

6560-50

U.S. ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-            ]

National Emission Standards for Hazardous Air Pollutants  
for Source Categories: Organic Hazardous Air Pollutants  
from the Synthetic Organic Chemical Manufacturing  
Industry and Other Processes Subject to the Negotiated  
Regulation for Equipment Leaks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Partial Stay and Reconsideration.

SUMMARY: Today's action announces a partial 3-month stay  
and reconsideration of certain national emission  
standards for hazardous air pollutants for certain  
sources. The effectiveness of provisions of the  
"National Emission Standards for Hazardous Air Pollutants  
for Source Categories: Organic Hazardous Air Pollutants  
from the Synthetic Organic Chemical Manufacturing  
Industry and Other Processes Subject to the Negotiated  
Regulation for Equipment Leaks" 59 FR 19402 (April 22,  
1994) and 59 FR 29196 (June 6, 1994) (collectively known  
as the "hazardous organic NESHAP" or the "HON"), for  
compressors and for surge control vessels and bottoms  
receivers is stayed for 3 months pending reconsideration.  
The EPA is issuing this stay pursuant to Clean Air Act  
section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), which

provides the Administrator authority to stay the effectiveness of a rule during reconsideration.

Elsewhere in the Proposed Rules Section of today's FEDERAL REGISTER the EPA proposes (1) to defer compliance with the HON equipment leak provisions establishing standards for compressors and for surge control vessels and bottoms receivers, and (2) to extend the compliance date for sources affected by today's stay, for as long as is necessary to complete the rulemaking granting this deferral. EFFECTIVE DATE: [Insert date of publication in the FEDERAL REGISTER]. This stay affects only those sources that had been required to comply with 40 CFR §§63.164 and 63.170 as of October 24, 1994.

FOR FURTHER INFORMATION CONTACT: Dr. Jan Meyer at (919) 541-5254, Emission Standards Division (MD-13), U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

I. Background

On April 22, 1994 (59 FR 19402), and June 6, 1994 (59 FR 29196), the EPA promulgated in the FEDERAL REGISTER national emission standards for hazardous air pollutants ("NESHAP") for the synthetic organic chemical

manufacturing industry ("SOCMI"), and for several other processes subject to the equipment leaks portion of the rule. These regulations were promulgated as subparts F, G, H, and I in 40 CFR part 63, and are commonly referred to as the HON. Subpart H establishes standards for equipment leaks, including standards for compressors (40 CFR §63.164) and for surge control vessels and bottoms receivers (40 CFR §63.170). The final rule required existing sources to comply with subpart H beginning October 24, 1994, for some groups of SOCMI processes and for processes subject to subpart I ( see 40 CFR §63.100(k)(3)(i) and 63.190(e)(2)).

A petition for reconsideration has been submitted to the EPA requesting the HON be revised in order for sources to have additional time to comply with the equipment leak provisions applicable to compressors and to surge control vessels and bottoms receivers. The petition contains new information demonstrating that compliance by October 24, 1994, with the standards applicable to compressors and to surge control vessels and bottoms receivers, is not possible because at many facilities major equipment modifications or replacements are necessary in order to comply with the standards.

This new information, which the EPA did not have prior to the promulgation of the HON, is described more fully in the notice contained in the Proposed Rules section of today's FEDERAL REGISTER that proposes to defer compliance with the equipment leak provisions of the HON that are applicable to compressors and to surge control vessels and bottoms receivers. For these reasons, the EPA is staying the effectiveness of the provisions of the HON applicable to leaks from compressors and from surge control vessels and bottoms receivers for 3 months in order to respond to the petition for reconsideration and revise the rule as necessary to resolve this issue.

This stay affects only those sources that had been required to comply with 40 CFR §§63.164 and 63.170 as of October 24, 1994 ( see 40 CFR §§63.100(k)(3)(i) and 63.190(e)(2)). It does not affect those sources required to comply as of January 23, 1995, or later ( see 40 CFR §63.100(k)(ii-v). In the proposal contained in today's FEDERAL REGISTER, however, EPA is proposing a compliance extension for the sources required to comply as of January 23, 1995, or later, as well as the sources required to comply as of October 24, 1994. Accordingly,

today's stay does not affect all sources with compressors or surge control vessels and bottoms receivers.

## II. Issuance of Stay

The EPA hereby issues a 3-month administrative stay of the effectiveness of the HON equipment leak provisions applicable to compressors and to surge control vessels and bottoms receivers for sources required to comply beginning on October 24, 1994. The EPA will reconsider the compliance dates in the rule and, following the notice and comment procedures of section 307(d) of the Clean Air Act, will take appropriate action.

## III. Authority for Stay and Reconsideration

The administrative stay and reconsideration announced by this notice are being undertaken pursuant to section 307(d)(7)(B) of the Clean Air Act, 42 U.S.C. 7607(d)(7)(B). That provision authorizes the Administrator to stay the effectiveness of a rule for up to 3 months in order to consider a request for reconsideration. Reconsideration is appropriate if the grounds for an objection arose after the period for public comment and if the objection is of central relevance to the outcome of the rule.

The grounds for reconsideration of this rule arose after the public comment period. The problems attendant to requiring compliance with the equipment leak provisions applicable to compressors and to surge control vessels and bottoms receivers only became apparent after the close of comment on the rule. Therefore, the EPA is staying the effectiveness of the rule for 3 months in order to allow time to reconsider this issue.

#### IV. Proposed Compliance Extension

The EPA may not be able to complete the reconsideration (including any appropriate regulatory action) of the rule stayed by this notice within the 3-month period expressly provided in section 307(d)(7)(B). If the EPA does not complete the reconsideration in this timeframe, then it will be necessary to temporarily extend the applicable compliance dates. In the Proposed Rule Section of today's FEDERAL REGISTER, the EPA proposes a temporary extension of the compliance dates beyond 3 months if necessary in order to complete reconsideration and revision of the rules in question.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small business entities.

List of Subjects in 40 CFR Part 63

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

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\_\_\_\_\_

Date

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Administrator

Title 40 of the Code of Federal Regulations, chapter I, part 63, subparts F, H, and I are being amended as follows:

PART 63 - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

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

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

2. Section 63.100 is amended by adding paragraph (o) to read as follows:

§63.100 Applicability and designation of source.

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(o) Sections Stayed for Reconsideration .

Notwithstanding any other provision of this subpart, the effectiveness of §§63.164 and 63.170 of subpart H is stayed from [ insert date of publication in the FEDERAL REGISTER ], to [ insert 90 days from the date of publication in the FEDERAL REGISTER ] only as applied to those sources subject to §63.100 (k)(3)(i).

3. Section 63.190 is amended by adding paragraph (i) to read as follows:

§63.190 Applicability and designation of source.

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(i) Sections Stayed for Reconsideration .

Notwithstanding any other provision of this subpart, the effectiveness of §§63.164 and 63.170 of subpart H is stayed from [ insert date of publication in the FEDERAL REGISTER ], to [ insert 90 days from the date of publication in the FEDERAL REGISTER ] only as applied to those sources subject to §63.190 (e)(2).