

# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 63

[FRL -7498-8]

RIN 2060-AK52

### National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions; and Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)

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

**ACTION:** Final rule; amendments.

**SUMMARY:** In this action, we are adopting final amendments to the General Provisions for national emission standards for hazardous air pollutants (NESHAP) and to the rule which establishes criteria and procedures for equivalent emission limitations adopted pursuant to Clean Air Act (CAA) section 112(j). These final rule amendments establish a new timetable for the submission of section 112(j) Part 2 applications, which is based on the timetable we have agreed to follow for promulgation of the remaining NESHAP, and modify the content requirements for Part 2 applications. These final rule amendments also establish revised procedures for requests for applicability determination previously submitted under the section 112(j) rule, and for section 112(j) applications submitted by sources that previously obtained a case-by-case determination under CAA section 112(g). These final rule amendments also adopt various amendments to the NESHAP General Provisions governing startup, shutdown, and malfunction (SSM) plans, some of which were proposed by EPA pursuant to a settlement agreement in a judicial action concerning the prior amendments published on April 5, 2002.

**EFFECTIVE DATE:** May 30, 2003.

**ADDRESSES:** Docket No. OAR-2002-0038 (formerly A-2002-21) is located at the EPA Docket Center, EPA West, U.S. EPA (6102T), 1301 Constitution Avenue, NW., Room B-102, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** For information concerning applicability and rule determinations, contact your State or local permitting agency representative or the appropriate EPA Regional Office representative. For further information concerning the development of these rule amendments, contact Mr. Rick Colyer, U.S. EPA,

Office of Air Quality Planning and Standards, Minerals and Inorganic Chemicals Group, C504-05, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5262, e-mail [colyer.rick@epa.gov](mailto:colyer.rick@epa.gov).

**SUPPLEMENTARY INFORMATION:** *Docket.* We have established an official public docket for this action under Docket ID No. OAR-2002-0038. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Office of Air and Radiation Docket and Information Center (Air Docket) in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC 20460. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

*Electronic Docket Access.* You may access the final rule electronically through the EPA Internet under the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility in the above paragraph entitled "Docket." Once in the system, select "search," then key in the appropriate docket identification number.

*Worldwide Web (WWW).* In addition to being available in the docket, an electronic copy of today's promulgated rule amendments will also be available on the WWW through the Technology Transfer Network (TTN). Following the Administrator's signature, a copy of the rule amendments will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at the following address: <http://www.epa.gov/ttn/oarpg>. The TTN

provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541-5384.

*Regulated Entities.* Categories and entities potentially regulated by this action include all section 112 source categories listed under section 112(c) of the CAA.

## Industry Group: Source Category

### Fuel Combustion

Combustion Turbines  
Engine Test Facilities  
Industrial Boilers  
Institutional/Commercial Boilers  
Process Heaters  
Reciprocating Internal Combustion Engines  
Rocket Testing Facilities

### Non-Ferrous Metals Processing

Primary Aluminum Production  
Primary Copper Smelting  
Primary Lead Smelting  
Primary Magnesium Refining  
Secondary Aluminum Production  
Secondary Lead Smelting

### Ferrous Metals Processing

Coke By-Product Plants  
Coke Ovens: Charging, Top Side, and Door Leaks  
Coke Ovens: Pushing, Quenching, Battery Stacks  
Ferroalloys Production:  
Silicomanganese and Ferromanganese  
Integrated Iron and Steel Manufacturing  
Iron Foundries Electric Arc Furnace (EAF) Operation  
Steel Foundries  
Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration

### Mineral Products Processing

Alumina Processing  
Asphalt Concrete Manufacturing  
Asphalt Processing  
Asphalt Roofing Manufacturing  
Asphalt/Coal Tar Application—Metal Pipes  
Clay Products Manufacturing  
Lime Manufacturing  
Mineral Wool Production  
Portland Cement Manufacturing  
Refractories Manufacturing  
Taconite Iron Ore Processing  
Wool Fiberglass Manufacturing

### Petroleum and Natural Gas Production and Refining

Oil and Natural Gas Production  
Natural Gas Transmission and Storage  
Petroleum Refineries—Catalytic Cracking (Fluid and other) Units, Catalytic Reforming Units, and Sulfur Plant Units  
Petroleum Refineries—Other Sources Not Distinctly Listed