



NOTICES OF FINAL EXPEDITED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Expedited Rulemaking. The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the proposed expedited rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL

[R15-164]

PREAMBLE

- 1. Article, Part, of Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory authority for the rulemaking, including both the authorizing statute (general) and the implementing statute (specific):
3. The effective date of the rule:
4. Citations to all related notices published in the Register that pertain to the record of the Notice of Final Expedited Rulemaking:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's explanation why the proposed expedited rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027 (A) and why expedited proceedings were justified under A.R.S. § 41-1001(16)(c):

Descriptions of new federal subparts recently incorporated into Arizona's rules and significantly revised subparts,



summarized from EPA's Notices of Final Rulemakings, appear below, under "Federal Regulations Proposed to be Incorporated." The updates include federal regulations finalized between July 1, 2006, and June 28, 2013.

Acid Rain. Federal Regulations already incorporated by reference from Title 40 CFR Parts 72, 74, 75, and 76, have been updated from July 1, 2006, to June 28, 2013, at R18-2-333. There were no major rulemakings or amendments from July 1, 2006, to July 1, 2007. The Environmental Protection Agency (EPA) promulgated significant revisions amending federal acid rain rules during the July 1, 2007, to June 28, 2013, time period as described below. The EPA made revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program, NO_x Budget Trading Program, Clean Air Interstate Rule (CAIR), and the Clean Air Mercury Rule (CAMR) [Amended at 73 FR 4312, January 24, 2008]; ADEQ is obligated under state and federal law to incorporate federal acid rain requirements in the permits issued by ADEQ. [See R18-2-306(A)(2) and 40 CFR 70.6(a)(1)].

On March 10, 2005, EPA finalized the CAIR. Subsequently, on March 15, 2005, EPA issued the CAMR to permanently cap and reduce mercury emissions from coal-fired power plants for the first time ever. On February 8, 2008, the D.C. Circuit vacated EPA's rule removing power plants from the Clean Air Act list of sources of hazardous air pollutants. At the same time, the Court vacated the Clean Air Mercury Rule. EPA has set new standards for mercury emissions from Coal-fired power plants (40 CFR 63, Subpart UUUUU), which appeared earlier in the Federal Register on February 16, 2012, and are summarized below. 77 FR 9304. On April 24, 2013, The EPA took final action on its reconsideration of certain issues in the final rules titled, "National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial- Institutional Steam Generating Units." As part of this action, the EPA also made certain technical corrections to the MATS NESHAP. 78 FR 24073.

On June 29, 2015, in *Michigan v. EPA*, the U.S. Supreme Court reversed the D.C. Circuit's decision upholding EPA's determination not to consider cost when deciding whether the regulation of hazardous air pollutants (HAP) from electric utility steam generating units in Subpart UUUUU (the Mercury and Air Toxics Standards, or MATS) was "appropriate and necessary" under section 111(n)(1)(A) of the Clean Air Act. The Court, however, did not vacate Subpart UUUUU but instead remanded it to the D.C. Circuit for further consideration. The D.C. Circuit could in turn vacate the rule or remand it to EPA with instructions to redo the necessary and appropriate determination. In the latter case, the rule would remain in effect. We are declining to finalize the incorporation by reference of this subpart at this time because of the uncertainty about the rule's future created by the Supreme Court's decision. This will not affect the state mercury rule in R18-2-734, which includes a separate incorporation by reference of the mercury emission standards in Subpart UUUUU and establishes state backstop emission standards that will go into effect if the MATS is ultimately vacated. (The state mercury rule does not incorporate Subpart UUUUU's standards for HAP other than mercury, such as HF and HCl.)

Our rules define "applicable requirements" to include all current NSPS and NESHAP. R18-2-101(16), (51). The Permit Section is required to include conditions reflecting all applicable requirements into permits. R18-2-306(A)(2). We will therefore continue to have authority to issue permits reflecting, and to enforce, Subpart UUUUU, even if we delay its incorporation by reference into Article 9.

The U.S. Court of Appeals for the D.C. Circuit has ruled on petitions for review of the CAIR and CAIR Federal Implementation Plans (FIPs), including their provisions establishing the CAIR NO_x annual and ozone season and SO₂ trading programs. On July 11, 2008, the Court issued an opinion vacating and remanding these rules; however, parties to the litigation requested rehearing of aspects of the Court's decision, including the vacatur of the rules. On December 23, 2008, the Court granted rehearing only to the extent that it remanded the rules to EPA without vacating them. The December 23, 2008 ruling left CAIR and the CAIR FIP in place until EPA issued a new rule to replace CAIR in accordance with the July 11, 2008 decision. On April 15, 2014, the D.C. Court of Appeals denied the petitions that challenged, and upheld, the Final Rule promulgated at 77 F.R. 9304. *White Stallion Energy Center, LLC, v. EPA*, No. 12-1100 (D.C. C. 2014).

On July 6, 2011, the EPA adopted the Cross-State Air Pollution Rule (CSAPR), which replaces the CAIR rule, and required States to significantly improve air quality by reducing power plant emissions that contribute to ozone and/or fine particle pollution in other states. CSAPR requires a total of 28 states to reduce annual SO₂ emissions, annual NO_x emissions and/or ozone season NO_x emissions to assist in attaining the 1997 ozone and fine particle and 2006 fine particle National Ambient Air Quality Standards (NAAQS). On February 7, 2012 and June 5, 2012, EPA issued two sets of minor adjustments to CSAPR. On August 12, 2012, the United States Court of Appeals for the D.C. Circuit vacated the CSAPR rule. *EME Homer City Generation, L.P. v. EPA*, No. 11-1302 (D.C.C. 2012). On



January 24, 2013, the United States Court of Appeals for the D.C. Circuit denied EPA's petition for rehearing en banc of the Court's August 2012 decision. On June 24, 2013, the U.S. Supreme Court granted the United States' petition asking the Court to review the D.C. Circuit Court's decision on CSAPR. CAIR remained in place while CSAPR is being reviewed. On April 29, 2014, The U.S. Supreme Court reversed and remanded the case back to the D.C. Circuit. *EPA v. EME Homer City Generation, L.P., et al.*, No. 12–1182, (2014). The Supreme Court held that: 1) the Clean Air Act does not command that States be given a second opportunity to file a SIP after the EPA has quantified the State's interstate pollution obligations, and 2) EPA's cost-effective allocation of emission reductions among upwind States is permissible, workable, and equitable interpretation of the Good Neighbor Provision. *Id.* Arizona is not subject to the CAIR or CSAPR rules, but, as described above, is obligated under state and federal law to incorporate federal acid rain requirements in the permits issued by ADEQ.

NSPS and NESHAP Regulations. Federal Regulations already incorporated by reference from Title 40 CFR Parts 60, 61, and 63, have been updated from July 1, 2006, to June 28, 2013, at R18-2-901, R18-2-1101(A), and R18-2-1101(B). As explained further below, this includes new subparts and significantly revised subparts in Title 40 CFR Parts 60, 61, and 63. ADEQ is also adding subparts that were not previously incorporated to 40 CFR Part 61. Those subparts were added at 54 FR 51694, December 15, 1989 and a summary of the original federal register notice is provided, along with subsequent updates.

Miscellaneous Incorporations by Reference in Appendix 2. The provisions in Appendix 2 have been updated from July 1, 2006, to June 28, 2013. These provisions are cited throughout 18 A.A.C. 2, but are incorporated by reference in a single location in Appendix 2, for convenience.

Negative Declarations

ADEQ must submit a Negative Declaration letter to the EPA if ADEQ does not have a source within its jurisdiction that would be subject to specified emissions guidelines, NSPS, or NESHAPS.

ADEQ has submitted Negative Declaration Letters for:

- 1) 40 CFR 60, Subpart Cb – Emissions Guidelines and Compliance times for Large Municipal Waste Combustors that are Constructed on or Before September 20, 1994. ADEQ submitted the letter on June 7, 1996 (EPA approval at 65 FR 33461, May 24, 2000).
- 2) 40 CFR 60, Subpart BBBB - Emissions Guidelines and Compliance times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999. ADEQ submitted the letter on March 15, 2001 (EPA approval at 66 FR 67098, December 28, 2001).
- 3) 40 CFR 60, Subpart DDDD - Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999. ADEQ submitted the letter on April 25, 2003 (EPA approval at 68 FR 48364, August 18, 2003).
- 4) 40 CFR 60, Subpart FFFF, Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units for Which Construction is Commenced On or Before December 9, 2004, from R18-2-901 because that Subpart does not apply to Arizona. ADEQ submitted the letter on March 18, 2008.
- 5) 40 CFR 60, Subpart Ce – Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators (HMIWI). This Subpart is for HMIWIs which construction was commenced on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998. ADEQ submitted the letter on September 28, 2009. ADEQ originally submitted a plan for this Subpart on November 16, 1999. EPA approved the plan on August 21, 2000 (65 FR 38744, June 22, 2000). Updated plans would have been due to the EPA on October 6, 2010, however ADEQ submitted its negative declaration before that date. At this time, EPA has not taken action.
- 6) 40 CFR 60, Subpart MMMM - Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. ADEQ submitted the letter on November 26, 2013.
- 7) 40 CFR 63, Subpart X – National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting, from R18-2-1101 as that Subpart does not apply to Arizona. ADEQ submitted the letter on January 24, 2012.

Federal Regulations Proposed to be Incorporated

NSPS - 40 CFR PART 60

SUBPARTS ADDED:

40 CFR 60, Subpart D, Da, Db, and Dc – Amendments to New Source Performance Standards (NSPS) for Electric Utility Steam Generating Units and Industrial-Commercial-Institutional Steam Generating Units [Added at 71 FR 32709, June 13, 2007]. EPA amended the new source performance standards (NSPS) for electric utility steam generating units and industrial-commercial-institutional steam generating units. These amendments to the regulations added compliance alternatives for owners and operators of certain affected sources, revised certain recordkeeping and reporting requirements, corrected technical and editorial errors, and updated the grammatical style of the four subparts to be more consistent across all of the subparts.



40 CFR 60, Subpart D, Da, Db, and Dc – Standards of Performance for Fossil-Fuel-Fired Steam Generators; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; Final Rule [Added at 74 FR 5071, January 28, 2009]. EPA amended the new source performance standards (NSPS) for electric utility steam generating units and industrial-commercial-institutional steam generating units. These amendments to the regulations added compliance alternatives for owners and operators of certain affected sources, eliminated the opacity standard for facilities with a particulate matter (PM) limit of 0.030 lb/million British thermal units (MMBtu) or less that choose to voluntarily install and use PM continuous emission monitors (CEMS) to demonstrate compliance with that limit, and corrected technical and editorial errors.

40 CFR 60, Subpart Ga--New Source Performance Standards Review for Nitric Acid Plants [Amended at 77 FR 48433, August 14, 2012] The EPA finalized the new source performance standards (NSPS) for nitric acid plants. Nitric acid plants include one or more nitric acid production units (NAPUs). These revisions include a change to the nitrogen oxides (NOX) emission limit, which applies to each NAPU commencing construction, modification, or reconstruction after October 14, 2011. These revisions also include additional testing and monitoring requirements.

40 CFR 60, Subpart Ja – Standards of Performance for Petroleum Refineries; Final Rule [Added at 73 FR 35837, June 24, 2008]. EPA promulgated final amendments to the current Standards of Performance for Petroleum Refineries. This action also promulgates separate standards of performance for new, modified, or reconstructed process units at petroleum refineries. The final standards for new process units include emissions limitations and work practice standards for fluid catalytic cracking units, fluid coking units, delayed coking units, fuel gas combustion devices, and sulfur recovery plants. These final standards reflect demonstrated improvements in emissions control technologies and work practices that have occurred since promulgation of the current standards.

40 CFR 60, Subpart VV, VVa, and GGG – Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries [Added at 72 FR 64860, November 16, 2007]. EPA promulgated final amendments to the standards of performance for equipment leaks of volatile organic compounds in the synthetic organic chemicals manufacturing industry and to the standards of performance for equipment leaks of volatile organic compounds in petroleum refineries. The amended standards for the synthetic organic chemicals manufacturing industry apply to affected facilities that were constructed, reconstructed, or modified after January 5, 1981, and on or before November 7, 2006. The amended standards for petroleum refineries apply to affected facilities that were constructed, reconstructed, or modified after January 4, 1983, and on or before November 7, 2006. In this action, EPA also finalized new standards of performance for equipment leaks of volatile organic compounds in the synthetic organic chemicals manufacturing industry and for equipment leaks of volatile organic compounds in petroleum refineries which apply to affected facilities that are constructed, reconstructed, or modified after November 7, 2006. The final amendments and new standards are based on the results of EPA's review of the existing regulations as required by section 111(b)(1)(B) of the Clean Air Act.

40 CFR 60, Subpart GGGa – Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries [Added at 72 FR 64859, November 16, 2007]. EPA promulgated final amendments to the standards of performance for equipment leaks of volatile organic compounds in the synthetic organic chemicals manufacturing industry and to the standards of performance for equipment leaks of volatile organic compounds in petroleum refineries. The amended standards for the synthetic organic chemicals manufacturing industry apply to affected facilities that were constructed, reconstructed, or modified after January 5, 1981, and on or before November 7, 2006. The amended standards for petroleum refineries apply to affected facilities that are constructed, reconstructed, or modified after January 4, 1983, and on or before November 7, 2006. In this action, EPA is also issuing new standards of performance for equipment leaks of volatile organic compounds in the synthetic organic chemicals manufacturing industry and for equipment leaks of volatile organic compounds in petroleum refineries which apply to affected facilities that were constructed, reconstructed, or modified after November 7, 2006. The final amendments and new standards are based on the results of EPA's review of the existing regulations as required by section 111(b)(1)(B) of the Clean Air Act.

40 CFR 60, Subpart OOO – New Source Performance Standards Review for Nonmetallic Mineral Processing Plants; and Amendment to Subpart UUU Applicability [Added at 74 FR 19293, April 28, 2009]. EPA has finalized amendments to the Standards of Performance for Nonmetallic Mineral Processing Plant(s) (NMPP). These final amendments include revisions to the emission limits for NMPP affected facilities which commence construction, modification, or reconstruction on or after April 22, 2008. These final amendments for NMPP also include: Additional testing and monitoring requirements for affected facilities that commence construction, modification, or



reconstruction on or after April 22, 2008; exemption from this final rule of affected facilities that process wet material; changes to simplify the notification requirements for all affected facilities; and changes to definitions and various clarifications. The EPA did not take any final action in this document regarding the amendment to the Standards of Performance for Calciners and Dryers in Mineral Industries discussed in the proposed rule.

40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines [Added at 70 FR 39172, July 11, 2006]. EPA promulgated standards of performance for stationary compression ignition (CI) internal combustion engines (ICE). The standards will implement section 111(b) of the Clean Air Act (CAA) and are based on the Administrator's determination that stationary CI ICE cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. The intended effect of the standards is to require all new, modified, and reconstructed stationary CI ICE to use the best demonstrated system of continuous emission reduction, considering costs, non-air quality health, and environmental and energy impacts, not just with add-on controls, but also by eliminating or reducing the formation of these pollutants. The final standards will reduce nitrogen oxides (NO_x) by an estimated 38,000 tons per year (tpy), particulate matter (PM) by an estimated 3,000 tpy, sulfur dioxide (SO₂) by an estimated 9,000 tpy, non-methane hydrocarbons (NMHC) by an estimated 600 tpy, and carbon monoxide (CO) by an estimated 18,000 tpy in the year 2015.

40 CFR 60, Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines [Added at 73 FR 3567, January 18, 2008] EPA promulgated new source standards of performance for stationary spark ignition internal combustion engines. EPA also promulgated national emission standards for hazardous air pollutants for new and reconstructed stationary reciprocating internal combustion engines that either are located at area sources of hazardous air pollutant emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions.

40 CFR 60, Subpart KKKK – Standards of Performance for Stationary Combustion Turbines [Added at 70 FR 38481, July 6, 2006]. This action promulgated standards of performance for new stationary combustion turbines in 40 CFR Part 60, Subpart KKKK. The standards reflect changes in nitrogen oxides (NO_x) emission control technologies and turbine design since standards for these units were originally promulgated in 40 CFR Part 60, subpart GG. The NO_x and sulfur dioxide (SO₂) standards have been established at a level that brings the emissions limits up to date with the performance of current combustion turbines.

40 CFR 60, Subpart LLLL – Standards of Performance for New Stationary Sources: Sewage Sludge Incineration Units [Added at 76 FR 15371, March 21, 2011]. This action promulgates EPA's new source performance standards and emission guidelines for sewage sludge incineration units located at wastewater treatment facilities designed to treat domestic sewage sludge. This final rule sets limits for nine pollutants under section 129 of the Clean Air Act: Cadmium, carbon monoxide, hydrogen chloride, lead, mercury, nitrogen oxides, particulate matter, polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans, and sulfur dioxide.

40 CFR 60, Subpart OOOO – Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews [Amended at 77 FR 49490, August 16, 2012] This action finalized the review of new source performance standards for the listed oil and natural gas source category. In this action the EPA revised the new source performance standards for volatile organic compounds from leaking components at onshore natural gas processing plants and new source performance standards for sulfur dioxide emissions from natural gas processing plants. The EPA also established standards for certain oil and gas operations not covered by the existing standards. In addition to the operations covered by the existing standards, the newly established standards will regulate volatile organic compound emissions from gas wells, centrifugal compressors, reciprocating compressors, pneumatic controllers and storage vessels. This action also finalized the residual risk and technology review for the Oil and Natural Gas Production source category and the Natural Gas Transmission and Storage source category. This action includes revisions to the existing leak detection and repair requirements. In addition, the EPA has established in this action emission limits reflecting maximum achievable control technology for certain currently uncontrolled emission sources in these source categories. This action also includes modification and addition of testing and monitoring and related notification, recordkeeping and reporting requirements, as well as other minor technical revisions to the national emission standards for hazardous air pollutants. This action finalized revisions to the regulatory provisions related to emissions during periods of startup, shutdown and malfunction.

40 CFR 60, Appendix A-7 – Methods for Measurement of Visible Emissions [Added at 71 FR 55119, September 21, 2006] This action finalized Methods 203A, 203B, and 203C for determining visible emissions using data reduction procedures that are more appropriate for State Implementation Plan (SIP) rules than Method 9, the method cur-



rently used. This action was requested by the States and is needed for the special data reduction requirements in their rules. The intended effect was to provide States with an expanded array of data reduction procedures for determining compliance with their SIP opacity regulations. In addition, this action amended various testing provisions in the New Source Performance Standards (NSPS) to correct inadvertent errors and amended a testing provision.

[Added at 73 FR 29691, May 22, 2008] EPA took final action to correct errors in a final rule published May 15, 2006, that updated five continuous instrumental test methods. As published, the rule contained inadvertent errors and provisions that needed to be clarified. EPA published a direct final rule with a parallel proposed rule on September 7, 2007, to correct the errors and to add clarifying language. EPA received an adverse comment on the direct final rule, however, and it was subsequently withdrawn on November 5, 2007. EPA finalized the parallel proposal in 2008. In the final rule, EPA corrected errors, clarified certain provisions, and responded to the adverse comment received on the direct final rule published on September 7, 2007.

40 CFR 60, Appendix A-8— Two Optional Methods for Relative Accuracy Test Audits of Mercury Monitoring Systems Installed on Combustion Flue Gas Streams and Several Amendments to Related Mercury Monitoring Provisions [Added at 72 FR 51493, September 7, 2007] EPA took direct final action on two optional methods for relative accuracy audits of mercury monitoring systems installed on combustion flue gas streams and several amendments to related mercury monitoring provisions. This action approved two optional mercury (Hg) emissions test methods for potential use in conjunction with an existing regulatory requirement for Hg emissions monitoring, as well as several revisions to the mercury monitoring provisions themselves. This action is in regard to the testing and monitoring requirements for mercury specified in the Federal Register on May 18, 2005. Since that publication, EPA received numerous comments concerning the desirability of EPA evaluating and allowing use of the measurement techniques addressed in the two optional methods in lieu of the methods identified in the cited Federal Register publication, as they can produce equally acceptable measures of the relative accuracy achieved by Hg monitoring systems. This action allows use of these two optional methods entirely at the discretion of the owner or operator of an affected emission source in place of the two currently specified methods. This direct final rule also amends Performance Specification 12A by adding Methods 30A and 30B to the list of reference methods acceptable for measuring Hg concentration and the Hg monitoring provisions of May 18, 2005, to reflect technical insights since gained by EPA which will help to facilitate implementation including clarification and increased regulatory flexibility for affected sources.

40 CFR 60, Appendix B – Amendments to New Source Performance Standards (NSPS) for Electric Utility Steam Generating Units and Industrial-Commercial-Institutional Steam Generating Units [Added at 71 FR 32709, June 13, 2007]. EPA amended the new source performance standards (NSPS) for electric utility steam generating units and industrial-commercial-institutional steam generating units. These amendments to the regulations added compliance alternatives for owners and operators of certain affected sources, revise certain recordkeeping and reporting requirements, correct technical and editorial errors, and update the grammatical style of the four subparts to be more consistent across all of the subparts.

[Added at 71 FR 55119, September 21, 2006] The EPA finalized Methods 203A, 203B, and 203C for determining visible emissions using data reduction procedures that are more appropriate for State Implementation Plan (SIP) rules than Method 9, the method currently used. This action was requested by the States and is needed for the special data reduction requirements in their rules. The intended effect is to provide States with an expanded array of data reduction procedures for determining compliance with their SIP opacity regulations. In addition, this action amends various testing provisions in the New Source Performance Standards (NSPS) to correct inadvertent errors and amend a testing provision.

40 CFR 60, Appendices A-7, B, and F – Performance Specification 16 for Predictive Emissions Monitoring Systems and Amendments to Testing and Monitoring Provisions [Added at 74 FR 12575, March 25, 2009]. EPA took final action to promulgate Performance Specification (PS) 16 for predictive emissions monitoring systems (PEMS). Performance Specification 16 provides testing requirements for assessing the acceptability of PEMS when they are initially installed. There were no Federal rules requiring the use of PEMS; however, some sources have obtained Administrator approval to use PEMS as alternatives to continuous emissions monitoring systems (CEMS). Other sources may desire to use PEMS in cases where initial and operational costs are less than CEMS and process optimization for emissions control may be desirable. Performance Specification 16 will apply to any PEMS required in future rules in 40 CFR Parts 60, 61, or 63, and in cases where a source petitions the Administrator and receives approval to use a PEMS in lieu of another emissions monitoring system required under the regulation. The EPA also finalized minor technical amendments.

SUBPARTS SIGNIFICANTLY REVISED:

40 CFR 60, Subpart A – General Provisions [Amended at 75 FR 54970, September 9, 2010] The final amendments to the NSPS add or revise, as applicable, emission limits for PM, opacity, nitrogen oxides (NO_x), and sulfur



dioxide (SO₂) for facilities that commence construction, modification, or reconstruction after June 16, 2008. The final rule also includes additional testing and monitoring requirements for affected sources.

[Amended at 77 FR 2456, January 18, 2012] EPA promulgated a final rule to incorporate the most recent versions of ASTM International (ASTM) standards into EPA regulations that provide flexibility to use alternatives to mercury-containing industrial thermometers. This final rule allows the use of such alternatives in certain field and laboratory applications previously impermissible as part of compliance with EPA regulations. EPA believes the older embedded ASTM standards unnecessarily impede the use of effective, comparable, and available alternatives to mercury-containing industrial thermometers. Due to mercury's high toxicity, EPA sought to reduce potential mercury exposures to humans and the environment by reducing the overall use of mercury-containing products, including mercury-containing industrial thermometers.

[Amended at 77 FR 9304, February 16, 2012] On May 3, 2011, under authority of Clean Air Act (CAA) sections 111 and 112, the EPA proposed both national emission standards for hazardous air pollutants (NESHAP) from coal- and oil-fired electric utility steam generating units (EGUs) and standards of performance for fossil-fuel-fired electric utility, industrial-commercial institutional, and small industrial-commercial-institutional steam generating units (76 FR 24976). After consideration of public comments, the EPA finalized these rules in this action. Pursuant to CAA section 111, the EPA revised standards of performance in response to a voluntary remand of a final rule. Specifically, EPA amended new source performance standards (NSPS) after analysis of the public comments received. EPA also finalized several minor amendments, technical clarifications, and corrections to existing NSPS provisions for fossil fuel-fired EGUs and large and small industrial-commercial-institutional steam generating units. Pursuant to CAA section 112, the EPA established NESHAP that will require coal- and oil-fired EGUs to meet hazardous air pollutant (HAP) standards reflecting the application of the maximum achievable control technology. This rule protects air quality and promotes public health by reducing emissions of the HAP listed in CAA section 112(b)(1).

[Amended at 77 FR 56422, September 12, 2012] On June 24, 2008, the EPA promulgated amendments to the Standards of Performance for Petroleum Refineries and new standards of performance for petroleum refinery process units constructed, reconstructed or modified after May 14, 2007. The EPA subsequently received three petitions for reconsideration of these final rules. On September 26, 2008, the EPA granted reconsideration and issued a stay for the issues raised in the petitions regarding process heaters and flares. On December 22, 2008, the EPA addressed those specific issues by proposing amendments to certain provisions for process heaters and flares and extending the stay of these provisions until further notice. The EPA also proposed technical corrections to the rules for issues that were raised in the petitions for reconsideration. In this action, the EPA finalized those amendments and technical corrections and is lifting the stay of all the provisions granted on September 26, 2008 and extended until further notice on December 22, 2008.

40 CFR 60, Subpart D – Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971,

40 CFR 60, Subpart Da – Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978,

40 CFR 60, Subpart Db – Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units,

40 CFR 60, Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units [Amended at 76 FR 3517, January 20, 2011].

EPA is taking direct final action to amend the new source performance standards for electric utility steam generating units and industrial-commercial-institutional steam generating units. This action amends the testing requirements for owners/operators of steam generating units that elect to install particulate matter continuous emission monitoring systems. It also amends the opacity monitoring requirements for owners/operators of affected facilities subject to an opacity standard that are exempt from the requirement to install a continuous opacity monitoring system. In addition, this action corrects several editorial errors identified from previous rulemakings.

[Amended at 77 FR 9304, February 16, 2012]. On May 3, 2011, under authority of Clean Air Act (CAA) sections 111 and 112, the EPA proposed both national emission standards for hazardous air pollutants (NESHAP) from coal- and oil-fired electric utility steam generating units (EGUs) and standards of performance for fossil-fuel-fired electric utility, industrial-commercial institutional, and small industrial-commercial-institutional steam generating units (76 FR 24976). After consideration of public comments, the EPA finalized these rules in this action. Pursuant to CAA section 111, the EPA revised standards of performance in response to a voluntary remand of a final rule. Specifically, EPA amended new source performance standards (NSPS) after analysis of the public comments received. EPA also finalized several minor amendments, technical clarifications, and corrections to existing NSPS provisions for fossil fuel-fired EGUs and large and small industrial-commercial-institutional steam generating units. Pursuant to CAA section 112, the EPA established NESHAPs that will require coal- and oil-fired EGUs to meet hazardous air pollutant (HAP) standards reflecting the application of the maximum achievable control technology. This rule protects air quality and promotes public health by reducing emissions of the HAP listed in CAA section 112(b)(1).



40 CFR 60, Subpart Da – Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978, [Amended at 78 FR 24073, April 24, 2013] The EPA took final action on its reconsideration of certain issues in the final rules titled, “National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial- Institutional Steam Generating Units.” The National Emission Standards for Hazardous Air Pollutants (NESHAP) rule issued pursuant to Clean Air Act (CAA) section 112 is referred to as the Mercury and Air Toxics Standards (MATS) NESHAP, and the New Source Performance Standards rule issued pursuant to CAA section 111 is referred to as the Utility NSPS. The Administrator received petitions for reconsideration of certain aspects of the MATS NESHAP and the Utility NSPS. On November 30, 2012, the EPA granted reconsideration of, proposed, and requested comment on a limited set of issues. EPA also proposed certain technical corrections to both the MATS NESHAP and the Utility NSPS. The EPA took final action on the revised new source numerical standards in the MATS NESHAP and the definitional and monitoring provisions in the Utility NSPS that were addressed in the proposed reconsideration rule. As part of this action, the EPA also made certain technical corrections to both the MATS NESHAP and the Utility NSPS. The EPA did not take final action on requirements applicable during periods of startup and shutdown in the MATS NESHAP or on startup and shutdown provisions related to the PM standard in the Utility NSPS.

40 CFR 60, Subpart Ec – Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced after June 20, 1996 [Amended at 74 FR 51367 October 6, 2009]. On September 15, 1997, EPA adopted new source performance standards (NSPS) and emissions guidelines (EG) for hospital/medical/ infectious waste incinerators (HMIWI). The NSPS and EG were established under Sections 111 and 129 of the Clean Air Act (CAA or Act). In a response to a suit filed by the Sierra Club and the Natural Resources Defense Council (Sierra Club), the U.S. Court of Appeals for the District of Columbia Circuit (the Court) remanded the HMIWI regulations on March 2, 1999, for further explanation of EPA's reasoning in determining the minimum regulatory” floors” for new and existing HMIWI. The HMIWI regulations were not vacated and were fully implemented by September 2002. On February 6, 2007, EPA published its proposed response to the Court's remand. Following recent court decisions and receipt of public comments regarding the proposal, EPA re-assessed the response to the remand, and on December 1, 2008, EPA published another proposed response and solicited public comments.

[Amended at 76 FR 18407, April 4, 2011]. On October 6, 2009, EPA promulgated its response to the remand of the new source performance standards and emissions guidelines for hospital/medical/infectious waste incinerators by the U.S. Court of Appeals for the District of Columbia Circuit and satisfied the Clean Air Act section 129(a)(5) requirement to conduct a review of the standards every 5 years. This action promulgated amendments to the new source performance standards and emissions guidelines, correcting inadvertent drafting errors in the nitrogen oxides and sulfur dioxide emissions limits for large hospital/medical/infectious waste incinerators in the new source performance standards, which did not correspond to EPA's description of their standard-setting process, correcting erroneous cross-references in the reporting and recordkeeping requirements in the new source performance standards, clarifying that compliance with the emission guidelines must be expeditious if a compliance extension is granted, correcting the inadvertent omission of delegation of authority provisions in the emission guidelines, correcting errors in the units' description for several emissions limits in the emission guidelines and new source performance standards, and removing extraneous text from the hydrogen chloride emissions limit for large hospital/medical/infectious waste incinerators in the emission guidelines.

40 CFR 60, Subpart F – Standards of Performance for Portland Cement Plants [Amended at 75 FR 54970, September 9, 2010] EPA finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and to the New Source Performance Standards (NSPS) for Portland Cement Plants. The final amendments to the NESHAP add or revise, as applicable, emission limits for mercury, total hydrocarbons (THC), and particulate matter (PM) from new and existing kilns located at major and area sources, and for hydrochloric acid (HCL) from new and existing kilns located at major sources. The standards for new kilns apply to facilities that commence construction, modification, or reconstruction after May 6, 2009.

[Amended at 76 FR 2832, January 18, 2011] The EPA took direct final action on amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and Standards of Performance (NSPS) for Portland Cement Plants. The final rules were published on September 9, 2010. The direct final action amends certain regulatory text to clarify compliance dates and clarifies that the previously issued emission limits that were changed in the September 9, 2010, action remain in effect until sources are required to comply with the revised limits. EPA also corrected two minor typographical errors in the regulatory text to the September 9, 2010 action.

[Denied in part and granted in part petitions to reconsider at 76 FR 28318, May 17, 2011] The EPA denied in part



and granted in part the petitions to reconsider the final revised National Emission Standards for Hazardous Air Pollutants emitted by the Portland Cement Industry and the New Source Performance Standards for Portland Cement Plants issued under sections 112(d) and 111(b) of the Clean Air Act, respectively. The EPA also denied all requests that the EPA issue an administrative stay of the National Emission Standards for Hazardous Air Pollutants and the New Source Performance Standards.

[Amended at 78 FR 10006, February 12, 2013] On July 18, 2012, the EPA proposed amendments to the National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry and the Standards of Performance for Portland Cement Plants. This final action amended the national emission standards for hazardous air pollutants for the Portland cement industry. The EPA also promulgated amendments with respect to issues on which it granted reconsideration on May 17, 2011. In addition, the EPA amended the new source performance standard for particulate matter. These amendments promote flexibility, reduce costs, ease compliance and preserve health benefits. The amendments also addressed the remand of the national emission standards for hazardous air pollutants for the Portland cement industry by the United States Court of Appeals for the District of Columbia Circuit on December 9, 2011. Finally, the EPA set the date for compliance with the existing source national emission standards for hazardous air pollutants to be September 9, 2015.

40 CFR 60, Subpart J,

40 CFR 60, Subpart Ja--Standards of Performance for Petroleum Refineries; Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 [Amended at 77 FR 56422, September 12, 2012] On June 24, 2008, the EPA promulgated amendments to the Standards of Performance for Petroleum Refineries and new standards of performance for petroleum refinery process units constructed, reconstructed or modified after May 14, 2007. The EPA subsequently received three petitions for reconsideration of these final rules. On September 26, 2008, the EPA granted reconsideration and issued a stay for the issues raised in the petitions regarding process heaters and flares. On December 22, 2008, the EPA addressed those specific issues by proposing amendments to certain provisions for process heaters and flares and extending the stay of these provisions until further notice. The EPA also proposed technical corrections to the rules for issues that were raised in the petitions for reconsideration. In this action, the EPA finalized those amendments and technical corrections and is lifting the stay of all the provisions granted on September 26, 2008 and extended until further notice on December 22, 2008.

40 CFR 60, Subpart Y – Standards of Performance for Coal Preparation and Processing Plants [Amended at 74 FR 51949, October 8, 2009]. EPA promulgated amendments to the new source performance standards for coal preparation and processing plants. These final amendments include revisions to the emission limits for particulate matter and opacity standards for thermal dryers, pneumatic coal cleaning equipment, and coal handling equipment (coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems) located at coal preparation and processing plants. These revised limits apply to affected facilities that commence construction, modification, or reconstruction after April 28, 2008. The amendments also establish a sulfur dioxide (SO₂) emission limit and a combined nitrogen oxide (NO_x) and carbon monoxide (CO) emissions limit for thermal dryers located at coal preparation and processing plants. In addition, the amendments establish work practice standards to control fugitive coal dust emissions from open storage piles located at coal preparation and processing plants. The SO₂ limit, the NO_x/CO limit, and the work practice standards apply to affected facilities that commence construction, modification, or reconstruction of which commences after May 27, 2009. EPA also modified the definition of thermal dryer to include both direct contact and indirect contact thermal dryers drying all coal ranks. EPA modified the definition of pneumatic coal-cleaning equipment to include equipment cleaning all coal ranks. EPA also amended the definition of coal for purposes of subpart Y to include coal refuse. The modified definitions of thermal dryer, pneumatic coal cleaning equipment, and coal will be used to determine whether and how the standards apply to facilities that commence construction, modification, or reconstruction after May 27, 2009.

40 CFR 60, Subpart KKK and LLL --Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews [Amended at 77 FR 49490, August 16, 2012] This action finalized the review of new source performance standards for the listed oil and natural gas source category. In this action the EPA revised the new source performance standards for volatile organic compounds from leaking components at onshore natural gas processing plants and new source performance standards for sulfur dioxide emissions from natural gas processing plants. The EPA also established standards for certain oil and gas operations not covered by the existing standards. In addition to the operations covered by the existing standards, the newly established standards will regulate volatile organic compound emissions from gas wells, centrifugal compressors, reciprocating compressors, pneumatic controllers and storage vessels. This action also finalized the residual risk and technology review for the Oil and Natural Gas Production source category and the Natural Gas Transmission and Storage source category. This action includes revisions to the existing leak detection and repair requirements. In addition, the EPA has established in this action emission limits reflecting maximum achievable



control technology for certain currently uncontrolled emission sources in these source categories. This action also includes modification and addition of testing and monitoring and related notification, recordkeeping and reporting requirements, as well as other minor technical revisions to the national emission standards for hazardous air pollutants. This action finalized revisions to the regulatory provisions related to emissions during periods of startup, shut-down and malfunction.

40 CFR 60, Subpart CCCC—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units (CISWI), [Amended at 76 FR 15703, March 21, 2011] This action promulgated EPA's final response to the 2001 voluntary remand of the December 1, 2000, new source performance standards and emission guidelines for commercial and industrial solid waste incineration units and the vacatur and remand of several definitions by the District of Columbia Circuit Court of Appeals in 2007. In addition, this action included the 5-year technology review of the new source performance standards and emission guidelines required under section 129 of the Clean Air Act. This action also promulgated other amendments that EPA believes are necessary to address air emissions from commercial and industrial solid waste incineration units.

[Delayed at 76 FR 28662, May 18, 2011] The EPA delayed the effective dates for the final rules titled “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters” and “Standards of Performance for New Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” under the authority of the Administrative Procedure Act (APA) until the proceedings for judicial review of these rules is completed or the EPA completes its reconsideration of the rules, whichever is earlier. DATES: The effective dates of the final rules published in the Federal Register on March 21, 2011 (76 FR 15608 and 76 FR 15704), are delayed until such time as judicial review is no longer pending or until the EPA completes its reconsideration of the rules, whichever is earlier. The EPA will publish in the Federal Register announcing the effective dates and the incorporation by reference approvals once delay is no longer necessary. On January 9, 2012, The U.S. District Court for the D.C. Circuit vacated the EPA's May 18, 2011, notice that delayed the effective date of the CISWI rule. Civil Action No. 11-1278 (PLF). On February 7, 2012, the EPA issued a No Action Assurance Letter to establish that EPA would exercise enforcement discretion to not pursue enforcement action for violations of certain notification deadlines in the final CISWI rule. (Available at http://www.epa.gov/ttn/atw/boiler/boiler_ciswi-no_action_2012-02-07.pdf).

[Amended at 78 FR 9112, February 7, 2013] This action set forth the EPA's final decision on the issues for which it granted reconsideration in December 2011, which pertain to certain aspects of the March 21, 2011, final rule titled “Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” (CISWI rule). This action also included EPA's final decision to deny the requests for reconsideration with respect to all issues raised in the petitions for reconsideration of the final commercial and industrial solid waste incineration rule for which EPA did not grant reconsideration. Among other things, this final action established effective dates for the standards and makes technical corrections to the final rule to clarify definitions, references, and applicability and compliance issues. In addition, the EPA is issued final amendments to the regulations that were codified by the Non-Hazardous Secondary Materials rule (NHSM rule). Originally promulgated on March 21, 2011, the non-hazardous secondary materials rule provided the standards and procedures for identifying whether non-hazardous secondary materials are solid waste under the Resource Conservation and Recovery Act when used as fuels or ingredients in combustion units. The purpose of these amendments was to clarify several provisions in order to implement the non-hazardous secondary materials rule as the agency originally intended.

40 CFR 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines,

40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines [Amended at 76 FR 37953, June 28, 2011] The EPA finalized revisions to the standards of performance for new stationary compression ignition internal combustion engines under section 111(b) of the Clean Air Act. The final rule requires more stringent standards for stationary compression ignition engines with displacement greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder, consistent with recent revisions to standards for similar mobile source marine engines. In addition, the action revises the requirements for engines with displacement at or above 30 liters per cylinder to align more closely with recent standards for similar mobile source marine engines, and for engines in remote portions of Alaska that are not accessible by the Federal Aid Highway System. The action also provides additional flexibility to owners and operators of affected engines, and corrects minor mistakes in the original standards of performance. Finally, the action makes minor revisions to the standards of performance for new stationary spark ignition internal combustion engines to correct minor errors and to mirror certain revisions finalized for compression ignition engines, which provides consistency where appropriate for the regulation of stationary internal combustion engines. The final standards will reduce nitrogen oxides by an estimated 1,100 tons per year, particulate matter by an estimated 38 tons per year, and hydrocarbons by an estimated 18 tons per year in the year 2030.



[Amended at 78 FR 6674, January 30, 2013] The EPA finalized amendments to the national emission standards for hazardous air pollutants for stationary reciprocating internal combustion engines. The final amendments include alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary reciprocating internal combustion engines, management practices for a subset of existing spark ignition stationary reciprocating internal combustion engines in sparsely populated areas and alternative monitoring and compliance options for the same engines in populated areas. The EPA established management practices for existing compression ignition engines on offshore vessels. The EPA also finalized limits on the hours that stationary emergency engines may be used for emergency demand response and establishing fuel and reporting requirements for certain emergency engines used for emergency demand response. The final amendments also correct minor technical or editing errors in the current regulations for stationary reciprocating internal combustion engines.

40 CFR 60, Subpart A, Appendix A-7 to Part 60—Test Methods 19 through 25E [Amended at 77 FR 2456, January 18, 2012]. EPA promulgated a final rule to incorporate the most recent versions of ASTM International (ASTM) standards into EPA regulations that provide flexibility to use alternatives to mercury-containing industrial thermometers. This final rule allows the use of such alternatives in certain field and laboratory applications previously impermissible as part of compliance with EPA regulations. EPA believes the older embedded ASTM standards unnecessarily impede the use of effective, comparable, and available alternatives to mercury-containing industrial thermometers. Due to mercury's high toxicity, EPA sought to reduce potential mercury exposures to humans and the environment by reducing the overall use of mercury-containing products, including mercury-containing industrial thermometers.

40 CFR 60, Appendix A-3, Method 5I—Determination of Low Level Particulate Matter Emissions From Stationary Sources

40 CFR 60, Appendix A-4, Method 6—Determination of Sulfur Dioxide Emissions From Stationary Sources, 40 CFR 60, Appendix A-4, Method 6A—Determination of Sulfur Dioxide, Moisture and Carbon Dioxide Emissions From Fossil Fuel Combustion Sources,

40 CFR 60, Appendix A-4, Method 6C—Determination of Sulfur Dioxide Emissions From Stationary Sources (Instrumental Analyzer Procedure),

40 CFR 60, Appendix A-4, Method 7—Determination of Nitrogen Oxide Emissions From Stationary Sources,

40 CFR 60, Appendix A-4, Method 7A—Determination of Nitrogen Oxide Emissions From Stationary Sources (Ion Chromatographic Method),

40 CFR 60, Appendix A-4, Method 7B—Determination of Nitrogen Oxide Emissions From Stationary Sources (Ultraviolet Spectrophotometric Method),

40 CFR 60, Appendix A-4, Method 7C—Determination of Nitrogen Oxide Emissions From Stationary Sources (Alkaline Permanganate/Colorimetric Method),

40 CFR 60, Appendix A-4, Method 7D—Determination of Nitrogen Oxide Emissions From Stationary Sources—Alkaline-Permanganate/Ion Chromatographic Method,

40 CFR 60, Appendix A-4, Method 8—Determination of Sulfuric Acid and Sulfur Dioxide Emissions From Stationary Sources,

40 CFR 60, Appendix A-5, Method 15A—Determination of Total Reduced Sulfur Emissions From Sulfur Recovery Plants in Petroleum Refineries,

40 CFR 60, Appendix A-6, Method 16A—Determination of Total Reduced Sulfur Emissions From Stationary Sources (Impinger Technique),

40 CFR 60, Appendix A-6, Method 18—Measurement of Gaseous Organic Compound Emissions by Gas Chromatography,

40 CFR 60, Appendix A-7, Method 25—Determination of Total Gaseous Nonmethane Organic Emissions as Carbon,

40 CFR 60, Appendix A-7, Method 25C—Determination of Nonmethane Organic Compounds (NMOC) in Landfill Gases,

40 CFR 60, Appendix A-8, Method 26—Determination of Hydrogen Halide and Halogen Emissions From Stationary Sources Non-Isokinetic Method,

40 CFR 60, Appendix A-8, Method 26A—Determination of Hydrogen Halide and Halogen Emissions From Stationary Sources Isokinetic Method [Amended at 75 FR 55636, September 13, 2010]. EPA promulgated amendments to the General Provisions to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. All requirements pertaining to the audit samples have been moved to the General Provisions and have been removed from the test methods because the current language in the test methods regarding audit samples is inconsistent from method to method. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies. Under this final rule, the requirement to use an audit sample



during a compliance test will apply to all test methods for which a commercially available audit exists.

40 CFR 60, Appendix B, Performance Specification 12A— Specifications and Test Procedures for Total Vapor Phase Mercury Continuous Emission Monitoring Systems in Stationary Sources,
40 CFR 60, Appendix B, Performance Specification 12B—Specifications and Test Procedures for Monitoring Total Vapor Phase Mercury Emissions From Stationary Sources Using a Sorbent Trap Monitoring System,
40 CFR 60, Appendix F, Procedure 5. Quality Assurance Requirements for Vapor Phase Mercury Continuous Emissions Monitoring Systems and Sorbent Trap Monitoring Systems Used for Compliance Determination at Stationary Sources [Amended at 75 FR 54970, September 9, 2010]. The final amendments to the NSPS add or revise, as applicable, emission limits for PM, opacity, nitrogen oxides (NO_x), and sulfur dioxide (SO₂) for facilities that commence construction, modification, or reconstruction after June 16, 2008. The final rule also includes additional testing and monitoring requirements for affected sources.

NESHAP - 40 CFR PART 61

SUBPARTS ADDED:

The following Subparts were added at 54 FR 51694, December 15, 1989, and amended as listed below in “Subparts Significantly Revised”:

40 CFR 61, Subpart B - National Emission Standards for Radon Emissions from Underground Uranium Mines,

40 CFR 61, Subpart H -National Emission Standards for Emissions of Radionuclides Other Than Radon from Department of Energy Facilities,

40 CFR 61, Subpart I -National Emission Standards for Radionuclide Emissions from Federal Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H,

40 CFR 61, Subpart K - National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants,

40 CFR 61, Subpart Q - National Emission Standard for Radon Emissions from Department of Energy Facilities,

40 CFR 61, Subpart T - National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings,

40 CFR 61, Subpart W - National Emission Standards for Radon Emissions from Operating Mill Tailings

[added at 54 FR 51694, December 15, 1989] This final rule announced the Administrator’s final decisions on National Emission Standards for Hazardous Air Pollutants (NEHSAPs) under section 112 of the Clean Air Act for emissions of radionuclides from the following source categories: DOE Facilities, Licensees for Nuclear Regulatory Commission and Non-DOE Federal Facilities, Uranium Fuel Cycle Facilities, Elemental Phosphorus Plants, Coal-Fired Boilers, High-level Nuclear Waste Disposal Facilities, Phosphogypsum Stacks, Underground and Surface Uranium Mines, and operation and disposal of Uranium Mill Tailings Piles. The final rule also responded to the major public comments on March 7, 1989 proposed decisions for these categories (54 FR 9612). EPA conducted this rulemaking pursuant to voluntary remand and a schedule issued by the U.S. Court of Appeals for the D.C. Circuit which required final action by October 31, 1989. In addition, EPA granted a reconsideration of the standards of 40 CFR Part 61, subpart I concerning emissions from facilities licensed by the Nuclear Regulatory Commission, with respect to the issues of duplicative regulation and possible effects on medical treatment.

40 CFR 61, Subpart R - National Emission Standard for Radon Emissions from Phosphogypsum Stacks,

[added at 57 FR 23317, June 3, 1992] This final rule announced the Administrator’s final decision on reconsideration of 40 CFR part 61, subpart R, National Emission Standards for Radon Emissions from Phosphogypsum Stacks. EPA previously announced it would reconsider that portion of subpart R that required that all phosphogypsum be disposed in stacks or mines (55 FR 13480, April 10, 1990). The disposal requirement precluded the distribution and use of phosphogypsum for agriculture, construction, and research and development activities. The form of the final rule adopted by the EPA is a combination of the options proposed for public comment on April 10, 1990 (55 FR 13482) and is based on the various risks presented by the radionuclides contained in the phosphogypsum. First, distribution of phosphogypsum for use in agriculture will be permitted provided that the certified average concentration of radium-226 in the phosphogypsum does not exceed 10 pCi/g. This limit is intended to assure that the risks from indoor radon and direct gamma radiation exposure in residences constructed on land previously treated with phosphogypsum do not exceed an acceptable level. Second, distribution of phosphogypsum for use in research and development (R&D) will be permitted so long as affected facilities do not use more than 700 pounds of phosphogypsum for a particular R&D activity and warning labels are placed on containers used to store phosphogypsum for R&D purposes. Third, other uses of phosphogypsum will be permitted on a case-by-case basis with prior EPA approval. EPA approval will be granted only if EPA finds that the proposed use of the phosphogypsum will be at least as protective of public health, in the short term and the long term, as disposal in a stack or mine.

**SUBPARTS SIGNIFICANTLY REVISED:**

40 CFR 61, Subpart H -National Emission Standards for Emissions of Radionuclides Other Than Radon from Department of Energy Facilities, [amended at 67 FR 57166, September 9, 2002] This action amended the National Emission Standards for Hazardous Air Pollutants (NESHAPs), which regulated the air emissions of radionuclides other than radon-222 and radon-220 from facilities owned or operated by the Department of Energy (DOE) (Subpart H) and from Federal Facilities other than Nuclear Regulatory Commission (NRC) licensees and not covered by Subpart H (Subpart I). The regulations require that emissions of radionuclides to the ambient air shall not exceed those amounts that would cause any member of the public to receive in any year an effective dose equivalent of 10 millirem per year (mrem/yr). Also, for non-DOE federal facilities, emissions of iodine shall not exceed those amounts that would cause any member of the public to receive in any year an effective dose equivalent of 3 mrem/yr. Regulated facilities demonstrate compliance with the standard by sampling and monitoring radionuclide emissions from all applicable point sources. Radionuclide emissions from point sources were measured in accordance with the American National Standards Institutes's (ANSI) "Guide to Sampling Airborne Radioactive Materials in Nuclear Facilities," ANSI N13.1-1969. In 1999, the American National Standards Institute substantively revised ANSI N13.1-1969 and renamed it "Sampling and Monitoring Releases of Airborne Radioactive Substances from the Stacks and Ducts of Nuclear Facilities," ANSI/HPS N13.1-1999. This action amended 40 CFR Part 61, subparts H and I to require the use of ANSI/HPS N13.1-1999 for all applicable newly constructed or modified facilities. This action also imposed additional inspection requirements on existing facilities subject to subparts H and I of 40 CFR Part 61.

40 CFR 61, Subpart I -National Emission Standards for Radionuclide Emissions from Federal Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H, [amended at 61 FR 46212, September 5, 1995] EPA is rescinding subpart I of 40 CFR part 61 as it applies to nuclear power reactors, pursuant to section 112(d)(9) of the Clean Air Act Amendments of 1990. This section allows EPA to decline to regulate Nuclear Regulatory Commission (NRC) licensees if the Administrator determines by rule, and in consultation with the NRC, that the regulatory program established by the NRC pursuant to the Atomic Energy Act provides an ample margin of safety to protect the public health. A proposed rule to rescind subpart I as it applies to nuclear power reactors was published on August 5, 1991. Based upon the record compiled in the subsequent rulemaking, EPA has concluded that the NRC regulatory program controlling air emissions of radionuclides from nuclear power reactors will assure that the resultant doses will consistently and predictably be below the levels which EPA has determined are necessary to provide an ample margin of safety to protect the public health.

[amended at 61 FR 68981, December 30, 1996] EPA is rescinding 40 CFR part 61, subpart I (subpart I) as it applies to Nuclear Regulatory Commission (NRC) or NRC Agreement State licensed facilities other than commercial nuclear power reactors. Subpart I is a National Emission Standard for Hazardous Air Pollutants (NESHAPs) which was published on December 15, 1989 and which limits radionuclide emissions to the ambient air from NRC-licensed facilities. As required by section 112(d)(9) of the Clean Air Act as amended in 1990, EPA has determined that the NRC regulatory program for licensed facilities other than commercial nuclear power reactors protects public health with an ample margin of safety, the same level of protection that would be afforded by continued implementation of subpart I.

[amended at 67 FR 57167, September 9, 2002] This action amended the National Emission Standards for Hazardous Air Pollutants (NESHAPs), which regulate the air emissions of radionuclides other than radon-222 and radon-220 from facilities owned or operated by the Department of Energy (DOE) (Subpart H) and from Federal Facilities other than Nuclear Regulatory Commission (NRC) licensees and not covered by Subpart H (Subpart I). The regulations require that emissions of radionuclides to the ambient air shall not exceed those amounts that would cause any member of the public to receive in any year an effective dose equivalent of 10 millirem per year (mrem/yr). Also, for non-DOE federal facilities, emissions of iodine shall not exceed those amounts that would cause any member of the public to receive in any year an effective dose equivalent of 3 mrem/yr. Regulated facilities demonstrate compliance with the standard by sampling and monitoring radionuclide emissions from all applicable point sources. Radionuclide emissions from point sources are measured in accordance with the American National Standards Institutes's (ANSI) "Guide to Sampling Airborne Radioactive Materials in Nuclear Facilities," ANSI N13.1-1969. In 1999, the American National Standards Institute substantively revised ANSI N13.1-1969 and renamed it "Sampling and Monitoring Releases of Airborne Radioactive Substances from the Stacks and Ducts of Nuclear Facilities," ANSI/HPS N13.1-1999. This action amended 40 CFR Part 61, subparts H and I to require the use of ANSI/HPS N13.1-1999 for all applicable newly constructed or modified facilities. This action also imposed additional inspection requirements on existing facilities subject to subparts H and I of 40 CFR Part 61.

40 CFR 61, Subpart K - National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants, [amended at 56 FR 65943, December 19, 1991] This final rule announced the Administrator's decision modifying 40 CFR part 61, subpart K, the National Emission Standard for Hazardous Air Pollutants ("NESHAP") for Radionuclide Emissions from Elemental Phosphorus Plants (54 FR 51699 December 15, 1989). In this final



rule, subpart K is amended to permit elemental phosphorus plants an alternative means of demonstrating compliance with the standard. Under the previous standard, an elemental phosphorus plant has to ensure that total emissions of polonium-210 from that facility did not exceed 2 curies per year. Under this amendment, an elemental phosphorus plant would be in compliance if it limits polonium-210 emissions to 2 curies per year. However, in the alternative, the plant may demonstrate compliance by: (1) Installing a Hydro-Sonic (registered) Tandem Nozzle Fixed Throat Free-Jet Scrubber System n1 including four scrubber units, (2) operating all four scrubber units continuously with a minimum average over any 6-hour period of 40 inches (water column) of pressure drop across each scrubber during calcining of phosphate shale, (3) scrubbing emissions from all calciners and/or nodulizing kilns at the plant, and (4) limiting total emissions of polonium-210 from the plant to no more than 4.5 curies per year. EPA proposed this modified standard for elemental phosphorus plants as a result of settlement discussions between EPA and the FMC Corporation (“FMC”) in *FMC Corporation v. U.S. Environmental Protection Agency*, Docket No. 90-1057 in the D.C. Circuit Court of Appeals, a judicial action by FMC challenging subpart K as it was originally promulgated.

40 CFR 61, Subpart R - National Emission Standard for Radon Emissions from Phosphogypsum Stacks, [amended at 64 FR 5579, February 3, 1999] The EPA promulgated revisions to the National Emission Standard for Hazardous Air Pollutants (NESHAP) that set limits on radon emissions from phosphogypsum stacks, codified as subpart R of 40 CFR part 61. The action was in response to a petition for reconsideration from The Fertilizer Institute (TFI), which critiqued the risk assessment EPA performed in support of the version of subpart R promulgated in 1992. This action raised the limit on the quantity of phosphogypsum that may be used for indoor research and development from 700 to 7,000 pounds, eliminated current sampling requirements for phosphogypsum used in indoor research and development, and clarified sampling procedures for phosphogypsum removed from stacks for other purposes.

40 CFR 61, Subpart T - National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings, [amended at 59 FR 36301, July 15, 1994] EPA rescinded 40 CFR part 61, subpart T (subpart T) as it applies to owners and operators of uranium mill tailings disposal sites licensed by the Nuclear Regulatory Commission (NRC) or an affected Agreement State (Agreement States). As required by section 112(d)(9) of the Clean Air Act as amended, EPA determined that the NRC regulatory program protects public health with an ample margin of safety to the same level as would implementation of subpart T. Subpart T is a National Emission Standard for Hazardous Air Pollutants (NESHAPs) which was published on December 15, 1989 and which regulates emissions of radon-222 into the ambient air from uranium mill tailings disposal sites. Subpart T continues to apply to unlicensed uranium mill tailings disposal sites currently regulated under subpart T that are under the control of the Department of Energy (DOE).

40 CFR 61, Subpart B - National Emission Standards for Radon Emissions from Underground Uranium Mines,

40 CFR 61, Subpart H -National Emission Standards for Emissions of Radionuclides Other Than Radon from Department of Energy Facilities,

40 CFR 61, Subpart I -National Emission Standards for Radionuclide Emissions from Federal Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H,

40 CFR 61, Subpart K - National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants,

40 CFR 61, Subpart Q - National Emission Standard for Radon Emissions from Department of Energy Facilities,

40 CFR 61, Subpart R - National Emission Standard for Radon Emissions from Phosphogypsum Stacks,

40 CFR 61, Subpart T - National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings,

40 CFR 61, Subpart W - National Emission Standards for Radon Emissions from Operating Mill Tailings, [amended at 65 FR 61744, October 17, 2000] In this rule, EPA made final minor amendments to the stationary source testing and monitoring rules. These amendments included miscellaneous editorial changes and technical corrections. EPA also promulgated Performance Specification 15, which contains the criteria for certifying continuous emission monitoring systems (CEMS) that use fourier transform infrared spectroscopy (FTIR). In addition, EPA changed the outline of the test methods and CEMS performance specifications already listed in Parts 60, 61, and 63 to fit a new format recommended by the Environmental Monitoring Management Council (EMMC). The editorial changes and technical corrections update the rules and help maintain their original intent. Performance Specification 15 provided the needed acceptance criteria for FTIR CEMS as they emerge as a new technology. EPA reformatted the test methods and performance specifications to make them more uniform in content and interchangeable with other Agency methods. The amendments applied to a large number of industries that are already subject to the current provisions of Parts 60, 61, and 63. Therefore, EPA did not list specific affected industries or



their Standard Industrial Classification codes.

40 CFR 61, Appendix B, Method 104—Determination of Beryllium Emissions From Stationary Sources,
40 CFR 61, Appendix B, Method 106—Determination of Vinyl Chloride Emissions From Stationary Sources,
40 CFR 61, Appendix B, Method 108—Determination of Particulate and Gaseous Arsenic Emissions,
40 CFR 61, Appendix B, Method 108A—Determination of Arsenic Content in Ore Samples From Nonferrous Smelters,
40 CFR 61, Appendix B, Method 108B—Determination of Arsenic Content in Ore Samples From Nonferrous Smelters,
40 CFR 61, Appendix B, Method 108C—Determination of Arsenic Content in Ore Samples From Nonferrous Smelters (Molybdenum Blue Photometric Procedure),
40 CFR 61, Appendix B, Method 111—Determination of Polonium—210 Emissions From Stationary Sources [Amended at 75 FR 55636, September 13, 2010] EPA promulgated amendments to the General Provisions to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. All requirements pertaining to the audit samples have been moved to the General Provisions and have been removed from the test methods because the current language in the test methods regarding audit samples is inconsistent from method to method. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies. Under this final rule, the requirement to use an audit sample during a compliance test will apply to all test methods for which a commercially available audit exists.

40 CFR 63, Subpart WWWW – National Emission Standards for Hospital Ethylene Oxide Sterilizers [Added at 72 FR 73611, December 28, 2007]. EPA issued NESHAPS for new and existing hospital sterilizers that emit hazardous air pollutants and are area sources within the meaning of Clean Air Act section 112(a)(2). The final rule is based on EPA's determination as to what constitutes the generally available control technology or management practices for the hospital sterilizer area source category. This action was finalized as part of EPA's obligation to regulate area sources listed for regulation pursuant to Clean Air Act section 112(c)(3).

40 CFR 63, Subpart YYYYY – National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities [Added at 72 FR 74087, December 28, 2007]. EPA issued NESHAPS for electric arc furnace steel-making facilities that are area sources of hazardous air pollutants. The final rule established requirements for the control of mercury emissions that are based on the maximum achievable control technology and requirements for the control of other hazardous air pollutants that are based on generally available control technology or management practices.

40 CFR 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources [Added at 73 FR 225, January 2, 2008]. EPA issued NESHAPS for two area source categories (iron foundries and steel foundries). The requirements for the two area source categories are combined in one subpart. The final rule established different requirements for foundries based on size. Small area source foundries are required to comply with pollution prevention management practices for metallic scrap, the removal of mercury switches, and binder formulations. Large area source foundries are required to comply with the same pollution prevention management practices as small foundries, in addition to emissions standards for melting furnaces and foundry operations. The final standards reflect the generally achievable control technology and/or management practices for each subcategory.

40 CFR 63, Subparts BBBB and CCCCC – National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities [Added at 73 FR 1915, January 10, 2008]. The EPA promulgated NESHAPS for the facilities in the gasoline distribution (Stage I) area source category. EPA promulgated these emission standards for hazardous air pollutants pursuant to Clean Air Act section 112(c)(3) and 112(d)(5). EPA added two regulations that address the facilities contained in this area source category. The first includes requirements for bulk distribution facilities, i.e., gasoline distribution bulk terminals, bulk plants, and pipeline facilities. The second includes requirements for loading of storage tanks at gasoline dispensing facilities. EPA also incorporated by reference four test methods. This action also finalized EPA's decision not to regulate the above noted facilities under Clean Air Act section 112(c)(6).

40 CFR 63, Subparts DDDDD, EEEEE, FFFFF, and GGGGG – National Emission Standards for Hazardous Air Pollutants for Area Sources: Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Copper Smelting, and Primary Nonferrous Metals: Zinc, Cadmium, and Beryllium [Added at 72 FR 2930, January 23, 2007]. EPA issued NESHAPS for four area source categories. These final



NESHAPS include emissions limits and/or work practice standards that reflect the generally available control technologies (GACT) and/or management practices in each of these area source categories.

40 CFR 63, Subpart HHHHHH – National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources [Added at 73 FR 1737, January 9, 2008]. This action promulgated NESHAPS for area sources engaged in paint stripping, surface coating of motor vehicles and mobile equipment, and miscellaneous surface coating operations. EPA has listed “Paint Stripping,” “Plastic Parts and Products (Surface Coating),” and “Autobody Refinishing Paint Shops” as area sources of hazardous air pollutants (HAP) that contribute to the risk to public health in urban areas under the Integrated Urban Air Toxics Strategy. This final rule includes emissions standards that reflect the generally available control technology or management practices in each of these area source categories. “Plastic Parts and Products (Surface Coating)” has been renamed “Miscellaneous Surface Coating,” and “Autobody Refinishing Paint Shops” has been renamed “Motor Vehicle and Mobile Equipment Surface Coating” to more accurately reflect the scope of these source categories.

40 CFR 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers [Added at 76 FR 15554, March 21, 2011] EPA promulgated national emission standards for control of hazardous air pollutants from two area source categories: Industrial boilers and commercial and institutional boilers. The final emission standards for control of mercury and polycyclic organic matter emissions from coal-fired area source boilers are based on the maximum achievable control technology. The final emission standards for control of hazardous air pollutants emissions from biomass-fired and oil-fired area source boilers are based on EPA's determination as to what constitutes the generally available control technology or management practices.

[Effective dates delayed at 76 FR 28662, May 18, 2011] The EPA delayed the effective dates for the final rules titled “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters” and “Standards of Performance for New Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” under the authority of the Administrative Procedure Act (APA) until the proceedings for judicial review of these rules is completed or the EPA completes its reconsideration of the rules, whichever is earlier. DATES: The effective dates of the final rules published in the Federal Register on March 21, 2011 (76 FR 15608 and 76 FR 15704), are delayed until such time as judicial review is no longer pending or until the EPA completes its reconsideration of the rules, whichever is earlier. The EPA will publish in the Federal Register announcing the effective dates and the incorporation by reference approvals once delay is no longer necessary.

[Amended at 78 FR 7488, February 1, 2013] In this action, the EPA took final action on reconsideration of certain issues related to the emission standards to control hazardous air pollutants from new and existing industrial, commercial and institutional boilers at area sources which were issued under section 112 of the Clean Air Act. As part of this action, the EPA amended certain compliance dates for the standard and making technical corrections to the final rule to clarify definitions, references, applicability and compliance issues raised by petitioners and other stakeholders affected by the rule. The EPA took final action on the proposed reconsideration.

40 CFR 63, Subparts LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, and QQQQQQ – National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving [Added at 72 FR 38863, July 15, 2007]. EPA issued six NESHAPS for seven area source categories. The final emissions standards and associated requirements for two area source categories (Flexible Polyurethane Foam Production and Flexible Polyurethane Foam Fabrication) are combined in one subpart. These final rules include emission standards that reflect the generally available control technologies or management practices in each of these area source categories.

40 CFR 63, Subparts RRRRRR, SSSSSS, and TTTTTT – National Emission Standards for Hazardous Air Pollutants for Area Sources: Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing [Added at 72 FR 73179, December 26, 2007]. EPA finalized NESHAPS for the Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing area source categories. Each of these three final emissions standards reflects the generally available control technology or management practices used by sources within the respective area source category.

40 CFR 63, Subpart VVVVVV – National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources [Added at 74 FR 56008, October 29, 2009] EPA issued national emission standards for the control of hazardous air pollutants for nine area source categories in the chemical manufacturing sector: Agricultural Chemicals and Pesticides Manufacturing, Cyclic Crude and Intermediate Production, Industrial Inorganic Chemical Manufacturing, Industrial Organic Chemical Manufacturing, Inorganic Pigments Manufacturing,



Miscellaneous Organic Chemical Manufacturing, Plastic Materials and Resins Manufacturing, Pharmaceutical Production, and Synthetic Rubber Manufacturing. The standards and associated requirements for the nine area source categories are combined in one subpart. This final rule establishes emission standards in the form of management practices for each chemical manufacturing process unit as well as emission limits for certain subcategories of process vents and storage tanks. The rule also establishes management practices and other emission reduction requirements for subcategories of wastewater systems and heat exchange systems.

40 CFR 63, Subpart WWWW – National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations; Final Rule [Added at 73 FR 37727, July 1, 2008] EPA issued national emission standards for control of hazardous air pollutants (HAP) for the plating and polishing area source category. This final rule established emission standards in the form of management practices for new and existing tanks, thermal spraying equipment, and mechanical polishing equipment in certain plating and polishing processes. The final emission standards reflect EPA's determination regarding the generally achievable control technology (GACT) and/or management practices for the area source category.

40 CFR 63, Subpart XXXXXX – National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories; Final Rule [Added at 73 FR 42977, July 23, 2008] EPA issued national emission standards for control of hazardous air pollutants for nine metal fabrication and finishing area source categories (identified in section I.A. below). This final rule established emission standards in the form of management practices and equipment standards for new and existing operations of dry abrasive blasting, machining, dry grinding and dry polishing with machines, spray painting and other spray coating, and welding operations. These standards reflect EPA's determination regarding the generally achievable control technology and/or management practices for the nine area source categories.

40 CFR 63, Subpart YYYYYY – Revision of Source Category List for Standards Under Section 112(k) of the Clean Air Act; and National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities [Added at 73 FR 78637, December 23, 2008] EPA revised the area source category list by changing the name of the ferroalloys production category to clarify that it includes all types of ferroalloys. EPA also added two additional products (calcium carbide and silicon metal) to the source category. EPA issued final national emissions standards for control of hazardous air pollutants (HAP) for area source ferroalloys production facilities. The final emissions standards for new and existing sources reflect EPA's determination regarding the generally available control technology (GACT) or management practices for the source category.

40 CFR 63, Subpart ZZZZZZ – Revision of Source Category List for Standards Under Section 112(k) of the Clean Air Act; National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries [Added at 74 FR 30365, June 25, 2009] EPA revised the area source category list by changing the name of the “Secondary Aluminum Production” category to “Aluminum Foundries” and the “Nonferrous Foundries, not elsewhere classified (nec)” category to “Other Nonferrous Foundries.” At the same time, EPA issued final national emission standards for the Aluminum Foundries, Copper Foundries, and Other Nonferrous Foundries area source categories. These final emission standards for new and existing sources reflect EPA's determination regarding the generally available control technologies or management practices (GACT) for each of the three area source categories.

40 CFR 63, Subpart AAAAAA – National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing [Added at 74 FR 63236, December 2, 2009] EPA promulgated national emissions standards for the control of emissions of hazardous air pollutants (HAP) from the asphalt processing and asphalt roofing manufacturing area source category. These final emissions standards for new and existing sources are based upon EPA's final determination as to what constitutes the generally available control technology or management practices (GACT) for the source category.

40 CFR 63, SubpartBBBBBB – National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry [Added at 74 FR 69194, December 30, 2009] EPA promulgated national emissions standards for control of hazardous air pollutants (HAP) from the chemical preparations area source category. These final emissions standards for new and existing sources reflect EPA's final determination regarding the generally available control technology or management practices (GACT) for the source category.

40 CFR 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing [Added at 74 FR 63503, December 3, 2009]. EPA issued national emission standards for control of hazardous air pollutants (HAP) for the Paints and Allied Products Manufacturing area source category. The final rule establishes emission standards in the form of management practices



for volatile HAP, and emission standards in the form of equipment standards for particulate HAP. The emissions standards for new and existing sources are based on EPA's determination as to what constitutes the generally available control technology or management practices (GACT) for the area source category.

40 CFR 63, Subpart DDDDDDD – National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing [Added at 75 FR 522, January 5, 2010] EPA issued national emission standards for control of hazardous air pollutants (HAP) for the Prepared Feeds Manufacturing area source category. The emissions standards for new and existing sources are based on EPA's determination as to what constitutes the generally available control technology or management practices for the area source category.

40 CFR 63, Subpart EEEEEEE—National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category [Added at 76 FR 9449, February 17, 2011] EPA added the gold mine ore processing and production area source category to the list of source categories to be regulated under Section 112(c)(6) of the Clean Air Act due to its mercury emissions. EPA also promulgated national emission standards for hazardous air pollutants to regulate mercury emissions from this source category.

40 CFR 63, Subpart HHHHHHH—National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production [Added at 77 FR 22848, April 17, 2012] The EPA promulgated National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production. The final rules establish emission standards that apply at all times, including periods of startup, shutdown and malfunction, for hazardous air pollutants from polyvinyl chloride and copolymers production located at major and area sources. The final rules include requirements to demonstrate initial and continuous compliance with the emission standards, including monitoring provisions and recordkeeping and reporting requirements.

SUBPARTS SIGNIFICANTLY REVISED:

40 CFR 63, Subpart A – General Provisions [Amended at 75 FR 54970, September 9, 2010]

The final amendments to the NSPS add or revise, as applicable, emission limits for PM, opacity, nitrogen oxides (NO_x), and sulfur dioxide (SO₂) for facilities that commence construction, modification, or reconstruction after June 16, 2008. The final rule also includes additional testing and monitoring requirements for affected sources. EPA finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and to the New Source Performance Standards (NSPS) for Portland Cement Plants. The final amendments to the NESHAP add or revise, as applicable, emission limits for mercury, total hydrocarbons (THC), and particulate matter (PM) from new and existing kilns located at major and area sources, and for hydrochloric acid (HCL) from new and existing kilns located at major sources. The standards for new kilns apply to facilities that commence construction, modification, or reconstruction after May 6, 2009.

[Amended at 76 FR 9449, February 17, 2011] EPA added the gold mine ore processing and production area source category to the list of source categories to be regulated under Section 112(c)(6) of the Clean Air Act due to its mercury emissions. EPA also promulgated national emission standards for hazardous air pollutants to regulate mercury emissions from this source category. (Subpart EEEEEEE added, discussed above.)

[Amended at 77 FR 9304, February 16, 2012] On May 3, 2011, under authority of Clean Air Act (CAA) sections 111 and 112, the EPA proposed both national emission standards for hazardous air pollutants (NESHAP) from coal- and oil-fired electric utility steam generating units (EGUs) and standards of performance for fossil-fuel-fired electric utility, industrial-commercial institutional, and small industrial-commercial-institutional steam generating units (76 FR 24976). After consideration of public comments, the EPA finalized these rules in this action. Pursuant to CAA section 111, the EPA revised standards of performance in response to a voluntary remand of a final rule. Specifically, EPA amended new source performance standards (NSPS) after analysis of the public comments received. EPA also finalized several minor amendments, technical clarifications, and corrections to existing NSPS provisions for fossil fuel-fired EGUs and large and small industrial-commercial-institutional steam generating units. Pursuant to CAA section 112, the EPA established NESHAP that will require coal- and oil-fired EGUs to meet hazardous air pollutant (HAP) standards reflecting the application of the maximum achievable control technology. This rule protects air quality and promotes public health by reducing emissions of the HAP listed in CAA section 112(b)(1).

[Amended at 77 FR 22848, April 17, 2012] The EPA promulgated National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production. The final rules establish emission standards that apply at all times, including periods of startup, shutdown and malfunction, for hazardous air pollutants from polyvinyl chloride and copolymers production located at major and area sources. The final rules include requirements to demonstrate initial and continuous compliance with the emission standards, including monitoring provisions and recordkeeping and reporting requirements.

40 CFR 63, Subpart A, G, H, I, R, S, U, Y, CC, DD, EE, GG, HH, OO, PP, QQ, SS, TT, UU, VV, YY, GGG, HHH, III, JJJ, MMM, OOO, VVV, and GGGGG – Alternative Work Practice To Detect Leaks From Equip-



ment [Amended at 73 FR 78199, December 22, 2008] Numerous EPA air emissions standards require specific work practices for equipment leak detection and repair. On April 6, 2006, EPA proposed a voluntary alternative work practice for leak detection and repair using a newly developed technology, optical gas imaging. The alternative work practice is an alternative to the current leak detection and repair work practice, which is not being revised. The proposed alternative has been amended in this final rule to add a requirement to perform monitoring once per year using the current Method 21 leak detection instrument. This action revised the General Provisions to incorporate the final alternative work practice.

40 CFR 63, Subparts F, G, H, and I – National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry [Amended at 71 FR 76603, December 21, 2006]. In 1994, EPA promulgated NESHAPS for the synthetic organic chemical manufacturing industry. This rule is commonly known as the hazardous organic NESHAP (HON) and established maximum achievable control technology standards to regulate the emissions of hazardous air pollutants from production processes that are located at major sources. The Clean Air Act directs EPA to assess the risk remaining (residual risk) after the application of the maximum achievable control technology standards and to promulgate additional standards if required to provide an ample margin of safety to protect public health or prevent an adverse environmental effect. The Clean Air Act also requires EPA to review and revise maximum achievable control technology standards, as necessary, every 8 years, taking into account developments in practices, processes, and control technologies that have occurred during that time. On June 14, 2006, EPA proposed two options regarding whether to amend the current emission standards for synthetic organic chemical manufacturing industry units. This action finalized one of those options, and reflects EPA's decision not to impose further controls and not to revise the existing standards based on the residual risk and technology review. It also amended the existing regulations in certain aspects.

40 CFR 63, Subpart M – National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities [Amended at 71 FR 42723, July 27, 2006]. EPA promulgated revised NESHAPS to limit emissions of perchloroethylene (PCE) from existing and new dry cleaning facilities. On September 22, 1993, EPA promulgated technology-based emission standards to control emissions of PCE from dry cleaning facilities. EPA has reviewed these standards and is promulgating revisions to take into account new developments in production practices, processes, and control technologies. In addition, EPA has evaluated the remaining risk to public health and the environment following implementation of the technology-based rule and is promulgating more stringent standards for major sources in order to protect public health with an ample margin of safety. The final standards are expected to provide further reductions of PCE beyond the 1993 NESHAPS, based on application of equipment and work practice standards and, in certain situations, disallowing the use of PCE at dry cleaning facilities. In addition, EPA made some technical corrections to the 1993 Dry Cleaning NESHAPS.

40 CFR 63, Subpart N,

40 CFR 63, Subpart CCC--National Emission Standards for Hazardous Air Pollutant Emissions: Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; and Steel Pickling— HCl Process Facilities and Hydrochloric Acid Regeneration Plants [Amended at 78 FR 58220, September 19, 2012] This action finalized the residual risk and technology review conducted for the following source categories regulated under two national emission standards for hazardous air pollutants (NESHAP): hard and decorative chromium electroplating and chromium anodizing tanks, and steel pickling—HCl process facilities and hydrochloric acid regeneration plants. On October 21, 2010, EPA proposed amendments to these NESHAP under section 112(d)(6) and (f)(2) of the Clean Air Act. On February 8, 2012, EPA published a supplemental proposal with new analyses and results. For hard and decorative chromium electroplating and chromium anodizing tanks these final amendments addressing Clean Air Act (CAA) sections 112(d)(6) and (f)(2) include revisions to the emissions limits for total chromium; addition of housekeeping requirements to minimize fugitive emissions; and a requirement to phase-out the use of perfluorooctane sulfonic acid (PFOS) based fume suppressants. These requirements will provide greater protection for public health and the environment by reducing emissions of hexavalent chromium (a known human carcinogen). In addition, as part of the October 2010 proposal, EPA proposed certain actions pursuant to CAA section 112(d)(2) and (3) for hard and decorative chromium electroplating and chromium anodizing tanks. For these sources, EPA modified and added testing and monitoring, recordkeeping, and reporting requirements; and revisions to the regulatory provisions related to emissions during periods of malfunction. For steel pickling hydrochloric acid regeneration plants, EPA finalized the proposal to remove the alternative compliance method because EPA believes it is inconsistent with the requirements of CAA section 112(d)(2) and (3). This amendment will achieve reductions in chlorine emissions. Additionally, EPA added provisions to the Steel Pickling Facilities NESHAP requiring that the emission limits of the rule apply at all times, including during periods of startup, shutdown and malfunction.

40 CFR 63, Subpart A,

40 CFR 63, Subpart S--National Emission Standards for Hazardous Air Pollutants From the Pulp and Paper



Industry [Amended at 78 FR 55698, September 11, 2012] This action finalized the residual risk and technology review conducted for the pulp and paper industry source category regulated under national emission standards for hazardous air pollutants. The EPA is required to conduct residual risk and technology reviews under the Clean Air Act. This action finalized amendments to the national emission standards for hazardous air pollutants that include a requirement for 5-year repeat emissions testing for selected process equipment; revisions to provisions addressing periods of startup, shutdown and malfunction; a requirement for electronic reporting; additional test methods for measuring methanol emissions; and technical and editorial changes. The amendments are expected to ensure that control systems are properly maintained over time, ensure continuous compliance with standards and improve data accessibility; EPA estimates facilities nationwide will spend \$2.1 million per year to comply.

40 CFR 63, Subpart U—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins,

40 CFR 63, Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations,

40 CFR 63, Subpart KK—National Emission Standards for the Printing and Publishing Industry,

40 CFR 63, Subpart GGG—National Emission Standards for Pharmaceuticals Production, [Amended at 76 FR 22566, April 21, 2011] EPA took final action for four national emission standards for hazardous air pollutants (NESHAP) that regulate 12 industrial source categories evaluated in our risk and technology review. The four NESHAP include: National Emissions Standards for Group I Polymers and Resins (Butyl Rubber Production, Epichlorohydrin Elastomers Production, Ethylene Propylene Rubber Production, Hypalon(TM) Production, Neoprene Production, Nitrile Butadiene Rubber Production, Polybutadiene Rubber Production, Polysulfide Rubber Production, and Styrene Butadiene Rubber and Latex Production); Marine Tank Vessel Loading Operations; Pharmaceuticals Production; and The Printing and Publishing Industry. For some source categories, EPA finalized our decisions concerning the residual risk and technology reviews. For the Marine Tank Vessel Loading Operations NESHAP and the Group I Polymers and Resins NESHAP, EPA finalized emission standards to address certain emission sources not previously regulated under the NESHAP. EPA also finalized changes to the Pharmaceuticals Production NESHAP to correct an editorial error. For each of the four NESHAP, EPA finalized revisions to the regulatory provisions related to emissions during periods of startup, shutdown, and malfunction and promulgating provisions addressing electronic submission of emission test results.

40 CFR 63, Subpart A – General Provisions,

40 CFR 63, Subpart CC – National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries [Amended at 74 FR 55669, October 28, 2009] This action amends the national emission standards for petroleum refineries to add maximum achievable control technology standards for heat exchange systems. This action also amends the general provisions cross-reference table and corrects section references.

[Partial withdrawal at 76 FR 42052, July 18, 2011] On October 28, 2009, the EPA proposed to withdraw the residual risk and technology review portions of the final rule amending the National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries. EPA provided final notice of the partial withdrawal in this action.

[Amended at 78 FR 37133, June 20, 2013] This action amended the national emission standards for hazardous air pollutants for heat exchange systems at petroleum refineries. The amendments address issues raised in a petition for reconsideration of the EPA's final rule setting maximum achievable control technology rules for these systems and also provides additional clarity and regulatory flexibility with regard to that rule. This action does not change the level of environmental protection provided under those standards. The final amendments do not add any new cost burdens to the refining industry and may result in cost savings by establishing an additional monitoring option that sources may use in lieu of the monitoring provided in the original standard.

40 CFR 63, Subpart HH – National Emission Standards for Hazardous Air Pollutants for Source Categories From Oil and Natural Gas Production Facilities [Amended at 72 FR 26, January 3, 2007]. This action promulgated NESHAPS to regulate hazardous air pollutant emissions from oil and natural gas production facilities that are area sources. The final NESHAPS for major sources was promulgated on June 17, 1999, but final action with respect to area sources was deferred. Oil and natural gas production is identified in the Urban Air Toxics Strategy as an area source category for regulation under section 112(c)(3) of the Clean Air Act because of benzene emissions from triethylene glycol dehydration units located at such facilities. This final rule also amended a general provision in the regulation to allow the use of an ASTM standard as an alternative test method to EPA Method 18 in the National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.

40 CFR 63, Subpart HH,

40 CFR 63, Subpart HHH--Oil and Natural Gas Sector: National Emission Standards for Hazardous Air Pollutants Reviews [Amended at 77 FR 49490, August 16, 2012] This action finalized the review of new source performance standards for the listed oil and natural gas source category. In this action the EPA revised the new source performance standards for volatile organic compounds from leaking components at onshore natural gas pro-



cessing plants and new source performance standards for sulfur dioxide emissions from natural gas processing plants. The EPA also established standards for certain oil and gas operations not covered by the existing standards. In addition to the operations covered by the existing standards, the newly established standards will regulate volatile organic compound emissions from gas wells, centrifugal compressors, reciprocating compressors, pneumatic controllers and storage vessels. This action also finalized the residual risk and technology review for the Oil and Natural Gas Production source category and the Natural Gas Transmission and Storage source category. This action includes revisions to the existing leak detection and repair requirements. In addition, the EPA established emission limits reflecting maximum achievable control technology for certain currently uncontrolled emission sources in these source categories. This action also includes modification and addition of testing and monitoring and related notification, recordkeeping and reporting requirements, as well as other minor technical revisions to the national emission standards for hazardous air pollutants. This action finalized revisions to the regulatory provisions related to emissions during periods of startup, shutdown and malfunction.

40 CFR 63, Subpart JJ—National Emission Standards for Wood Furniture Manufacturing Operations

[Amended at 76 FR 72050, November 21, 2011] This action finalized the residual risk and technology review conducted for two industrial source categories regulated by separate national emission standards for hazardous air pollutants. The two national emission standards for hazardous air pollutants are: National Emissions Standards for Shipbuilding and Ship Repair (Surface Coating) and National Emissions Standards for Wood Furniture Manufacturing Operations. This action also finalizes revisions to the regulatory provisions related to emissions during periods of startup, shutdown and malfunction.

40 CFR 63, Subpart EEE – National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors [Amended at 71 FR 62388, October 25, 2006]. The EPA amended the effective date of the standard for particulate matter for new cement kilns that burn hazardous waste. EPA promulgated this standard as part of the national emission standards for hazardous air pollutants (NESHAP) for hazardous waste combustors that were issued on October 12, 2005, under section 112 of the Clean Air Act. EPA agreed to reconsider the standard and proposed to change it on March 23, 2006 (71 FR 14665). This amendment suspended the obligation of new cement kilns to comply with the particulate matter standard until EPA takes final action on this proposal. This amendment does not affect other standards applicable to new or existing hazardous waste burning cement kilns.

40 CFR 63, Subpart EEE – National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments [Amended at 73 FR 18970, April 8, 2008]. EPA finalized amendments to the NESHAPS for hazardous waste combustors, which EPA promulgated on October 12, 2005. The amendments to the October 2005 final rule clarified several compliance and monitoring provisions, and also corrected several omissions and typographical errors in the final rule. EPA finalized the amendments to facilitate compliance and improve understanding of the final rule requirements. This rule did not address issues for which petitioners sought reconsideration, nor did it address issues raised in EPA's comment solicitation of September 27, 2007.

[Amended at 73 FR 64067, October 28, 2008] On October 12, 2005, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for new and existing sources at hazardous waste combustion facilities (the final rule). Subsequently, the Administrator received four petitions for reconsideration of the final rule. On March 23, 2006 and September 6, 2006, EPA granted reconsideration with respect to eight issues raised by the petitions. After evaluating public comments submitted in response to these reconsideration notices, EPA took final action regarding the eight issues raised in the petitions for reconsideration. EPA also re-opened the rule to consider comments relating to a post-promulgation decision of the United States Court of Appeals for the District of Columbia Circuit, and responded in this proceeding to the comments received on that notice, published on September 27, 2007. As a result of this reconsideration process, EPA revised the new source standard for particulate matter for cement kilns and for incinerators that burn hazardous waste. EPA also made amendments to the particulate matter detection system provisions and revisions to the health-based compliance alternative for total chlorine of the final rule. Finally, EPA issued several corrections and clarifications to the rule.

40 CFR 63, Subpart LLL – National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry [Amended at 71 FR 76517, December 20, 2006]. On June 14, 1999, under the authority of section 112 of the Clean Air Act (CAA), EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for new and existing sources in the Portland cement manufacturing industry. On December 15, 2000, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded parts of the NESHAP for the Portland cement manufacturing industry to EPA to consider, among other things, setting standards based on the performance of the maximum achievable control technology (MACT) floor standards for hydrogen chloride (HCl), mercury, and total hydrocarbons (THC), and metal hazardous air pollutants (HAP). EPA published a proposed response to the court's remand on December 2, 2005, and received over 1700 comments on the proposed response. This action promulgated EPA's final rule amendments in response to the court's remand and



the comments received on the proposed amendments.

[Amended at 75 FR 54970, September 9, 2010] The final amendments to the NSPS add or revise, as applicable, emission limits for PM, opacity, nitrogen oxides (NO_x), and sulfur dioxide (SO₂) for facilities that commence construction, modification, or reconstruction after June 16, 2008. The final rule also includes additional testing and monitoring requirements for affected sources. EPA finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and to the New Source Performance Standards (NSPS) for Portland Cement Plants. The final amendments to the NESHAP add or revise, as applicable, emission limits for mercury, total hydrocarbons (THC), and particulate matter (PM) from new and existing kilns located at major and area sources, and for hydrochloric acid (HCL) from new and existing kilns located at major sources. The standards for new kilns apply to facilities that commence construction, modification, or reconstruction after May 6, 2009.

[Amended at 76 FR 2832, January 18, 2011] The EPA took direct final action on amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and Standards of Performance (NSPS) for Portland Cement Plants. The final rules were published on September 9, 2010. The direct final action amends certain regulatory text to clarify compliance dates and clarifies that the previously issued emission limits that were changed in the September 9, 2010, action remain in effect until sources are required to comply with the revised limits. EPA Also corrected two minor typographical errors in the regulatory text to the September 9, 2010 action.

[Denied in part and granted in part of petitions to reconsider at 76 FR 28318, May 17, 2011] The EPA denied in part and granted in part the petitions to reconsider the final revised National Emission Standards for Hazardous Air Pollutants emitted by the Portland Cement Industry and the New Source Performance Standards for Portland Cement Plants issued under sections 112(d) and 111(b) of the Clean Air Act, respectively. The EPA also denied all requests that the EPA issue an administrative stay of the National Emission Standards for Hazardous Air Pollutants and the New Source Performance Standards.

[Amended at 78 FR 10006, February 12, 2013] On July 18, 2012, the EPA proposed amendments to the National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry and the Standards of Performance for Portland Cement Plants. This final action amends the national emission standards for hazardous air pollutants for the Portland cement industry. The EPA also promulgated amendments with respect to issues on which it granted reconsideration on May 17, 2011. In addition, the EPA amended the new source performance standard for particulate matter. These amendments promote flexibility, reduce costs, ease compliance and preserve health benefits. The amendments also addressed the remand of the national emission standards for hazardous air pollutants for the Portland cement industry by the United States Court of Appeals for the District of Columbia Circuit on December 9, 2011. Finally, the EPA set the date for compliance with the existing source national emission standards for hazardous air pollutants to be September 9, 2015.

40 CFR 63, Subpart TTT—National Emission Standards for Hazardous Air Pollutants for Primary Lead Processing [Amended at 76 FR 70834, November 15, 2011] This action finalized the residual risk and technology review conducted for the Primary Lead Processing source category regulated under national emission standards for hazardous air pollutants (NESHAP). This action finalized amendments to the NESHAP that include revision of the rule's title and applicability provision, revisions to the stack emission limits for lead, work practice standards to minimize fugitive dust emissions, and the modification and addition of testing and monitoring and related notification, recordkeeping, and reporting requirements. It also finalized revisions to the regulatory provisions related to emissions during periods of startup, shutdown, and malfunction and makes minor non-substantive changes to the rule.

40 CFR 63, Subpart EEEE – National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [Amended at 71 FR 42897, July 28, 2006]. EPA promulgated amendments to the national emission standards for hazardous air pollutants for organic liquids distribution (non-gasoline) (Prior NESHAP), which EPA had promulgated on February 3, 2004. After promulgation of the final Prior NESHAP, the Administrator received petitions for administrative reconsideration of the promulgated rule, and several petitions for judicial review of the final rule were filed in the United States Court of Appeals for the District of Columbia Circuit. On November 14, 2005, pursuant to a settlement agreement between some of the parties to the litigation, EPA published a notice of proposed amendments to address some of the concerns raised in the petitions and requested comments on the proposed amendments. In this action, EPA promulgated those amendments, adding additional vapor balancing options, and making technical corrections to the final rule.

40 CFR 63, Subpart ZZZZ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines [Amended at 73 FR 3567, January 18, 2008]. EPA promulgated new source standards of performance for stationary spark ignition internal combustion engines in Part 60. EPA also promulgated NESHAPS for new and



reconstructed stationary reciprocating internal combustion engines that either are located at area sources of hazardous air pollutant emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions.

[Amended at 75 FR 9647, March 3, 2010] EPA promulgated national emission standards for hazardous air pollutants for existing stationary compression ignition reciprocating internal combustion engines that either are located at area sources of hazardous air pollutant emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions. In addition, EPA promulgated national emission standards for hazardous air pollutants for existing non-emergency stationary compression ignition engines greater than 500 brake horsepower that are located at major sources of hazardous air pollutant emissions. Finally, EPA revised the provisions related to startup, shutdown, and malfunction for the engines that were regulated previously by these national emission standards for hazardous air pollutants.

[Amended at 78 FR 6673, January 30, 2013] The EPA finalized amendments to the national emission standards for hazardous air pollutants for stationary reciprocating internal combustion engines. The final amendments included alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary reciprocating internal combustion engines, management practices for a subset of existing spark ignition stationary reciprocating internal combustion engines in sparsely populated areas and alternative monitoring and compliance options for the same engines in populated areas. The EPA established management practices for existing compression ignition engines on offshore vessels. The EPA also finalized limits on the hours that stationary emergency engines may be used for emergency demand response and establishing fuel and reporting requirements for certain emergency engines used for emergency demand response. The final amendments also corrected minor technical or editing errors in the current regulations for stationary reciprocating internal combustion engines.

40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

40 CFR 63, Appendix A, Test Method 323—Measurement of Formaldehyde Emissions From Natural Gas-Fired Stationary Sources—Acetyl Acetone Derivatization Method [Amended at 75 FR 51570, August 20, 2010] EPA promulgated national emission standards for hazardous air pollutants for existing stationary spark ignition reciprocating internal combustion engines that either are located at area sources of hazardous air pollutant emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions.

[Amended at 76 FR 12863, March 9, 2011] EPA took direct final action to promulgate amendments to a final rule that provided national emission standards for hazardous air pollutants for existing stationary spark ignition reciprocating internal combustion engines. The final rule was published on August 20, 2010. This direct final action amends certain regulatory text to clarify compliance requirements related to continuous parameter monitoring systems. EPA also corrected minor typographical errors in the regulatory text to the August 20, 2010, action.

[Amended at 78 FR 6674, January 30, 2013] The EPA finalized amendments to the national emission standards for hazardous air pollutants for stationary reciprocating internal combustion engines. The final amendments include alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary reciprocating internal combustion engines, management practices for a subset of existing spark ignition stationary reciprocating internal combustion engines in sparsely populated areas and alternative monitoring and compliance options for the same engines in populated areas. The EPA established management practices for existing compression ignition engines on offshore vessels. The EPA also finalized limits on the hours that stationary emergency engines may be used for emergency demand response and establishing fuel and reporting requirements for certain emergency engines used for emergency demand response. The final amendments also correct minor technical or editing errors in the current regulations for stationary reciprocating internal combustion engines.

40 CFR 63, Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters: Reconsideration of Emissions Averaging Provision and Technical Corrections [Amended at 71 FR 70651, December 6, 2006]. EPA promulgated amendments to the NESHAPS for Industrial, Commercial, and Institutional Boilers and Process Heaters. After promulgation of this final rule, the Administrator received petitions for reconsideration of certain provisions in the final rule. Subsequently, EPA published a notice of the reconsideration and requested public comment on proposed amendments to the NESHAPS. After evaluating public comments, EPA adopted each of the amendments that were proposed.

[Amended at 76 FR 15607, March 21, 2011] On September 13, 2004, under authority of section 112 of the Clean Air Act, EPA promulgated national emission standards for hazardous air pollutants for new and existing industrial/commercial/institutional boilers and process heaters. On June 19, 2007, the United States Court of Appeals for the District of Columbia Circuit vacated and remanded the standards. In response to the Court's vacatur and remand, EPA, in this action, established emission standards that will require industrial/commercial/institutional boilers and process heaters located at major sources to meet hazardous air pollutants standards reflecting the application of the maximum achievable control technology. This rule protects air quality and promotes public health by reducing



emissions of the hazardous air pollutants listed in section 112(b)(1) of the Clean Air Act.

[Delayed at 76 FR 28662, May 18, 2011] The EPA delayed the effective dates for the final rules titled “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters” and “Standards of Performance for New Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” under the authority of the Administrative Procedure Act (APA) until the proceedings for judicial review of these rules is completed or the EPA completes its reconsideration of the rules, whichever is earlier.

[Amended at 78 FR 7138, January 31, 2013] In this action the EPA took final action on its reconsideration of certain issues in the emission standards for the control of hazardous air pollutants from new and existing industrial, commercial, and institutional boilers and process heaters at major sources of hazardous air pollutants, which were issued under section 112 of the Clean Air Act. As part of this action, the EPA made technical corrections to the final rule to clarify definitions, references, applicability and compliance issues raised by petitioners and other stakeholders affected by this rule. On March 21, 2011, the EPA promulgated national emission standards for this source category. On that same day, the EPA also published a notice announcing its intent to reconsider certain provisions of the final rule. Following these actions, the Administrator received several petitions for reconsideration. After consideration of the petitions received, on December 23, 2011, the EPA proposed revisions to certain provisions of the March 21, 2011, final rule, and requested public comment on several provisions of the final rule. The EPA now took final action on the proposed reconsideration. DATES: The May 18, 2011 (76 FR28661), delay of the effective date revising subpart DDDDD at 76 FR 15451 (March 21, 2011) is lifted January 31, 2013. The amendments in this rule to 40 CFR part 63, subpart DDDDD are effective as of April 1, 2013.

40 CFR 63, Subpart EEEEE – National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries [Amended at 73 FR 7210, February 7, 2008]. EPA finalized amendments to the NESHAPS for iron and steel foundries. These final amendments added alternative compliance options for cupolas at existing foundries and clarified several provisions to increase operational flexibility and improve understanding of the final rule requirements.

40 CFR 63, Subpart FFFFF – National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities [Amended at 71 FR 39579, July 13, 2006]. This action amended the NESHAPS for integrated iron and steel manufacturing facilities. The final amendments added a new compliance option, revised emission limitations, reduced the frequency of repeat performance tests for certain emission units, added corrective action requirements, and clarified monitoring, recordkeeping, and reporting requirements.

40 CFR 63, Subpart GGGGG – National Emission Standards for Hazardous Air Pollutants: Site Remediation [Amended at 71 FR 69011, November 29, 2006]. This action amended NESHAPS for site remediation activities. This final rule revised specific provisions in the rule to resolve issues and questions subsequent to promulgation; corrected technical omissions; and corrected typographical, cross-reference, and grammatical errors.

40 CFR 63, Subpart HHHHH – National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing [Amended at 71 FR 58499, October 4, 2006]. This action promulgated amendments to the NESHAPS for miscellaneous coating manufacturing. The amendments clarified that coating manufacturing means the production of coatings using operations such as mixing and blending, not reaction or separation processes used in chemical manufacturing. The amendments extended the compliance date for certain coating manufacturing equipment that is also part of a chemical manufacturing process unit. The amendments also clarified that operations by end users that modify a purchased coating prior to application at the purchasing facility are exempt. These changes clarified applicability of the rule and minimize the compliance burden.

40 CFR 63, Subpart DDDDD - National Emission Standards For Hazardous Air Pollutants For Polyvinyl Chloride And Copolymers Production Area Sources [Amended at 77 FR 22848, April 17, 2012] The EPA promulgated National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production. The final rules establish emission standards that apply at all times, including periods of startup, shutdown and malfunction, for hazardous air pollutants from polyvinyl chloride and copolymers production located at major and area sources. The final rules include requirements to demonstrate initial and continuous compliance with the emission standards, including monitoring provisions and recordkeeping and reporting requirements.

40 CFR 63, Subpart BBBBB—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities,

40 CFR 63, Subpart CCCCC—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities [Amended at 76 FR4155, January 24, 2011] This action promulgates amendments to the National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Dis-



tribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities, which EPA promulgated on January 10, 2008, and amended on March 7, 2008. In this action, EPA is finalizing amendments and clarifications to certain definitions and applicability provisions of the final rules in response to some of the issues raised in the petitions for reconsideration. In addition, several other compliance-related questions posed by various individual stakeholders and State and local agency representatives are addressed in this action. EPA also denied reconsideration on one issue raised in a petition for reconsideration received by the Agency on the final rules.

40 CFR 63, Subpart VVVVVV—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources [Stay issued for permit applications at 75 FR 77760, December 14, 2010, and at 76 FR 13514, March 14, 2011] EPA issued this final rule to stay the requirement for certain affected sources to comply with the title V permit program during the pendency of the reconsideration process. On June 15, 2010, EPA notified Petitioners that the Agency intended to initiate the reconsideration process in response to their request for reconsideration of certain provisions in the National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources. Among the provisions EPA reconsidered, is a requirement that certain affected sources obtain a permit. On December 14, 2010, EPA issued a 90-day stay of the requirement for certain affected sources to comply with the title V permit program because they believed that the reconsideration process would not be completed within 90 days, EPA concurrently proposed to stay the provision requiring certain sources to obtain a permit until the final reconsideration rule is published in the Federal Register. After considering the comments received, EPA promulgated the stay of compliance through this final rule.

[Amended at 77 FR 65135, October, 25, 2012] On January 30, 2012, the EPA published in the Federal Register a proposed rule reconsidering certain provisions in the final National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources (CMAS) that was promulgated on October 29, 2009. The compliance date for the final CMAS rule is October 29, 2012. However, the EPA is still in the process of finalizing the reconsideration action. For this reason, a short stay of the final CMAS rule pending completion of the reconsideration action is warranted. Pursuant to the Clean Air Act, the EPA is staying until December 24, 2012 the final CMAS rule.

[Final rule; lifted stay of final rule at 77 FR 246, December 21, 2012] On January 30, 2012, the EPA proposed revisions to several provisions of the final National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources. The proposed revisions were made, in part, in response to a petition for reconsideration received by the Administrator following the promulgation of the October 29, 2009, final rule (“2009 final rule”). In this action, the EPA finalized those amendments, lifting the stay of the title V permit requirement issued on March 14, 2011, and lifting the stay of the final rule issued on October 25, 2012. In addition, this final action includes revisions to the EPA’s approach for addressing malfunctions and standards applicable during startup and shutdown periods. This final action also includes amendments and technical corrections to the final rule to clarify applicability and compliance issues raised by stakeholders subject to the 2009 final rule. The revisions to the final rule do not reduce the level of environmental protection or emissions control on sources regulated by this rule but provide flexibility and clarity to improve implementation. This action also extends the compliance date for existing sources and the EPA’s final response to all issues raised in the petition for reconsideration.

40 CFR 63, Subpart WWWWWW—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations [Amended at 76 FR 35744, June 20, 2011] On June 12, 2008, EPA issued national emission standards for control of hazardous air pollutants (HAP) for the plating and polishing area source category under section 112 of the Clean Air Act (CAA). ON June 20, 2011 EPA took direct final action to amend the national emission standards for HAP (NESHAP) for the plating and polishing area source category. These final amendments clarify that the emission control requirements of the plating and polishing area source NESHAP do not apply to any bench-scale activities. Also, several technical corrections and clarifications that do not make significant changes in the rule’s requirements have been made to the rule text. EPA made these amendments by direct final rule, without prior proposal, because EPA viewed these revisions as noncontroversial and anticipated no adverse comments. Consistent with Executive Order 13563, “Improving Regulation and Regulatory Review,” issued on January 18, 2011, this amended rule will increase flexibility and freedom of choice for the public, and make the rule more clear and intelligible which, as a result, will reduce the burden.

[Amended at 76 FR 57913, September 19, 2011] On June 12, 2008, the EPA issued national emission standards for hazardous air pollutants (NESHAP) for the plating and polishing area source category under section 112 of the Clean Air Act (CAA). On June 20, 2011, the EPA proposed amendments to clarify that the emission control requirements of the plating and polishing area source NESHAP did not apply to any bench-scale activities. The amendments also made several technical corrections and clarifications that are not significant changes in the rule’s requirements. In addition, on June 20, 2011, the EPA issued a direct final rule amending the area source standards for plating and polishing area sources. Since EPA received an adverse comment, EPA withdrew the direct final rule today simultaneously with this final rule.



40 CFR 63, Subpart ZZZZZZ – National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries [Amended at 74 FR 46493, September 10, 2009] This action makes technical corrections to regulatory text of the “Revision of Source Category List for Standards Under Section 112(k) of the Clean Air Act; National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries,” which was issued as a final rule on June 25, 2009. These technical corrections will not change the standards established by the rule or the level of health protection provided.

40 CFR 63, Subpart DDDDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing [Amended at 76 FR 80261, December 23, 2011] The EPA took direct final action to revise certain provisions of the area source national emission standards for hazardous air pollutants (NESHAP) for prepared feeds manufacturing published on January 5, 2010 (final rule). These revisions clarified the regulatory requirements for this source category and ensure that those requirements are consistent with the record. The revisions address the generally available control technology (GACT) requirements for pelleting processes at large, existing prepared feeds manufacturing facilities, specifically removal of the cyclone 95-percent design efficiency requirement, as well as associated requirements for compliance demonstration, monitoring, reporting, and recordkeeping; clarification of the requirement that doors be kept closed in areas where materials containing chromium and manganese are stored, used, or handled; and clarification of the requirement to install a device at the point of bulk loadout to minimize emissions. These amendments are not expected to result in increased emissions or in the imposition of costs beyond those described in the January 5, 2010, final rule.

40 CFR 63, Appendix A [Amended at 75 FR 55636, September 13, 2010] EPA promulgated amendments to the General Provisions to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. All requirements pertaining to the audit samples have been moved to the General Provisions and have been removed from the test methods because the current language in the test methods regarding audit samples is inconsistent from method to method. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies. Under this final rule, the requirement to use an audit sample during a compliance test will apply to all test methods for which a commercially available audit exists.

40 CFR 63, Appendix A, Method 301—Field Validation of Pollutant Measurement Methods From Various Waste Media [Amended at 76 FR 28664, May 18, 2011]. This action amended EPA's Method 301, Field Validation of Pollutant Measurement Methods from Various Waste Media. EPA revised the procedures in Method 301 based on experience in applying the method and to correct errors that were brought to EPA's attention. The revised Method 301 is more flexible, less expensive, and easier to use. This action finalizes amendments to Method 301 after considering comments received on the proposed rule published in the Federal Register on December 22, 2004.

40 CFR 63, Appendix A, Test Method 321—Measurement of Gaseous Hydrogen Chloride Emissions at Portland Cement Kilns by Fourier Transform Infrared (FTIR) Spectroscopy [Amended at 75 FR 54970, September 9, 2010] The final amendments to the NSPS add or revise, as applicable, emission limits for PM, opacity, nitrogen oxides (NO_x), and sulfur dioxide (SO₂) for facilities that commence construction, modification, or reconstruction after June 16, 2008. The final rule also includes additional testing and monitoring requirements for affected sources. EPA finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and to the New Source Performance Standards (NSPS) for Portland Cement Plants. The final amendments to the NESHAP add or revise, as applicable, emission limits for mercury, total hydrocarbons (THC), and particulate matter (PM) from new and existing kilns located at major and area sources, and for hydrochloric acid (HCL) from new and existing kilns located at major sources. The standards for new kilns apply to facilities that commence construction, modification, or reconstruction after May 6, 2009.

ACID RAIN - 40 CFR PART 72, 74, 75, 76

SUBPARTS ADDED: None.

SUBPARTS SIGNIFICANTLY REVISED:

40 CFR 72—Subpart A: Acid Rain Program General Provisions,

40 CFR 75, Appendix D—Optional SO₂ Emissions Data Protocol for Gas-Fired and Oil-Fired Peaking Units, [Amended at 76 FR 48208, August 8, 2011] In this action, EPA limited the interstate transport of emissions of nitrogen oxides (NO_x) and sulfur dioxide (SO₂) that contribute to harmful levels of fine particle matter (PM_{2.5}) and ozone in downwind states. EPA identified emissions within 27 states in the eastern United States that significantly



affect the ability of downwind states to attain and maintain compliance with the 1997 and 2006 fine particulate matter national ambient air quality standards (NAAQS) and the 1997 ozone NAAQS. Also, EPA limited these emissions through Federal Implementation Plans (FIPs) that regulate electric generating units (EGUs) in the 27 states. This action substantially reduces adverse air quality impacts in downwind states from emissions transported across state lines. In conjunction with other federal and state actions, it will help assure that all but a handful of areas in the eastern part of the country achieve compliance with the current ozone and PM_{2.5} NAAQS by the deadlines established in the Clean Air Act (CAA or Act). The FIPs may not fully eliminate the prohibited emissions from certain states with respect to the 1997 ozone NAAQS for two remaining downwind areas and EPA is committed to identifying any additional required upwind emission reductions and taking any necessary action in a future rulemaking. In this action, EPA also modified its prior approvals of certain State Implementation Plan (SIP) submissions to rescind any statements that the submissions in question satisfy the interstate transport requirements of the CAA or that EPA's approval of the SIPs affects our authority to issue interstate transport FIPs with respect to the 1997 fine particulate and 1997 ozone standards for 22 states. EPA also issued a supplemental proposal to request comment on its conclusion that six additional states significantly affect downwind states' ability to attain and maintain compliance with the 1997 ozone NAAQS.

40 CFR 72 – Permit Regulation,
40 CFR 75 – Continuous Emission Monitoring,
40 CFR 75, Appendix A—Specifications and Procedures,
40 CFR 75, Appendix B—Quality Assurance and Quality Control Procedures,
40 CFR 75, Appendix D—Optional SO₂ Emissions Data Protocol for Gas-Fired and Oil-Fired Peaking Units,
40 CFR 75, Appendix E—Optional NO_x Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units,
40 CFR 75, Appendix F—Conversion Procedures [Amended at 76 FR 17288, March 28, 2011] EPA finalized rule revisions that modify existing requirements for sources affected by the federally administered emission trading programs including the NO_x Budget Trading Program, the Acid Rain Program, and the Clean Air Interstate Rule. EPA is amending its Protocol Gas Verification Program (PGVP) and the minimum competency requirements for air emission testing (formerly air emission testing body requirements) to improve the accuracy of emissions data. EPA also amended other sections of the Acid Rain Program continuous emission monitoring system regulations by adding and clarifying certain recordkeeping and reporting requirements, removing the provisions pertaining to mercury monitoring and reporting, removing certain requirements associated with a class-approved alternative monitoring system, disallowing the use of a particular quality assurance option in EPA Reference Method 7E, adding two incorporations by reference that were inadvertently left out of the January 24, 2008 final rule, adding two new definitions, revising certain compliance dates, and clarifying the language and applicability of certain provisions.

40 CFR 75, Appendix K [Removed at 76 FR 17288, March 28, 2011] (see above description).

40 CFR 75, Appendix A—Specifications and Test Procedures,
40 CFR 75, Appendix F to Part 75—Conversion Procedures,
40 CFR 75—Continuous Emission Monitoring, Subpart A,
40 CFR 75, Appendix D—Optional SO₂ Emissions Data Protocol for Gas-Fired and Oil-Fired Peaking Units [Amended at 76 FR 2456, January 18, 2012] EPA promulgated a final rule to incorporate the most recent versions of ASTM International (ASTM) standards into EPA regulations that provide flexibility to use alternatives to mercury-containing industrial thermometers. This final rule will allow the use of such alternatives in certain field and laboratory applications previously impermissible as part of compliance with EPA regulations. EPA believes the older embedded ASTM standards unnecessarily impede the use of effective, comparable, and available alternatives to mercury-containing industrial thermometers. Due to mercury's high toxicity, EPA sought to reduce potential mercury exposures to humans and the environment by reducing the overall use of mercury-containing products, including mercury-containing industrial thermometers.

- 7. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
None
- 8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.**
This proposed expedited rulemaking does not diminish a previous grant of authority of a political subdivision of this state.



9. The agency is exempt from the requirements under A.R.S. § 41-1055(G) to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).

The NSPS/NESHAPs/Acid Rain standards are “applicable requirements” for purposes of the Title V Operating Permit Program and are standards already effective and must be followed by the regulated community as of the date they are promulgated by the EPA. Because the regulations are already effective, this rulemaking would impose no new costs on regulated sources. If ADEQ does not incorporate the regulations by reference, only EPA has the authority to enforce the regulations outside of those voluntarily included in a facility’s permit.

10. A description of any changes between the proposed expedited rulemaking and the final expedited rulemaking:

1) Due to the comment received from Maricopa County (below), ADEQ removed 40 CFR 63, Subpart B, C, and D from R18-2-1101(B), as these are not delegable to a State to local authority (authority is retained by EPA).

2) Changes to R18-2-210 were removed as part of this rulemaking since those changes were already made in another Department rulemaking at 21 A.A.R. 1156 (July 24, 2015).

3) Changes to Appendix 2 were reconciled with changes made by the rulemaking at 21 A.A.R. 1156 (July 24, 2015), to show the updated version of Appendix 2 with changes made by this rulemaking.

4) Subpart B to 40 CFR part 60 was removed from R18-2-901. This Subpart does not exist and was placed in this section by mistake. Subpart B, “National Emission Standards for Radon Emissions from Underground Uranium Mines,” is the correct Subpart and it is in R18-2-1101.

5) Subpart Ga to 40 CFR part 60 was mistakenly put into the “Significantly Revised” section of number 6 of the preamble, and not in the “Subparts Added” section. It has been moved to the “New” section and added to R18-2-901 as number (12). Since this was added, the numbering was changed for the rest of R18-2-901.

6) Subpart VVa to 40 CFR part 60 was mistakenly left out of R18-2-901. It was added to R18-2-901 as number (55). Since this was added, the numbering was changed for the rest of R18-2-901.

7) Subpart OOOO to 40 CFR part 60 was mistakenly put into the “Significantly Revised” section of number 6 of the preamble, and not in the “Subparts Added” section. It has been moved to the “New” section and added to R18-2-901 as number (86).

8) We are taking no action to finalize the incorporation by reference of Subpart UUUUU to 40 CFR part 63 at this time because of the uncertainty about the rule’s future created by the Supreme Court’s decision in *Michigan v. Environmental Protection Agency* decided June 29, 2015.

11. An agency’s summary of the public or stakeholder comments or objections made about the rulemaking and the agency response to the comments:

Comment from Cheri Dale, Planner, Maricopa County Air Quality:

ADEQ’s Notice of Proposed Expedited Rulemaking notice, July 18, 2014, in Section 11 (20 A.A.R. 1824), 40 CFR 63 Subpart B is listed as one of the subparts being revised. In Section 12 of the notice (20 A.A.R. 1828), 40 CFR 63, Subparts B, C and D are listed as incorporated by reference. The EPA does not delegate these subparts to state or local agencies. No states have been delegated authority for the following 40 CFR 63 subparts:

B - Requirements for Control Technology Determinations for Major Sources in Accordance with CAA Sections 112(g) and 112(j)

C - List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List

D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants

E - Approval of State Programs and Delegation of Federal Authorities

ADEQ’s Response to Comment:

ADEQ appreciates Maricopa County’s comment and has removed from R18-2-1101(B), 40 CFR 63, Subparts B, C, and D as part of this final rule making. Subpart E was never incorporated by ADEQ. ADEQ believes that these Subparts were mistakenly added many years ago. ADEQ did not receive any comments during the second public comment period (ending January 6, 2015).

12. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

The Department provided the notice and hearing required for rules under A.R.S. § 49-425(B).

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:



The rules require issuance of regulatory permits pursuant to Title IV and Title V of the Clean Air Act. As such, they fall within an exception to A.R.S. § 41-1037 for such permits.” A.R.S. § 41-1037(A)(6).

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rules are not more stringent than federal law. The rules incorporate federal standards by reference. Regulated sources within ADEQ’s jurisdiction are already subject to the regulations; however incorporating them by reference provides the State, instead of EPA, the authority to enforce the regulations outside of those voluntarily included in a facility’s permit.

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:

No such analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

<u>New and revised incorporations by reference (subparts or larger as of 6/28/13)</u>	<u>Location</u>
40 CFR 60, Subparts A, B, F, D, Da, Db, Dc, Ec, Ga, J, Ja, Y, VV, VVa, GGG, GGGa, KKK, LLL, OOO, UUU, CCCC, IIII, KKKK, JJJJ, LLLL, OOOO	R18-2-901
40 CFR 61, Subparts B, H, I, K, Q, R, T, W	R18-2-1101(A)
40 CFR 63, Subparts A, F, G, H, I, M, N, R, S, U, Y, CC, DD, EE, GG, HH, KK, JJ, OO, PP, QQ, SS, TT, UU, VV, YY, CCC, EEE, GGG, HHH, III, JJJ, LLL, MMM, OOO, TTT, VVV, EEEE, ZZZZ, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, WWWWW, YYYYY, ZZZZZ, BBBBBB, CCCCCC, DDDDDD, EEEEEEE, FFFFFFF, GGGGGG, HHHHHH, JJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ZZZZZZ, AAAAAA, BBBBBB, CCCCCC, DDDDDD, EEEEEEE, HHHHHH	R18-2-1101(B)
<u>Incorporations by reference updated to 6/28/13 (may include new sections)</u>	<u>Location</u>
40 CFR 72, 74, 75, and 76	R18-2-333(A)
40 CFR 60, listed subparts and accompanying appendices	R18-2-901
40 CFR 61, listed subparts and accompanying appendices	R18-2-1101(A)
40 CFR 63, listed subparts and accompanying appendices	R18-2-1101(B)
40 CFR 50	Appendix 2
40 CFR 50, all appendices	Appendix 2
40 CFR Part 51, Appendix M, Section IV of Appendix S, Appendix W	Appendix 2
40 CFR 52, Appendices D and E	Appendix 2
40 CFR 53	Appendix 2
40 CFR 58	Appendix 2
40 CFR 58, all appendices	Appendix 2
40 CFR Part 60, all appendices	Appendix 2
40 CFR Part 61, all appendices	Appendix 2
40 CFR Part 63, all appendices	Appendix 2
40 CFR Part 75, all appendices	Appendix 2

14. The full text of the rule follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL**

ARTICLE 3. PERMITS AND PERMIT REVISIONS

Section
R18-2-333. Acid Rain

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

Section
R18-2-901. Standards of Performance for New Stationary Sources

ARTICLE 11. FEDERAL HAZARDOUS AIR POLLUTANTS

Section
R18-2-1101. National Emission Standards for Hazardous Air Pollutants (NESHAPs)



APPENDIX 2. TEST METHODS AND PROTOCOLS

ARTICLE 3. PERMITS AND PERMIT REVISIONS

R18-2-333. Acid Rain

- A. 40 CFR 72, 74, 75 and 76 and all accompanying appendices, adopted as of ~~July 1, 2006~~ June 28, 2013, (and no future amendments) are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.
- B. When used in 40 CFR 72, 74, 75 or 76, "Permitting Authority" means the Arizona Department of Environmental Quality and "Administrator" means the Administrator of the United States Environmental Protection Agency.
- C. If the provisions or requirements of the regulations incorporated in this Section conflict with any of the remaining portions of this Title, the regulations incorporated in this Section apply and take precedence.

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

R18-2-901. Standards of Performance for New Stationary Sources

Except as provided in R18-2-902 through R18-2-905, the following subparts of 40 CFR 60, New Source Performance Standards (NSPS), and all accompanying appendices, adopted as of ~~July 1, 2006~~ June 28, 2013, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

1. Subpart A - General Provisions.
2. Subpart D - Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971.
3. Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.
4. Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
5. Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
6. Subpart E - Standards of Performance for Incinerators.
7. Subpart Ea - Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced after December 20, 1989 and on or Before September 20, 1994.
8. Subpart Eb - Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.
9. Subpart Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.
10. Subpart F - Standards of Performance for Portland Cement Plants.
11. Subpart G - Standards of Performance for Nitric Acid Plants.
12. Subpart Ga – Standards of Performance for Nitric Acid Plants for which Construction, Reconstruction, or Modification Commenced after October 14, 2011.
- ~~12.~~ 13. Subpart H - Standards of Performance for Sulfuric Acid Plants.
- ~~13.~~ 14. Subpart I - Standards of Performance for Hot Mix Asphalt Facilities.
- ~~14.~~ 15. Subpart J - Standards of Performance for Petroleum Refineries.
16. Subpart Ja – Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.
- ~~15.~~ 17. Subpart K - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
- ~~16.~~ 18. Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
- ~~17.~~ 19. Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
- ~~18.~~ 20. Subpart L - Standards of Performance for Secondary Lead Smelters.
- ~~19.~~ 21. Subpart M - Standards of Performance for Secondary Brass and Bronze Production Plants.
- ~~20.~~ 22. Subpart N - Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.
- ~~21.~~ 23. Subpart Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.
- ~~22.~~ 24. Subpart O - Standards of Performance for Sewage Treatment Plants.
- ~~23.~~ 25. Subpart P - Standards of Performance for Primary Copper Smelters.
- ~~24.~~ 26. Subpart Q - Standards of Performance for Primary Zinc Smelters.
- ~~25.~~ 27. Subpart R - Standards of Performance for Primary Lead Smelters.
- ~~26.~~ 28. Subpart S - Standards of Performance for Primary Aluminum Reduction Plants.



- 27-29, Subpart T - Standards of Performance for Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- 28-30, Subpart U - Standards of Performance for Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- 29-31, Subpart V - Standards of Performance for Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
- 30-32, Subpart W - Standards of Performance for Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- 31-33, Subpart X - Standards of Performance for Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- 32-34, Subpart Y - Standards of Performance for Coal Preparation Plants.
- 33-35, Subpart Z - Standards of Performance for Ferroalloy Production Facilities.
- 34-36, Subpart AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983.
- 35-37, Subpart AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
- 36-38, Subpart BB - Standards of Performance for Kraft Pulp Mills.
- 37-39, Subpart CC - Standards of Performance for Glass Manufacturing Plants.
- 38-40, Subpart DD - Standards of Performance for Grain Elevators.
- 39-41, Subpart EE - Standards of Performance for Surface Coating of Metal Furniture.
- 40-42, Subpart GG - Standards of Performance for Stationary Gas Turbines.
- 41-43, Subpart HH - Standards of Performance for Lime Manufacturing Plants.
- 42-44, Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- 43-45, Subpart LL - Standards of Performance for Metallic Mineral Processing Plants.
- 44-46, Subpart MM - Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
- 45-47, Subpart NN - Standards of Performance for Phosphate Rock Plants.
- 46-48, Subpart PP - Standards of Performance for Ammonium Sulfate Manufacture.
- 47-49, Subpart QQ - Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing.
- 48-50, Subpart RR - Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- 49-51, Subpart SS - Standards of Performance for Industrial Surface Coating: Large Appliances.
- 50-52, Subpart TT - Standards of Performance for Metal Coil Surface Coating.
- 51-53, Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
- 52-54, Subpart VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
- 55. Subpart VVa - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
- 53-56, Subpart WW - Standards of Performance for Beverage Can Surface Coating Industry.
- 54-57, Subpart XX - Standards of Performance for Bulk Gasoline Terminals.
- 55-58, Subpart AAA - Standards of Performance for New Residential Wood Heaters.
- 56-59, Subpart BBB - Standards of Performance for Rubber Tire Manufacturing Industry.
- 57-60, Subpart DDD - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- 58-61, Subpart FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
- 59-62, Subpart GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.
- 63. Subpart GGGa - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.
- 60-64, Subpart HHH - Standards of Performance for Synthetic Fiber Production Facilities.
- 61-65, Subpart III - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
- 62-66, Subpart JJJ - Standards of Performance for Petroleum Dry Cleaners.
- 63-67, Subpart KKK - Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
- 64-68, Subpart LLL - Standards of Performance for Onshore Natural Gas Processing; SO₂ Emissions.
- 65-69, Subpart NNN - Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
- 66-70, Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants.
- 67-71, Subpart PPP - Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.
- 68-72, Subpart QQQ - Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems.
- 69-73, Subpart RRR - Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
- 70-74, Subpart SSS - Standards of Performance for Magnetic Tape Coating Facilities.
- 71-75, Subpart TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
- 72-76, Subpart UUU - Standards of Performance for Calciners and Dryers in Mineral Industries.



- ~~73-77~~. Subpart VVV - Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
- ~~74-78~~. Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills.
- ~~75-79~~. Subpart AAAA - Standards of Performance for Small Municipal Waste Combustion Units for Which Construction Is Commenced after August 30, 1999, or for Which Modification or Reconstruction Is Commenced after June 6, 2001.
- ~~76-80~~. Subpart CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced after November 30, 1999, or for Which Modification or Reconstruction Is Commenced on or after June 1, 2001.
- ~~77-81~~. Subpart EEEE - Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006.
- ~~78. Subpart FFFF - Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced On or Before December 9, 2004.~~
82. Subpart IIII - Standards of Performance for Stationary Compression Ignition Combustion Engines.
83. Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
84. Subpart KKKK - Standards of Performance for Stationary Combustion Turbines.
85. Subpart LLLL - Standards of Performance for New Sewage Sludge Incineration Units.
86. Subpart OOOO - Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution.

ARTICLE 11. FEDERAL HAZARDOUS AIR POLLUTANTS

R18-2-1101. National Emission Standards for Hazardous Air Pollutants (NESHAPs)

- A. Except as provided in R18-2-1102, the following subparts of 40 CFR 61, National Emission Standards for Hazardous Air Pollutants (NESHAPs), and all accompanying appendices, adopted as of ~~July 1, 2006~~ June 28, 2013, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.
- ~~1.~~ Subpart A - General Provisions.
 - ~~2.~~ Subpart B - Radon Emissions from Underground Uranium Mines.
 - ~~2-3.~~ Subpart C - Beryllium.
 - ~~3-4.~~ Subpart D - Beryllium Rocket Motor Firing.
 - ~~4-5.~~ Subpart E - Mercury.
 - ~~5-6.~~ Subpart F - Vinyl Chloride.
 - ~~7.~~ Subpart H - Radionuclides Other Than Radon from Department of Energy Facilities.
 - ~~8.~~ Subpart I - Radionuclide Emissions from Federal Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H.
 - ~~6-9.~~ Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene.
 - ~~10.~~ Subpart K - Radionuclide Emissions From Elemental Phosphorus Plants.
 - ~~7-11.~~ Subpart L - Benzene Emissions from Coke By-Product Recovery Plants.
 - ~~8-12.~~ Subpart M - Asbestos.
 - ~~9-13.~~ Subpart N - Inorganic Arsenic Emissions from Glass Manufacturing Plants.
 - ~~10-14.~~ Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters.
 - ~~11-15.~~ Subpart P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production.
 - ~~16.~~ Subpart Q - Radon Emissions from Department of Energy Facilities.
 - ~~17.~~ Subpart R - Radon Emissions from Phosphogypsum Stacks.
 - ~~18.~~ Subpart T - Radon Emissions from the Disposal of Uranium Mill Tailings.
 - ~~12-19.~~ Subpart V - Equipment Leaks (Fugitive Emission Sources).
 - ~~20.~~ Subpart W - Radon Emissions from Operating Mill Tailings.
 - ~~13-21.~~ Subpart Y - Benzene Emissions From Benzene Storage Vessels.
 - ~~14-22.~~ Subpart BB - Benzene Emissions from Benzene Transfer Operations.
 - ~~15-23.~~ Subpart FF - Benzene Waste Operations.
- B. Except as provided in R18-2-1102, the following subparts of 40 CFR 63, NESHAPs for Source Categories, and all accompanying appendices, adopted as of ~~July 1, 2006~~ June 28, 2013, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.
- ~~1.~~ Subpart A - General Provisions.
 - ~~2.~~ Subpart B - Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j).



- ~~3. Subpart C - List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List.~~
- ~~4. Subpart D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants.~~
- ~~52. Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.~~
- ~~63. Subpart G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.~~
- ~~74. Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.~~
- ~~85. Subpart I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.~~
- ~~96. Subpart J - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.~~
- ~~107. Subpart L - National Emission Standards for Coke Oven Batteries.~~
- ~~148. Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.~~
- ~~129. Subpart N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.~~
- ~~1310. Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities.~~
- ~~1411. Subpart Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.~~
- ~~1512. Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).~~
- ~~1613. Subpart S - National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.~~
- ~~1714. Subpart T - National Emission Standards for Halogenated Solvent Cleaning.~~
- ~~1815. Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.~~
- ~~1916. Subpart W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.~~
- ~~20. Subpart X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.~~
- ~~17. Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations.~~
- ~~2418. Subpart AA - National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants.~~
- ~~2219. Subpart BB - National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.~~
- ~~2320. Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.~~
- ~~2421. Subpart DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.~~
- ~~2522. Subpart EE - National Emission Standards for Magnetic Tape Manufacturing Operations.~~
- ~~2623. Subpart GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities.~~
- ~~2724. Subpart HH - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.~~
- ~~2825. Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations.~~
- ~~2926. Subpart KK - National Emission Standards for the Printing and Publishing Industry.~~
- ~~3027. Subpart LL - National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.~~
- ~~3128. Subpart MM - National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills.~~
- ~~3229. Subpart OO - National Emission Standards for Tanks - Level 1.~~
- ~~3330. Subpart PP - National Emission Standards for Containers.~~
- ~~3431. Subpart QQ - National Emission Standards for Surface Impoundments.~~
- ~~3532. Subpart RR - National Emission Standards for Individual Drain Systems.~~
- ~~3633. Subpart SS - National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.~~
- ~~3734. Subpart TT - National Emission Standards for Equipment Leaks - Control Level 1.~~
- ~~3835. Subpart UU - National Emission Standards for Equipment Leaks - Control Level 2 Standards.~~
- ~~3936. Subpart VV - National Emission Standards for Oil-Water Separators and Organic-Water Separators.~~
- ~~4037. Subpart WW - National Emission Standards for Storage Vessels (Tanks) - Control Level 2.~~
- ~~4138. Subpart XX - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.~~
- ~~4239. Subpart YY - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.~~
- ~~4340. Subpart CCC - National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants.~~
- ~~4441. Subpart DDD - National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.~~



4542. Subpart EEE - National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.
4643. Subpart GGG - National Emission Standards for Pharmaceuticals Production.
4744. Subpart HHH - National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities.
4845. Subpart III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
4946. Subpart JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.
5047. Subpart LLL - National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry.
5148. Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
5249. Subpart NNN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
5350. Subpart OOO - National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
5451. Subpart PPP - National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.
5552. Subpart QQQ - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.
5653. Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
5754. Subpart TTT - National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
5855. Subpart UUU - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
5956. Subpart VVV - National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
6057. Subpart XXX - National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
6158. Subpart AAAA - National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.
6259. Subpart CCCC - National Emission Standards for Hazardous Air Pollutants: Manufacture of Nutritional Yeast.
6360. Subpart DDDD - National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.
6461. Subpart EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).
6562. Subpart FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.
6663. Subpart GGGG - National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.
6764. Subpart HHHH - National Emissions Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.
6865. Subpart IIII - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.
6966. Subpart JJJJ - National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.
7067. Subpart KKKK - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.
7168. Subpart MMMM - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
7269. Subpart NNNN - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.
7370. Subpart OOOO - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.
7471. Subpart PPPP - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
7572. Subpart QQQQ - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.
7673. Subpart RRRR - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.
7774. Subpart SSSS - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.
7875. Subpart TTTT - National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.
7976. Subpart UUUU - National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
8077. Subpart VVVV - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.
8178. Subpart WWWW - National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.
8279. Subpart XXXX - National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.



- 8380. Subpart YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- 8481. Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
- 8582. Subpart AAAAA - National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
- 8683. Subpart BBBBB - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- 8784. Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
- 8885. Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.
- 8986. Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- 9087. Subpart FFFFF - National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing.
- 9188. Subpart GGGGG - National Emission Standards for Hazardous Air Pollutants: Site Remediation.
- 9289. Subpart HHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.
- 9390. Subpart IIIII - National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants.
- 9491. Subpart JJJJJ - National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- 9592. Subpart KKKKK - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- 9693. Subpart LLLLL - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.
- 9794. Subpart MMMMM - National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations.
- 9895. Subpart NNNNN - National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.
- 9996. Subpart PPPPP - National Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Standards.
- 10097. Subpart QQQQQ - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.
- 10198. Subpart RRRRR - National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.
- 10299. Subpart SSSSS - National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.
- 103100. Subpart TTTTT - National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining.
- 101. Subpart WWWW – National Emission Standards for Hospital Ethylene Oxide Sterilizers.
- 102. Subpart YYYYY – National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.
- 103. Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
- 104. Subpart BBBBB – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.
- 105. Subpart CCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.
- 106. Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.
- 107. Subpart EEEEE – National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.
- 108. Subpart FFFFF – National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.
- 109. Subpart GGGGG – National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium.
- 110. Subpart HHHHH – National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.
- 111. Subpart JJJJJ – National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers Area Sources.
- 112. Subpart LLLLL – National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.
- 113. Subpart MMMMM – National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.
- 114. Subpart NNNNN – National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.



115. Subpart OOOOOO – National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.
116. Subpart PPPPPP – National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.
117. Subpart QOOQQO – National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.
118. Subpart RRRRRR – National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.
119. Subpart SSSSSS – National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.
120. Subpart TTTTTT – National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.
121. Subpart VVVVVV – National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.
122. Subpart WWWWWW – National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.
123. Subpart XXXXXX – National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.
124. Subpart YYYYYY – National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.
125. Subpart ZZZZZZ – National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and other Nonferrous Foundries.
126. Subpart AAAAAA – National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.
127. Subpart BBBBBB – National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.
128. Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.
129. Subpart DDDDDD – National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.
130. Subpart EEEEEEE – National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.
131. Subpart HHHHHHH – National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production.

APPENDIX 2. TEST METHODS AND PROTOCOLS

The following test methods and protocols are approved for use as directed by the Department under this Chapter. These standards are incorporated by reference as applicable requirements revised as of ~~July 1, 2006~~ June 28, 2013, and no future editions or amendments. These standards are on file with the Department, and are also available from the U.S. Government Printing Office, Superintendent of Documents, bookstore.gpo.gov, Mail Stop: SSOP IDCC-SSOM, Washington, D.C. 20402-9328.

- A. 40 CFR 50;
- B. 40 CFR 50, ~~Appendices A through N~~ all appendices;
- C. 40 CFR 51, Appendix M, Section IV of Appendix S, and Appendix W;
- D. 40 CFR 52, Appendices D and E;
- E. 40 CFR 53;
- F. 40 CFR 58;
- G. 40 CFR 58, all appendices;
- H. 40 CFR 60, all appendices;
- I. 40 CFR 61, all appendices;
- J. 40 CFR 63, all appendices;
- K. 40 CFR 75, all appendices.
- L. 40 CFR 51.128, Appendix A(1)(B).
- M. Silt Content Test Method. The purpose of this test method is to estimate the silt content of the trafficked parts of commercial farm roads, as defined in R18-2-610. The higher the silt content, the more fine dust particles that are released when cars and trucks drive on commercial farm roads.
 1. Equipment:
 - a. A set of sieves with the following openings: 4 millimeters (mm), 2mm, 1 mm, 0.5 mm and 0.25 mm and a lid and collector pan
 - b. A small whisk broom or paintbrush with stiff bristles and dustpan 1 ft. in width. (The broom/brush should preferably have one, thin row of bristles no longer than 1.5 inches in length.)
 - c. A spatula without holes A small scale with half ounce increments (e.g. postal/package scale)



- d. A shallow, lightweight container (e.g. plastic storage container)
 - e. A sturdy cardboard box or other rigid object with a level surface
 - f. Basic calculator
 - g. Cloth gloves (optional for handling metal sieves on hot, sunny days)
 - h. Sealable plastic bags (if sending samples to a laboratory)
 - i. Pencil/pen and paper
2. Step 1: Look for a routinely-traveled surface, as evidenced by tire tracks. [Only collect samples from surfaces that are not wet or damp due to precipitation, dew or watering.] Use caution when taking samples to ensure personal safety with respect to passing vehicles. Gently press the edge of a dustpan (1 foot in width) into the surface four times to mark an area that is 1 square foot. Collect a sample of loose surface material using a whisk broom or brush and slowly sweep the material into the dustpan, minimizing escape of dust particles. Use a spatula to lift heavier elements such as gravel. Only collect dirt/gravel to an approximate depth of 3/8 inch or 1 cm in the 1 square foot area. If you reach a hard, underlying subsurface that is < 3/8 inch in depth, do not continue collecting the sample by digging into the hard surface. In other words, you are only collecting a surface sample of loose material down to 1 cm. In order to confirm that samples are collected to 1 cm. in depth, a wooden dowel or other similar narrow object at least one foot in length can be laid horizontally across the survey area while a metric ruler is held perpendicular to the dowel. At this point, you can choose to place the sample collected into a plastic bag or container and take it to an independent laboratory for silt content analysis. A reference to the procedure the laboratory is required to follow is in subsection (10) below.
 3. Step 2: Place a scale on a level surface. Place a lightweight container on the scale. Zero the scale with the weight of the empty container on it. Transfer the entire sample collected in the dustpan to the container, minimizing escape of dust particles. Weigh the sample and record its weight.
 4. Step 3: Stack a set of sieves in order according to the size openings specified above, beginning with the largest size opening (4 mm) at the top. Place a collector pan underneath the bottom (0.25 mm) sieve.
Step 4: Carefully pour the sample into the sieve stack, minimizing escape of dust particles by slowly brushing material into the stack with a whisk broom or brush. (On windy days, use the trunk or door of a car as a wind barricade.) Cover the stack with a lid. Lift up the sieve stack and shake it vigorously up, down and sideways for at least 1 minute.
 5. Step 5: Remove the lid from the stack and disassemble each sieve separately, beginning with the top sieve. As you remove each sieve, examine it to make sure that all of the material has been sifted to the finest sieve through which it can pass; e.g. material in each sieve (besides the top sieve that captures a range of larger elements) should look the same size. If this is not the case, re-stack the sieves and collector pan, cover the stack with the lid, and shake it again for at least 1 minute. (You only need to reassemble the sieve(s) that contain material which requires further sifting.)
 6. Step 6: After disassembling the sieves and collector pan, slowly sweep the material from the collector pan into the empty container originally used to collect and weigh the entire sample. Take care to minimize escape of dust particles. You do not need to do anything with material captured in the sieves -- only the collector pan. Weigh the container with the material from the collector pan and record its weight.
 7. Step 7: If the source is an unpaved road, multiply the resulting weight by 0.38. If the source is an unpaved parking lot, multiply the resulting weight by 0.55. The resulting number is the estimated silt loading. Then, divide by the total weight of the sample you recorded earlier in Step 2 and multiply by 100 to estimate the percent silt content.
 8. Step 8: Select another two routinely-traveled portions of the unpaved road or unpaved parking lot and repeat this test method. Once you have calculated the silt loading and percent silt content of the 3 samples collected, average your results together.
 9. Step 9: Examine Results. If the average silt loading is less than 0.33 oz/ft², the surface is STABLE. If the average silt loading is greater than or equal to 0.33 oz/ft², then proceed to examine the average percent silt content. If the source is an unpaved road and the average percent silt content is 6% or less, the surface is STABLE. If the source is an unpaved parking lot and the average percent silt content is 8% or less, the surface is STABLE. If your field test results are within 2% of the standard (for example, 4%-8% silt content on an unpaved road), it is recommended that you collect 3 additional samples from the source according to Step 1 and take them to an independent laboratory for silt content analysis.
 10. Independent Laboratory Analysis: You may choose to collect 3 samples from the source, according to Step 1, and send them to an independent laboratory for silt content analysis rather than conduct the sieve field procedure. If so, the test method the laboratory is required to use comes from the following text: *Procedures For Laboratory Analysis Of Surface/Bulk Dust Loading Samples*, (Fifth Edition, Volume I, Appendix C.2.3 "Silt Analysis", 1995), AP-42, Office of air Quality Planning & Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina.