

6560-50

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; Extension of Compliance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule; extension of compliance

SUMMARY: On October 24 and 28, 1994, EPA announced a partial 3-month stay and reconsideration of certain aspects of the "National Emission Standards for 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 organics NESHAP" or the "HON"). The EPA also proposed, pursuant to Clean Air Act section 301(a)(1), 42 U.S.C. 7601(a)(1), to extend temporarily the applicable compliance dates for sources subject to the stay, but only as necessary to complete the two reconsiderations (including appropriate regulatory action) of the rule in question. The EPA received no adverse public comment on either of the two

proposed short-term compliance extensions. The EPA is extending the compliance dates until April 24, 1995. A short-term extension of this nature is well within the 3-year period allowed by the Act.

EFFECTIVE DATE: [Insert date of publication]

FOR FURTHER INFORMATION CONTACT: Dr. Janet S. Meyer, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5254.

SUPPLEMENTARY INFORMATION:

I. COMPLIANCE EXTENSION

On October 24, 1994 (59 FR 53359) EPA announced that, pursuant to Clean Air Act section 307(d)(7)(B), it is reconsidering certain portions of the HON rule. The October 24, 1994 administrative stay applied only to those source owners or operators who make a representation in writing that resolution of the area source definition issues could affect whether the facility is subject to the HON. Readers should refer to that notice for a complete discussion of the background and rule affected.

On October 28, 1994 (59 FR 54131), EPA announced an

administrative stay of the effectiveness of the provisions for compressors and for surge control vessels and bottoms receivers for sources subject to the October 24, 1994 compliance date pending reconsideration of those provisions. Readers should refer to that notice and the associated proposed amendments to subpart H (59 FR 54154) for a complete discussion of the background and the proposed changes to the rule.

Along with both notices of partial stay and reconsideration, EPA also proposed to extend the compliance dates beyond the 3 months provided, as necessary to complete reconsideration and revision of the rule in question.

Ten comment letters were received on each of the two notices of partial stay and reconsideration. No adverse comments were received on either proposal to extend the compliance dates beyond 3 months, if necessary, in order to complete reconsideration and revision of the rules in question. As EPA finds that it is not able to complete the reconsideration and the regulatory action to the rule within the 3 month period, EPA is extending the compliance date until April 24, 1995. The EPA expects to complete the regulatory action on both petitions for

reconsideration before the April compliance date.

II. Judicial Review

Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of the actions taken by this final rule is available only on the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this action. Under section 307(b)(2) of the CAA, the requirements that are subject to today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

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

Date

Carol M. Browner
Administrator

For the reasons set out in the preamble, part 63 of Chapter I of title 40 of the Code of Federal Regulations is 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 revising paragraphs (n) and (o) to read as follows:

§63.100 Applicability and designation of source.

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(n) Rules Stayed for Reconsideration.

Notwithstanding any other provision of this subpart, the effectiveness of subpart F is stayed from October 24, 1994, to April 24, 1995 only as applied to those sources for which the owner or operator makes a representation in writing to the Administrator that the resolution of the area source definition issues could have an effect on the compliance status of the source with respect to subpart F.

(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 October 28, 1994 to April 24, 1995 only as applied to those sources subject to §63.100 (k)(3)(i) and (ii).

3. Section 63.110 is amended by revising paragraph (g) to read as follows:

§ 63.110 Applicability.

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(g) Rules Stayed for Reconsideration.

Notwithstanding any other provision of this subpart, the effectiveness of subpart G is stayed from October 24, 1994, to April 24, 1995 only as applied to those sources for which the owner or operator makes a representation in writing to the Administrator that the resolution of the area source definition issues could have an effect on the compliance status of the source with respect to subpart G.

4. Section 63.160 is amended by revising paragraph (d) to read as follows:

§ 63.160 Applicability and designation of source.

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(d) Rules Stayed for Reconsideration.

Notwithstanding any other provision of this subpart, the effectiveness of subpart H is stayed from October 24, 1994, to April 24, 1995 only as applied to those sources for which the owner or operator makes a representation in writing to the Administrator that the resolution of the

area source definition issues could have an effect on the compliance status of the source with respect to subpart H.

5. Section 63.190 is amended by revising paragraphs (h) and (i) to read as follows:

§63.190 Applicability and designation of source.

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(h) Rules Stayed for Reconsideration.

Notwithstanding any other provision of this subpart, the effectiveness of subpart I is stayed from October 24, 1994, to April 24, 1995 only as applied to those sources for which the owner or operator makes a representation in writing to the Administrator that the resolution of the area source definition issues could have an effect on the compliance status of the source with respect to subpart I.

(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 October 28, 1994 to April 24, 1995 only as applied to those sources subject to §63.190 (e)(2).