

entitled "Total Reduced Sulfur Control from Kraft Pulp Mills" (Chapter 124). New mills are not covered under Chapter 124 because they are subject to New Source Performance Standards (NSPS) in 40 CFR part 60, subpart BB. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

### I. Summary of 111(d) Plan Revision

#### *What are Total Reduced Sulfur (TRS) Compounds?*

The term "total reduced sulfur" (TRS) refers to a mixture of four compounds: hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide. These compounds usually represent the total reduced sulfur released by a pulp and paper mill which uses the kraft process. TRS compounds are released when wood chips are dissolved during the papermaking process at certain mills. They have not been proven to cause serious human health problems in the concentrations normally found around paper mills, but they can cause some discomfort. TRS compounds have a strong, unpleasant odor.

#### *Which Paper Mills are Affected by This Rule?*

These changes to Chapter 124 will only affect existing paper mills that use the kraft process. The kraft process involves using sulfur compounds to dissolve wood chips, allowing the fiber to be made into paper. TRS compounds are formed during this process and, if not controlled, can be released into the atmosphere. Maine's 111(d) plan for TRS emissions applies to six kraft pulp mills in Maine.

This rule does not apply to new paper mills.

#### *How Will New Mills be Regulated?*

New mills will be covered by federal New Source Performance Standards (40 CFR part 60, subpart BB).

#### *What is the History of Chapter 124?*

Maine DEP originally submitted Chapter 124 to EPA on February 15, 1990. On September 19, 1990, EPA approved this rule under section 111(d) of the CAA (55 FR 38545). Section 111(d) allows us to approve state plans to regulate emissions from existing sources of pollutants not otherwise covered in the CAA.

On April 27, 1994, Maine DEP submitted a request to revise Chapter

124. EPA approved the state's revisions on October 4, 1994 (59 FR 50506). The changes to Chapter 124 extended the compliance date for brownstock washer systems from January 1, 1994 to September 30, 1998. Brownstock washer systems rinse the pulp after sulfur bearing chemicals are added. If emissions from these systems are not controlled, they can release TRS into the atmosphere. Maine changed the compliance date to give mills more time to comply with the federal Maximum Available Control Technology (MACT) standard for hazardous air pollutants (HAPs) from the pulp and paper industry, which was in preparation at the time. This MACT standard became effective in 1998.

#### *Why is Maine Asking to Change Chapter 124 Again?*

EPA published the MACT standard for the pulp and paper industry on April 15, 1998 (63 FR 18617). Maine then revised Chapter 124 to apply certain control provisions of that MACT standard to TRS compounds. Some of Maine's new requirements are even more stringent than the MACT standard for HAPs. For example, the compliance date for existing brownstock washer systems is April 17, 2005, which is one year earlier than the compliance date in EPA's MACT standard. Maine's revised regulations also add requirements independent of the MACT standard for HAPs. For example, the regulations call for inventories of TRS sources which emit more than 0.5 lbs/hr, limit unintentional releases (venting) from Low Volume High Concentration (LVHC) and some High Volume Low Concentration (HVLC) sources, and require detailed reports that explain TRS ventings from LVHC sources which exceed 0.5% of quarterly operating time.

Chapter 124 allows ME DEP and EPA to consider alternative compliance methods for monitoring TRS emissions. It is EPA's understanding that the state will implement these regulations to require that both agencies approve any such alternative compliance methods.

#### *What Actions Did the State Take to Satisfy the Federal Public Hearing Requirement?*

Maine certified that a public hearing on the revisions to Chapter 124 was held in Augusta, ME on May 26, 1999 in accordance with the requirements of 40 CFR 60.23(d)

### II. Final Action

EPA is approving the revised 111(d) plan controlling TRS emissions from existing kraft pulp mills as submitted by ME DEP on March 29, 2000. The revised

plan, which consists of the revised regulation entitled "Chapter 124: Total Reduced Sulfur from Kraft Pulp Mills," affects six existing kraft pulp mills in the State of Maine.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the 111(d) plan revision should relevant adverse comments be filed. This rule will be effective June 30, 2003 without further notice unless the Agency receives relevant adverse comments by June 2, 2003.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on the proposed rule. Only parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 30, 2003 and no further action will be taken on the proposed rule.

### III. Statutory and Executive Order Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). This rule also does not have a substantial direct effect on