period to November 4, 1998 (63 FR 54646). During the comment period, the EPA received four comment letters on the proposed standards. In the post-proposal period, the EPA talked with commenters and other stakeholders to clarify comments and to assist in the EPA's analysis of the comments. Records of these contacts are found in the final rulemaking docket. All of the comments have been carefully considered, and, where appropriate,

changes have been made in the final standards.

In a separate action, the EPA proposed supplemental requirements (64 FR 7149) on February 12, 1999, to modify the use of bag leak detection systems in rules proposed for the source categories of ferroalloys production, mineral wool production, primary lead smelting, and wool fiberglass manufacturing. The public comment period on the supplemental requirements ended on March 15, 1999, and four letters were received. The EPA considered these comments in preparing the final ferroalloys regulation.

**II. Summary of Final Rule**

The NESHAP will apply to new and existing ferroalloy production facilities that manufacture ferromanganese and silicomanganese and are major sources of HAP emissions or are co-located at major sources of HAP emissions. The following HAP emission sources at a ferroalloy production facility will be affected by the rule:

- Submerged arc furnaces
- Metal oxygen refining (MOR) process
- Crushing and screening operations
- Fugitive dust sources.

The rule contains emission standards that limit particulate matter emissions from existing and new or reconstructed emission sources. The limits for the submerged arc furnaces depend on the product produced and furnace design. The rule also sets limits for the air pollution control devices associated with the MOR process and crushing and screening operations. The following table summarizes the emission standards, by process.

EMISSION STANDARDS

New or reconstructed or existing source	Affected source	Applicable particulate matter emission standards
New or reconstructed .....	Submerged arc furnace (primary and tapping) .....	1. 0.23 kg/hr/MW (0.51 lb/hr/MW), or 2. 35 mg/dscm (0.015 gr/dscf).
Existing .....	Open submerged arc furnace (primary and tapping).	1. 16.3 kg/hr (35.9 lb/hr) when producing silicomanganese. 2. 6.4 kg/hr (14.0 lb/hr) when producing ferromanganese. 11.2 kg/hr (24.7 lb/hr).
Existing .....	Semi-sealed submerged arc furnace (primary, tapping, and vent stacks).	
New, reconstructed, or existing .....	MOR process .....	69 mg/dscm (0.03 gr/dscf).
New or reconstructed .....	Individual equipment associated with the crushing and screening operation.	50 mg/dscm (0.022 gr/dscf).
Existing .....	Individual equipment associated with the crushing and screening operation.	69 mg/dscm (0.03 gr/dscf).

The final standard establishes an opacity limit on the shop buildings housing one or more of the submerged

arc furnaces. The shop building opacity limit addresses furnace process fugitive emissions that escape capture by the

furnace hood and ventilation equipment.

The final standards impose a duty on the owner or operator to prepare and operate according to a fugitive dust control plan that describes the measures that will be put in place to control fugitive dust sources. This duty to operate will be incorporated into the facility's operating permit issued by the designated permitting authority under 40 CFR part 70.

Proper maintenance of emission sources and air pollution control devices to minimize HAP emissions is an essential component of the final standards. In addition to satisfying the maintenance requirements imposed by the part 63 General Provisions, owners and operators must develop and implement a written maintenance plan for each air pollution control device. The procedures specified in the maintenance plan shall include a preventive maintenance schedule that is consistent with good air pollution control practices for minimizing emissions.

Finally, the owner or operator must also perform monthly inspections of the equipment that is important to the performance of the furnace capture systems.

The rule also contains detailed compliance provisions that establish compliance dates, as well as provisions for performance testing, monitoring, recordkeeping, and reporting.

### III. Significant Comments and Changes to the Proposed Rule

Following is a discussion of the significant comments received on the proposed rule and the resulting changes in the final rule. The document, "Technical Document for Promulgation of Standards: Ferromanganese and Silicomanganese NESHAP Comment and Response Summary" is available in the docket and contains a detailed summary of all of the comments and responses. This document is also available on the EPA's web site (<http://www.epa.gov/ttn/oarpg>) and from the person listed in the **FOR FURTHER INFORMATION CONTACT** section at the beginning of this notice.

In addition to changes resulting from the consideration of significant comments, the EPA made several clarifying and formatting changes to the final regulation. For example, the compliance demonstration section was restructured to clarify requirements and improve its readability. The requirements for fugitive dust control measures were condensed to essential requirements. None of these changes were substantive.

#### A. Should the EPA Finalize the Proposed Ferronickel Rule?

When the proposed rule was published in August 1998, the only existing facility in the United States producing ferronickel (Glenbrook Nickel Company) had suspended operations. Since then, the company has said they will permanently close the facility. The EPA has decided to exercise its authority to withdraw the proposed rule because there is no major source currently operating or expected to begin operating that would emit the HAP associated with ferronickel production. Should a new major source of ferronickel production commence operation after promulgation, the EPA will evaluate at that time how and whether to set a MACT standard.

#### B. Does the Final Rule Regulate Ferrochromium Production?

The EPA included ferrochromium production at proposal because of provisions contained in Elkem's State operating permit which provides for the possibility of converting one or more furnaces to ferrochromium production.

The commenters argued that using the same limits for ferrochromium production as those established for ferromanganese or silicomanganese is technically unjustified. Ferrochromium production operates at much higher furnace loads and temperatures and, consequently, has a higher emission potential than other alloys. Upon reexamination, the EPA agrees that it should not assume that limits developed for ferromanganese or silicomanganese production are appropriate for ferrochromium production.

In deciding whether to withdraw ferrochromium production from the rule, the EPA considered the likelihood that an affected source would convert an existing furnace to produce ferrochromium. A primary consideration was the recent closure of the only domestic producer of ferrochromium due to poor market conditions and price competition from imports. The EPA thinks it unlikely that an affected source would start producing ferrochromium under these conditions. Therefore, the EPA has withdrawn ferrochromium production from the final rule. Should an affected source convert to ferrochromium production or a new source commence operation after promulgation, the EPA will evaluate at that time how and whether to set MACT standards for ferrochromium production.

#### C. Is the Format for the Proposed Furnace Standards Appropriate?

One commenter disagreed with the proposed format of the furnace standards, which is in units of "kilograms per hour per megawatt (kg/hr/MW) (pounds per hour per megawatt [lb/hr/MW])." The commenter agreed that production is a function of power consumption, but stated that existing data show emissions from furnaces are not solely a function of furnace load. Instead, several other factors affect emissions. For example, when furnace operations are "rough," steps to decrease the load may result in increased emissions. Furthermore, the variability of furnace operations and emissions is demonstrated in the statistical variability of the stack test data.

In considering this comment, the EPA reviewed the data supplied by the commenter and conducted a linear regression analysis of the emission test data for furnaces #1 and #12 to evaluate the strength of the correlation between power input and scrubber emissions. The calculated correlation coefficients were 0.03 and 0.08, far from the perfect correlation indicated by a value of one. These results clearly show that there is no significant correlation between emissions and power input. Therefore, the EPA has changed the format of the standard for existing furnaces to a straight mass rate basis, kilograms per hour (kg/hr) (pounds per hour [lb/hr]).

#### D. Should the EPA Set Separate Standards for Each Furnace?

One commenter asked EPA to set separate standards for furnaces #1 and #12, because the products and operating conditions differ. High carbon ferromanganese is made from a blend of coke and ore, plus some recycled materials. Under ideal conditions, the operation is relatively quiet with only light flaming and fuming at the top of the furnace. In contrast, silicomanganese is produced from a variety of slags, scrap products, metallics, low grade ores, and cokes. Silicomanganese operates at a higher power load, has hotter and more open top conditions, and emits considerably more fume. Based on a statistical analysis, the commenter claimed that there is a statistically significant difference in mean emission levels between the two furnaces.

Based on a thorough review of the data submitted by the commenter, the EPA agrees the data demonstrate substantially lower emissions from furnace #12 than from furnace #1. Although both furnaces are of the same

open design, furnace #1 typically produces silicomanganese, while furnace #12 produces ferromanganese. This difference, combined with the change in format of the standard, leads the EPA to establish separate standards for each furnace.

*E. Should the EPA Change Its Technical Approach for Selecting the Numerical Emission Standards for Submerged Arc Furnaces?*

As described below, the EPA reevaluated the data base used to select the numerical emission standards for submerged arc furnaces. However, the EPA maintained its overall technical approach of setting the limits based on the performance achieved by the individual furnaces.

*Use of upper prediction limits.* Commenters disagreed with EPA's technical approach to evaluating test data for use in setting MACT. They proposed that EPA should set emission standards that account for the natural variability of the operations. In particular, the EPA should use prediction limits to calculate an upper limit on the observations to be expected during future performance tests. The commenters evaluated the false positive rates (FPR) expected from the proposed standards and compared the effect on the FPR to the EPA standard and the existing Ohio permit emission limits. The FPR, or significance level of a statistical test, is the probability of finding an exceedance when, in fact, there has been no systematic change in the process generating the observations. The commenter distinguished between the per-comparison FPR (the chance of one or more exceedances at any single monitoring location) and the facility-wide FPR (the chance of one or more exceedances at the whole facility.) The commenter calculated FPR well in excess of the desired rates (at least for furnaces #1 and #18), resulting in approximately a 41 percent or 51 percent probability of an exceedance at one or more monitoring locations during each event.

The EPA disagrees with the commenter's proposed approach to setting the MACT standards for furnace primary and tapping emissions. Instead, the appropriate way to set these standards is to rely on the results of performance testing, which in turn establish compliance criteria in the form of emission limits. These compliance criteria establish an expectation for the operation and maintenance parameters needed to ensure that the source continues to meet the required emission limits. Subsequent performance tests are a measure of the owner or operator's

ability to operate and maintain the affected air pollution control device and associated emission sources such that the emission limit is maintained. The required maintenance and monitoring of the control device and associated parameters contribute to assurances that standards are met between the required performance tests.

The sources cited by the commenter justifying statistical techniques to establish FPR (or upper prediction limits) are based on frequent monitoring of numerous events. However, the data base supporting selection of the MACT standards, while considered relatively extensive from a MACT standard-setting perspective, is limited to a handful of annual events. The commenter's proposed methodology would "penalize" the much smaller MACT data base, because it would take a much larger sample size to achieve the suggested proposed FPR. A mitigating factor to the relatively small sample size of the MACT approach is based on the fact that source testing is a relatively infrequent, but planned, occurrence. Prior to conducting the test, the source should take steps to ensure maximum performance of the control device, so long as "representative" operating conditions are maintained. By taking these steps, the owner or operator is expected to exert significant control over the outcome of the test.

The EPA also disagrees with the commenter's assertion that the standards should be set such that exceedances at any point in the facility are avoided. The intent of setting individual standards is to ensure that each emission source and its associated air pollution control device are operated and maintained so that the emission standard is met.

The above language does not prevent EPA from using statistical and other relevant information to verify the validity or reasonableness of standards it may set. As discussed in section III.F., the EPA considered the possibility of excessive exceedances in establishing the final emission limits.

*Data excluded from the analysis.* One commenter said EPA both incorrectly excluded certain test data from its analyses and included other data. As suggested by the commenter, the EPA reviewed the data that were included in the analysis and the basis for the exclusion of any data points. The EPA also performed a quality assurance check of the data set. In a few cases, the EPA identified discrepancies in the emissions data submitted by the commenter. Where indicated, these data were corrected. The final data set used by EPA is in the comment summary and

response document referenced at the beginning of section III.

As a first step in reanalyzing the data, the EPA considered whether there were any statistical outliers in the data set. The EPA identified the April 1997 test on the furnace #1 scrubber and run 1 of the November 1992 test on furnace #12 as statistical outliers using procedures in American Society for Testing and Materials Designation E 178-94, Standard Practice for Dealing with Outlying Observations. Consistent with the approach recommended by the commenter, these data were excluded from further consideration.

The EPA also excluded the November 1994 test on the furnace #18 vent stacks, because every run exceeded the State emission limit for the entire furnace. In addition, the statistical analysis identified these results as outliers.

*F. What Are the Final Standards for Existing Furnaces?*

One commenter suggested the following alternatives to EPA's proposed emission limits for existing furnaces:

- Revise emission limits based on a parametric data analysis.
- Replace limits with equipment standards or work practice requirements.

• Use existing State emission limits. *Parametric data analysis.* The commenter recommended that EPA compute the required emission standards using the 99-percent upper prediction limits based on the available emissions test data and suggested numerical limits. With the change in format, the specific limits suggested by the commenter are no longer relevant. The EPA also has decided to issue separate regulations for furnaces #1 and #12. However, the EPA did consider comments regarding the overall approach used to establish emission limits.

As discussed in section III.E., the EPA does not believe that using statistical analyses to set MACT standards is appropriate. Instead, in cases where there are ample emissions tests data on specific air pollution control devices, as in this case, the EPA has historically set emission limits based on the highest valid data point recorded under representative and normal operating conditions. This approach is consistent with the approach taken at proposal.

The performance test data consist of compliance tests for particulate matter standards that were conducted for the State of Ohio over a 6-year period. The final data set, adjusted for outliers and out-of-compliance tests, includes six tests of the furnace #1 scrubber, seven

tests of the furnace #1 baghouse, seven tests of the furnace #12 scrubber, six tests of the furnace #18 scrubber, and four tests of the furnace #18 vent stacks.

The MACT for this industry (and source) is the level of performance achieved by the existing control equipment. In order to set the emission limit, the EPA considered the highest valid test results obtained for each furnace. Then, the EPA adjusted these results upward slightly (approximately 7.5 percent) to account for measurement error and other variabilities inherent in the test procedure. Next, the EPA compared these results to the existing State permit limits and the 90-percent upper prediction limit, as indicators of the source's ability to achieve the final adjusted results.

For furnaces #1 and #12, the analysis shows that the adjusted test results reflect these furnaces' ability to meet the limits on an on-going basis. Coincidentally, these limits also are comparable to the existing State permit limits. Based on this analysis, the EPA decided to set the emission limits for furnace #1 at 16.3 kg/hr (35.9 lb/hr) and for furnace #18 at 11.2 kg/hr (24.7 lb/hr). This approach results in numerical standards that are consistent with the available data and minimizes the disruption of existing permit conditions.

The adjusted data for furnace #12 reflect this furnace's ability to meet the limit on an on-going basis. In this case, however, the existing permit limit does not coincide with the available test data. Based on this analysis, the EPA has decided to finalize the emission limit for furnace #12 at 6.4 kg/hr (14.0 lb/hr). The data support this limit, which is achievable with the existing control device.

*Existing Ohio permit limits.* As an alternative to establishing different emission limits, one commenter said EPA should consider Ohio's use of a process weight rate approach to establishing emission limits. Two commenters noted that Elkem has developed control equipment and technology over the years to comply with the Ohio EPA allowable emission limits. Considering the variability of furnace operations, EPA's proposal to reduce these allowable emissions would position Elkem to potentially fail compliance tests in the future.

The EPA considered these limits in evaluating the reasonableness of the final standards. Where the State limits coincided with the limits suggested by EPA's analysis of the test data, they were considered in setting the level of the final standards. However, where the limits did not coincide, EPA set the

final standards based on analysis of the test data alone.

*Equipment or work practice standard.* Two commenters argued that since EPA already accepts the Elkem existing control devices as representative of the MACT floor and because there are no other existing facilities, there is no reason to specify emission limits for existing Elkem operations. One commenter stated that EPA should establish equipment standards or work practice standards in place of further numerical emission limits.

Equipment or work practice standards are not appropriate in this case, because the Act precludes the establishment of non-numerical emission standards when the EPA has data and test methods on which to base and enforce a numerical limit. Specifically, section 112(h) says the Administrator can promulgate a design, equipment, work practice, operational standards, or combination thereof, only if it is not feasible to prescribe or enforce an emission standard. "Not feasible" means that the source cannot meet either of the following criteria:

- The HAP cannot be emitted through a conveyance designed and constructed to emit or capture the HAP or the requirement for such a conveyance would be inconsistent with existing law.
  - Emissions from the source cannot be measured practicably due to technological or economic limitations.
- Given that Elkem already complies with emission standards on the furnaces and that it is possible to test them, the EPA must issue emission standards.

#### *G. What Are the Final Standards for New or Reconstructed Furnaces?*

Based on the following discussion, the EPA added an alternative standard of 35 milligrams per dry standard cubic meter (mg/dscm), 0.15 grain per dry standard cubic foot (gr/dscf), to the final rule based on the expected use of baghouse technology on any new or reconstructed open furnaces. The EPA also retained the proposed standard of 0.23 kg/hr/MW (0.51 lb/hr/MW) based on the new source performance standards (NSPS) limit.

One commenter said the MACT requirements for new and reconstructed facilities should be more stringent than proposed due to the levels of particulate matter control technology available today. The commenter noted that baghouses have been applied in a wide range of industrial process applications, some of which are similar to ferromanganese and silicomanganese production, with the actual achievable particulate matter and opacity levels well below the proposed levels.

Other commenters said adopting the NSPS limit for new or reconstructed furnaces is not appropriate for the NESHAP. They said because no one has built an NSPS furnace producing ferromanganese, silicomanganese, or ferrochromium since the NSPS were promulgated, there is no technological basis to either demonstrate or dispute the level of the NSPS.

One commenter added that the NSPS emission limits may not be achievable for a new or reconstructed furnace, because the limits are over 25 years old and were based on the assumption that sealed furnaces would be the norm in the ferromanganese smelting industry. However, because of safety issues, the industry now believes that open furnaces represent the technology of choice. The commenter stated that a baghouse would be required to meet the new source standard for a new open furnace.

The commenter also noted that the format of the NSPS, which assumes a correlation between furnace load and emissions, is inconsistent with the data showing a lack of correlation between the two factors.

The NSPS format, kg/hr/MW (lb/hr/MW), offers a significant advantage for new sources, because it can be applied to a range of furnace sizes. In contrast, the NESHAP format, kg/hr (lb/hr), would result in a production cap on new furnaces, because this format makes no allowance for differences in production capacity. While this is acceptable in the case of known, existing furnaces, it is not acceptable for new furnaces. Because the NSPS will apply to new or reconstructed furnaces in any case, and to provide needed flexibility in the NESHAP, the final rule will retain as an option the NSPS format for emission standards.

In addition, recognizing that new or reconstructed open furnaces would likely be controlled with baghouse technology and to provide additional flexibility, the EPA added an alternate concentration standard based on expected levels of baghouse performance. The alternate limit, 35 mg/dscm (0.15 gr/dscf), is based on the maximum level of performance achieved by baghouses tested in 1993 and 1994 on open ferroalloy furnaces producing a variety of products. This level is also consistent with baghouse performance data on the #1 furnace tapping baghouse at Elkem. Because baghouses are characteristically constant outlet devices, this level of performance should be achievable with ferromanganese and silicomanganese production.

#### *H. What Are the Final Standards for New or Reconstructed Metal Oxygen Reduction Processes?*

The proposed limit was based on the premise that the NSPS limit for basic oxygen furnaces (BOF) was a reasonable surrogate for a new or reconstructed MOR process. Upon reexamination, the EPA decided that the technology transfer basis for the proposed limit was inappropriate given the differences in the MOR process and its emissions potential compared to the BOF process and its emission potential. Therefore, the final standard will be set at 69 mg/dscm (0.03 gr/dscf), which is consistent with the allowable concentration for existing sources.

The process differences were documented by a commenter who noted that while both processes remove carbon from a molten metal by oxidizing it with oxygen and forming carbon monoxide gas, there are distinct differences in the chemistry between manganese in the MOR process and iron in the BOF process. The commenter noted that the main differences are the higher operating temperature of the MOR, the higher volatility of manganese, and the higher carbon content of the manganese metal being treated. According to the commenter, these differences result in an estimated 10 times more fume generation during the MOR process compared to a BOF process. Therefore, baghouse emission reduction performance for an MOR process would likely be different than that for a BOF process.

#### *I. How Is the Scrubber Pressure Drop Operating Parameter Value To Be Determined?*

When a scrubber is used, the proposed rule required the owner or operator to establish an operating parameter value based on pressure drop to ensure ongoing compliance with the required emission limit. The commenter requested that EPA allow more flexibility in establishing the parameter value. In particular, the commenter requested that the source be allowed to establish the limit based on the average pressure drop obtained during any single complying run in any complying emission test. The EPA agrees there should be more flexibility in how the source sets the operating parameter value during a complying emission test. Therefore, the final rule contains a requirement that the operating parameter monitoring value will be set based on the lowest average pressure drop on any individual complying run in the three runs constituting any compliant test.

#### *J. What Are the Final Monitoring Requirements for Baghouses?*

One commenter requested changes in the frequency and intent of the requirements to ensure proper operation and maintenance of baghouses. The EPA clarified the requirements where needed.

One commenter also questioned the need to install bag leak detection systems on baghouses controlling new or reconstructed furnaces given the other monitoring requirements already in place. The EPA believes that baghouse leak detection represents state-of-the-art compliance assurance for baghouses, and plans to implement it in all new source MACT standards, where it is applicable, and, in most cases, to existing source standards as well.

In a separate action, (64 FR 7149, February 12, 1999) the EPA proposed supplemental requirements to modify the use of bag leak detection systems in rules proposed for the source categories of ferroalloys production, mineral wool production, primary lead smelting, and wool fiberglass manufacturing. The overall goal of the requirements was to add an enforceable operating limit if the alarm on the bag leak detection system sounds for more than 5 percent of the total operating time in each 6-month period. Adding this requirement would provide greater assurance that the baghouse would be properly operated and maintained, and that the emission limit would be met. The supplemental notice also proposed that owners and operators would be required to continuously record bag leak detection system output to ensure that data necessary to assess compliance with the newly proposed operating limit for bag leak detection system alarms would be available. In the absence of such information, enforcement personnel would be unable to determine whether the operating limit is being met. The output records would also provide data necessary to assess the magnitude of the output level above the alarm set point, and would assist owners and operators in properly operating and maintaining the baghouse and in diagnosing baghouse upsets.

The EPA requested public comment on these requirements as part of the supplemental notice. The comments and EPA's responses, are described in the Technical Document for Promulgation of Standards. There were no comments resulting in significant changes to the proposed requirements. Therefore, with this final rule, the EPA is finalizing the operational limits for bag leak detection systems. In addition, the EPA has also added definitions and

compliance, monitoring, reporting, and recordkeeping requirements to clarify and implement the operational standards. These are not substantive additions and are consistent with language in the other rules affected by the supplemental notice.

#### *K. How Were Performance Testing Issues Raised in the Public Comments Resolved?*

Commenters raised several issues regarding testing-related terms and requirements. The EPA has clarified these in the final rule. In particular, the EPA clarified the definition of tapping period and resolved an inconsistency in the sampling time requirements. The EPA also revised the rule to require sources to include a tapping period, or at least 20 minutes of a tapping period, in a minimum of two test runs. This change, reduced from a requirement to include a tapping period in each of three runs, is consistent with the source's existing permit conditions and with how previous performance data were obtained.

One commenter objected to the use of Method 5D for positive pressure baghouses that are not equipped with outlet stacks. They stated that this method requires cutting off the flow of air through the baghouse, thereby creating a fire hazard. They suggested that visual emission observations beyond the ridge vent/roof monitor will adequately demonstrate compliance with emissions limits for this type of baghouse.

As stated in the proposal preamble, the EPA proposed changes to Method 5D to address safety and other practicality issues (62 FR 45369, August 27, 1997). In particular, the amendments would revise the outlet volumetric flow rate calculation procedure to be used in those cases where the gas velocity at the baghouse outlet is too low to be measured accurately. The change will allow for the calculation of outlet gas flow rate based on the difference between the baghouse gas inlet and outlet temperatures and a direct measurement of the gas inlet flow rate. The EPA expects the final amendments to be published in the **Federal Register** by mid-summer of this year, well before performance testing under the rule would need to be conducted. A copy of the proposed amendments is available on the Emission Measurement Center (EMC) home page (<http://www.epa.gov/ttn/emc>) by choosing "methods," then "proposed," then "EPA Methods (New EMMC Format)."

#### IV. Administrative Requirements

##### A. Docket

This final rulemaking action is subject to section 307(d) of the Act. Accordingly, the EPA has established a docket (No. A-91-71), which consists of an organized and complete file of all information submitted to, or otherwise considered by, the EPA in the development of this action. The docket includes all documents cited by the EPA in this preamble. The principal purposes of the docket are: (1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review. The docket is available for public inspection at EPA's Air Docket, which is listed under the ADDRESSES section of this notice.

##### B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must submit to the Office of Management and Budget (OMB) for review significant regulatory actions. The Executive Order defines "significant regulatory action" as one that OMB determines is likely to result in a rule that may:

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

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

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

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

Because the final rule will only affect one facility, the projected nationwide economic impacts are estimated to be far less than \$100 million. Furthermore, because the final rule results in the codification of existing controls and practices, no significant adverse effects to the facilities are anticipated. Under Executive Order 12866, this action is not a significant regulatory action, and is, therefore, not subject to review by OMB.

##### C. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal

government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. The rule will, however, cause these entities to implement the rule by incorporating it into permits and enforcing it upon delegation. They will collect permit fees that will be used to offset the resource burden of implementing the rule. Comments were solicited from State partners and considered in the rule development process. No written comments were received on the proposed rule from any State, local, and tribal governments. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

##### D. Executive Order 13084

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

officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. No tribal governments own or operate an affected source. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

##### E. Unfunded Mandates Reform Act

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

Because this rule does not include a Federal mandate and is estimated to result in the expenditure by State, local, and tribal governments or the private sector of significantly less than \$100 million in any one year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. In addition, because small governments will not be significantly or uniquely affected by this rule, the Agency is not required to develop a plan with regard to small governments. Therefore, the requirements of the UMRA do not apply to this action.

##### F. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small business, small not-for-profit enterprises, and small governmental jurisdictions. This final rule affects only one source and that source is not a small business.

##### G. Paperwork Reduction Act

The OMB has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and has



assigned OMB control number 2060-0391.

The information collected will be used by Agency enforcement personnel to perform the following tasks:

- Identify sources subject to the standard
- Ensure that MACT is being properly applied
- Ensure that emission control devices are being properly operated and maintained on a continuous basis to reduce HAP emissions from furnaces and process fugitive sources
- Ensure that fugitive dust controls are being fully implemented.

Owners or operators must comply with the information collection requirements in the rule. The EPA developed this rule under the authority of section 112(d) of the Act, which requires EPA to regulate emissions of 188 HAP listed in section 112(b).

The total 3-year monitoring, recordkeeping, and reporting burden for this collection is estimated at 2,236 labor hours at a total cost of \$62,283 for the single existing affected facility. This estimate includes a one-time performance test and report; subsequent performance tests and reports for some sources; semiannual reports when the procedures in a startup, shutdown, and malfunction plan were not followed; quarterly and semiannual excess emissions reports; maintenance inspections; notifications; and recordkeeping. There are no separate capital/startup costs associated with the proposed rules.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to conduct the following activities:

- Review instructions.
- Develop, acquire, install, and utilize technology and systems for the purpose of responding to the information collection.
- Adjust existing ways to comply with any previously applicable instructions and requirements.
- Train personnel to respond to a collection of information.
- Search existing data sources.
- Complete and review the collection of information.
- Transmit or otherwise disclose the information.

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 EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

The EPA is amending the table in 40 CFR part 9 of currently approved ICR control numbers issued by OMB for various regulations to list the information requirements contained in this final rule. This amendment updates the table to list the information requirements being promulgated today as the NESHAP for ferromanganese and silicomanganese production.

The EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfy the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

#### H. Protection of Children From Environmental Health Risks and Safety Risk Under Executive Order 13045

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis under section 5-501 of the Order has the potential to influence the regulation. This final rule is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined by Executive Order 12866, and it is based on technology performance and not on health or safety risks.

#### I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) directs all Federal agencies to use voluntary consensus standards instead of government-unique standards in their regulatory activities

unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling and analytical procedures, business practices, etc.) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the National Fire Protection Association (NFPA), and the Society of Automotive Engineers (SAE). The NTTAA requires Federal agencies like EPA to provide Congress, through OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards.

This action does not involve the promulgation of any new technical standards. It does, however, incorporate by reference existing technical standards. Incorporated are longstanding EPA reference test methods and procedures for demonstrating compliance with particulate matter standards and opacity standards, specifically EPA test methods 1 through 5 and 9, as codified under 40 CFR 60, appendix A. Consequently, the Agency searched for voluntary consensus standards that might be applicable. The search was conducted through the National Standards System Network (NSSN), an automated service provided by the American National Standards Institute (ANSI) for identifying available national and international standards. The search identified no applicable standards. The EPA did not receive any public comments identifying other possible technical standards. Therefore, the EPA will use the government-unique technical standards cited above for determining compliance.

#### J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provided that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. This rule is not a



“major rule” as defined by 5 U.S.C. section 804(2).

**List of Subjects in 40 CFR Parts 9 and 63**

Environmental protection, Air pollution control, Hazardous substances, Ferromanganese and silicomanganese production, Reporting and recordkeeping requirements.

Dated: May 13, 1999.

**Carol M. Browner,**  
*Administrator.*

For reasons stated in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

**PART 9—[AMENDED]**

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

**Authority:** 7 U.S.C. 135 et seq., 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 et seq., 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 et seq., 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. In § 9.1 the table is amended by adding an entry in numerical order under the indicated heading to read as follows:

**§ 9.1 OMB approvals under the Paperwork Reduction Act.**

\* \* \* \* \*

40 CFR citation	OMB control No.
* * * * *	* * * * *
National Emission Standards for Hazardous Air Pollutants for Source Categories <sup>3</sup>	
* * * * *	* * * * *
63.1620–63.1679 .....	2060–0391
* * * * *	* * * * *

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

\* \* \* \* \*

**PART 63—[AMENDED]**

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

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

2. Part 63 is amended by adding subpart XXX to read as follows:

**Subpart XXX—National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese**

- Sec.
- 63.1620–63.1649 [Reserved].
- 63.1650 Applicability and compliance dates.
- 63.1651 Definitions.
- 63.1652 Emission standards.
- 63.1653 Opacity standards.
- 63.1654 Operational and work practice standards.
- 63.1655 Maintenance requirements.

- 63.1656 Performance testing, test methods, and compliance demonstrations.
- 63.1657 Monitoring requirements.
- 63.1658 Notification requirements.
- 63.1659 Reporting requirements.
- 63.1660 Recordkeeping requirements.
- 63.1661 Delegation of authorities.
- 63.1662–63.1679 [Reserved].

**Subpart XXX—National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese**

§§ 63.1620–63.1649 [Reserved]

**§ 63.1650 Applicability and compliance dates.**

(a) This subpart applies to all new and existing ferromanganese and silicomanganese production facilities that manufacture ferromanganese or silicomanganese and are major sources or are co-located at major sources of hazardous air pollutant emissions.

(b) The following sources at a ferromanganese and silicomanganese production facility are subject to this subpart:

- (1) Submerged arc furnaces.
- (2) Metal oxygen refining (MOR) process.
- (3) Crushing and screening operations.
- (4) Fugitive dust sources.

(c) A new affected source is one for which construction or reconstruction commenced after August 4, 1998.

(d) The following table specifies which provisions of subpart A of this part apply to owners and operators of ferromanganese and silicomanganese production facilities subject to this subpart:

GENERAL PROVISIONS APPLICABILITY TO SUBPART XXX

Reference, Subpart A General Provisions	Applies to Subpart XXX, §§ 63.1620–63.1679	Comment
63.1–63.5 .....	Yes.	
63.6(a)–(g), (i)–(j) .....	Yes.	
63.6(h)(1)–(h)(6), (h)(8)–(h)(9) .....	Yes.	
63.7(h)(7) .....	No .....	§ 63.6(h)(7), use of continuous opacity monitoring system, not applicable.
63.7 .....	Yes.	
63.8 .....	Yes.	
63.9 .....	Yes .....	Notification of performance test results changed to a 30-day notification period.
63.10 .....	Yes .....	Allow changes in dates by which periodic reports are submitted by mutual agreement between the owner or operator and the State to occur any time after the source's compliance date.
63.11 .....	No .....	Flares will not be used to comply with the emission limits.
63.12–63.15 .....	Yes.	

(e) *Compliance dates.* (1) Each owner or operator of an existing affected source must comply with the requirements of this subpart no later than May 21, 2001.

(2) Each owner or operator of a new or reconstructed affected source that

commences construction or reconstruction after August 4, 1998, must comply with the requirements of this subpart by May 20, 1999 or upon startup of operations, whichever is later.

**§ 63.1651 Definitions.**

Terms in this subpart are defined in the Clean Air Act (Act), in subpart A of this part, or in this section as follows:

*Bag leak detection system* means a system that is capable of continuously

monitoring particulate matter (dust) loadings in the exhaust of a baghouse in order to detect bag leaks and other upset conditions. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light scattering, light transmittance, or other effect to continuously monitor relative particulate matter loadings.

*Capture system* means the equipment (including hoods, ducts, fans, dampers, etc.) used to capture or transport particulate matter generated by an affected submerged arc furnace.

*Casting* means the period of time from when molten ferroalloy falls from the furnace tapping runner into the ladle until pouring into molds is completed. This includes the following operations: ladle filling, pouring alloy from one ladle to another, slag separation, slag removal, and ladle transfer by crane, truck, or other conveyance.

*Crushing and screening* equipment means the crushers, grinders, mills, screens and conveying systems used to crush, size, and prepare for packing manganese-containing materials, including raw materials, intermediate products, and final products.

*Fugitive dust source* means a stationary source from which manganese-bearing particles are discharged to the atmosphere due to wind or mechanical inducement such as vehicle traffic. Fugitive dust sources include plant roadways, yard areas, and outdoor material storage and transfer operations.

*Furnace power input* means the resistive electrical power consumption of a submerged arc furnace, expressed as megawatts (MW).

*Malfunction* means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures caused in part by poor maintenance or careless operation are not malfunctions.

*Metal oxygen refining (MOR) process* means the reduction of the carbon content of ferromanganese through the use of oxygen.

*Open submerged arc furnace* means an electric submerged arc furnace that is equipped with a canopy hood above the furnace to collect primary emissions.

*Operating time* means the period of time in hours that the affected source is in operation beginning at a startup and ending at the next shutdown.

*Plant roadway* means any area at a ferromanganese and silicomanganese production facility that is subject to plant mobile equipment, such as fork lifts, front end loaders, or trucks,

carrying manganese-bearing materials. Excluded from this definition are employee and visitor parking areas, provided they are not subject to traffic by plant mobile equipment.

*Primary emissions* means gases and emissions collected by hoods and ductwork located above an open furnace or under the cover of a semi-closed or sealed furnace.

*Sealed submerged arc furnace* means an electric submerged arc furnace equipped with a total enclosure or cover from which primary emissions are evacuated directly.

*Semi-closed submerged arc furnace* means an electric submerged arc furnace equipped with a partially sealed cover over the furnace. This cover is equipped with openings to allow penetration of the electrodes into the furnace. Mix is introduced into the furnace around the electrode holes forming a partial seal between the electrodes and the cover. Furnace emissions generated under the cover are ducted to an emission control device. Emissions that escape the cover are collected and vented through stacks directly to the atmosphere.

*Shop* means the building which houses one or more submerged arc furnaces.

*Shutdown* means the cessation of operation of an affected source for any purpose.

*Startup* means the setting in operation of an affected source for any purpose.

*Submerged arc furnace* means any furnace wherein electrical energy is converted to heat energy by transmission of current between electrodes partially submerged in the furnace charge. The furnace may be of an open, semi-sealed, or sealed design.

*Tapping emissions* means a source of air pollutant emissions that occur during the process of removing the molten product from the furnace.

*Tapping period* means the time from when a tap hole is opened until the time a tap hole is closed.

#### § 63.1652 Emission standards.

(a) *New and reconstructed submerged arc furnaces.* No owner or operator shall cause to be discharged into the atmosphere from any new or reconstructed submerged arc furnace exhaust gases (including primary and tapping) containing particulate matter in excess of one of the following:

- (1) 0.23 kilograms per hour per megawatt (kg/hr/MW) (0.51 pounds per hour per megawatt [lb/hr/MW]), or
- (2) 35 milligrams per dry standard cubic meter (mg/dscm) (0.015 grains per dry standard cubic foot [gr/dscf]).

(b) *Existing open submerged arc furnaces.* No owner or operator shall

cause to be discharged into the atmosphere from any existing open submerged arc furnace exhaust gases (including primary and tapping) containing particulate matter in excess of one of the following:

- (1) 16.3 kilograms per hour (kg/hr) (35.9 pounds per hour [lb/hr]) when producing silicomanganese, or
- (2) 6.4 kg/hr (14.0 lb/hr) when producing ferromanganese.

(c) *Existing semi-sealed submerged arc furnaces.* No owner or operator shall cause to be discharged into the atmosphere from any existing semi-sealed submerged arc furnace exhaust gases (including primary, tapping, and vent stacks) containing particulate matter in excess of 11.2 kg/hr (24.7 lb/hr) when producing ferromanganese.

(d) *MOR process.* No owner or operator shall cause to be discharged into the atmosphere from any new, reconstructed, or existing MOR process exhaust gases containing particulate matter in excess of 69 mg/dscm (0.03 gr/dscf).

(e) *Crushing and screening equipment.* (1) *New and reconstructed equipment.* No owner or operator shall cause to be discharged into the atmosphere from any new or reconstructed piece of equipment associated with crushing and screening exhaust gases containing particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).

(2) *Existing equipment.* No owner or operator shall cause to be discharged into the atmosphere from any existing piece of equipment associated with crushing and screening exhaust gases containing particulate matter in excess of 69 (mg/dscm) (0.03 gr/dscf).

#### § 63.1653 Opacity standards.

No owner or operator shall cause emissions exiting from a shop due solely to operations of any affected submerged arc furnace, to exceed 20 percent opacity for more than one 6-minute period during any performance test, with the following exceptions:

(a) Visible particulate emissions from a shop due solely to operation of a semi-closed submerged arc furnace, may exceed 20 percent opacity, measured as a 6-minute average, one time during any performance test, so long as the emissions never exceed 60 percent opacity, measured as a 6-minute average.

(b) Blowing taps, poling and oxygen lancing of the tap hole; burndowns associated with electrode measurements; and maintenance activities associated with submerged arc furnaces and casting operations are

exempt from the opacity standards specified in this section.

**§ 63.1654 Operational and work practice standards.**

(a) *Fugitive dust sources.* (1) Each owner or operator of an affected ferromanganese and silicomanganese production facility must prepare, and at all times operate according to, a fugitive dust control plan that describes in detail the measures that will be put in place to control fugitive dust emissions from the individual fugitive dust sources at the facility.

(2) The owner or operator must submit a copy of the fugitive dust control plan to the designated permitting authority on or before the applicable compliance date for the affected source as specified in § 63.1650(e). The requirement for the owner or operator to operate the facility according to a written fugitive dust control plan must be incorporated in the operating permit for the facility that is issued by the designated permitting authority under part 70 of this chapter.

(3) The owner or operator may use existing manuals that describe the measures in place to control fugitive dust sources required as part of a State implementable requirement for particulate matter to satisfy the requirements of paragraph (a)(1) of this section.

(b) *Baghouses equipped with bag leak detection systems.* The owner or operator of a new or reconstructed submerged arc furnace must install and continuously operate a bag leak detection system if the furnace's primary and/or tapping emissions are ducted to a negative pressure baghouse or to a positive pressure baghouse equipped with a stack. The owner or operator must maintain and operate each baghouse such that the following conditions are met:

(1) The alarm on the system does not sound for more than 5 percent of the total operating time in a 6-month reporting period.

(2) A record is made of the date and time of each alarm and procedures to determine the cause of the alarm are initiated within 1 hour of the alarm according to the plan for corrective action required under § 63.1657(a)(7).

**§ 63.1655 Maintenance requirements.**

(a) The owner or operator of an affected source must comply with the requirements of § 63.6(e) of subpart A.

(b)(1) The owner or operator must develop and implement a written maintenance plan for each air pollution control device associated with submerged arc furnaces, metal oxygen

refining processes, and crushing and screening operations subject to the provisions of this part. The owner or operator must keep the maintenance plan on record and available for the Administrator's inspection for the life of the air pollution control device or until the affected source is no longer subject to the provisions of this part.

(2) To satisfy the requirement to develop maintenance plans, the owner or operator may use the affected source's standard operating procedures (SOP) manual or other plan, provided the alternative plan meets the requirements of this paragraph and is made available for inspection when requested by the Administrator.

(c) The procedures specified in the maintenance plan must include a preventive maintenance schedule that is consistent with good air pollution control practices for minimizing emissions and, for baghouses, ensure that the requirements specified in § 63.1657(a) are met.

(d) The owner or operator must perform monthly inspections of the equipment that is important to the performance of the furnace capture system. This inspection must include an examination of the physical condition of the equipment, suitable for detecting holes in ductwork or hoods, flow constrictions in ductwork due to dents or accumulated dust, and operational status of flow rate controllers (pressure sensors, dampers, damper switches, etc.). Any deficiencies must be recorded and proper maintenance and repairs performed.

**§ 63.1656 Performance testing, test methods, and compliance demonstrations.**

(a) *Performance testing.* (1) All performance tests must be conducted according to the requirements in § 63.7 of subpart A.

(2) Each performance test must consist of three separate and complete runs using the applicable test methods.

(3) Each run must be conducted under conditions that are representative of normal process operations.

(4) Performance tests conducted on air pollution control devices serving submerged arc furnaces must be conducted such that at least one tapping period, or at least 20 minutes of a tapping period, whichever is less, is included in at least two of the three runs. The sampling time for each run must be at least as long as three times the average tapping period of the tested furnace, but no less than 60 minutes.

(5) The sample volume for each run must be at least 0.9 dscm (30 dscf).

(b) *Test methods.* The following test methods in Appendix A of part 60 of

this chapter must be used to determine compliance with the emission standards.

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

(2) Method 2 to determine the volumetric flow rate of the stack gas.

(3) Method 3 to determine the dry molecular weight of the stack gas.

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

(5) Method 5 to determine the particulate matter concentration of the stack gas for negative pressure baghouses and positive pressure baghouses with stacks.

(6) Method 5D to determine particulate matter concentration and volumetric flow rate of the stack gas for positive pressure baghouses without stacks.

(7) Method 9 to determine opacity.

(8) The owner or operator may use equivalent alternative measurement methods approved by the Administrator following the procedures described in § 63.7(f) of subpart A.

(c) *Compliance demonstration with the emission standards.* (1) The owner or operator must conduct an initial performance test for air pollution control devices or vent stacks subject to § 63.1652(a) through (e) to demonstrate compliance with the applicable emission standards.

(2) The owner or operator must conduct annual performance tests for the air pollution control devices and vent stacks associated with the submerged arc furnaces, with the exception of any air pollution control devices that serve tapping emissions combined with non-furnace emissions, such as the MOR process or equipment associated with crushing and screening. Also excluded are air pollution control devices that serve dedicated non-furnace emissions, such as the MOR process or equipment associated with crushing and screening. The results of these annual tests will be used to demonstrate compliance with the emission standards in § 63.1652(a) through (e), as applicable.

(3) Following development, and approval, if required, of the site-specific test plan, the owner or operator must conduct a performance test for each air pollution control device or vent stack to measure particulate matter and determine compliance with the applicable standard.

(i) An owner or operator of sources subject to the particulate matter concentration standards in § 63.1652(a)(2), (d), or (e), must determine compliance as follows:

(A) Determine the particulate matter concentration using Method 5 or 5D, as applicable.

(B) Compliance is demonstrated if the average concentration for the three runs comprising the performance test does not exceed the standard.

(ii) An owner or operator of sources subject to the particulate mass rate standards in § 63.1652(b) or (c) must determine compliance as follows:

(A) Determine the particulate matter concentration and volumetric flow rate using Method 5 or 5D, as applicable.

(B) Compute the mass rate ( $E_M$ ) of particulate matter for each run using the following equation:

$$E_M = \left[ \sum_{i=1}^N C_{si} Q_{sdi} \right] / K$$

Where:

$E_M$  = mass rate of particulate matter, kg/hr (lb/hr).

$N$  = total number of exhaust streams at which emissions are quantified.

$C_{si}$  = concentration of particulate matter from exhaust stream "i", mg/dscm (gr/dscf).

$Q_{sdi}$  = volumetric flow rate of effluent gas from exhaust stream "i", dscm/hr (dscf/hr)

$K$  = conversion factor,  $1 \times 10^6$  mg/kg (7,000 gr/lb).

(C) Compliance is demonstrated if the average of the mass rates for the three runs comprising the performance test does not exceed the standard.

(iii) An owner or operator of sources subject to the particulate matter process-weighted rate standard in § 63.1652(a)(1) must determine compliance as follows:

(A) Determine particulate matter concentration and volumetric flow rate using Method 5 or 5D, as applicable.

(B) Compute the process-weighted mass rate ( $E_P$ ) of particulate matter for each run using the following equation:

$$E_P = \left[ \sum_{i=1}^N C_{si} Q_{sdi} \right] / PK$$

Where:

$E_P$  = process-weighted mass rate of particulate matter, kg/hr/MW (lb/hr/MW).

$N$  = total number of exhaust streams at which emissions are quantified.

$C_{si}$  = concentration of particulate matter from exhaust stream "i", mg/dscm (gr/dscf)

$Q_{sdi}$  = volumetric flow rate of effluent gas from exhaust stream "i", dscm/hr (dscf/hr)

$P$  = Average furnace power input, MW

$K$  = conversion factor,  $1 \times 10^6$  mg/kg (7,000 gr/lb).

(C) Compliance is demonstrated if the average process-weighted mass rate for the three runs comprising the performance test does not exceed the standard.

(4) If a venturi scrubber is used to comply with the emission standards, the owner or operator must establish as a site-specific operating parameter the lowest average pressure drop on any individual complying run in the three runs constituting any compliant test. The pressure drop must be monitored at least every 5 minutes during the test and hourly averages recorded.

(i) [Reserved]

(ii) The owner or operator may augment the data obtained under paragraph (a)(4) of this section by conducting multiple performance tests to establish a range of compliant operating parameter values. The lowest value of this range would be selected as the operating parameter monitoring value. The use of historic compliance data may be used to establish the compliant operating parameter value if the previous values were recorded during performance tests using the same test methods specified in this subpart and established as required in paragraph (a)(4) of this section.

(d) *Compliance demonstration with opacity standards.*

(1)(i) The owner or operator subject to § 63.1653 must conduct initial opacity observations of the shop building to demonstrate compliance with the applicable opacity standards according to § 63.6(h)(5), which addresses the conduct of opacity or visible emission observations.

(ii) In conducting the opacity observations of the shop building, the observer must limit his or her field of view to the area of the shop building roof monitor that corresponds to the placement of the affected submerged arc furnaces.

(iii) The owner or operator must conduct the opacity observations according to EPA Method 9 of 40 CFR part 60, appendix A, for a minimum of 60 minutes.

(2)(i) When demonstrating initial compliance with the shop building opacity standard, as required by paragraph (d)(1) of this section, the owner or operator must simultaneously establish parameter values for one of the following: the control system fan motor amperes and all capture system damper positions, the total volumetric flow rate to the air pollution control device and all capture system damper positions, or volumetric flow rate through each separately ducted hood that comprises the capture system.

(ii) The owner or operator may petition the Administrator to reestablish these parameters whenever he or she can demonstrate to the Administrator's satisfaction that the submerged arc furnace operating conditions upon which the parameters were previously established are no longer applicable.

The values of these parameters determined during the most recent demonstration of compliance must be maintained at the appropriate level for each applicable period.

(3) The owner or operator must demonstrate continuing compliance with the opacity standards by following the monitoring requirements specified in § 63.1657(c) and the reporting and recordkeeping requirements specified in §§ 63.1659(b)(4) and 63.1660(b).

(e) *Compliance demonstration with the operational and work practice standards.*

(1) *Fugitive dust sources.* Failure to have a fugitive dust control plan or failure to report deviations from the plan and take necessary corrective action would be a violation of the general duty to ensure that fugitive dust sources are operated and maintained in a manner consistent with good air pollution control practices for minimizing emissions per § 63.6(e)(1)(i) of subpart A.

(2) *Baghouses equipped with bag leak detection systems.* The owner or operator demonstrates compliance with the bag leak detection system requirements by submitting reports as required by § 63.1659(b)(5) showing that the alarm on the system does not sound for more than 5 percent of the total operating time in a 6-month period. Calculate the percentage of total operating time the alarm on the bag leak detection system sounds as follows:

(i) Do not include alarms that occur due solely to a malfunction of the bag leak detection system in the calculation.

(ii) Do not include alarms that occur during startup, shutdown, and malfunction in the calculation if the condition is described in the startup, shutdown, and malfunction plan and the owner or operator follows all the procedures in the plan defined for this condition.

(iii) Count 1 hour of alarm time for each alarm where the owner or operator initiates procedures to determine the cause within 1 hour of the alarm.

(iv) Count the actual time it takes the owner or operator to initiate procedures to determine the cause of the alarm for each alarm where the owner or operator does not initiate procedures to determine the cause within 1 hour of the alarm.

(v) Calculate the percentage of time the alarm on the bag leak detection system sounds as the ratio of the sum of alarm times to the total operating time multiplied by 100.

**§ 63.1657 Monitoring requirements.**

(a) *Baghouses.* (1) For the baghouses serving the submerged arc furnaces, the metal oxygen refining process, and crushing and screening operations, the owner or operator must observe on a daily basis for the presence of any visible emissions.

(2) In addition to the daily visible emissions observation, the owner or operator must conduct the following activities:

(i) Daily monitoring of pressure drop across each baghouse cell, or across the baghouse if it is not possible to monitor each cell individually, to ensure the pressure drop is within the normal operating range identified in the baghouse maintenance plan.

(ii) Weekly confirmation that dust is being removed from hoppers through visual inspection, or equivalent means of ensuring the proper functioning of removal mechanisms.

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

(iv) An appropriate methodology for monitoring cleaning cycles to ensure proper operation.

(v) Monthly check of bag cleaning mechanisms for proper functioning through visual inspection or equivalent means.

(vi) Quarterly visual check of bag tension on reverse air and shaker-type baghouses to ensure that the bags are not kinked (knead or bent) or laying on their sides. Such checks are not required for shaker-type baghouses using self-tensioning (spring loaded) devices.

(vii) Quarterly confirmation of the physical integrity of the baghouse structure through visual inspection of the baghouse interior for air leaks.

(viii) Semiannual inspection of fans for wear, material buildup, and corrosion through visual inspection, vibration detectors, or equivalent means.

(3) In addition to meeting the requirements of paragraphs (a)(1) and (a)(2) of this section, the owner or operator of a new or reconstructed submerged arc furnace must install and continuously operate a bag leak detection system if the furnace primary and/or tapping emissions are ducted to a negative pressure baghouse or to a positive pressure baghouse equipped with a stack. The bag leak detection system must meet the following requirements:

(i) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

(ii) The bag leak detection system sensor must provide output of relative particulate matter loadings, and the owner or operator must continuously record the output from the bag leak detection system.

(iii) The bag leak detection system must be equipped with an alarm system that will sound when an increase in relative particulate loadings is detected over a preset level. The alarm must be located where it can be heard by the appropriate plant personnel.

(iv) Each bag leak detection system that works based on the triboelectric effect must be installed, calibrated, operated, and maintained consistent with the U.S. Environmental Protection Agency guidance document "Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015). Other bag leak detection systems must be installed, calibrated, and maintained consistent with the manufacturer's written specifications and recommendations.

(v) The initial adjustment of the system must, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time.

(vi) Following initial adjustment, the owner or operator must not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as detailed in the maintenance plan required under § 63.1655(b). In no event must the sensitivity be increased by more than 100 percent or decreased more than 50 percent over a 365-day period unless a responsible official certifies the baghouse has been inspected and found to be in good operating condition.

(vii) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(4) As part of the maintenance plan required by § 63.1655(b), the owner or operator must develop and implement corrective action procedures to be followed in the case of a bag leak detection system alarm (for baghouses equipped with such a system), the observation of visible emissions from the baghouse, or the indication through the periodic baghouse system inspections that the system is not operating properly. The owner or operator must initiate corrective action

as soon as practicable after the occurrence of the observation or event indicating a problem.

(5) The corrective action plan must include procedures used to determine the cause of an alarm or other indications of problems as well as actions to minimize emissions. These actions may include the following:

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

(ii) Sealing off defective bags or filter media.

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

(iv) Sealing off a defective baghouse compartment.

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

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

(6) Failure to monitor or failure to take corrective action under the requirements of paragraph (a) of this section would be a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimizes emissions per § 63.6(e)(1)(i) of subpart A.

(b) *Venturi scrubbers.* (1) The owner or operator must monitor the pressure drop across the venturi at least every 5 minutes and record the average hourly pressure drop. Measurement of an average hourly pressure drop less than the pressure drop operating parameter limit established during a successful compliance demonstration would be a violation of the applicable emission standard, unless the excursion in the pressure drop is due to a malfunction.

(2) As part of the maintenance plan required by § 63.1655(b), the owner or operator must develop and implement corrective action procedures to be followed in the case of a violation of the pressure drop requirement. The owner or operator must initiate corrective action as soon as practicable after the excursion.

(3) Failure to monitor or failure to take corrective action under the requirements of paragraph (b) of this section is a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimizes emissions per § 63.6(e)(1)(i).

(c) *Shop opacity.* The owner or operator subject to the opacity standards in § 63.1653 must comply with one of the monitoring options in paragraphs (c)(1), (c)(2) or (c)(3) of this section. The selected option must be consistent with

that selected during the initial performance test described in § 63.1656(d)(2). Alternatively, the owner or operator may use the provisions of § 63.8(f) to request approval to use an alternative monitoring method.

(1) The owner or operator must check and record the control system fan motor amperes and capture system damper positions once per shift.

(2) The owner or operator must install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood.

(3) The owner or operator must install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate at the inlet of the air pollution control device and must check and record the capture system damper positions once per shift.

(4) The flow rate monitoring devices must meet the following requirements:

(i) Be installed in an appropriate location in the exhaust duct such that reproducible flow rate monitoring will result.

(ii) Have an accuracy  $\pm 10$  percent over its normal operating range and be calibrated according to the manufacturer's instructions.

(5) The Administrator may require the owner or operator to demonstrate the accuracy of the monitoring device(s) relative to Methods 1 and 2 of appendix A of part 60 of this chapter.

(6) Failure to maintain the appropriate capture system parameters (fan motor amperes, flow rate, and/or damper positions) establishes the need to initiate corrective action as soon as practicable after the monitoring excursion in order to minimize excess emissions.

(7) Failure to monitor or failure to take corrective action under the requirements of paragraph (c) of this section is a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimizes emissions per § 63.6(e)(1)(i).

#### § 63.1658 Notification requirements.

(a) As required by § 63.9(b) of subpart A, unless otherwise specified in this subpart, the owner or operator must submit the following written notifications to the Administrator:

(1) The owner or operator of an area source that subsequently becomes subject to the requirements of the standard must provide notification to the applicable permitting authority as required by § 63.9(b)(1).

(2) As required by § 63.9(b)(2), the owner or operator of an affected source that has an initial startup before the effective date of the standard must

notify the Administrator that the source is subject to the requirements of the standard. The notification must be submitted no later than 120 calendar days after May 20, 1999 (or within 120 calendar days after the source becomes subject to this standard) and must contain the information specified in § 63.9(b)(2)(i) through (b)(2)(v).

(3) As required by § 63.9(b)(3), the owner or operator of a new or reconstructed affected source, or a source that has been reconstructed such that it is an affected source, that has an initial startup after the effective date and for which an application for approval of construction or reconstruction is not required under § 63.5(d), must notify the Administrator in writing that the source is subject to the standards no later than 120 days after initial startup. The notification must contain the information specified in § 63.9(b)(2)(i) through (b)(2)(v), delivered or postmarked with the notification required in § 63.9(b)(5).

(4) As required by § 63.9(b)(4), the owner or operator of a new or reconstructed major affected source that has an initial startup after the effective date of this standard and for which an application for approval of construction or reconstruction is required under § 63.5(d) must provide the information specified in § 63.9(b)(4)(i) through (b)(4)(v).

(5) As required by § 63.9(b)(5), the owner or operator who, after the effective date of this standard, intends to construct a new affected source or reconstruct an affected source subject to this standard, or reconstruct a source such that it becomes an affected source subject to this standard, must notify the Administrator, in writing, of the intended construction or reconstruction.

(b) *Request for extension of compliance.* As required by § 63.9(c), if the owner or operator of an affected source cannot comply with this standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with § 63.6(i)(5), he or she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in § 63.6(i)(4) through (i)(6).

(c) *Notification that source is subject to special compliance requirements.* As required by § 63.9(d), an owner or operator of a new source that is subject to special compliance requirements as specified in § 63.6(b)(3) and (b)(4) must notify the Administrator of his or her compliance obligations no later than the notification dates established in

§ 63.9(b) for new sources that are not subject to the special provisions.

(d) *Notification of performance test.* As required by § 63.9(e), the owner or operator of an affected source must notify the Administrator in writing of his or her intention to conduct a performance test at least 30 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under § 63.7(c) and to have an observer present during the test.

(e) *Notification of opacity and visible emission observations.* As required by § 63.9(f), the owner or operator of an affected source must notify the Administrator in writing of the anticipated date for conducting the opacity or visible emission observations specified in § 63.6(h)(5). The notification must be submitted with the notification of the performance test date, as specified in paragraph (d) of this section, or if visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under § 63.7, the owner or operator must deliver or postmark the notification not less than 30 days before the opacity or visible emission observations are scheduled to take place.

(f) *Notification of compliance status.* The owner or operator of an affected source must submit a notification of compliance status as required by § 63.9(h). The notification must be sent before the close of business on the 60th day following completion of the relevant compliance demonstration.

#### § 63.1659 Reporting requirements.

(a) *General reporting requirements.* The owner or operator of a ferromanganese and silicomanganese production facility must comply with all of the reporting requirements under § 63.10 of subpart A, unless otherwise specified in this subpart.

(1) *Frequency of reports.* As provided by § 63.10(a)(5), if the owner or operator is required to submit periodic reports to a State on an established time line, he or she may change the dates by which periodic reports submitted under this part may be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. This provision may be applied at any point after the source's compliance date.

(2) *Reporting results of performance tests.* As required by § 63.10(d)(2), the owner or operator of an affected source must report the results of the initial

performance test as part of the notification of compliance status required in § 63.1658(f).

(3) [Reserved]

(4) *Periodic startup, shutdown, and malfunction reports.* (i) As required by § 63.10(d)(5)(i), if actions taken by an owner or operator during a startup, shutdown, or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the startup, shutdown, and malfunction plan, the owner or operator must state such information in a semiannual report. The report, to be certified by the owner or operator or other responsible official, must be submitted semiannually and delivered or postmarked by the 30th day following the end of each calendar half; and

(ii) Any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures in the startup, shutdown, and malfunction plan, the owner or operator must comply with all requirements of § 63.10(d)(5)(ii).

(b) *Specific reporting requirements.* In addition to the information required under § 63.10, reports required under paragraph (a) of this section must include the information specified in paragraphs (b)(1) through (b)(5) of this section. As allowed by § 63.10(a)(3), if any State requires a report that contains all of the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.

(1) *Air pollution control devices.* The owner or operator must submit reports that summarize the records maintained as part of the practices described in the maintenance plan for air pollution control devices required under § 63.1655(b), including an explanation of the periods when the procedures were not followed and the corrective actions taken.

(2) *Venturi scrubbers.* In addition to the information required to be submitted in paragraph (b)(1) of this section, the owner or operator must submit reports that identify the periods when the average hourly pressure drop of venturi scrubbers used to control particulate emissions dropped below the levels established in § 63.1656(c)(4), and an explanation of the corrective actions taken.

(3) *Fugitive dust.* The owner or operator must submit reports that explain the periods when the procedures outlined in the fugitive dust

control plan pursuant to § 63.1654(a) were not followed and the corrective actions taken.

(4) *Capture system.* The owner or operator must submit reports that summarize the monitoring parameter excursions measured pursuant to § 63.1657(c) and the corrective actions taken.

(5) *Bag leak detection system.* The owner or operator must submit reports including the following information:

(i) Records of all alarms.

(ii) Description of the actions taken following each bag leak detection system alarm.

(iii) Calculation of the percent of time the alarm on the bag leak detection system sounded during the reporting period.

(6) *Frequency of reports.* (i) The owner or operator must submit reports pursuant to § 63.10(e)(3) that are associated with excess emissions events such as the excursion of the scrubber pressure drop limit per paragraph (b)(2) of this section. These reports are to be submitted on a quarterly basis, unless the owner or operator can satisfy the requirements in § 63.10(e)(3) to reduce the frequency to a semiannual basis.

(ii) All other reports specified in paragraphs (b)(1) through (b)(5) of this section must be submitted semiannually.

#### § 63.1660 Recordkeeping requirements.

(a) *General recordkeeping requirements.* (1) The owner or operator of a ferromanganese and silicomanganese production facility must comply with all of the recordkeeping requirements under § 63.10.

(2) As required by § 63.10(b)(2), the owner or operator must maintain records for 5 years from the date of each record of:

(i) The occurrence and duration of each startup, shutdown, or malfunction of operation (i.e., process equipment and control devices);

(ii) The occurrence and duration of each malfunction of the source or air pollution control equipment;

(iii) All maintenance performed on the air pollution control equipment;

(iv) Actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) when such actions are different from the procedures specified in the startup, shutdown, and malfunction plan;

(v) All information necessary to demonstrate conformance with the startup, shutdown, and malfunction

plan when all actions taken during periods of startup, shutdown, and malfunction (including corrective actions) are consistent with the procedures specified in such plan. This information can be recorded in a checklist or similar form (see § 63.10(b)(2)(v));

(vi) All required measurements needed to demonstrate compliance with the standard and to support data that the source is required to report, including, but not limited to, performance test measurements (including initial and any subsequent performance tests) and measurements as may be necessary to determine the conditions of the initial test or subsequent tests;

(vii) All results of initial or subsequent performance tests;

(viii) If the owner or operator has been granted a waiver from recordkeeping or reporting requirements under § 63.10(f), any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements;

(ix) If the owner or operator has been granted a waiver from the initial performance test under § 63.7(h), a copy of the full request and the Administrator's approval or disapproval;

(x) All documentation supporting initial notifications and notifications of compliance status required by § 63.9; and

(xi) As required by § 63.10(b)(3), records of any applicability determination, including supporting analyses.

(b) *Specific recordkeeping requirements.* (1) In addition to the general records required by paragraph (a) of this section, the owner or operator must maintain records for 5 years from the date of each record of:

(i) Records of pressure drop across the venturi if a venturi scrubber is used.

(ii) Records of manufacturer certification that monitoring devices are accurate to within 5 percent (unless otherwise specified in this subpart) and of calibrations performed at the manufacturer's recommended frequency, or at a frequency consistent with good engineering practice, or as experience dictates.

(iii) Records of bag leak detection system output.

(iv) An identification of the date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, and the date and time the alarm was corrected.



(v) Copy of the written maintenance plan for each air pollution control device.

(vi) Copy of the fugitive dust control plan.

(vii) Records of each maintenance inspection and repair, replacement, or other corrective action.

(2) All records for the most recent 2 years of operation must be maintained on site. Records for the previous 3 years may be maintained off site.

#### § 63.1661 Delegation of authorities.

In delegating implementation and enforcement authority to a State under subpart E of this part, the Administrator retains no authorities.

#### §§ 63.1662—63.1679 [Reserved].

[FR Doc. 99-12584 Filed 5-19-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[NC-9915; FRL-6335-8]

#### Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Revised Format for Materials Being Incorporated by Reference

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; notice of administrative change.

**SUMMARY:** EPA is revising the format of 40 CFR part 52 for materials submitted by the State of North Carolina that are incorporated by reference (IBR) into the State Implementation Plan (SIP). The regulations affected by this format change have all been previously submitted by the State agency and approved by EPA.

This format revision will affect the "Identification of plan" sections of 40 CFR part 52, as well as the format of the SIP materials that will be available for public inspection at the Office of the Federal Register (OFR), the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, D.C., and the Regional Office. The sections of 40 CFR part 52 pertaining to provisions promulgated by EPA or state-submitted materials not subject to IBR review remain unchanged.

**EFFECTIVE DATE:** This action is effective May 20, 1999.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303; Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW, Room M1500, Washington, DC 20460; and Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Randy Terry at the above Region 4 address or at 404-562-9032.

#### SUPPLEMENTARY INFORMATION:

The supplementary information is organized in the following order:

What is a SIP?  
How EPA enforces SIPs.  
How the State and EPA update the SIP.  
How EPA compiles the SIPs.  
How EPA organizes the SIP Compilation.  
Where you can find a copy of the SIP Compilation.

The format of the new Identification of Plan Section.

When a SIP revision become federally enforceable.

The historical record of SIP revision approvals.

What EPA is doing in this action.  
How this document complies with the Federal Administrative Requirements for rulemaking.

#### What Is a SIP?

Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms.

#### How EPA Enforces SIPs

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the SIP to EPA.

Once these control measures and strategies are approved by EPA, after notice and comment, they are incorporated into the federally approved SIP and are identified in part 52 (Approval and Promulgation of Implementation Plans), Title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52, but is "incorporated by reference." This means that EPA has approved a given state regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP.

The information provided allows EPA and the public to monitor the extent to which a state implements the SIP to attain and maintain the NAAQS and to take enforcement action if necessary.

#### How the State and EPA Update the SIP

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference federally-approved SIPs, as a result of consultations between EPA and OFR.

EPA began the process of developing:

1. A revised SIP document for each state that would be incorporated by reference under the provisions of 1 CFR part 51;
2. A revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR; and
3. A revised format of the "Identification of plan" sections for each applicable subpart to reflect these revised IBR procedures.

The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

#### How EPA Compiles the SIPs

The federally-approved regulations and source specific permits (entirely or portions of), submitted by each state agency have been compiled by EPA into a "SIP Compilation." The SIP Compilation contains the updated regulations and source specific permits approved by EPA through previous rule making actions in the **Federal Register**. The compilations are contained in 3-ring binders and will be updated, primarily on an annual basis.

#### How EPA Organizes the SIP Compilation

Each SIP Compilation contains two parts. Part 1 contains the regulations and Part 2 contains the source specific requirements that have been approved as part of the SIP. Each part has a table of contents identifying each regulation or each source specific permit. The table of contents in the compilation corresponds to the table of contents published in 40 CFR part 52 for each state. The Regional EPA Offices have the primary responsibility for ensuring accuracy and updating the compilations.