

Dated: February 28, 2003.

**Christine Todd Whitman,**  
*Administrator.*

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

## **PART 63—[AMENDED]**

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

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

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

### **Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing**

Sec.

#### **What This Subpart Covers**

63.8380 What is the purpose of this subpart?

63.8385 Am I subject to this subpart?

63.8390 What parts of my plant does this subpart cover?

63.8395 When do I have to comply with this subpart?

#### **Emission Limitations**

63.8405 What emission limitations must I meet?

63.8410 What are my options for meeting the emission limitations?

#### **General Compliance Requirements**

63.8420 What are my general requirements for complying with this subpart?

63.8425 What do I need to know about operation, maintenance, and monitoring plans?

#### **Testing and Initial Compliance Requirements**

63.8435 By what date must I conduct performance tests?

63.8440 When must I conduct subsequent performance tests?

63.8445 How do I conduct performance tests and establish operating limits?

63.8450 What are my monitoring installation, operation, and maintenance requirements?

63.8455 How do I demonstrate initial compliance with the emission limitations?

#### **Continuous Compliance Requirements**

63.8465 How do I monitor and collect data to demonstrate continuous compliance?

63.8470 How do I demonstrate continuous compliance with the emission limitations?

#### **Notifications, Reports, and Records**

63.8480 What notifications must I submit and when?

63.8485 What reports must I submit and when?

63.8490 What records must I keep?

63.8495 In what form and for how long must I keep my records?

#### **Other Requirements and Information**

63.8505 What parts of the General

Provisions apply to me?

63.8510 Who implements and enforces this subpart?

63.8515 What definitions apply to this subpart?

#### **Tables to Subpart JJJJJ of Part 63**

Table 1 to Subpart JJJJJ of Part 63—  
Emission Limits

Table 2 to Subpart JJJJJ of Part 63—  
Operating Limits

Table 3 to Subpart JJJJJ of Part 63—  
Requirements for Performance Tests

Table 4 to Subpart JJJJJ of Part 63—  
Initial Compliance with Emission  
Limitations

Table 5 to Subpart JJJJJ of Part 63—  
Continuous Compliance with  
Emission Limits and Operating  
Limits

Table 6 to Subpart JJJJJ of Part 63—  
Requirements for Reports

Table 7 to Subpart JJJJJ of Part 63—  
Applicability of General Provisions  
to Subpart JJJJJ

#### **What This Subpart Covers**

##### **§ 63.8380 What is the purpose of this subpart?**

This subpart establishes national emission limitations for hazardous air pollutants (HAP) emitted from brick and structural clay products (BSCP) manufacturing facilities. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations.

##### **§ 63.8385 Am I subject to this subpart?**

You are subject to this subpart if you own or operate a BSCP manufacturing facility that is, is located at, or is part of, a major source of HAP emissions according to the criteria in paragraphs (a) and (b) of this section.

(a) A BSCP manufacturing facility is a plant site that manufactures brick (including, but not limited to, face brick, structural brick, and brick pavers); clay pipe; roof tile; extruded floor and wall tile; and/or other extruded, dimensional clay products. Brick and structural clay products manufacturing facilities typically process raw clay and shale, form the processed materials into bricks or shapes, and dry and fire the bricks or shapes.

(b) A major source of HAP emissions is any stationary source or group of stationary sources within a contiguous area under common control that emits or has the potential to emit any single HAP at a rate of 9.07 megagrams (10 tons) or more per year or any combination of HAP at a rate of 22.68 megagrams (25 tons) or more per year.

##### **§ 63.8390 What parts of my plant does this subpart cover?**

(a) This subpart applies to each existing, new, or reconstructed affected source at a BSCP manufacturing facility.

(b) The existing affected source is an existing tunnel kiln with a design capacity equal to or greater than 9.07 megagrams per hour (Mg/hr) (10 tons per hour (tph)) of fired product according to paragraphs (b)(1) through (3) of this section. For the remainder of this subpart, a tunnel kiln with a design capacity equal to or greater than 9.07 Mg/hr (10 tph) of fired product will be called a large tunnel kiln, and a tunnel kiln with a design capacity less than 9.07 Mg/hr (10 tph) of fired product will be called a small tunnel kiln.

(1) For existing tunnel kilns that do not have sawdust dryers, the kiln exhaust process stream (*i.e.*, the only process stream) is subject to the requirements of this subpart.

(2) For existing tunnel kilns that ducted exhaust to sawdust dryers prior to July 22, 2002, only the kiln exhaust process stream (*i.e.*, the process stream that exhausts directly to the atmosphere or to an air pollution control device (APCD)) is subject to the requirements of this subpart. As such, any process stream that is ducted to a sawdust dryer is not subject to these requirements.

(3) For existing tunnel kilns that first ducted exhaust to sawdust dryers on or after July 22, 2002, all of the exhaust (*i.e.*, all process streams) is subject to the requirements of this subpart.

(c) An existing small tunnel kiln whose design capacity is increased such that it is equal to or greater than 9.07 Mg/hr (10 tph) of fired product is subject to the requirements of this subpart.

(d) An existing tunnel kiln with a federally enforceable permit condition that restricts kiln operation to less than 9.07 Mg/hr (10 tph) of fired product on a 12-month rolling average basis is not subject to the requirements of this subpart.

(e) Each new or reconstructed tunnel kiln is an affected source regardless of design capacity. All process streams from each new or reconstructed tunnel kiln are subject to the requirements of this subpart.

(f) Kilns that are used exclusively for research and development (R&D) and are not used to manufacture products for commercial sale, except in a de minimis manner, are not subject to the requirements of this subpart.

(g) Kilns that are used exclusively for setting glazes on previously fired products are not subject to the requirements of this subpart.