

*National Environmental Policy Act*

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

*Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

*Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

*Unfunded Mandates*

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

**List of Subjects in 30 CFR Part 904**

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 28, 1998.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

[FR Doc. 98-20716 Filed 8-3-98; 8:45 am]

BILLING CODE 4310-05-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 62**

[Region 2 Docket No. NY28-2-180a, FRL-6134-6]

**Approval and Promulgation of State Plans for Designated Facilities; New York**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the State Plan submitted by New York to fulfill the requirements of sections 111(d)/129 of the Clean Air Act for Municipal Waste Combustors (MWC). The State Plan addresses the implementation and enforcement of the Emissions Guidelines (EG) applicable to existing large MWCs with capacity to combust more than 250 tons per day of municipal solid waste. The State Plan imposes emission limits and control requirements for the existing MWC's in New York which will reduce the designated pollutants. In the final rules section of this **Federal Register**, EPA is approving New York's MWC State Plan as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no relevant adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to that direct final rule no further activity is contemplated in relation to this proposed rule. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.

The EPA will not institute a second comment period on this action. Any parties interested in commenting should do so at this time.

**DATES:** Comments must be received on or before September 3, 1998.

**ADDRESSES:** All comments should be addressed to: Ronald J. Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866.

Copies of the State submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,  
Region 2 Office, 290 Broadway, 25th

Floor, New York, New York 10007-1866.

New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

**FOR FURTHER INFORMATION CONTACT:**

Christine DeRosa or Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10278, (212) 637-4249.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: July 24, 1998.

**William J. Muszynski,**

*Acting Regional Administrator, Region 2.*

[FR Doc. 98-20772 Filed 8-3-98; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 63**

[IL-64-2-5807; FRL-6132-5]

RIN 2060-AF29

**National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production**

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

**ACTION:** Proposed rules; notice of public hearing.

**SUMMARY:** This action proposes national emission standards for hazardous air pollutants (NESHAP) for ferroalloys production, which is comprised of ferronickel production facilities and ferromanganese, silicomanganese, and ferrochromium production facilities. The EPA has identified these facilities as major sources of hazardous air pollutant (HAP) emissions such as nickel and manganese. Nickel compounds such as nickel carbonyl and nickel subsulfate are some of the most toxic compounds of nickel. They can affect the lungs and the kidneys. Symptoms such as headaches, vomiting, chest pains, dry coughing, and visual disturbances have been reported from short-term exposure in humans. Additionally, human and animal studies reveal an increased risk of lung and nasal cancers from exposure to nickel refinery dusts and nickel subsulfate. Chronic exposure to nickel in humans also results in respiratory effects such as asthma due to primary irritation or an allergic response, and an increased risk of chronic respiratory tract infections.

Manganese can also adversely affect human health. Chronic exposure to high levels of manganese by inhalation in humans primarily affects the central nervous system. This health effect is known as "manganism" and typically begins with feelings of weakness and lethargy and progresses to other symptoms such as speech disturbances, a mask-like face, tremors, and psychological disturbances. The NESHAP provides protection to the public by requiring HAP emission sources at these facilities to meet emission standards that reflect the application of maximum achievable control technology (MACT).

**DATES:** *Comments.* The EPA will accept comments regarding this proposed NESHAP on or before October 5, 1998.

*Public Hearing.* If anyone contacts the EPA requesting to speak at a public hearing by August 25, 1998, a public hearing will be held at 10 a.m. on September 3, 1998.

**ADDRESSES:** *Comments.* Written comments should be submitted (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-92-59, Room M-1500, U. S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests a separate copy also be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**). Comments and data may also be submitted electronically by following the instructions listed in Supplementary Information. Any confidential business information (CBI) should be submitted following the procedures in section VII.I. of this preamble.

*Public Hearing.* If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested presenting oral testimony or inquiring as to whether a hearing is to be held should call the contact person listed below.

*Docket.* Docket No. A-92-59, containing information relevant to today's proposed rulemaking, is available for public inspection and copying between 8: a.m. and 5:30 p.m., Monday through Friday (except for Federal holidays) at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (MC-6102), 401 M Street SW., Washington DC 20460, telephone: (202) 260-7548. The docket is located at the above address in Room M-1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. Conrad Chin, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541-1512; facsimile (919) 541-5600, electronic mail address "chin.conrad@epamail.epa.gov".

**SUPPLEMENTARY INFORMATION:**

**Regulated Entities**

Entities potentially regulated by this action are those industrial facilities that produce ferronickel, ferromanganese, silicomanganese, or ferrochromium. Regulated categories and entities include those sources listed in the primary Standard Industrial Classification code for these sources (3313, Electrometallurgical Products, except Steel).

This description is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by final action on this proposal. This description lists the types of entities that the EPA is now aware of that could potentially be regulated by final action on this proposal. To determine whether your facility is regulated by final action on this proposal, you should carefully examine the applicability criteria in sections IV.A. and V.A. of this preamble and in §§ 63.1620 and 63.1650 of the proposed rule. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

**Electronic Access and Filing Addresses**

This document, the proposed regulatory texts, and other background information are available in Docket No. A-92-59 or by request from the EPA's Air and Radiation Docket and Information Center (see **ADDRESSES**) or access through the EPA web site at: <http://www.epa.gov/ttn/oarpg>. For further information, contact the TTN HELP line at (919) 541-5384.

Electronic comments on the proposed NESHAP may be submitted by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov. Submit comments as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on diskette in WordPerfect 5.1 or 6.1 or ACSII file format. Identify all comments and data in electronic form by the docket number (A-92-59). No confidential business information should be submitted through electronic mail. You may file comments on the proposed rule online at many Federal Depository Libraries.

**Outline**

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**I. Initial List of Categories of Major and Area Sources**

Section 112 of the Clean Air Act (the Act) requires that the EPA promulgate regulations requiring the control of HAP emissions from major and area sources. The control of HAP is achieved through promulgation of emission standards under section 112(d) and (f) and operational and work practice standards

under section 112(h) for categories of sources that emit HAP.

An initial list of categories of major and area sources selected for regulation in accordance with section 112(c) of the Act was published in the **Federal Register** on July 16, 1992 (57 FR 31576). The "Ferroalloys Production" source category is listed under the "Ferrous Metals Processing" industry group. Based on information gathered since that time, the EPA determined that only two ferroalloys facilities in the United States are, in fact, major sources with the potential to emit HAP at levels greater than 9.1 megagrams per year (Mg/yr) (10 tons per year (tpy)) of any one HAP or 22.7 Mg/yr (25 tpy) of any combination of HAP.

## II. Background

### A. Description of the Source Category

The EPA believes that this source category is comprised of two major sources. Both sources produce ferroalloy products that contain metallic HAP as a major constituent of the final product. However, because of the significant differences in processes at the two facilities, the EPA has determined that each facility comprises a separate subcategory.

The first facility, Glenbrook Nickel Company (Glenbrook Nickel) is located in Riddle, Oregon and is the only domestic producer of ferronickel. However, this facility has recently ceased its operations, and it may permanently shut down in the next year. The EPA will consider the operational status of this facility prior to promulgating a final rule affecting ferronickel production. If the facility has permanently shut down, and there are no other domestic sources with the potential to produce ferronickel, the EPA may withdraw the proposed requirements related to ferronickel production rather than finalizing the proposed rule.

The second facility, which is owned by the Elkem Metals Company (Elkem Marietta), is located in Marietta, Ohio and is the only domestic producer of ferromanganese and silicomanganese. In addition, this facility has the potential to produce ferrochromium, but it is not doing so at present. Based on an extensive survey of emissions data provided by other ferroalloy producers, an evaluation of available test data, and an EPA-sponsored emissions test, the EPA has determined that none of the remaining ferroalloy producers have the potential to emit major quantities of metallic or organic HAP.

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for Ferroalloys Production consists of two groups of requirements. The first group of requirements, which are found in §§ 63.1620 through 63.1649, describes the Ferronickel Production standard, which will hereafter be referred to as the Ferronickel rule in this preamble. The second group of requirements, which are found in §§ 63.1650 through 63.1679, describes the Ferromanganese, Silicomanganese, and Ferrochromium Production standard, which will hereafter be referred to as the Ferromanganese rule in this preamble.

### B. Emissions

As part of its Title V permit application, Glenbrook Nickel reported a potential to emit, considering controls of 37 Mg/yr (41 tpy) of combined HAP emissions. As part of its Title V permit application, Elkem Marietta reported an actual emissions rate of manganese compounds of 148 Mg/yr (163 tpy).

## III. NESHAP Decision Process

### A. Source of Authority for NESHAP Development

Section 112 directs the EPA to develop a list of all categories of major and such area sources as appropriate that emit one or more of the 188 HAP listed in or pursuant to section 112(b) (section 112(c)). Section 112 of the Clean Air Act as amended in 1990 replaces the previous system of pollutant-by-pollutant health-based regulation that proved ineffective at controlling the high volumes and concentrations of HAP in air emissions. Instead, the current version of section 112 directs the EPA to impose technology-based controls on sources emitting HAP, and provides that these technology-based standards may later be reduced further to address residual risk that may remain even after imposition of technology-based controls. A major source is any source that emits or has the potential to emit 9.1 Mg (10 tons) of any one HAP or 22.7 Mg (25 tons) of any combination of HAP annually. The EPA published an initial list of source categories on July 16, 1992 (57 FR 31576), and may amend the list at any time.

### B. Criteria for Development of NESHAP

The EPA will develop NESHAP to control HAP emissions from both new and existing sources according to the statutory directions set out in section 112, as amended. The statute requires the standard to reflect the maximum degree of reduction of HAP emission that is achievable taking into consideration the cost of achieving the

emission reduction, any non-air quality health and environmental impacts, and energy requirements.

Emission reductions may be accomplished through application of measures, process, methods, systems, or techniques, including, but not limited to: (1) Reducing the volume of, or eliminating emissions of, such pollutants through process changes, substitution of materials, or other modifications, (2) enclosing systems or processes to eliminate emissions, (3) collecting, capturing, or treating such pollutants when released from a process, stack, storage, or fugitive emissions point, (4) design, equipment, work practice, or operation standards (including requirements for operator training or certification) as provided in section 112(h), or (5) a combination of the above (section 112(d)(2)).

To develop a NESHAP, the EPA collects information about the industry, including information on emission source characteristics, control technologies, data from HAP emissions tests at well-controlled facilities, and information on the costs and other energy and environmental impacts of emission control techniques. The EPA uses this information to analyze possible regulatory approaches.

Although NESHAP are normally structured in terms of numerical emission limits, alternative approaches are sometimes necessary. In some cases, for example, physically measuring emissions from a source may be impossible, or at least impractical, because of technological and economic limitations. Section 112(h) authorizes the Administrator to promulgate a design, equipment, work practice, or operational standard, or a combination thereof, in those cases where it is not feasible to prescribe or enforce an emissions standard.

If sources in the source category are major sources, a MACT standard is required for those major sources. The regulation of area sources in a source category is discretionary. If EPA finds a threat of adverse effects on human health or the environment, then the source category can be added to the list of area sources to be regulated.

### C. Determining the MACT Floor

After the EPA identifies the specific source categories or subcategories of major sources to regulate under section 112, it must set MACT standards for each category or subcategory. Section 112 limits the EPA's discretion by establishing a minimum baseline or "floor" for standards. For new sources, the standards for a source category or subcategory cannot be less stringent

than the emission control that is achieved in practice by the best-controlled similar source, as determined by the Administrator (section 112(d)(3)).

The standards for existing sources can be less stringent than standards for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources (excluding certain sources) for categories or subcategories with 30 or more sources, or the best-performing 5 sources for categories or subcategories with fewer than 30 sources (section 112(d)(3)).

After the floor has been determined for new or existing sources in a source category or subcategory, the Administrator must set a MACT standard for each category or subcategory that is no less stringent than the floor. Such standard must then be met by all sources within the category or subcategory.

Section 112(d)(2) specifies that the EPA shall establish standards that require the maximum degree of reduction in emissions of HAP "that the Administrator, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable \* \* \*."

In establishing standards, the Administrator may distinguish among classes, types, and sizes of sources within a category or subcategory (section 112(d)(1)). For example, the Administrator could establish two classes of sources within a category or subcategory based on size and establish a different emissions standard for each class, provided both standards are at least as stringent as the MACT floor for that class of sources.

The next step in establishing MACT standards is the investigation of regulatory alternatives. For MACT standards, only alternatives at least as stringent as the floor may be selected. Information about the industry is analyzed to develop model plant populations for projecting national impacts, including HAP emission reduction levels, costs, energy, and secondary impacts. Several regulatory alternative levels are then evaluated to select the regulatory alternative that best reflects the appropriate MACT level.

The selected alternative may be more stringent than the MACT floor, but the control level selected, if it is more stringent than the floor, must be technically and economically achievable. In selecting a regulatory alternative that represents MACT, the EPA considers the achievable emission

reductions of HAP (and possibly other pollutants that are co-controlled), cost, and economic impacts, energy impacts, and other environmental impacts. The objective is to achieve the maximum degree of emissions reduction without unreasonable economic or other impacts (section 112(d)(2)). The regulatory alternatives selected for new and existing sources may be different because of different MACT floors, and separate regulatory decisions may be made for new and existing sources.

The selected regulatory alternative is translated into a proposed regulation. The regulation implementing the MACT decision typically includes sections on applicability, standards, test methods and compliance demonstrations, monitoring, reporting, and recordkeeping. The preamble to the proposed regulation provides an explanation of the rationale for the decision. The public is invited to comment on the proposed regulation during the public comment period. Based on an evaluation of these comments, the EPA reaches a final decision and promulgates the standard.

#### **IV. Summary of Proposed Ferronickel Rule**

##### *A. Sources To Be Regulated*

The proposed NESHAP would apply to new and existing ferronickel production facilities that are major sources or are co-located at major sources. The HAP emission sources at a ferronickel production facility that would be affected by this rule are: (1) Ferronickel ore processing (which includes the ore dryer, raw material crushing and screening, ore storage bins, and hot ore transfer), (2) calcining and ferronickel electric arc melt furnaces, (3) ferronickel refining furnaces, and (4) fugitive dust sources.

##### *B. Emission Limits and Maintenance Requirements*

Emission limits are being proposed for the air pollution control devices serving the following emission units: calcining and ferronickel electric arc melt furnaces, ferronickel ore processing, and ferronickel refining furnaces. The proposed standard would require that the emissions of particulate matter (PM) (as a surrogate for metallic HAP) from each air pollution control device serving new and existing calciners and ferronickel electric arc melt furnaces shall not exceed 34 milligrams per dry standard cubic meter (mg/dscm) (0.015 grains per dry standard cubic foot (gr/dscf)). The weighted average emissions of PM from the air pollution control devices serving

ferronickel ore processing shall not exceed 69 mg/dscm (0.03 gr/dscf). Finally, the emissions of PM from each air pollution control device serving the ferronickel refining furnaces shall not exceed 2.3 mg/dscm (0.001 gr/dscf).

The proposed standard would also establish a 20 percent opacity limit on air pollution control devices serving the existing calciners and ferronickel electric arc melt furnaces and on the smelter building, which houses one or more of the ferronickel electric arc furnaces. The smelter building opacity limit would focus on those furnace emissions escaping capture by the furnace hood.

The proposed standard also imposes a duty on the owner or operator to prepare and at all times operate according to a fugitive dust control plan that describes the measures that will be put in place to control fugitive dust sources. Fugitive dust HAP emissions can be generated when dust containing metallic HAP is released into the outdoor air. The entrainment of dust containing metallic HAP into the outdoor air may be caused by natural events (e.g., wind erosion of feed storage piles) or by operations conducted by facility personnel. Potential fugitive dust emission sources at ferronickel facilities include: (1) Dust entrained when transporting on unpaved roads at the site, HAP-containing materials in dump trucks, front-end loaders, and other vehicles; (2) dust generated when unloading or loading HAP-containing materials from or into trucks or railcars; (3) wind erosion of outdoor storage piles, and (4) transferring HAP-containing materials to or from conveyor systems.

This written plan would be prepared by the owner or operator and would describe the specific control measures that are used to limit fugitive dust emissions from the individual sources at the ferronickel facility. The duty of the owner or operator to operate according to the fugitive dust control plan would be incorporated into the operating permit for the ferronickel facility that is issued by the designated permitting authority under 40 CFR part 70 (the actual fugitive dust control plan for a facility would not be part of the permit itself). Examples of control measures that could be included in the written fugitive dust control plan include, but are not limited to, covering conveyor systems and using local ventilation hoods vented to a control device at the conveyor transfer points; placing metallic HAP-containing stockpiles below grade or installing wind screens or wind fences around the stockpiles; and spraying water or applying

appropriate dust suppression agents on roadways or outdoor storage piles.

Proper maintenance of emission sources and air pollution control devices to minimize HAP emissions is an essential component of the proposed standard. In addition to satisfying the maintenance requirements imposed by § 63.6(e) of the part 63 General Provisions (the General Provisions), owners and operators would be required to develop and implement a written maintenance plan for each air pollution control device subject to this subpart. The procedures specified in the maintenance plan shall include, at a minimum, a preventive maintenance schedule that is consistent with good air pollution control practices for minimizing emissions.

Finally, the owner or operator must also perform monthly operational status inspections of the equipment that is important to the performance of the capture system (i.e., pressure sensors, dampers, and damper switches).

#### C. Compliance Provisions

Compliance with the standards would need to be achieved within 2 years of promulgation for existing sources, and upon startup for new or reconstructed sources.

The owner or operator would be required to conduct an initial compliance test as well as subsequent performance tests at each renewal of the source's Title V operating permit for all of the air pollution control devices subject to the emission limitations to demonstrate compliance with them. Thereafter, the owner or operator would conduct annual performance tests for the air pollution control devices serving the calciners and ferronickel electric arc melt furnaces.

Compliance with the emission limit for the calciners and ferronickel electric arc melt furnaces and for the ferronickel refining furnaces is achieved if the outlet concentration value is less than or equal to the applicable emission limitation. Compliance with the emission limit for the ferronickel ore processing operation is achieved if the weighted average outlet concentration is less than or equal to the emission limitation based on the combined mass emission rates of all streams divided by the total air flow rates of the combined streams.

In addition to satisfying specified test conditions, if the emission source is controlled with a venturi scrubber, the owner or operator shall also establish as a site-specific operating parameter the average pressure drop across the scrubber during the performance test. The owner or operator may choose to

augment the data obtained from the initial compliance test by either conducting multiple performance tests to establish a range of compliant operating values or by using historic compliance data obtained in a manner consistent with the test methods and other compliance requirements of the subpart to establish the range. In either case, the lowest value of the range would be selected as the operating parameter monitoring value. This value will serve as a direct measure of compliance with the PM concentration limit.

To demonstrate compliance with the opacity standard, the owner or operator would be required to conduct initial opacity observations for the air pollution control devices serving the existing calciners and ferronickel electric arc melt furnaces and for the smelter buildings subject to the standards. Compliance would be demonstrated by observations that are less than the limit specified in the proposed standard. The owner or operator would then conduct weekday opacity observations for the air pollution control devices serving the existing calciners and ferronickel electric arc melt furnaces to demonstrate ongoing compliance with the opacity standard.

Ongoing compliance with the smelter building standard is established through the use of parameter monitoring. During the period when the initial smelter building opacity observations are conducted, the owner or operator would establish the capture system operating parameters selected by the owner or operator for ongoing monitoring. The operating parameters to be established are either the control system fan motor amperes and damper positions, the total volumetric flow rate to the air pollution control device and all damper positions, or the volumetric flow rate through each separately ducted hood. In order to demonstrate ongoing compliance with the smelter building opacity standard, the owner or operator would monitor the selected capture system parameters.

Compliance with the work practice standard would be demonstrated by having a fugitive dust control plan. In addition, the owner or operator would be required to report any deviations in operation from the manual and any failure to take necessary corrective action. Failure to achieve compliance would be a violation of the general duty to ensure that fugitive dust sources are operated and maintained in a manner consistent with good air pollution control practices that minimize emissions per § 63.6(e)(1)(i) of the General Provisions.

Sampling locations for all compliance tests would be determined by EPA Reference Method 1. Stack gas velocity and volumetric flow rate would be determined by EPA Reference Method 2. Gas analysis would be conducted according to EPA Reference Methods 3 and 4. Determination of PM emissions would require use of EPA Method 5 (negative pressure baghouses and scrubbers) or Method 5D (positive pressure baghouses). The State of Oregon Department of Environmental Quality Source Sampling Method 8, Sampling Particulate Emissions from Stationary Sources (High Volume Method), may be used instead of Method 5 for negative pressure baghouses. The use of Oregon Method 8 would be limited to ferronickel sources located in the State of Oregon. The EPA Reference Method 9 will be used to determine compliance with the opacity limits.

#### D. Monitoring Requirements

The proposed standard would establish monitoring requirements for the air pollution control devices serving the affected units subject to the emission limitation standard. The requirements would vary depending on the type of air pollution control device and the affected units. For the baghouses serving the existing calciners and ferronickel electric arc melt furnaces, the owner or operator shall conduct weekday opacity observations in accordance with Method 9 for at least one 6-minute period during normal operation of the baghouse. Observations that exceed the opacity limitation would be a violation of the opacity standard, unless the owner or operator can demonstrate to the Administrator's satisfaction that the exceedance was due to an upset condition or malfunction.

For those remaining units or for any new or reconstructed ferronickel electric arc furnaces served by baghouses, the owner or operator would be required to monitor for the presence of visible emissions on a daily basis. If any visible emissions are observed, the owner or operator would be required to take corrective action as soon as practicable after the occurrence of the visible emissions observation. Failure to conduct observations or to take correction action would be a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimize emissions per § 63.6(e)(1)(i) of the General Provisions.

In addition to the weekday opacity observations or the visible emissions observations, compliance assurance would also be achieved for all affected

baghouses by monitoring specified baghouse parameters. The parameters include daily monitoring of pressure drop, weekly confirmation that dust is being removed from hoppers, daily check of compressed air supply for pulse-jet baghouses, monitoring cleaning cycles, monthly checks of bag cleaning mechanisms for proper functioning, quarterly confirmation of the physical integrity of the baghouse, and semiannual inspection of the fans. Negative pressure baghouses or positive pressure baghouses equipped with a stack would also be required to be equipped with a bag leak detection system capable of detecting PM emissions at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) and satisfying other design criteria specified in § 63.1625(a)(4).

For those sources controlled with a venturi scrubber, the owner or operator would be required to monitor and record the pressure drop at the venturi at least every 5 minutes and to maintain the average hourly pressure drop at or above the average pressure drop measured during the compliance demonstration. A pressure drop measurement lower than this limit would be considered a violation of the standard, unless the owner or operator can demonstrate to the Administrator's satisfaction that a decrease in the pressure drop was due to an upset condition or malfunction.

As part of the start-up, shutdown, and malfunction plan developed pursuant to § 63.6(e), the owner or operator shall develop and implement corrective action procedures to be followed in the following instances: (1) A bag leak detection system alarm, (2) the observation of visible emissions from the baghouse, or (3) an indication through the periodic baghouse system inspections that the system is not operating properly. The owner or operator shall initiate corrective action as soon as practicable after the occurrence of the observation or event indicating a malfunction. Failure to monitor or failure to take corrective action under the requirements of this section would be a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimizes emissions per § 63.6(e)(1)(i).

An important element of the proposed NESHAP is to ensure that the capture system, which means the equipment (including hoods, ducts, fans, dampers) used to capture or transport PM generated by an affected ferronickel electric arc furnace, is properly operated and maintained. Unless the owner or

operator uses the provisions of § 63.8(f) of the General Provisions to request approval to use an alternative monitoring method, the owner or operator has three options to select from in performing this monitoring. First, the owner or operator may elect to check and record the control system fan motor amperes and damper positions on a once-per-shift basis. Alternatively, the owner or operator may elect to install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood. Finally, the owner or operator may choose to continuously record the volumetric flow rate at the inlet of the air pollution control device in addition to checking and recording damper positions on a once-per shift basis. Operation of the control system fan motor amperes at values less than the value established during the performance test or operation at flow rates lower than those established during the performance test would establish the need to initiate corrective action as soon as practicable after the monitoring exceedance. Failure to monitor or failure to take corrective action would be a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimizes emissions per § 63.6(e)(1)(i) of the General Provisions.

#### *E. Notification, Recordkeeping, and Reporting Requirements*

The owner or operator would be required to submit notifications described in the General Provisions, which include initial notification of applicability, notifications of performance tests and of opacity and visible emissions observations, and notification of compliance status.

As required by the General Provisions, the owner or operator would be required to submit a report of performance test results and opacity or visible emissions observations, and report semiannually any events where the startup, shutdown, and malfunction plan was not followed. In addition to the information required under § 63.10 of the General Provisions, the owner or operator shall submit semiannual reports required under the baghouse maintenance plan and the fugitive dust control plan. The owner or operator shall also submit reports of excess emissions events such as the exceedance of the scrubber pressure drop limit or the exceedance of the opacity limit on a quarterly basis, unless the owner or operator can satisfy the requirements in § 63.10(e)(3) of the General Provisions. Finally, the owner

or operator must submit semiannual reports on the capture system that address any monitoring parameter exceedances and the corrective actions taken.

The owner or operator also would be required to maintain records required by the General Provisions and records needed to document compliance with the standard. These records would include operating parameter measurements, a copy of the written operation and maintenance plans, and air pollution control device inspection records.

All records must be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. The records for the most recent two years must be retained on site; records for the remaining three years may be retained off site, but still must be readily available for review. The files may be retained on microfilm, microfiche, on a computer, or on computer or magnetic disks. The owner or operator may report required information on paper or a labeled computer disk using commonly available and compatible computer software.

### **V. Summary of Proposed Ferromanganese, Silicomanganese, and Ferrochromium Rule**

#### *A. Sources To Be Regulated*

The proposed NESHAP would apply to new and existing ferroalloy production facilities that manufacture ferromanganese, silicomanganese, and ferrochromium and are major sources or are co-located at major sources. The HAP emission sources at a ferroalloy production facility that would be affected by the rule are: Open submerged arc furnaces, semi-closed submerged arc furnaces, metal oxygen refining (MOR) process, crushing and screening operations, and fugitive dust sources.

#### *B. Emission Limits and Maintenance Requirements*

Emission limits are being proposed for new and reconstructed open submerged arc furnaces and semi-closed submerged arc furnaces. The proposed requirement is that the combined emissions collected from the furnace surface (primary emissions) and from the tapping operation may not exceed 0.23 kilograms of PM per hour per megawatt (kg/hr/MW) (0.51 pounds of PM per hour per megawatt (lb/hr/MW)). In addition, the EPA proposes that emission streams from any new or reconstructed MOR process or

individual equipment associated with the crushing and screening operation may not exceed 50 mg/dscm (0.022 gr/dscf). Fugitive dust sources at the plant would be subject to the applicable work practice standards for existing sources.

Standards for existing ferroalloy submerged arc furnaces depend on the design of the furnace. Elkem Marietta has a single semi-closed submerged arc furnace, whose design is unique in the industry. This furnace is equipped with a cover over the furnace surface with openings in the cover to accommodate the electrodes. Emissions that are not ducted to a control device are collected above the cover and vented through four stacks directly to the atmosphere. Emissions from the control device containing primary emissions from this furnace would be limited to 0.04 kg/hr/MW (0.09 lb/hr/MW) of PM. Combined vent stack emissions may not exceed 0.67 kg/hr/MW (1.48 lb/hr/MW) of PM.

The remaining furnaces at Elkem Marietta are of the open furnace design, which is characterized by the presence of a canopy hood above the furnace surface that collects primary emissions. Combined primary and tapping emissions from each of the open furnaces would be limited to 0.51 kg/hr/MW (1.13 lb/hr/MW) of PM.

Other emission sources at the facility include the MOR process and crushing and screening operations. In addition, tapping emissions from the semi-closed submerged arc furnace are controlled by the baghouse that controls emissions from the MOR process. Emissions from each air pollution control device serving these sources would be limited to 69 mg/dscm (0.03 gr/dscf) of PM.

The proposed standard would establish a 20 percent opacity limit on the shop buildings housing one or more of the open submerged arc furnaces. The shop building opacity limit would focus on those furnace emissions escaping capture by the furnace hood. A different limit is proposed for the shop building housing the semi-closed submerged arc furnace because two of the furnace draft stacks exhaust directly into the roof monitor. Visible emissions from this building may exceed greater than 20 percent opacity, for not more than one distinct 6-minute period in any 60 minutes, but shall not exceed 60 percent, as a distinct 6-minute block average at any time.

The proposed standard also imposes a duty on the owner or operator to prepare and at all times operate according to a fugitive dust control plan that describes the measures that will be put in place to control fugitive dust sources. Fugitive dust HAP emissions can be generated when dust containing

metallic HAP is released into the outdoor air. The entrainment of dust containing metallic HAP into the outdoor air may be caused by natural events (e.g., wind erosion of feed storage piles) or by operations conducted by facility personnel. Potential fugitive dust emission sources at ferromanganese facilities include: (1) Dust entrained when transporting on unpaved roads at the site, HAP-containing materials in dump trucks, front-end loaders, and other vehicles; (2) dust generated when unloading or loading HAP-containing materials from or into trucks or railcars; (3) wind erosion of outdoor storage piles, and (4) transferring HAP-containing materials to or from conveyor systems.

This written plan would be prepared by the owner or operator and would describe the specific control measures that are used to limit fugitive dust emissions from the individual sources at the ferromanganese facility. The duty of the owner or operator to operate according to the fugitive dust control plan would be incorporated into the operating permit for the ferromanganese facility that is issued by the designated permitting authority under 40 CFR part 70 (the actual fugitive dust control plan for a facility would not be part of the permit itself). Examples of control measures that could be included in the written fugitive dust control plan include, but are not limited to, covering conveyor systems and using local ventilation hoods vented to a control device at the conveyor transfer points; placing metallic HAP-containing stockpiles below grade or installing wind screens or wind fences around the stockpiles; and spraying water or applying appropriate dust suppression agents on roadways or outdoor storage piles.

Proper maintenance of emission sources and air pollution control devices to minimize HAP emissions is an essential component of the proposed standard. In addition to satisfying the maintenance requirements imposed by § 63.6(e) of the part 63 General Provisions, owners and operators would be required to develop and implement a written maintenance plan for each air pollution control device subject to this subpart. The procedures specified in the maintenance plan shall include, at a minimum, a preventive maintenance schedule that is consistent with good air pollution control practices for minimizing emissions.

Finally, the owner or operator must also perform monthly operational status inspections of the equipment that is important to the performance of the

capture system (i.e., pressure sensors, dampers, and damper switches).

### C. Compliance Provisions

Compliance with the standards would need to be achieved within 2 years of promulgation for existing sources, and upon startup for new or reconstructed sources.

The owner or operator would be required to conduct an initial compliance test for the air pollution control devices and vent stacks subject to the standard to demonstrate compliance with the applicable emission limits. Thereafter, the owner or operator must conduct annual performance tests for the air pollution control devices associated with the ferroalloy submerged arc furnaces, with the exception of any air pollution control devices that also serve non-furnace emission sources.

In addition to satisfying specified test conditions, if the emission source is controlled with a venturi scrubber, the owner or operator shall also establish as a site-specific operating parameter the average pressure drop across the scrubber during the performance test. The owner or operator may choose to augment the data obtained from the initial compliance test by either conducting multiple performance tests to establish a range of compliant operating values or by using historic compliance data obtained in a manner consistent with the test methods and other compliance requirements of the subpart to establish the range. In either case, the lowest value of the range would be selected as the operating parameter monitoring value. This value will serve as a direct measure of compliance for purposes of monitoring.

To demonstrate compliance with the opacity standard, the owner or operator would be required to conduct initial opacity observations for the shop buildings subject to the standards. Compliance would be demonstrated by observations that are less than the limit specified in the proposed standard. Ongoing compliance with the shop building standard is established through the use of parameter monitoring. During the period when the initial shop building opacity observations are conducted, the owner or operator would establish the capture system operating parameters selected by the owner or operator for ongoing monitoring. The operating parameters to be established are either the control system fan motor amperes and damper positions, the total volumetric flow rate to the air pollution control device and all damper positions, or the volumetric flow rate through each separately ducted hood. In order to

demonstrate ongoing compliance with the shop building opacity standard, the owner or operator would monitor the selected capture system parameters.

Compliance with the work practice standard would be demonstrated by having a fugitive dust control plan. In addition, the owner or operator would be required to report any deviations in operation from the manual and to take necessary corrective action. Failure to achieve compliance would be a violation of the general duty to ensure that fugitive dust sources are operated and maintained in a manner consistent with good air pollution control practices that minimize emissions per § 63.6(e)(1)(i) of the General Provisions.

Sampling locations for all compliance tests would be determined by EPA Reference Method 1. Stack gas velocity and volumetric flow rate would be determined by EPA Reference Method 2. Gas analysis would be conducted according to EPA Reference Methods 3 and 4. Determination of PM emissions would require use of EPA Method 5 (negative pressure baghouses and scrubbers) or Method 5D (positive pressure baghouses). The EPA Reference Method 9 will be used to determine compliance with the opacity limits.

#### *D. Monitoring Requirements*

The proposed standard would establish monitoring requirements for the air pollution control devices serving the affected units subject to the emission limitation standard. The requirements would vary depending on the type of air pollution control device and the affected units.

The baghouse monitoring requirements for the Ferromanganese rule would require the owner or operator to monitor on a daily basis for the presence of any visible emissions from the baghouses serving the ferroalloy submerged arc furnaces, the MOR process, and the crushing and screening operation. If any visible emissions are observed, the owner or operator would be required to take corrective action as soon as practicable after the occurrence of the visible emissions observation. Failure to conduct observations or to take corrective action would be a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimize emissions per § 63.6(e)(1)(i) of the General Provisions.

In addition to the visible emissions observations, compliance assurance would also be achieved for all affected baghouses by monitoring specified baghouse parameters. The parameters include daily monitoring of pressure drop, weekly confirmation that dust is

being removed from hoppers, daily check of compressed air supply for pulse-jet baghouses, monitoring cleaning cycles, monthly checks of bag cleaning mechanisms for proper functioning, quarterly confirmation of the physical integrity of the baghouse, and semiannual inspection of the fans. Negative pressure baghouses or positive pressure baghouses equipped with a stack would also be required to be equipped with a bag leak detection system capable of detecting PM emissions at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) and satisfying other design criteria specified in § 63.1625(a)(4).

For those sources controlled with a venturi scrubber, the owner or operator would be required to monitor and record the pressure drop at the venturi at least every 5 minutes and to maintain the average hourly pressure drop at or above the average pressure drop measured during the compliance demonstration. A pressure drop measurement lower than this limit would be considered a violation of the standard, unless the owner or operator can demonstrate to the Administrator's satisfaction that a decrease in the pressure drop was due to an upset condition or malfunction.

As part of the start-up, shutdown, and malfunction plan developed pursuant to § 63.6(e), the owner or operator shall develop and implement corrective action procedures to be followed in the following instances: (1) A bag leak detection system alarm, (2) the observation of visible emissions from the baghouse, or (3) the indication through the periodic baghouse system inspections that the system is not operating properly. The owner or operator shall initiate corrective action as soon as practicable after the occurrence of the observation or event indicating a malfunction. Failure to monitor or failure to take corrective action under the requirements of this section would be a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimize emissions per § 63.6(e)(1)(i).

The owner or operator shall monitor the capture system, which means the equipment (including hoods, ducts, fans, dampers) used to capture or transport PM generated by an affected ferroalloy electric arc furnace, to ensure it is properly operated and maintained. Unless the owner or operator uses the provisions of § 63.8(f) of the General Provisions to request approval to use an alternative monitoring method, the owner or operator has three options to

select from in performing this monitoring. First, the owner or operator may elect to check and record the control system fan motor amperes and damper positions on a once-per-shift basis. Alternatively, the owner or operator may elect to install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood. Finally, the owner or operator may choose to continuously record the volumetric flow rate at the inlet of the air pollution control device in addition to checking and recording damper positions on a once-per-shift basis. Operation of the control system fan motor amperes at values less than the value established during the performance test or operation at flow rates lower than those established during the performance test would establish the need to initiate corrective action as soon as practicable after the monitoring exceedance. Failure to monitor or failure to take corrective action would be a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimize emissions per § 63.6(e)(1)(i) of the General Provisions.

#### *E. Notification, Recordkeeping, and Reporting Requirements*

The owner or operator would be required to submit notifications described in the General Provisions, which include initial notification of applicability, notifications of performance tests and of opacity or visible emissions observations, and notification of compliance status.

As required by the General Provisions, the owner or operator would be required to submit a report of performance test results and opacity or visible emissions observations, and report semiannually any events where the startup, shutdown, and malfunction plan was not followed. In addition to the information required under § 63.10 of the General Provisions, the owner or operator shall submit semiannual reports required under the baghouse maintenance plan and the fugitive dust control plan. The owner or operator shall also submit reports of excess emissions events such as the exceedance of the scrubber pressure drop limit on a quarterly basis, unless the owner or operator can satisfy the requirements in § 63.10(e)(3) of the General Provisions. Finally, the owner or operator must submit semiannual reports on the capture system that address any monitoring parameter exceedances and the corrective actions taken.



The owner or operator also would be required to maintain records required by the General Provisions and records needed to document compliance with the standard. These records would include operating parameter measurements, a copy of the written operation and maintenance plans, and air pollution control device inspection records.

All records must be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. The records for the most recent two years must be retained on site; records for the remaining three years may be retained off site, but still must be readily available for review. The files may be retained on microfilm, microfiche, on a computer, or on computer or magnetic disks. The owner or operator may report required information on paper or a labeled computer disk using commonly available and compatible computer software.

#### **VI. Summary of Environmental, Energy, and Economic Impacts**

The following discussion of environmental, energy, and economic impacts is limited to the only two facilities that exist and that will be subject to these standards if adopted. As discussed earlier, it is possible that the existing ferronickel facility will be permanently shut down, which would then limit impacts of this rule to the ferromanganese facility. No new facilities are currently anticipated.

If Glenbrook Nickel continues to operate, the EPA anticipates that the proposed levels of control for the Ferronickel rule will have the primary effect of codifying existing control equipment and practices. Elkem Marietta should also be able to comply with the proposed standards with existing control equipment and practices. Therefore, no additional emission control equipment would be required to comply with the proposed standards, and no significant emission reduction or other environmental impacts are anticipated to result from this rulemaking.

When compared to existing State permit conditions, however, apparent differences in the levels of allowable emissions occur for some of the proposed standards. In the case of Glenbrook Nickel, the baghouses serving the calciners and ferronickel electric arc melt furnaces have allowable emissions of approximately 1,550 tons per year of PM based on the July 1997 test results. However, if those baghouses were emitting at the level of the proposed

standard (i.e., 34 mg/dscm or 0.015 gr/dscf) their combined emissions would be 350 tons per year of PM, which represents a 77-percent reduction in allowable PM emissions. Based on discussions with plant personnel, the EPA believes that a baghouse upgrade being planned should substantially improve the performance of these baghouses, and the baghouses' actual performance will be much closer to the proposed standard. If the EPA proceeds with the final rule and test results are available that demonstrate the performance of the upgraded baghouses, the EPA will consider these data in setting the final standard.

In the case of Elkem Marietta, there are apparent differences in the level of control required under existing permit conditions on the ferroalloy submerged arc furnaces compared to the level of control proposed in the MACT standard. A calculation of permitted, allowable emissions reveals that the source could emit approximately 70 more tons of PM per year than would be allowed under the proposed MACT limits. However, because the proposed MACT limits were established to reflect actual performance of the associated air pollution control devices, the EPA believes that there would be no measurable difference in emissions in the absence of the MACT standard.

Cost and economic impacts are expected to be minimal. The only costs associated with the proposed standards are those required to perform compliance assurance activities such as performance testing, monitoring, reporting, and recordkeeping. However, these costs are minor compared to costs already incurred by the facilities in meeting their permit obligations. Section VIII.F. of this preamble addresses the recordkeeping and reporting burden associated with Federal rules.

#### **VII. Rationale for Selecting the Proposed Standards**

This section describes the rationale for the decisions made by the Administrator in selecting the proposed standards.

##### *A. Selection of Source Category and Pollutants*

The EPA published an initial list of categories of major and area sources of HAP selected for regulation in accordance with section 112(c) of the Act in the **Federal Register** on July 16, 1992 (57 FR 31576). Ferroalloys production is one of the 174 categories of sources listed. The category, as initially defined, consisted of any facility engaged in producing ferroalloys

such as ferrosilicon, ferromanganese, and ferrochromium and similarly produced products such as calcium carbide. A preliminary survey of the industry revealed the presence of 18 ferroalloys facilities producing ferronickel and related products such as silicon metal and calcium carbide in addition to the products listed above. The 1992 listing was based on the Administrator's determination that ferroalloys production facilities may reasonably be anticipated to emit several of the 188 listed HAP in quantities sufficient to designate them as major sources. Major sources are defined in the Act as those sources that emit or have the potential to emit, considering controls, greater than 9.1 Mg/yr (10 tpy) of a single HAP or greater than 22.7 Mg/yr (25 tpy) of a combination of HAP (section 112(a)(1)).

Ferroalloys production facilities emit several of the HAP listed in section 112(b) of the Act. For example, the Agency has determined that polynuclear aromatic hydrocarbons (PAH), which are a surrogate for polycyclic organic matter (POM), are emitted from ferroalloy facilities. However, estimated quantities from the entire industry are 0.26 tons per year to 0.56 tons per year, depending on the number of PAH compounds included in the estimate.

Metallic HAP such as arsenic, chromium, manganese, nickel, lead, antimony, cadmium, mercury, selenium, and cobalt are also emitted. However, at most ferroalloy facilities these emissions are the result of metals present in trace quantities in raw materials, and the sources do not emit major source quantities. For these sources, potential HAP emissions per facility were estimated to range from 40 pounds per year up to 11 tons per year, which are all below major source thresholds.

However, at facilities that produce products containing a metallic HAP as a major constituent of the final product, HAP emissions approach or exceed major source thresholds. One facility, the only existing ferrochromium producer, has certified in its Title V permit application that its potential emissions are below major source thresholds. Both the State and EPA have reviewed the supporting calculations, and concur with the facility's conclusion. The only other domestic producers of products containing HAP as a major constituent (i.e., the production of ferronickel at Glenbrook Nickel and the production of ferromanganese, silicomanganese, and, potentially, ferrochromium at Elkem Marietta) have a potential to emit, and actually do emit, at levels above the

major source thresholds. Therefore, the proposed standards will limit metallic HAP (and PM (most of which are less than 1.5 microns in diameter)) emissions from existing and new and reconstructed ferronickel production facilities and ferromanganese, silicomanganese, and ferrochromium production facilities.

#### B. Selection of Affected Sources

For the purpose of implementing a NESHAP, an affected source is defined to mean the stationary source, group of stationary sources, or portion of a stationary source that is regulated by a relevant standard or other requirement established under section 112 of the Act. Each relevant standard is to designate the affected source for the purpose of implementing that standard. Within a source category, the EPA selects the emission sources (i.e., emission points or groupings of emission points) for which emission standards and other requirements are to be established according to the statutory directives set out in section 112. In selecting the specific emission sources requiring the development of air standards, primary consideration is given to the constituent HAP and quantity emitted from individual or groups of emission points.

In selecting the affected sources for both the Ferronickel rule and the Ferromanganese rule, the EPA sought to identify the HAP-emitting operations at each of the existing facilities. At the ferronickel facility, these operations consist of ferronickel ore processing, calcining and the ferronickel electric arc melt furnaces, the ferronickel refining furnaces, and fugitive dust sources. These operations comprise the collection of affected sources for the Ferronickel rule. The proposed standards for new, reconstructed, and existing sources would apply to these operations.

The operations at the Elkem Marietta plant can be divided into two areas. One area contains operations related to the production of silicomanganese and ferromanganese alloys in the three operating submerged arc furnaces, is physically located on the south side of the facility, and emits over 99 percent of the HAP emissions at the facility. These HAP-emitting operations consist of the ferroalloy submerged arc furnaces, the MOR process, crushing and screening operations, and fugitive dust sources. These operations comprise the collection of affected sources for the Ferromanganese rule. The proposed standards for new, reconstructed, and existing sources would apply to these operations.

Under the proposed Ferronickel rule, new or reconstructed sources are subject to the same emission limits as existing sources. This is because new source and existing source MACT are the same. However, under the proposed Ferromanganese rule, new or reconstructed open submerged arc furnaces, semi-closed submerged arc furnaces, MOR processes, and crushing and screening operations would be subject to more stringent standards (e.g., new source MACT) than existing sources. As described in the proposed emission standards, the construction or reconstruction of any one of these operations would trigger the applicability of new source MACT on that emission unit. The remaining affected sources at the facility would continue to be subject to existing source MACT.

Other operations at Elkem Marietta, which are all located on the north side of the plant, include a Simplex<sup>®</sup> process, which uses a low-pressure vacuum furnace to remove impurities from briquettes to produce low carbon ferrochrome, high chromium ferrochrome, and nitrided ferromanganese products. Elkem Marietta also operates a briquetting operation that produces several types of specialty products including low carbon ferrochrome, vacuum grade electrolytic chromium, manganese nitride, and aluminum alloy briquettes. Finally, Elkem Marietta also operates two electrolytic processes, manganese metal and chromium metal, along with their associated acid waste treatment system. While these other operations emit some HAP, their combined emissions are only 0.19 percent of total actual emissions, which represents fewer than 800 pounds per year. Another way of viewing the relative impact of the other operations' emission potential is that they only represent 4 percent of the ferroalloy submerged arc furnace mass production capacity. The limited HAP emitting potential of these sources has led the EPA to exclude them from the proposed affected source definition for the Ferromanganese rule.

#### C. Selection of Basis and Level for the Proposed Standards for Existing and New Sources

##### 1. Background

In general terms, ferroalloys production consists of charging the electric arc furnace (EAF) with raw materials, smelting the ores, and tapping or pouring the molten product. Other emission sources relate to raw material and product handling (e.g., crushing and screening operations). However,

there are three operations that occur only at the ferronickel production facility. The first operation consists of an ore dryer followed by rotary kiln calciners to remove water from the ore and increase the nickel and carbon content of the ore. The second operation is that of hot ore transfer. After calcining, the hot ore is transferred by inclined hoists to hot ore bins, from which it is batch fed to the open arc melt EAF. Finally, ladle treatment, which is where the ferronickel reaction occurs, is the third operation that is unique to ferronickel production. Because of these process differences, and the impact they have on control equipment configurations at the two facilities, the EPA proposes to regulate emissions from ferronickel processing separately from emissions from ferromanganese, silicomanganese, and ferrochromium processing.

##### 2. Selection of MACT

Because there are only two existing major sources in the source category, and the EPA has determined that it is appropriate to distinguish between them, the MACT floor for existing sources for each facility type is based on current emissions control practices at each individual facility.

There are no viable, cost-effective beyond-the-floor options for the control devices already employed at Glenbrook Nickel. Therefore, the existing emission controls represent MACT for both new and existing sources.

With the exception of fugitive dust sources, all of the emission units at Glenbrook Nickel are currently controlled with baghouses or a scrubber (in the case of the ore dryer). These emission units can be further grouped as (1) the baghouses controlling emissions from the combined calciners and ferronickel electric arc melt furnaces, (2) ferronickel ore processing, which consists of the ore dryer, crushing and screening operations, ore storage bins, and hot ore transfer, and (3) the ferronickel refining furnaces. The baghouses serving the combined calciners and ferronickel electric arc melt furnaces emit over 90 percent of the stationary source PM emissions within the affected facility. The remaining 8 percent of emissions are spread over 14 individual stationary sources and comprise fewer than 32 lb/hour of PM and 0.8 lb/hour of nickel compounds on average.

In the case of Elkem Marietta, the controls (e.g., scrubbers) in place on the furnaces represent good air pollution control practices. While the installation of new baghouses represents a beyond-the-floor option, the costs of the

wholesale replacement of functioning control devices is not justified. For example, the cost effectiveness of replacing both of the scrubbers controlling open furnace emissions at the Elkem Marietta facility is \$29 thousand per ton of HAP emissions reduced, based on the annualized cost of the new baghouses. Therefore, the MACT floor for existing sources is selected as the MACT for the Ferromanganese rule. However, the owner or operator of a new or reconstructed ferromanganese, silicomanganese, or ferrochromium electric arc furnace would be expected to install a baghouse, which represents the MACT level of technology for new sources, because it is technically and economically feasible for new sources.

The EPA has considerable experience in developing new source performance standards (NSPS) for similar sources (part 60, subpart N Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for which Construction or Reconstruction Commenced after June 11, 1973 and part 60, subpart LL Standards of Performance for Metallic Mineral Processing Plants.) As a result of this experience, the EPA believes that new, state-of-the-art baghouses are capable of achieving greater levels of emissions reductions than are currently permitted for the Elkem Marietta MOR process and the crushing and screening operations. Therefore, new source MACT for these emission units is represented by the performance that should be achievable by new baghouses.

Fugitive dust emissions at existing ferroalloy facilities (including Glenbrook Nickel and Elkem Marietta) are controlled by using a variety of different methods. Not all facilities control the same sources or use the same type of control. The fugitive dust control measures used at a given facility vary depending on the dust controls required by the facility's State air permit and the facility owner's preferences and policies regarding fugitive dust control. These controls can range from daily water spraying of plant roads and outdoor storage piles to enclosure and venting of the source to a control device. No specific group of fugitive dust control measures could be identified that reflected an average emission limitation for the existing facilities. The EPA decided to propose that the MACT floor for fugitive dust sources is to develop and implement a site-specific set of fugitive dust control measures to be implemented according to a written plan. No best-controlled fugitive dust sources could be identified by the EPA. Therefore, the proposed new source

MACT floor is the same as the existing source MACT floor for fugitive dust sources. For these reasons, the EPA proposes that the MACT floor should equal MACT.

#### *D. Selection of Format*

Section 112 of the Act requires the Administrator to prescribe emission control standards for HAP control unless, in the Administrator's judgement, it is not feasible to prescribe or enforce emission standards. Section 112(h) defines two conditions under which it is not feasible to prescribe or enforce emission standards: (1) If the HAP cannot be emitted through a conveyance device designed and constructed to emit or capture the HAP, and (2) if the application of a measurement methodology to a particular class of sources is not practicable because of technological or economic limitations. If it is not feasible to prescribe or enforce emission standards, then the Administrator may instead promulgate equipment, work practice, design, or operational standards, or a combination thereof.

For the Ferronickel rule, an emission standard is feasible for the controlled emission sources at the facility. The EPA considered both a mass concentration (mg/dscm (gr/dscf)) format and various process emission rate formats. Although the process emission rate formats had the advantage of being consistent with the source's existing permit conditions, this approach seemed unnecessarily complex for purposes of the MACT standards. Instead, the EPA selected an outlet concentration format because it represents a direct measure of compliance and is consistent with other similar standards in the metallurgical industry.

The EPA chose to establish the emission limitation using PM emissions as a surrogate for the primary HAP, which is nickel. The main reason is that the facility faces differences in the incoming grades of nickel, and emissions can vary depending on the nickel content of the ore. A PM standard overcomes this variability. In addition, the metallic HAP to be controlled by the proposed standards, i.e., nickel, is a component of the total PM released by the emission sources at the facility. Control of PM results in control of nickel.

The EPA selected an opacity standard for the air pollution control devices serving the existing calciners and ferronickel electric arc melt furnaces. The need for this limit was driven by the fact that an opacity limit represents the best means for allowing ongoing

compliance determinations from these air pollution control devices. As they are presently configured, these devices are known to consistently emit visible emissions, so a monitoring requirement based on the baseline assumption of no visible emissions is not appropriate. The proposed opacity standard is also consistent with the facility's Title V operating permit conditions for these sources.

The EPA also proposes to establish an opacity standard for the smelter building housing the ferronickel EAF. The limit on smelter building opacity is a means of ensuring that the facility operates and maintains good capture systems on the furnaces to reduce fugitive HAP emissions.

The third standard proposed is a work practice standard on fugitive dust sources within the plant, which include plant roadways, yard areas, and outdoor material storage and transfer operations. Work practices are required because it is not feasible to prescribe or enforce emission standards for these sources. The inherent mechanisms by which pollutants are emitted from fugitive dust sources prevents the application of batch stack sampling methods to measure the level of the emissions from these sources. It is not feasible to capture the emissions and subsequently discharge these emissions through a duct or other conveyance to a control device. Therefore, as allowed under section 112(h) of the Act, the EPA decided to use a work practice format for the proposed standards for fugitive sources.

The proposed standards would require the owner or operator to implement appropriate work practice control measures specific to the types of fugitive dust sources at a facility. For many fugitive dust sources there are several equivalent control measures available for controlling fugitive dust emissions from a particular type of source. Therefore, the standard for each affected owner or operator to develop and implement a site-specific fugitive dust control plan is being proposed rather than the EPA establishing the specific individual work practices that all owners and operators must use. The EPA believes that flexibility provided to the owner and operator by the site-specific approach is needed because the best fugitive dust control options for a given facility are determined by the physical layout of the facility, the types of fugitive dust sources, and the control measures that are already being implemented. These factors vary significantly from facility to facility.

An emission standard is feasible for the controlled emission sources at

ferromanganese, silicomanganese, ferrochromium production facilities. The selection of specific formats was driven in part by the body of data available to establish the standard and existing permit conditions. As discussed in section VII.E. of this preamble, there are numerous emission tests on the control devices serving the three existing furnaces at the Elkem Marietta facility. Because these tests were conducted to demonstrate compliance with State PM limits, most of the tests do not provide HAP emissions data. This lack of HAP data combined with the fact that variations in ore grade can affect HAP emissions, has led EPA to propose PM standards as a surrogate for HAP. In addition, the metallic HAP to be controlled by the proposed standard, i.e., manganese and chromium, is a component of the total PM released by the emission sources at the facility. Therefore, control of PM results in control of metallic HAP.

An analysis of these test data has led EPA to propose a standard for the control devices serving the ferroalloy submerged arc furnaces in units of kg/hr/MW. An advantage of this format is that it allows the source to determine compliance on the basis of combined emission streams from the affected furnaces. For example, the semi-closed submerged arc furnace is equipped with four draft stacks. The EPA is proposing a standard for the combined emissions from these stacks, which offers some flexibility in the compliance determination, because higher than "normal" emissions from one stack could be offset by lower emissions in another stack. Similarly, the open submerged arc furnaces would be subject to a standard for combined primary emissions from the furnace surface and tapping emissions. The other advantage of this format is that power consumption is a function of production and is related to emission rates. The plant continuously monitors power consumption, so this data should be readily available. Another advantage to this format is that it is consistent with the ferroalloys NSPS (part 60, subpart Z), and is widely accepted by the industry.

An emission limit in mg/dscm (gr/dscf) is proposed for the MOR process and the crushing and screening operation air pollution control devices. As discussed in section VII.E. of this preamble, there are only limited data available on the actual performance of these control devices. This selected format reflects existing permit conditions and engineering judgement that well operated and maintained

sources are capable of achieving these limits on a continuous basis.

The EPA also proposes to establish opacity standards for the shop buildings housing the ferroalloy submerged arc furnaces. The limits on shop building opacity will ensure that the facility operates and maintains good capture systems on the furnaces to reduce fugitive HAP emissions.

The third standard proposed for the Ferromanganese rule is a work practice standard on fugitive dust sources within the plant, which include plant roadways, yard areas, and outdoor material storage and transfer operations. Work practices are required because it is not feasible to prescribe or enforce emission standards for these sources. The inherent mechanisms by which pollutants are emitted from fugitive dust sources prevents the application of batch stack sampling methods to measure the level of the emissions from these sources. It is not feasible to capture the emissions and subsequently discharge these emissions through a duct or other conveyance to a control device. Therefore, as allowed under section 112(h) of the Act, the EPA decided to use a work practice format for the proposed standards for fugitive sources.

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#### *E. Selection of Emission Limits*

As discussed, each plant's existing emission controls represent the MACT floor for each of the facility types. Therefore, the EPA reviewed the test data available on the emission control devices at each of the plants. In most cases, the performance measured in the body of emission tests showed that the

sources were routinely achieving levels of performance better than their currently permitted emission limits for PM. The EPA determined that the HAP emission limits should reflect these actual performance capabilities, and is proposing standards on this basis.

#### *1. Ferronickel Rule Emission Limits*

At Glenbrook Nickel, the body of test data is clouded by two factors. One factor is that control device configurations have changed significantly over the years, and the majority of the historical test data are not representative of current operating conditions. Another factor is that, except for the two most recent tests, the outlet air flow rates on the positive pressure baghouses were improperly calculated, leading to erroneously low emission rates. Therefore, the plant agreed to undertake a comprehensive test program of all of the control devices serving affected emission units to obtain up-to-date measures of performance. The test program occurred in July 1997. Since that time, the plant has upgraded both of the baghouses serving the combined calciner and ferronickel electric arc melt furnaces by replacing the fabric filter bags. Both the plant and the EPA would expect the performance of the baghouses to improve after the upgrade, perhaps substantially. However, confirming test data are not available at this time and may not be available prior to promulgation of the final rule.

The July 1997 test results revealed good overall performance of the control devices associated with the ferronickel ore processing operation. The EPA intends to base the proposed emission limit for ferronickel ore processing at a level that reflects the overall performance of these sources, which is 69 mg/dscm (0.03 gr/dscf). The proposed emission limit would be calculated as a weighted average based on the combined mass emission rates of all streams divided by the total air flow rates of the combined streams. The emission limit would result in the same level of control that would be achieved by applying individual emission limits on each piece of equipment without resulting in unnecessary replacement of individual controls with no additional environmental benefit. In addition, the emission characteristics of the group of sources are similar, if not identical, because all of the units are handling similar materials, i.e., nickel ore. Finally, the proposed level of control is consistent with the proposed level of control for similar ore handling equipment at Elkem Marietta.

The EPA also considered the July 1997 test results in establishing the proposed emission limit for the ferronickel refining furnaces. The EPA proposes to set the emission limit at 2.3 mg/dscm (0.001 gr/dscf), which reflects the highest outlet concentration recorded on the six test runs (3 runs for each control device). These units are unique in the industry and their actual performance reflects MACT. Because of the limited test data available, (data from 1996 was determined to reflect less optimal operation and maintenance of the control devices), the EPA is proposing to base the standards on the highest reported concentration to address the possibility of variability in performance.

The July 1997 test results on the baghouses controlling the combined calciner and ferronickel electric arc melt furnace emissions indicated a level of performance that is not an acceptable basis for the MACT standard (outlet concentrations of 120 to 180 mg/dscm (0.052 to 0.080 gr/dscf)). Therefore, the EPA proposes to set an emission limit on each baghouse that reflects the anticipated performance achievable by MACT level performance on other similar units. The EPA considered several sources of information to establish the proposed limit. For the calciners, the EPA looked to the performance required by the NSPS for calciners and dryers, subpart UUU in 40 CFR part 60, which is 92 mg/dscm (0.040 gr/dscf). For the furnaces, the EPA considered the NSPS for electric arc furnaces, subpart AA in 40 CFR part 60, which establishes furnace outlet concentration limits at 12 mg/dscm (0.0052 gr/dscf), and the NSPS for basic oxygen process furnaces, subpart N in 40 CFR part 60, which establishes furnace outlet concentration limits at 50 mg/dscm (0.022 gr/dscf). Also, the EPA considered the performance of other large positive pressure baghouses serving electric arc furnaces producing ferrosilicon and silicon metal, which use many of the same raw materials (coal, woodchips, silicon, metallic ore) as do the ferronickel furnaces. Based on data gathered during a 1993-1994 test program conducted by the industry, the top five performing baghouses are capable of achieving performance levels of 5 to 14 mg/dscm (0.0022 to 0.006 gr/dscf). (A summary of these test results are in the project docket number A-92-59.)

When these emission rates are weighted by the relative air flows between the calciners (15 percent) and the ferronickel electric arc melt furnaces (85 percent) at Glenbrook Nickel, an overall performance level of 57 mg/

dscm (0.025 gr/dscf) is indicated if the furnace factor analogous to the NSPS for basic oxygen furnaces is selected. However, if a furnace factor represented by the performance of air pollution control devices on electric arc furnaces subject to the NSPS or to other ferroalloy furnaces is selected (14 mg/dscm (0.006 gr/dscf)) is selected, then an overall level of performance of 25 mg/dscm (0.011 gr/dscf) is indicated. The EPA believes that the MACT level of performance lies between these two values, and is probably better represented by the data from existing ferroalloy furnaces. Therefore, the EPA proposes an emission limit of 34 mg/dscm (0.015 gr/dscf).

As noted above, the plant has upgraded the affected baghouses by replacing the fabric filter bags. Should test data confirming the performance of these bags become available prior to promulgation of the final rule, the EPA would consider these data in setting the final standard.

The EPA selected 20 percent opacity as the standard for the smelter building. This limit is based on the limit required in the source's Title V permit and is representative of good performance.

Because of the unique nature of the ferronickel production process, there are no data on which to base a MACT determination for new sources that differs from the existing source determination. Therefore, MACT for existing sources is equivalent to MACT for new sources.

## 2. Ferromanganese, Silicomanganese, and Ferrochromium Standard Emission Limits

As discussed in the previous section, the majority of available test data from the Elkem Marietta facility is for the control devices serving the three submerged arc furnaces. These data were used to establish the emission limits for these sources. Because of its unique configuration, the data from the semi-closed submerged arc furnace were evaluated separately. The data from four compliance tests on this furnace were considered. Data from four additional tests were excluded from consideration. One test was excluded because the pressure drops measured during the test indicated abnormal operation of the control device (a scrubber). Three other tests were excluded because they were not conducted using certified EPA methods.

In order to monitor performance of the scrubber serving the semi-closed submerged arc furnace, the EPA decided to separate the emission limit on the scrubber from the limit on the uncontrolled vent stacks. The maximum

scrubber emissions from the test data was 0.04 kg/hr/MW (0.09 lb/hr/MW). The maximum total emissions from the four vent stacks were 0.67 kg/hr/MW (1.48 lb/hr/MW). The EPA believes these data represent the expected variability of the emission sources. These limits are the proposed MACT for the semi-closed submerged arc furnace.

The remaining two open submerged arc furnaces are similar in design, and both primary and tapping emissions are controlled. Fourteen compliance tests comprise the body of available test data over the last seven years. The maximum combined primary and tapping emissions from either of the furnaces was determined to be 0.51 kg/hr/MW (1.13 lb/hr/MW), which the EPA selected as the MACT emission limit. This value represents the normal variability in emissions from these sources.

The EPA also considered whether new source MACT for an affected open submerged arc furnace should be more stringent (no new or reconstructed semi-closed submerged arc furnaces are currently anticipated). In the absence of recent test data on new, state-of-the-art ferromanganese, silicomanganese, or ferrochromium submerged arc furnaces, the EPA chose to draw on the fact that the existing NSPS for ferroalloy production facilities would require a new ferroalloy submerged arc furnace producing these products to meet an emission limit on the combined primary emissions and tapping emissions stream of 0.23 kg/hr/MW (0.51 lb/hr/MW). This limit is proposed as new source MACT.

There are no reliable data on the MOR process baghouse and the crushing and screening baghouses, because the facility is not required to test them in order to satisfy existing permit conditions. In the absence of these data, the EPA selected the existing permit requirements limiting emissions to 69 mg/dscm (0.03 gr/dscf) on several of the existing control devices as representative of MACT performance. Permit requirements also included process weight rate limitations, but because of the extremely generic nature of these limitations and the lack of an equipment specific correlation to actual performance, the EPA did not consider these in selecting the MACT floor.

For new or reconstructed MOR processes or the equipment associated with the crushing and screening operation, the EPA believes that new source MACT is represented by the NSPS for similar sources. For example, the part 60, subpart N Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for which Construction or Reconstruction

Commenced after June 11, 1973, limits PM emissions to the equivalent of 50 mg/dscm (0.022 gr/dscf). A basic oxygen process furnaces melts metallic materials in a vessel where oxygen rich gas is introduced. The EPA believes that a new or reconstructed MOR process should be capable of meeting this level of emissions reduction as well. Similarly, the EPA believes that new source MACT emission limits for equipment associated with the crushing and screening operation should be capable of meeting the limits specified in the part 60, subpart LL Standards of Performance for Metallic Mineral Processing Plants. The NSPS limits crusher PM emissions to the equivalent of 50 mg/dscm (0.022 gr/dscf). Therefore, new source MACT limits of 50 mg/dscm (0.022 gr/dscf) are proposed for the MOR process and for individual equipment associated with the crushing and screening operation.

The EPA selected 20 percent opacity as the standard for the shop buildings housing the open submerged arc furnaces. For the shop building housing the semi-closed submerged arc furnace, the EPA selected a 20 percent opacity limit, with the allowance for "excursions" of up to 60 percent opacity for not more than one distinct six-minute period in any sixty minutes. The shop opacity limits are based on the limits required in the source's existing operating permits, are representative of good performance for existing sources, and address the unique configuration of the semi-closed furnace.

#### *F. Selection of Monitoring Requirements*

##### **1. Ferronickel Rule Monitoring Requirements**

The proposed monitoring requirements for the emission limit standard are dependent on the type of air pollution control device used. For the majority of baghouses, the EPA proposes to require the owner or operator to monitor for the presence of visible emissions on a daily basis combined with regular monitoring and maintenance of the baghouse operation. This approach is consistent with the source's overall monitoring requirements established in the Title V permit and will provide sufficient information for enforcement and compliance assurance.

As discussed earlier, the EPA also proposes the application of weekday opacity observations for the baghouses serving the existing calciners and ferronickel electric arc melt furnaces based on the presence of frequent visible emissions. The use of continuous opacity monitors requires an outlet

stack to function and are not feasible for the positive pressure baghouses controlling these sources. At Glenbrook Nickel, as in many other applications of the positive pressure baghouse technology, emissions are discharged through roof monitors rather than through discrete stacks.

Finally, new baghouses meeting the criteria for implementation of bag leak detection systems (i.e., negative pressure baghouses or positive pressure baghouses equipped with a stack), would be required to be equipped with such systems. Bag leak detection is a cost-effective option that results in real time monitoring to detect changes in particle mass loading to identify upset conditions within the baghouse (e.g., torn bags). In combination with the required maintenance and corrective action plan for the baghouse, the EPA believes that this technology will ensure ongoing compliance with the standard.

The Glenbrook Nickel facility also operates a scrubber on the ore dryer. The correlation between scrubber performance and pressure drop has been well established by EPA in the past. This, combined with the fact that pressure monitors can easily be installed on the scrubber, means this monitoring option is viable for the source and is proposed as a monitoring requirement in the proposed rule.

The smelter building opacity monitoring requirements would allow the source to either (1) check and record the control system fan motor amperes and damper positions on a once-per-shift basis, (2) install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood, or (3) install, calibrate, and maintain a monitoring device that continuously records the total volumetric flow rate at the inlet to the air pollution control device and check and record damper positions on a once-per-shift basis. These options would require the source to have established the appropriate monitoring parameter envelope during the compliance test showing that the overall system is in compliance with the emission limits prescribed by the standards. These options represent valid monitoring parameters, and have been used in a variety of Federal rules, including the NSPS for Steel Mills (40 CFR part 60, subpart AA and subpart AAa).

##### **2. Ferromanganese Rule Monitoring Requirements**

The proposed monitoring requirements for the Ferromanganese rule emission limits are dependent on the type of air pollution control device

used. For existing baghouses, the EPA proposes to require the owner or operator to monitor for the presence of visible emissions on a daily basis combined with regular monitoring and maintenance of the baghouse operation. Elkem Marietta personnel have indicated that their baghouses routinely emit zero visible emissions. Therefore, a monitoring requirement based on an assumption of no routine visible emissions is appropriate for all of the affected baghouses.

New baghouses meeting the criteria for implementation of bag leak detection systems (i.e., negative pressure baghouses or positive pressure baghouses equipped with a stack), would be required to be equipped with such systems. Bag leak detection is a cost-effective option that results in real time monitoring to detect changes in particle mass loading to identify upset conditions within the baghouse (e.g., torn bags). In combination with the required maintenance and corrective action plan for the baghouse, the EPA believes that this technology will ensure ongoing compliance with the standard.

Elkem Marietta operates scrubbers on the ferroalloy electric arc furnaces. The correlation between scrubber performance and pressure drop has been well established by EPA in the past. This, combined with the fact that pressure monitors can easily be installed, means this monitoring option is viable for the source and is proposed as a monitoring requirement in the proposed rule.

The shop building opacity monitoring requirements would allow the source to either (1) check and record the control system fan motor amperes and damper positions on a once-per-shift basis, (2) install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood, or (3) install, calibrate, and maintain a monitoring device that continuously records the total volumetric flow rate at the inlet to the air pollution control device and check and record damper positions on a once-per-shift basis. These options would require the source to have established the appropriate monitoring parameter envelope during the compliance test showing that the overall system is in compliance with the emission limits prescribed by the standards. These options represent valid monitoring parameters, and have been used in a variety of Federal rules, including the NSPS for Steel Mills (40 CFR part 60, subpart AA and subpart AAa).

### G. Selection of Test Methods

The proposed NESHAP would require an initial performance test to determine compliance. The initial test would consist of emission testing of exhaust gases from air pollution control devices and vent stacks serving the affected emission units. In addition, at Glenbrook Nickel, these tests should be repeated at least once per permit term, i.e., every 5 years. Annual performance testing at both facilities would be limited to the emissions sources that result in the largest quantity of HAP emissions, that is the ferroalloy submerged arc furnaces at Elkem Marietta and the combined ferronickel electric arc melt furnace/calciners at Glenbrook Nickel. This testing frequency is consistent with each facility's current permit requirements and ensures that the performance of air pollution control devices on the significant HAP sources remains high.

Standard EPA particulate test methods, as described in section IV.C. of this preamble, would be used to obtain the needed methods. Opacity observations would be conducted using Method 9.

The EPA also proposes to incorporate the State of Oregon Department of Environmental Quality Source Sampling Method 8, Sampling Particulate Emissions from Stationary Sources (High Volume Method), as an optional alternative in the Ferronickel rule to the use of EPA Method 5 on negative pressure baghouses. The use of this method would be consistent with Glenbrook Nickel's Title V permit and offers advantages in reduced sampling time for sources with low grain loadings and better sampling access in some cases. The use of this rule would be limited to ferronickel sources located in the State of Oregon.

In a recent separate rulemaking (published in the **Federal Register** on August 27, 1997 at page 45369), the EPA proposed changes to Method 5D for positive pressure baghouses that are not equipped with outlet stacks. The proposed amendment would change the outlet volumetric flow rate calculation procedure to be used in those cases where the outlet measurement site(s) velocity is too low to accurately measure using a type S pitot. Originally the method instructed testers to close up all leaks, measure the inlet volume, and assume that the outlet volume was the same as the inlet. Many people have told EPA that this was not practical. The proposed change is based on the assumption that differences between the average fabric filter gas inlet and outlet temperatures are due to cooling with

ambient air. This information on temperature differences can be used to calculate the outlet volume.

A copy of the proposed Method 5D is available on the Emission Measurement Center (EMC) home page (<http://www.epa.gov/oar/oaqps/emc>) by choosing "test methods", then "proposed", then "EPA Methods (New EMMC Format)". For those already familiar with the EMTIC home page under the TTN electronic umbrella, the files can be similarly obtained via that electronic route. (<http://www.epa.gov/ttn>), then choose "Directory of TTN Sites", then "EMTIC", then "Proposed Methods", then "EPA Methods (New EMMC Format)".

### H. Selection of Notification, Reporting and Recordkeeping Requirements

The proposed rules require the owner or operator to comply with the notification, recordkeeping, and reporting requirements in the General Provisions.

In addition, the rules establish subpart-specific reporting and recordkeeping requirements needed to ensure compliance with rule-specific requirements. For example, sources must submit baghouse monitoring reports, fugitive dust control reports, and capture system monitoring reports. Similarly, the sources must also retain a copy of the written maintenance plan for each emission control device, a copy of the fugitive dust control plan, and records of each maintenance inspection and repair, replacement, or other corrective action.

### I. Solicitation of Comments

The EPA seeks full public participation in arriving at its final decisions, and strongly encourages comments on all aspects of this proposal from all interested parties. Whenever applicable, full supporting data and detailed analyses should be submitted to allow the EPA to make maximum use of the comments. All comments should be directed to the Air and Radiation Docket and Information Center, Docket No. A-92-59 (see **ADDRESSES**). Comments on this notice must be submitted on or before the date specified in **DATES**.

Commenters wishing to submit proprietary information for consideration should clearly distinguish such information from other comments, and clearly label it "Confidential Business Information" (CBI). Send submissions containing such proprietary information directly to the following address to ensure that proprietary information is not inadvertently placed in the docket:

Attention: Conrad Chin, c/o Ms. Melva Toomer, U.S. EPA Confidential Business Information Manager, OAQPS (MD-13); Research Triangle Park, North Carolina, 27711. Do not send CBI to the public docket or through e-mail. The EPA will disclose information covered by a claim of confidentiality only to the extent allowed and by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by the EPA, it may be made available to the public without further notice to the commenter.

## VIII. Administrative Requirements

### A. Docket

The docket is an organized and complete file of all the information considered by the EPA in the development of this rulemaking. The docket is a dynamic file, because material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the Act.)

### B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must submit to OMB for review significant regulatory actions. The Executive Order defines "significant regulatory action" as one that OMB determines is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Because the proposed rules will only affect two existing facilities, the projected nationwide economic impacts are estimated to be far less than \$100 million. Furthermore, because the

proposed rules result in the codification of existing controls and practices, no significant adverse effects to the facilities are anticipated. Under Executive Order 12866, this action is not a significant regulatory action, and is, therefore, not subject to review by OMB.

#### *C. Enhancing the Intergovernmental Partnership Under Executive Order 12875*

In compliance with Executive Order 12875, EPA has involved State governments in the development of the proposed rule. Although this proposal does not impose requirements on State, local, or tribal governments, these entities will be required to implement the rule by incorporating the rule into permits and enforcing the rule upon delegation. They will collect permit fees that will be used to offset the resource burden of implementing the rule. Comments have been solicited from State partners and have been carefully considered in the rule development process. In addition, all State, local, and tribal governments and other representatives are encouraged to comment on this proposed rule during the public comment period, and the EPA intends to fully consider these comments in the development of the final rule.

#### *D. Unfunded Mandates Reform Act*

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of more than \$100 million in any one year. Section 203 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Because this proposed rule, if promulgated, does not include a Federal mandate and is estimated to result in the expenditure by State, local, and tribal governments or the private sector of significantly less than \$100 million in any one year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. In addition, because small governments will not be significantly or uniquely affected by this rule, the Agency is not required to develop a plan with regard to small governments. Therefore, the

requirements of the UMRA do not apply to this action.

#### *E. Regulatory Flexibility*

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small business, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule would not have a significant impact on a substantial number of small entities because it only applies currently to two sources, neither of which is a small business. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

#### *F. Paperwork Reduction Act*

Information collection requirements associated with the proposed standards (those included in 40 CFR part 63, subpart A and subpart XXX) have been submitted to the OMB for approval under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 1831), and a copy may be obtained from Sandy Farmer, OPPE, Regulatory Information Division, U.S. Environmental Protection Agency (2136), 401 M Street, SW, Washington, DC 20460, or by calling (202)260-2740.

The total 3-year monitoring, recordkeeping, and reporting burden for this collection is estimated at 5,052 labor hours at a total cost of \$140,626 for the two facilities, and the annual average burden is 1,684 labor hours and \$46,875 for the two facilities. This estimate includes a one-time performance test and report; subsequent performance tests and reports for some sources; semiannual reports when the procedures in a startup, shutdown, and malfunction plan were not followed; quarterly and semiannual excess emissions reports; maintenance inspections; notifications; and recordkeeping. There are no separate capital/startup costs associated with the proposed rules.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose, or provide information to or for a Federal Agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying

information; processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to respond to a collection of information; search existing data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M Street SW, Washington, DC 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, marked "Attention: Desk Office for EPA." Include the EPA ICR number in any correspondence. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

#### *G. Protection of Children From Environmental Health Risks and Safety Risk Under Executive Order 13045*

The Executive Order 13045 applies to any rule that (1) OMB determines is "economically significant" as defined under Executive Order 12866, and (2) EPA determines the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety aspects of the planned rule on children; and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The proposed rule is not subject to Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), because it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.



### H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) directs all Federal agencies to use voluntary consensus standards instead of government-unique standards in their regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling and analytical procedures, business practices, etc.) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the National Fire Protection Association (NFPA), and the Society of Automotive Engineers (SAE). The NTTAA requires Federal agencies like EPA to provide Congress, through OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards.

This action does not involve the proposal of any new technical standards. It does, however, incorporate by reference existing technical standards. Incorporated are longstanding EPA Reference test methods and procedures for demonstrating compliance with particulate standards and opacity standards, specifically EPA test methods 1 through 5 and 9, as codified under 40 CFR 60, Appendix A. Consequently, the Agency searched for voluntary consensus standards that might be applicable. The search was conducted through the National Standards System Network (NSSN), an automated service provided by the American National Standards Institute (ANSI) for identifying available national and international standards. The search identified no applicable standards. Therefore, the EPA proposes to use the government-unique technical standards cited above for determining compliance. The EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

As part of a larger effort, the EPA is undertaking a project to cross-reference existing voluntary consensus standards on testing, sampling, and analysis, with current and future EPA test methods. When completed, this project will assist

the EPA in identifying potentially-applicable voluntary consensus standards which can then be evaluated for equivalency and applicability in determining compliance with future regulations.

### IX. Statutory Authority

The statutory authority for this proposal is provided by sections 101, 112, 114, 116, and 301 of the Clean Air Act as amended (42 U.S.C. 7401, 7412, 7414, 7416, and 7601).

### List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Ferroalloys production, Ferromanganese, silicomanganese, and ferrochromium production, Ferronickel production, Reporting and recordkeeping requirements.

Dated: July 23, 1998.

**Carol M. Browner,**  
*Administrator.*

For the reasons set out in the preamble, the U.S. Environmental Protection Agency proposes to amend 40 CFR part 63 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. Part 63 is amended by adding subpart XXX to read as follows:

#### Subpart XXX—National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production

Sec.

##### Ferronickel Production Rule

- 63.1620 Applicability and compliance dates.
- 63.1621 Definitions.
- 63.1622 Standards for new and existing sources.
- 63.1623 Maintenance requirements.
- 63.1624 Compliance demonstrations, performance testing, and test methods.
- 63.1625 Monitoring requirements.
- 63.1626 Notification requirements.
- 63.1627 Reporting requirements.
- 63.1628 Recordkeeping requirements.
- 63.1629 Delegation of authorities.
- 63.1630–63.1649 [Reserved].

##### Ferromanganese, Silicomanganese, Ferrochromium Production Rule

- 63.1650 Applicability and compliance dates.
- 63.1651 Definitions.
- 63.1652 Emission standards for new and existing sources.
- 63.1653 Maintenance requirements.
- 63.1654 Compliance demonstrations, performance testing, and test methods.

- 63.1655 Monitoring requirements.
- 63.1656 Notification requirements.
- 63.1657 Reporting requirements.
- 63.1658 Recordkeeping requirements.
- 63.1659 Delegation of authorities.
- 63.1660–63.1679 [Reserved].

#### Table 1 to Subpart XXX—General Provisions Applicability to Subpart XXX

#### Subpart XXX—National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production

##### Ferronickel Production Rule

#### § 63.1620 Applicability and compliance dates.

(a) The provisions of this subpart apply to all new and existing ferronickel production facilities that are major sources or are co-located at major sources.

(b) For the purpose of implementing this subpart, the affected sources at a ferronickel production facility subject to this subpart are the sources listed in paragraphs (b)(1) through (b)(4) of this section:

- (1) Ferronickel ore processing,
- (2) Calcining and ferronickel electric arc melt furnaces,
- (3) Ferronickel refining furnaces, and
- (4) Fugitive dust sources.

(c) A new affected source is an affected source for which construction or reconstruction commences after August 4, 1998.

(d) Table 1 of this subpart specifies the provisions of subpart A of this part that apply and those that do not apply to owners and operators of ferronickel production facilities subject to this subpart.

(e) Compliance dates: (1) Each owner or operator of an existing affected source shall achieve compliance with the requirements of this subpart no later than [Insert date 2 years from publication of final rule in **Federal Register**.]

(2) Each owner or operator of a new or reconstructed affected source subject to this subpart that commences construction or reconstruction after August 4, 1998 shall achieve compliance with the requirements of this subpart by [Insert date of publication of final rule in **Federal Register**] or upon startup of operations, whichever is later.

#### § 63.1621 Definitions.

Terms in this subpart are defined in the Clean Air Act (the Act), in subpart A of this part, or in this section as follows:

*Bag leak detection system* means an instrument that is capable of monitoring relative particulate matter (dust) loadings in the exhaust of a baghouse in

order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric light scattering, transmittance or other effect to monitor relative particulate matter loadings.

*Calcining* means the use of calciners to reduce the dried and sized ore to less than 4 percent total moisture.

*Capture system* means the equipment (including hoods, ducts, fans, dampers, etc.) used to capture or transport particulate matter generated by an affected ferronickel electric arc furnace.

*Ferronickel* means an alloy consisting of iron and nickel.

*Ferronickel electric arc furnace* means any furnace that produces molten materials and heats the charge materials with electric arcs from carbon electrodes. These furnaces include those used to melt the nickel ore (ferronickel electric arc melt furnaces) or to refine the ferronickel product (ferronickel refining furnaces).

*Ferronickel ore processing* means the following group of emissions sources: Ore dryer, raw material crushing and screening operation, ore storage bins, and hot ore transfer.

*Fugitive dust source* means a stationary source from which nickel-bearing particles are discharged to the atmosphere due to wind or mechanical inducement such as vehicle traffic. Fugitive dust sources include plant roadways, yard areas, and outdoor material storage and transfer operations.

*Hot ore transfer* means the system of skip hoists and skip cars or other means that carry the calcined ore to hoppers above the ferronickel electric arc melt furnaces.

*Ore dryer* means a rotary kiln used to dry mined ore up to 10 percent free moisture.

*Ore storage bins* means the bins used to store the dried ore prior to being calcined.

*Plant roadway* means any area at a ferronickel production facility that is subject to plant mobile equipment, such as fork lifts, front end loaders, or trucks, carrying nickel-bearing materials. Excluded from this definition are employee and visitor parking areas, provided they are not subject to traffic by plant mobile equipment.

*Raw material crushing and screening* means the hoppers, crushers, grinders, mills and/or screens used to crush, size, and prepare ferronickel raw materials for calcining.

*Smelter building* means the building which houses one or more ferronickel electric arc furnaces.

*Weekday opacity observations* means observations conducted using EPA Method 9 once each weekday (Monday

through Friday) of operation, excluding company work holidays.

#### § 63.1622 Standards for new and existing sources.

(a) On and after the date on which the performance test required to be conducted in § 63.7(a) is completed, no owner or operator subject to the provisions of this subpart shall cause:

(1)(i) The emissions of particulate matter from an air pollution control device serving the calciners and ferronickel electric arc melt furnaces to exceed 34 milligrams per dry standard cubic meter (mg/dscm) (0.015 grains per dry standard cubic foot (gr/dscf)).

(ii) The emissions of particulate matter from an air pollution control device serving the ferronickel refining furnaces to exceed 2.3 mg/dscm (0.001 gr/dscf).

(iii) The weighted average emissions of particulate matter from air pollution control devices serving the ferronickel ore processing operation to exceed 69 mg/dscm (0.03 gr/dscf).

(iv) In addition, no owner or operator shall cause the emissions of particulate matter from the air pollution control devices serving existing calciners and ferronickel electric arc melt furnaces to exhibit more than 20 percent opacity.

(2) No owner or operator shall cause the emissions of particulate matter that exit from a smelter building to exhibit more than 20 percent opacity.

(b) Each owner or operator of an affected ferronickel production facility shall prepare and at all times operate according to a fugitive dust control plan in accordance with the requirements specified in paragraphs (b)(1) through (b)(4) of this section.

(1) The fugitive dust control plan shall describe the specific control measures that are used to reduce emissions from the individual fugitive dust sources at the facility. Examples of control measures that may be used include, but are not limited to: Installing an enclosure, installing and operating a local hood capture system vented to a control device, placing stockpiles below grade, installing wind screens or wind fences, using water sprays, applying appropriate dust suppression agents, or any combination of these control measures as appropriate for a given fugitive dust source.

(2) The fugitive dust control plan shall include, at a minimum, a description of the control measures implemented for each of the fugitive dust sources listed in paragraphs (b)(2)(i) through (b)(2)(v) of this section.

(i) Roads or other areas within the plant property boundary used by trucks or other motor vehicles (e.g., front-end

loaders) transporting bulk quantities of fugitive dust materials. Paved roads and areas of the facility that are not used by these vehicles are not required to be included in the plan (e.g., employee and visitor parking lots);

(ii) Operations to unload or load fugitive dust materials from or into trucks or railcars;

(iii) Outdoor piles used to store fugitive dust materials;

(iv) Transfer points in conveying systems used to convey fugitive dust materials. These points include, but are not limited to, those points where the material is transferred from a conveyor belt to a second conveyor belt or discharged from a conveyor to a hopper or bin; and

(v) Other fugitive dust sources at a facility as designated by the Administrator or delegated permitting authority.

(3) The owner or operator shall submit a copy of the fugitive dust control plan to the designated permitting authority on or before the applicable compliance date for the affected source as specified in § 63.1620(e). The requirement for the owner or operator to operate the facility according to a written fugitive dust control plan shall be incorporated in the operating permit for the facility that is issued by the designated permitting authority under part 70 of this chapter.

(4) To satisfy the requirements of this paragraph to develop a fugitive dust control plan, the owner or operator may use the affected source's standard operating procedures (SOP) manual or other plan, provided the alternative plan meets the requirements of this paragraph and is made available for inspection when requested by the Administrator.

#### § 63.1623 Maintenance requirements.

(a) The owner or operator of an affected source shall comply with the requirements of § 63.6(e).

(b)(1) In addition to the requirements specified in paragraph (a) of this section, the owner or operator shall develop and implement a written maintenance plan for each air pollution control device subject to the provisions of this part. The owner or operator shall keep the maintenance plan on record after it is developed to be made available for inspection, upon request, by the Administrator for the life of the air pollution control device or until the affected source is no longer subject to the provisions of this part.

(2) To satisfy the requirements of this paragraph to develop an air pollution control device maintenance plan, the owner or operator may use the affected

source's standard operating procedures (SOP) manual or other plan, provided the alternative plan meets the requirements of this paragraph and is made available for inspection when requested by the Administrator.

(c) The procedures specified in the maintenance plan shall, at a minimum, include a preventive maintenance schedule that is consistent with good air pollution control practices for minimizing emissions and, for baghouses, ensure that the requirements specified in § 63.1625(a) are met.

(d) The owner or operator shall perform monthly operational status inspections of the equipment that is important to the performance of the total capture system (i.e., pressure sensors, dampers, and damper switches). This inspection shall include observations of the physical appearance of the equipment (e.g., presence of holes in ductwork or hoods, flow constrictions caused by dents or accumulated dust in ductwork, and fan erosion). Any deficiencies shall be noted and proper maintenance performed.

**§ 63.1624 Compliance demonstrations, performance testing, and test methods.**

(a) *Compliance demonstration with emission limit standard.* All performance tests shall be conducted according to the requirements in § 63.7.

(1) The owner or operator shall conduct both an initial performance test as well as subsequent performance tests at each renewal of the source's Title V operating permit for all of the air pollution control devices subject to the standards specified in § 63.1622(a)(1) to demonstrate compliance with the applicable emission limit.

(2) The owner or operator shall conduct annual performance tests for the air pollution control devices subject to the standards specified in § 63.1622(a)(1)(i), i.e., those serving the calciners and the ferronickel electric arc melt furnaces.

(3) Following development, and approval, if required, of the site-specific test plan, the owner or operator shall conduct an emission test for each air pollution control device to measure the outlet of the control device to determine compliance with the applicable standard.

(i) Compliance is achieved with the emission limitation specified in § 63.1622(a)(1)(i) and (a)(1)(ii) if the outlet concentration is less than or equal to the applicable emission limitation.

(ii) Compliance is achieved with the emission limitation specified in § 63.1622(a)(1)(iii) for ferronickel ore processing, if the weighted average

outlet concentration from the air pollution control devices serving the ferronickel ore processing operation is less than or equal to 69 mg/dscm (0.03 gr/dscf), using the following equation:

$$C = \frac{\sum_{i=1}^N [M_i]}{\sum_{i=1}^N [Q_i]} * k$$

Where:

C=concentration of particulate matter, mg/dscm (gr/dscf).

N=total number of exhaust streams at which emissions are quantified.

M<sub>i</sub>=mass rate of each emission source, kg/hr (lb/hr).

Q<sub>i</sub>=volumetric flow rate of each emission source, dscm (dscf).

k = a constant.

(5) [Reserved]

(6) If a venturi scrubber is being used to achieve compliance with the emission limits, the owner or operator shall establish as a site-specific operating parameter the average hourly pressure drop across the venturi during the performance test. The pressure drop shall be monitored and recorded at least every 5 minutes during the test.

(i) The owner or operator shall determine the operating parameter monitoring value as the average of the values recorded during each of the three runs constituting the test.

(ii) The owner or operator may augment the data obtained under paragraph (a)(6)(i) of this section by conducting multiple performance tests to establish a range of compliant operating parameter values. The lowest value of this range would be selected as the operating parameter monitoring value. The use of historic compliance data may be used to establish the compliant operating parameter value if the previous values were recorded during the performance tests using the test methods specified in this subpart and established in the manner required in paragraphs (a)(6) and (a)(6)(i) of this section.

(7)(i) Compliance with the applicable emission limit shall be determined by the average of three runs. Each run shall be conducted under conditions that are representative of normal process operations.

(ii) The minimum sampling volume shall be 0.9 dscm (30 dscf), unless Oregon Method 8 (high volume sampler) is used. When Oregon Method 8 is used, the minimum sampling volume shall be 4.2 dscm (150 dscf). Sample times shall be a minimum of 15 minutes for Oregon Method 8 and 60 minutes for all other methods.

(b) *Compliance demonstration with the opacity standard.* (1)(i) The owner or operator shall conduct initial opacity

observations for the air pollution control devices serving the calciners and the ferronickel electric arc melt furnaces subject to the standards specified in § 63.1622(a)(1)(iv) and the smelter building subject to the standards specified in § 63.1622(a)(2) to demonstrate compliance with the applicable opacity limitations according to the requirements in § 63.6(h)(5), conduct of opacity or visible emissions observations.

(ii) In conducting the opacity observations for the smelter building, the observer shall limit his or her field of view to the area of the smelter building roof monitor that corresponds to the placement of the affected ferronickel electric arc furnaces.

(2)(i) When the smelter building opacity observations required by paragraph (b)(1)(i) of this section are conducted, the owner or operator shall establish either the control system fan motor amperes and all damper positions, the total volumetric flow rate to the air pollution control device and all damper positions, or the volumetric flow rate through each separately ducted hood during all periods in which a hood is operated for the purpose of capturing emissions from the ferronickel electric arc furnaces, depending on the parameter to be monitored under the requirements established in § 63.1625(c)(1) or (c)(2).

(ii) The owner or operator may petition the Administrator for reestablishment of these parameters whenever the owner or operator can demonstrate to the Administrator's satisfaction that the ferronickel electric arc furnace operating conditions upon which the parameters were previously established are no longer applicable. The values of these parameters as determined during the most recent demonstration of compliance shall be maintained at the appropriate level for each applicable period.

(3) The owner or operator shall conduct weekday opacity observations for air pollution control devices serving the calciners and ferronickel electric arc melt furnaces subject to the standards specified in § 63.1622(a)(1)(iv) to demonstrate compliance with the applicable opacity limitations according to the requirements in § 63.1625(a)(1).

(c) *Compliance demonstration with the work practice standard.* Failure to have a fugitive dust control plan or failure to report deviations from the plan and take necessary corrective action would be a violation of the general duty to ensure that fugitive dust sources are operated and maintained in a manner consistent with good air

pollution control practices for minimizing emissions per § 63.6(e)(1)(i).

(d) *Test methods.* The following test methods in Appendix A of part 60 of this chapter shall be used to determine compliance with the emission standards.

(1) Method 1 shall be used to select the sampling port location and the number of traverse points.

(2) Method 2 shall be used to measure volumetric flow rate.

(3) Method 3 shall be used for gas analysis to determine the dry molecular weight of the stack gas.

(4) Method 4 shall be used to determine moisture content of the stack gas.

(5) Method 5 shall be used for particulate matter emissions from control devices such as negative pressure baghouses and scrubbers with suction pressure.

(6) Method 5D shall be used for positive pressure baghouses.

(7) Method 9 shall be used to determine compliance with opacity limits.

(8) State of Oregon Department of Environmental Quality Source Sampling Method 8, Sampling Particulate Emissions from Stationary Sources (High Volume Method) may be used instead of Method 5 for negative pressure baghouses. Use of this test method is limited to ferronickel facilities located in the State of Oregon.

(9) The owner or operator may use equivalent alternative measurement methods approved by the Administrator following the procedures described in § 63.7(f).

#### § 63.1625 Monitoring requirements.

(a) *Baghouses.* (1)(i) The owner or operator shall conduct weekday opacity observations of the baghouses serving the existing calciners and ferronickel electric arc melt furnaces in accordance with Method 9 for at least one 6-minute period during normal operation of the applicable emission units.

(ii) Observations that exceed the opacity limitation would be a violation of the opacity standard, unless the owner or operator can demonstrate to the Administrator's satisfaction that the exceedance was due to an upset condition or malfunction.

(iii) As part of the start-up, shutdown, and malfunction plan developed pursuant to § 63.6(e), the owner or operator shall develop and implement corrective action procedures to be followed in the case of a violation of the opacity requirement. The owner or operator shall initiate corrective action as soon as practicable after the exceedance.

(2) For the baghouses serving the emission units defined in § 63.1622(a)(1)(ii) and (a)(1)(iii), the owner or operator shall monitor on a daily basis for the presence of any visible emissions.

(3) In addition to the daily visible emissions observation, the owner or operator shall conduct the following activities specified in paragraphs (a)(3)(i) through (a)(3)(viii) of this section for all baghouses serving emissions units defined in § 63.1622(a)(1).

(i) Daily monitoring of pressure drop across each baghouse cell.

(ii) Weekly confirmation that dust is being removed from hoppers through visual inspection, or equivalent means of ensuring the proper functioning of removal mechanisms.

(iii) Daily check of compressed air supply for pulse-jet baghouses.

(iv) An appropriate methodology for monitoring cleaning cycles to ensure proper operation.

(v) Monthly check of bag cleaning mechanisms for proper functioning through visual inspection or equivalent means.

(vi) Monthly check of bag tension on reverse air and shaker-type baghouses. Such checks are not required for shaker-type baghouses using self-tensioning (spring loaded) devices.

(vii) Quarterly confirmation of the physical integrity of the baghouse through visual inspection of the baghouse interior for air leaks.

(viii) Semiannual inspection of fans for wear, material buildup, and corrosion through visual inspection, vibration detectors, or equivalent means.

(4) In addition to the meeting the requirements of paragraphs (a)(2) and (a)(3) of this section, the owner or operator of a new or reconstructed ferronickel electric arc furnace shall install and continuously operate a bag leak detection system if the furnace primary and/or tapping emissions are ducted to a negative pressure baghouse or to a positive pressure baghouse equipped with a stack. The bag leak detection system must meet the following requirements:

(i) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

(ii) The bag leak detection system sensor must provide output of relative particulate matter loadings.

(iii) The bag leak detection system must be equipped with an alarm system

that will alarm when an increase in relative particulate loadings is detected over a preset level.

(iv) The bag leak detection system shall be installed and operated in a manner consistent with available written guidance from the U.S. Environmental Protection Agency or, in the absence of such written guidance, the manufacturer's written specifications and recommendations for installation, operation, and adjustment of the system.

(v) The initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time.

(vi) Following initial adjustment, the owner or operator shall not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as detailed in the maintenance plan required under § 63.1623(b). In no event shall the sensitivity be increased by more than 100 percent or decreased more than 50 percent over a 365-day period unless such adjustment follows a complete baghouse inspection which demonstrates the baghouse is in good operating condition.

(vii) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(5) As part of the start-up, shutdown, and malfunction plan developed pursuant to § 63.6(e), the owner or operator shall develop and implement corrective action procedures to be followed in the case of a bag leak detection system alarm for baghouses equipped with such a system, the observation of visible emissions from the baghouse, or the indication through the periodic baghouse system inspections that the system is not operating properly. The owner or operator shall initiate corrective action as soon as practicable after the occurrence of the observation or event indicating a malfunction.

(6) Failure to monitor or failure to take corrective action under the requirements of paragraph (a) of this section would be a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimizes emissions per § 63.6(e)(1)(i).

(b) *Venturi scrubbers.* (1) The owner or operator shall monitor the pressure drop at the venturi at least every 5 minutes and record the average hourly pressure drop. Measurement of an average hourly pressure drop below the limit established during the most recent

compliance demonstration would be a violation of the emission limitation standard, unless the owner or operator can demonstrate to the Administrator's satisfaction that a decrease in the pressure drop was due to an upset condition or malfunction.

(2) As part of the start-up, shutdown, and malfunction plan developed pursuant to § 63.6(e), the owner or operator shall develop and implement corrective action procedures to be followed in the case of a violation of the pressure drop requirement. The owner or operator shall initiate corrective action as soon as practicable after the exceedance.

(3) Failure to monitor or failure to take corrective action under the requirements of paragraph (b) of this section would be a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimizes emissions per § 63.6(e)(1)(i).

(c) *Smelter building opacity.* The owner or operator subject to § 63.1622(a)(2) shall monitor the capture system as specified by paragraphs (c)(1), (c)(2), or (c)(3) of this section, depending on the parameters monitored during the compliance test in § 63.1624(b)(2). Alternatively, the owner or operator may use the provisions of § 63.8(f) to request approval to use an alternative monitoring method.

(1) The owner or operator shall check and record the control system fan motor amperes and damper positions on a once-per-shift basis;

(2) The owner or operator shall install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood. The monitoring device(s) may be installed in any appropriate location in the exhaust duct such that reproducible flow rate monitoring will result. The flow rate monitoring device(s) shall have an accuracy  $\pm 10$  percent over its normal operating range and shall be calibrated according to the manufacturer's instructions. The Administrator may require the owner or operator to demonstrate the accuracy of the monitoring device(s) relative to Methods 1 and 2 of Appendix A of part 60 of this chapter; or

(3) The owner or operator shall install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate at the inlet of the air pollution control device and shall check and record the control system damper positions on a once-per-shift basis. The monitoring device may be installed in any appropriate location in the exhaust duct such that

reproducible flow rate monitoring will result. The flow rate monitoring device shall have an accuracy  $\pm 10$  percent over its normal operating range and shall be calibrated according to the manufacturer's instructions. The Administrator may require the owner or operator to demonstrate the accuracy of the monitoring device(s) relative to Methods 1 and 2 of Appendix A of part 60 of this chapter.

(4) Operation of control system fan motor amperes less than the value established under § 63.1624(b)(2) or operation at flow rates lower than those established under § 63.1624(b)(2) would establish the need to initiate corrective action as soon as practicable after the monitoring exceedance in order to minimize excess emissions.

(5) Failure to monitor or failure to take corrective action under the requirements of paragraph (c) of this section would be a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimizes emissions per § 63.6(e)(1)(i).

(6) Where the capture system is designed and operated such that all emissions are captured and ducted to a control device, the owner or operator shall not be subject to the requirements of this section.

#### § 63.1626 Notification requirements.

(a) As required by § 63.9(b), unless otherwise specified in this subpart, the owner or operator shall submit the following written notifications to the Administrator:

(1) The owner or operator of an area source that subsequently becomes subject to the requirements of the standard shall provide notification to the applicable permitting authority as required by § 63.9(b)(1).

(2) As required by § 63.9(b)(2), the owner or operator of an affected source that has an initial startup before the effective date of the standard shall notify the Administrator that the source is subject to the requirements of the standard. The notification shall be submitted not later than 120 calendar days after the effective date of this standard (or within 120 calendar days after the source becomes subject to this standard) and shall contain the information specified in § 63.9(b)(2)(i) through (b)(2)(v).

(3) As required by § 63.9(b)(3), the owner or operator of a new or reconstructed affected source, or a source that has been reconstructed such that it is an affected source, that has an initial startup after the effective date and for which an application for approval of construction or

reconstruction is not required under § 63.5(d), shall notify the Administrator in writing that the source is subject to the standards no later than 120 days after initial startup. The notification shall contain the information specified in § 63.9(b)(2)(i) through (b)(2)(v), delivered or postmarked with the notification required in § 63.9(b)(5).

(4) As required by § 63.9(b)(4), the owner or operator of a new or reconstructed major affected source that has an initial startup after the effective date of this standard and for which an application for approval of construction or reconstruction is required under § 63.5(d) shall provide the information specified in § 63.9(b)(4)(i) through (b)(4)(v).

(5) As required by § 63.9(b)(5), the owner or operator who, after the effective date of this standard, intends to construct a new affected source or reconstruct an affected source subject to this standard, or reconstruct a source such that it becomes an affected source subject to this standard, shall notify the Administrator, in writing, of the intended construction or reconstruction.

(b) *Request for extension of compliance.* As required by § 63.9(c), if the owner or operator of an affected source cannot comply with this standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with § 63.6(i)(5), he/she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in § 63.6(i)(4) through (i)(6).

(c) *Notification that source is subject to special compliance requirements.* As required by § 63.9(d), an owner or operator of a new source that is subject to special compliance requirements as specified in § 63.6(b)(3) and (b)(4) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in § 63.9(b) for new sources that are not subject to the special provisions.

(d) *Notification of performance test.* As required by § 63.9(e), the owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 15 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under § 63.7(c), if requested by the Administrator, and to have an observer present during the test.

(e) *Notification of opacity observations.* As required by § 63.9(f), the owner or operator of an affected

source shall notify the Administrator in writing of the anticipated date for conducting the opacity observations specified in § 63.6(h)(5). The notification shall be submitted with the notification of the performance test date, as specified in paragraph (d) of this section, or if visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under § 63.7, the owner or operator shall deliver or postmark the notification not less than 15 days before the opacity observations are scheduled to take place.

(f) *Notification of compliance status.* The owner or operator of an affected source shall submit a notification of compliance status as required by § 63.9(h). The notification shall be sent before the close of business on the 60th day following completion of the relevant compliance demonstration.

#### § 63.1627 Reporting requirements.

(a) *General reporting requirements.* The owner or operator of a ferronickel production facility shall comply with all of the reporting requirements under § 63.10, unless otherwise specified in this subpart.

(1) *Frequency of reports.* As provided by § 63.10(a)(5), if the owner or operator is required to submit periodic reports to a State on an established timeline, the owner or operator may change the dates by which periodic reports submitted under this part may be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. This provision may be applied at any point after the source's compliance date.

(2) *Reporting results of performance tests.* As required by § 63.10(d)(2), the owner or operator of an affected source shall report the results of the initial performance test as part of the notification of compliance status required in § 63.1626(f).

(3) *Reporting results of opacity observations.* As required by § 63.10(d)(3), the owner or operator shall report the opacity results (produced using Test Method 9 or an approved alternative to these methods) along with the results of the performance test required under § 63.7. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the performance test required under § 63.7, the owner or operator shall report the opacity results before the close of business on the 30th day following the completion of the opacity observations.

(4) *Periodic startup, shutdown, and malfunction reports.* (i) As required by § 63.10(d)(5)(i), if actions taken by an owner or operator during a startup, shutdown, or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the startup, shutdown, and malfunction plan, the owner or operator shall state such information in a semiannual report. The report, to be certified by the owner or operator or other responsible official, shall be submitted semiannually and delivered or postmarked by the 30th day following the end of each calendar half; and

(ii) Any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures in the startup, shutdown, and malfunction plan, the owner or operator shall comply with all requirements of § 63.10(d)(5)(ii).

(b) *Specific reporting requirements.* In addition to the information required under § 63.10, reports required under paragraph (a) of this section shall include the information specified in paragraphs (b)(1) through (b)(4) of this section. As allowed by § 63.10(a)(3), if any State requires a report that contains all of the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.

(1) *Air pollution control devices.* The owner or operator shall submit reports that summarize the records maintained as part of the practices described in the maintenance plan for air pollution control devices required under § 63.1623(b), including an explanation of the periods when the procedures were not followed and the corrective actions taken.

(i) *Venturi scrubbers.* In addition to the information required to be submitted in paragraph (b)(1) of this section, the owner or operator shall submit reports that identify the periods when the average hourly pressure drop of venturi scrubbers used to control particulate emissions dropped below the levels established in § 63.1624(a)(5), and an explanation of the corrective actions taken.

(ii) *Baghouses serving the existing ferronickel electric arc melt furnaces and calciners.* In addition to the information required to be submitted in paragraph (b)(1) of this section, the owner or operator shall submit reports that identify the periods when the weekday opacity observations taken in

accordance with the requirements in § 63.1625(a)(1) exceeded the opacity limitation specified in § 63.1622(a)(1)(iv), and an explanation of the corrective actions taken.

(2) *Fugitive dust.* The owner or operator shall submit reports that explain the periods when the procedures outlined in the fugitive dust control plan pursuant to § 63.1622(b) were not followed and the corrective actions taken.

(3) *Capture system.* The owner or operator shall submit reports that summarize the monitoring parameter exceedances measured pursuant to § 63.1625(c)(3) and the corrective actions taken.

(4)(i) The owner or operator shall submit reports pursuant to § 63.10(e)(3) that are associated with excess emissions events such as the exceedance of the scrubber pressure drop limit per paragraph (b)(1)(i) of this section or the exceedance of the opacity limit per paragraph (b)(1)(ii) of this section. These reports are to be submitted on a quarterly basis, unless the owner or operator can satisfy the requirements in § 63.10(e)(3) to reduce the frequency to a semiannual basis.

(ii) All other reports specified in paragraphs (b)(1) through (b)(3) of this section shall be submitted semiannually.

#### § 63.1628 Recordkeeping requirements.

(a) *General recordkeeping requirements.* (1) The owner or operator of a ferronickel production facility shall comply with all of the recordkeeping requirements under § 63.10.

(2) As required by § 63.10(b), the owner or operator shall maintain records for five years from the date of each record of:

(i) The occurrence and duration of each startup, shutdown, or malfunction of operation (i. e., process equipment and control devices);

(ii) The occurrence and duration of each malfunction of the source or air pollution control equipment;

(iii) All maintenance performed on the air pollution control equipment;

(iv) Actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) when such actions are different from the procedures specified in the startup, shutdown, and malfunction plan;

(v) All information necessary to demonstrate conformance with the startup, shutdown, and malfunction plan when all actions taken during periods of startup, shutdown, and

malfunction (including corrective actions) are consistent with the procedures specified in such plan. This information can be recorded in a checklist or similar form (see § 63.10(b)(2)(v).);

(vi) All required measurements needed to demonstrate compliance with the standard and to support data that the source is required to report, including, but not limited to, performance test measurements (including initial and any subsequent performance tests) and measurements as may be necessary to determine the conditions of the initial test or subsequent tests;

(vii) All results of initial or subsequent performance tests and opacity and visible emissions observations;

(viii) If the owner or operator has been granted a waiver from recordkeeping or reporting requirements under § 63.10(f), any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements;

(ix) If the owner or operator has been granted a waiver from the initial performance test under § 63.7(h), a copy of the full request and the Administrator's approval or disapproval;

(x) All documentation supporting initial notifications and notifications of compliance status required by § 63.9; and

(xi) As required by § 63.10(b)(3), records of any applicability determination, including supporting analyses.

(b) *Specific recordkeeping requirements.* (1) In addition to the general records required by paragraph (a) of this section, the owner or operator shall maintain records for five years from the date of each record of:

(i) Records of pressure drop across the venturi if a venturi scrubber is used;

(ii) Records of results of weekday opacity observations;

(iii) Records of manufacturer certification that monitoring devices are accurate to within 5 percent and of semiannual calibration;

(iv) Copy of the written maintenance plan for each air pollution control device;

(v) Copy of the fugitive dust control plan; and

(vi) Records of each maintenance inspection and repair, replacement, or other corrective action.

(c) All records for the most recent two years of operation must be maintained on site. Records for the previous three years may be maintained off site.

#### § 63.1629 Delegation of authorities.

(a) In delegating implementation and enforcement authority to a State under subpart E of this part, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) No authorities are retained by the Administrator.

#### § 63.1630—§ 63.1649 [Reserved]

#### Ferromanganese, Silicomanganese, and Ferrochromium Production Rule

#### § 63.1650 Applicability and compliance dates.

(a) The provisions of this subpart apply to all new and existing ferroalloy production facilities that manufacture ferromanganese, silicomanganese, or ferrochromium and are major sources or are co-located at major sources.

(b) For the purpose of implementing this subpart, the affected sources at a ferroalloy production facility subject to this subpart are the sources listed in paragraphs (b)(1) through (b)(5) of this section:

(1) Open submerged arc furnaces,  
(2) Semi-closed submerged arc furnaces,

(3) Metal oxygen refining (MOR) process,

(4) Crushing and screening operations, and

(5) Fugitive dust sources.

(c) A new affected source is an affected source for which construction or reconstruction commences after August 4, 1998.

(d) Table 2 of this subpart specifies the provisions of subpart A of this part that apply and those that do not apply to owners and operators of ferroalloy production facilities subject to this subpart.

(e) Compliance dates:

(1) Each owner or operator of an existing affected source shall achieve compliance with the requirements of this subpart no later than [Insert date 2 years from publication of final rule in **Federal Register**.]

(2) Each owner or operator of a new or reconstructed affected source subject to this subpart that commences construction or reconstruction after August 4, 1998 shall achieve compliance with the requirements of this subpart by [Insert date of publication of final rule in **Federal Register**] or upon startup of operations, whichever is later.

#### § 63.1651 Definitions.

Terms in this subpart are defined in the Clean Air Act (the Act), in subpart A of this part, or in this section as follows:

*Bag leak detection system* means an instrument that is capable of monitoring relative particulate matter (dust) loadings in the exhaust of a baghouse in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric light scattering, transmittance or other effect to monitor relative particulate matter loadings.

*Capture system* means the equipment (including hoods, ducts, fans, dampers, etc.) used to capture or transport particulate matter generated by an affected ferroalloy submerged arc furnace.

*Casting* means the period of time from when molten ferroalloy falls from the furnace tapping runner into the ladle until pouring into molds is completed. This includes the following operations: Ladle filling, pouring alloy from one ladle to another, slag separation, slag removal, and ladle transfer by crane or truck.

*Crushing and screening* means the feed hoppers, jaw crushers, gyro crushers, grinders, mills, and rotary screens used to crush, size, and prepare for packing manganese- or chromium-containing materials, including raw materials, intermediate products, or final products, associated with submerged arc furnace operations.

*Ferroalloy submerged arc furnace* means any electric submerged arc furnace that produces molten ferromanganese, silicomanganese, or ferrochromium.

*Fugitive dust source* means a stationary source from which manganese- or chromium-bearing particles are discharged to the atmosphere due to wind or mechanical inducement such as vehicle traffic. Fugitive dust sources include plant roadways, yard areas, and outdoor material storage and transfer operations.

*Furnace power input* means the resistive electrical power consumption of a ferroalloy submerged arc furnace.

*Metal oxygen refining (MOR) process* means the reduction of the carbon content of ferromanganese through the use of oxygen.

*Open submerged arc furnace* means an electric submerged arc furnace that is equipped with a canopy hood above the furnace to collect primary emissions.

*Plant roadway* means any area at a ferroalloy production facility that is subject to plant mobile equipment, such as fork lifts, front end loaders, or trucks, carrying manganese- or chromium-bearing materials. Excluded from this definition are employee and visitor parking areas, provided they are not subject to traffic by plant mobile equipment.

*Primary emissions* are composed of reaction gases from the furnace surface. They are collected by hoods and ductwork located above the furnace or under the cover of a semi-closed surface.

*Semi-closed submerged arc furnace* means an electric submerged arc furnace equipped with a partially sealed cover over the furnace. This cover is equipped with openings to allow penetration of the electrodes into the furnace. Mix is introduced into the furnace around the electrode holes forming a partial seal between the electrodes and the cover. Furnace emissions generated under the cover are ducted to an emission control device. Emissions that escape the cover are collected and vented through stacks directly to the atmosphere.

*Shop* means the building which houses one or more ferroalloy submerged arc furnaces.

*Tapping emissions* means a source of air pollutant emissions that occur during the process of removing the molten product from the furnace.

*Tapping period* means the time duration from initiation of the process of opening the tap hole until the plugging of the tap hole is complete.

**§ 63.1652 Emission standards for new and existing sources.**

(a)(1) On and after the date on which the performance test required to be conducted in § 63.7(a) is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any new or reconstructed ferroalloy submerged arc furnace any gases which exit from an air pollution control device containing primary and/or tapping emissions streams and contain particulate matter in excess of 0.23 kilograms per hour per megawatt (kg/hr/MW) (0.51 pounds per hour per megawatt (lb/hr/MW)) for the combined primary and tapping emissions for each open submerged arc furnace or semi-closed submerged arc furnace.

(2) On and after the date on which the performance test required to be conducted in § 63.7(a) is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any new or reconstructed MOR process or from individual equipment associated with the crushing and screening operation any gases which contain particulate matter in excess of 50 milligrams per dry standard cubic meter (mg/dscm) (0.022 grains per dry standard cubic foot (gr/dscf)).

(3) All other new or reconstructed operations at the ferroalloy production facility, as defined in § 63.1650(b), will

be regulated under the applicable existing source requirements specified in paragraphs (b) and (c) of this section.

(b) On and after the date on which the performance test required to be conducted in § 63.7(a) is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any existing affected source any gases which:

(1) Exit from an air pollution control device containing primary and/or tapping emissions streams from any open submerged arc furnace and contain particulate matter in excess of 0.51 kg/hr/MW (1.13 lb/hr/MW) for the combined primary and tapping emissions for each affected furnace.

(2)(i) Exit from an air pollution control device containing primary emissions streams from a semi-closed submerged arc furnace and contain particulate matter in excess of 0.04 kg/hr/MW (0.09 lb/hr/MW).

(ii) Exit from vent stacks containing primary emissions streams from a semi-closed submerged arc furnace and contain particulate matter emissions in excess of 0.67 kg/hr/MW (1.48 lb/hr/MW) for the combined vent stacks.

(3) Exit from an air pollution control device containing emissions streams from MOR processes or crushing and screening operations and contain particulate matter in excess of 69 mg/dscm (0.03 gr/dscf).

(4)(i) Exit from a shop and, due solely to operations of any affected open submerged arc furnace, exhibit greater than 20 percent opacity for more than one distinct six-minute block average.

(ii) Visible particulate emissions that exit from a shop and, due solely to operation of a semi-closed submerged arc furnace, may exceed greater than 20 percent opacity, for not more than one distinct six-minute period in any sixty minutes, but they shall not exceed 60 percent opacity, as a distinct six-minute block average, at any time.

(iii) Blowing taps, poling and oxygen lancing of the tap hole, burndowns associated with electrode measurements and maintenance activities, and casting operations associated with ferroalloy submerged arc furnaces are exempt from the opacity limit specified in paragraphs (b)(4)(i) and (b)(4)(ii) of this section.

(c) Each owner or operator of an affected ferroalloy production facility shall prepare and at all times operate according to a fugitive dust control plan in accordance with the requirements specified in paragraphs (c)(1) through (c)(4) of this section.

(1) The fugitive dust control plan shall describe the specific control measures that are used to reduce

emissions from the individual fugitive dust sources at the facility. Examples of control measures that may be used include, but are not limited to: Installing an enclosure, installing and operating a local hood capture system vented to a control device, placing stockpiles below grade, installing wind screens or wind fences, using water sprays, applying appropriate dust suppression agents, or any combination of these control measures as appropriate for a given fugitive dust source.

(2) The fugitive dust control plan shall include, at a minimum, a description of the control measures implemented for each of the fugitive dust sources listed in paragraphs (c)(2)(i) through (c)(2)(v) of this section.

(i) Roads or other areas within the plant property boundary used by trucks or other motor vehicles (e.g., front-end loaders) transporting bulk quantities of fugitive dust materials. Paved roads and areas of the facility that are not used by these vehicles are not required to be included in the plan (e.g., employee and visitor parking lots);

(ii) Operations to unload or load fugitive dust materials from or into trucks or railcars;

(iii) Outdoor piles used to store fugitive dust materials;

(iv) Transfer points in conveying systems used to convey fugitive dust materials. These points include, but are not limited to, those points where the material is transferred from a conveyor belt to a second conveyor belt or discharged from a conveyor to a hopper or bin; and

(v) Other fugitive dust sources at a facility as designated by the Administrator or delegated permitting authority.

(3) The owner or operator shall submit a copy of the fugitive dust control plan to the designated permitting authority on or before the applicable compliance date for the affected source as specified in § 63.1650(e). The requirement for the owner or operator to operate the facility according to a written fugitive dust control plan shall be incorporated in the operating permit for the facility that is issued by the designated permitting authority under part 70 of this chapter.

(4) To satisfy the requirements of this paragraph to develop a fugitive dust control plan, the owner or operator may use the affected source's standard operating procedures (SOP) manual or other plan, provided the alternative plan meets the requirements of this paragraph and is made available for inspection when requested by the Administrator.



**§ 63.1653 Maintenance requirements.**

(a) The owner or operator of an affected source shall comply with the requirements of § 63.6(e).

(b)(1) In addition to the requirements specified in paragraph (a) of this section, the owner or operator shall develop and implement a written maintenance plan which includes each air pollution control device associated with ferroalloy submerged arc furnaces, metal oxygen refining processes, and crushing and screening operations subject to the provisions of this part. The owner or operator shall keep the maintenance plan on record after it is developed to be made available for inspection, upon request, by the Administrator for the life of the air pollution control device or until the affected source is no longer subject to the provisions of this part.

(2) To satisfy the requirements of this paragraph to develop an air pollution control device maintenance plan, the owner or operator may use the affected source's standard operating procedures (SOP) manual or other plan, provided the alternative plan meets the requirements of this paragraph and is made available for inspection when requested by the Administrator.

(c) The procedures specified in the maintenance plan shall, at a minimum, include a preventive maintenance schedule that is consistent with good air pollution control practices for minimizing emissions and, for baghouses, ensure that the requirements specified in § 63.1655(a) are met.

(d) The owner or operator shall perform monthly operational status inspections of the equipment that is important to the performance of the total capture system (i.e., pressure sensors, dampers, and damper switches). This inspection shall include observations of the physical appearance of the equipment (e.g., presence of holes in ductwork or hoods, flow constrictions caused by dents or accumulated dust in ductwork, and fan erosion). Any deficiencies shall be noted and proper maintenance performed.

**§ 63.1654 Compliance demonstrations, performance testing, and test methods.**

(a) *Compliance demonstration with emission limit standard.* All performance tests shall be conducted according to the requirements in § 63.7.

(1) The owner or operator shall conduct an initial performance test for air pollution control devices or vent stacks subject to the standard specified in § 63.1652(a)(1) and § 63.1652(b)(1) through (b)(3) to demonstrate

compliance with the applicable emission limits.

(2) The owner or operator shall conduct annual performance tests for the air pollution control devices and vent stacks associated with the ferroalloy submerged arc furnaces, with the exception of any air pollution control devices that also serve non-furnace emission sources. The results of these annual tests will be used to demonstrate compliance with the emission limit specified in § 63.1652(a)(1) and § 63.1652(b)(1) and (b)(2), as applicable.

(3) Following development, and approval, if required, of the site-specific test plan, the owner or operator shall conduct an emission test for each air pollution control device or vent stack to measure the outlet of the control device or vent to determine compliance with the applicable standard. Compliance is achieved if the measured, or calculated value as described in paragraph (a)(3)(ii) of this section, is less than or equal to the applicable emission limitation.

(i) For those sources subject to the requirements of § 63.1652(a)(3), the measurements shall be recorded in mg/dscm (gr/dscf).

(ii) For those sources subject to the requirements of § 63.1652(a)(1) and § 63.1652(b)(1) and (b)(2), the measurements shall be recorded in kg/hr (lb/hr) and the emission rate (E) shall be computed for the average emissions from the performance test using the following equation:

$$E = \left[ \sum_{i=1}^N C_{si} \right] / P$$

Where:

E=emission rate of particulate matter, kg/hr/MW (lb/hr/MW).

N=total number of exhaust streams at which emissions are quantified.

C<sub>si</sub>= concentration of particulate matter from exhaust stream "i", kg/hr (lb/hr).

P=average furnace power input, MW.

(4) If a venturi scrubber is being used to achieve compliance with the emission limits, the owner or operator shall establish as a site-specific operating parameter the average hourly pressure drop across the venturi during the performance test. The pressure drop shall be monitored and recorded at least every 5 minutes during the test.

(i) The owner or operator shall determine the operating parameter monitoring value as the average of the values recorded during each of the three runs constituting the test.

(ii) The owner or operator may augment the data obtained under

paragraph (a)(4)(i) of this section by conducting multiple performance tests to establish a range of compliant operating parameter values. The lowest value of this range would be selected as the operating parameter monitoring value. The use of historic compliance data may be used to establish the compliant operating parameter value if the previous values were recorded during the performance tests using the test methods specified in this subpart and established in the manner required in paragraphs (a)(4) and (a)(4)(i) of this section.

(5) Compliance with the applicable emission limit shall be determined by the average of three runs. Each run shall be conducted under conditions that are representative of normal process operations. Emissions tests conducted on air pollution control devices serving ferroalloy submerged arc furnaces shall be conducted such that at least one tapping cycle is included per run. The sampling time for each test run shall be at least as long as three times the average tapping period of the tested furnace, but no less than 60 minutes. The sample volume for each test run shall be at least 0.9 dscm (30 dscf).

(b) *Compliance demonstration with opacity standards.* (1)(i) The owner or operator shall conduct initial opacity observations for the shop building subject to the standards specified in § 63.1652(a)(4) to demonstrate compliance with the applicable opacity limitations according to the requirements in § 63.6(h)(5), conduct of opacity or visible emission observations.

(ii) In conducting the opacity observations for the shop building, the observer shall limit his or her field of view to the area of the shop building roof monitor that corresponds to the placement of the affected ferroalloy submerged arc furnaces.

(2)(i) When the initial shop building opacity observations required by paragraph (b)(1) of this section are conducted, the owner or operator shall establish either the control system fan motor amperes and all damper positions, the total volumetric flow rate to the air pollution control device and all damper positions, or the volumetric flow rate through each separately ducted hood during all periods in which a hood is operated for the purpose of capturing emission from the ferroalloy submerged arc furnaces, depending on which parameter to be monitored under the requirements established in § 63.1655(c)(1) or (c)(2).

(ii) The owner or operator may petition the Administrator for reestablishment of these parameters whenever the owner or operator can

demonstrate to the Administrator's satisfaction that the ferroalloy submerged arc furnace operating conditions upon which the parameters were previously established are no longer applicable. The values of these parameters as determined during the most recent demonstration of compliance shall be maintained at the appropriate level for each applicable period.

(c) *Compliance demonstration with the work practice standard.* Failure to have a fugitive dust control plan or failure to report deviations from the plan and take necessary corrective action would be a violation of the general duty to ensure that fugitive dust sources are operated and maintained in a manner consistent with good air pollution control practices for minimizing emissions per § 63.6(e)(1)(i).

(d) *Test methods.* The following test methods in Appendix A of part 60 of this chapter shall be used to determine compliance with the emission standards.

(1) Method 1 shall be used to select the sampling port location and the number of traverse points.

(2) Method 2 shall be used to measure volumetric flow rate.

(3) Method 3 shall be used for gas analysis to determine the dry molecular weight of the stack gas.

(4) Method 4 shall be used to determine moisture content of the stack gas.

(5) Method 5 shall be used for particulate matter emissions from control devices such as negative pressure baghouses and scrubbers with suction pressure.

(6) Method 5D shall be used for positive pressure baghouses.

(7) Method 9 shall be used to determine compliance with opacity limits.

(8) The owner or operator may use equivalent alternative measurement methods approved by the Administrator following the procedures described in § 63.7(f).

#### § 63.1655 Monitoring requirements.

(a) *Baghouses.* (1) For the baghouses serving the ferroalloy submerged arc furnaces, the metal oxygen refining process, and crushing and screening operations, the owner or operator shall monitor on a daily basis for the presence of any visible emissions.

(2) In addition to the daily visible emissions observation, the owner or operator shall conduct the following activities specified in paragraphs (a)(2)(i) through (a)(2)(viii) of this section.

(i) Daily monitoring of pressure drop across each baghouse cell.

(ii) Weekly confirmation that dust is being removed from hoppers through visual inspection, or equivalent means of ensuring the proper functioning of removal mechanisms.

(iii) Daily check of compressed air supply for pulse-jet baghouses.

(iv) An appropriate methodology for monitoring cleaning cycles to ensure proper operation.

(v) Monthly check of bag cleaning mechanisms for proper functioning through visual inspection or equivalent means.

(vi) Monthly check of bag tension on reverse air and shaker-type baghouses. Such checks are not required for shaker-type baghouses using self-tensioning (spring loaded) devices.

(vii) Quarterly confirmation of the physical integrity of the baghouse through visual inspection of the baghouse interior for air leaks.

(viii) Semiannual inspection of fans for wear, material buildup, and corrosion through visual inspection, vibration detectors, or equivalent means.

(3) In addition to the meeting the requirements of paragraphs (a)(1) and (a)(2) of this section, the owner or operator of a new or reconstructed ferroalloy submerged arc furnace shall install and continuously operate a bag leak detection system if the furnace primary and/or tapping emissions are ducted to a negative pressure baghouse or to a positive pressure baghouse equipped with a stack. The bag leak detection system must meet the following requirements:

(i) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

(ii) The bag leak detection system sensor must provide output of relative particulate matter loadings.

(iii) The bag leak detection system must be equipped with an alarm system that will alarm when an increase in relative particulate loadings is detected over a preset level.

(iv) The bag leak detection system shall be installed and operated in a manner consistent with available written guidance from the U.S. Environmental Protection Agency or, in the absence of such written guidance, the manufacturer's written specifications and recommendations for installation, operation, and adjustment of the system.

(v) The initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by

adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time.

(vi) Following initial adjustment, the owner or operator shall not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as detailed in the maintenance plan required under § 63.1653(b). In no event shall the sensitivity be increased by more than 100 percent or decreased more than 50 percent over a 365-day period unless such adjustment follows a complete baghouse inspection which demonstrates the baghouse is in good operating condition.

(vii) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(4) As part of the start-up, shutdown, and malfunction plan developed pursuant to § 63.6(e), the owner or operator shall develop and implement corrective action procedures to be followed in the case of a bag leak detection system alarm for baghouses equipped with such a system, the observation of visible emissions from the baghouse, or the indication through the periodic baghouse system inspections that the system is not operating properly. The owner or operator shall initiate corrective action as soon as practicable after the occurrence of the observation or event indicating a malfunction.

(5) Failure to monitor or failure to take corrective action under the requirements of paragraph (a) of this section would be a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimizes emissions per § 63.6(e)(1)(i).

(b) *Venturi scrubbers.* (1) The owner or operator shall monitor the pressure drop at the venturi at least every 5 minutes and record the average hourly pressure drop. Measurement of an average hourly pressure drop below the limit established during the most recent compliance demonstration would be a violation of the emission limitation standard, unless the owner or operator can demonstrate to the Administrator's satisfaction that a decrease in the pressure drop was due to an upset condition or malfunction.

(2) As part of the start-up, shutdown, and malfunction plan developed pursuant to § 63.6(e), the owner or operator shall develop and implement corrective action procedures to be followed in the case of a violation of the pressure drop requirement. The owner or operator shall initiate corrective

action as soon as practicable after the exceedance.

(3) Failure to monitor or failure to take corrective action under the requirements of paragraph (b) of this section would be a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimizes emissions per § 63.6(e)(1)(i).

(c) *Shop opacity.* The owner or operator subject to § 63.1652(a)(4) shall monitor the capture system as specified by paragraphs (c)(1), (c)(2) or (c)(3) of this section, depending on the parameters monitored during the compliance test in § 63.1654(b)(2). Alternatively, the owner or operator may use the provisions of § 63.8(f) to request approval to use an alternative monitoring method.

(1) The owner or operator shall check and record the control system fan motor amperes and damper positions on a once-per-shift basis;

(2) The owner or operator shall install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood. The monitoring device(s) may be installed in any appropriate location in the exhaust duct such that reproducible flow rate monitoring will result. The flow rate monitoring device(s) shall have an accuracy  $\pm 10$  percent over its normal operating range and shall be calibrated according to the manufacturer's instructions. The Administrator may require the owner or operator to demonstrate the accuracy of the monitoring device(s) relative to Methods 1 and 2 of Appendix A of part 60 of this chapter; or

(3) The owner or operator shall install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate at the inlet of the air pollution control device and shall check and record the control system damper positions on a once-per-shift basis. The monitoring device may be installed in any appropriate location in the exhaust duct such that reproducible flow rate monitoring will result. The flow rate monitoring device shall have an accuracy  $\pm 10$  percent over its normal operating range and shall be calibrated according to the manufacturer's instructions. The Administrator may require the owner or operator to demonstrate the accuracy of the monitoring device(s) relative to Methods 1 and 2 of Appendix A of part 60 of this chapter.

(4) Operation of control system fan motor amperes at values less than the value established under § 63.1654(b)(2) or operation at flow rates lower than

those established under § 63.1654(b)(2) would establish the need to initiate corrective action as soon as practicable after the monitoring exceedance in order to minimize excess emissions.

(5) Failure to monitor or failure to take corrective action under the requirements of paragraph (c) of this section would be a violation of the general duty to operate in a manner consistent with good air pollution control practices that minimizes emissions per § 63.6(e)(1)(i).

(6) Where the capture system is designed and operated such that all emissions are captured and ducted to a control device, the owner or operator shall not be subject to the requirements of this section.

#### § 63.1656 Notification requirements.

(a) As required by § 63.9(b), unless otherwise specified in this subpart, the owner or operator shall submit the following written notifications to the Administrator:

(1) The owner or operator of an area source that subsequently becomes subject to the requirements of the standard shall provide notification to the applicable permitting authority as required by § 63.9(b)(1).

(2) As required by § 63.9(b)(2), the owner or operator of an affected source that has an initial startup before the effective date of the standard shall notify the Administrator that the source is subject to the requirements of the standard. The notification shall be submitted not later than 120 calendar days after the effective date of this standard (or within 120 calendar days after the source becomes subject to this standard) and shall contain the information specified in § 63.9(b)(2)(i) through (b)(2)(v).

(3) As required by § 63.9(b)(3), the owner or operator of a new or reconstructed affected source, or a source that has been reconstructed such that it is an affected source, that has an initial startup after the effective date and for which an application for approval of construction or reconstruction is not required under § 63.5(d), shall notify the Administrator in writing that the source is subject to the standards no later than 120 days after initial startup. The notification shall contain the information specified in § 63.9(b)(2)(i) through (b)(2)(v), delivered or postmarked with the notification required in § 63.9(b)(5).

(4) As required by § 63.9(b)(4), the owner or operator of a new or reconstructed major affected source that has an initial startup after the effective date of this standard and for which an application for approval of construction

or reconstruction is required under § 63.5(d) shall provide the information specified in § 63.9(b)(4)(i) through (b)(4)(v).

(5) As required by § 63.9(b)(5), the owner or operator who, after the effective date of this standard, intends to construct a new affected source or reconstruct an affected source subject to this standard, or reconstruct a source such that it becomes an affected source subject to this standard, shall notify the Administrator, in writing, of the intended construction or reconstruction.

(b) *Request for extension of compliance.* As required by § 63.9(c), if the owner or operator of an affected source cannot comply with this standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with § 63.6(i)(5), he/she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in § 63.6(i)(4) through (i)(6).

(c) *Notification that source is subject to special compliance requirements.* As required by § 63.9(d), an owner or operator of a new source that is subject to special compliance requirements as specified in § 63.6(b)(3) and (b)(4) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in § 63.9(b) for new sources that are not subject to the special provisions.

(d) *Notification of performance test.* As required by § 63.9(e), the owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 30 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under § 63.7(c), if requested by the Administrator, and to have an observer present during the test.

(e) *Notification of opacity and visible emission observations.* As required by § 63.9(f), the owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting the opacity or visible emission observations specified in § 63.6(h)(5). The notification shall be submitted with the notification of the performance test date, as specified in paragraph (d) of this section, or if visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under § 63.7, the owner or operator shall deliver or postmark the notification not less than

30 days before the opacity or visible emission observations are scheduled to take place.

(f) *Notification of compliance status.* The owner or operator of an affected source shall submit a notification of compliance status as required by § 63.9(h). The notification shall be sent before the close of business on the 60th day following completion of the relevant compliance demonstration.

**§ 63.1657 Reporting requirements.**

(a) *General reporting requirements.* The owner or operator of a ferroalloy production facility shall comply with all of the reporting requirements under § 63.10, unless otherwise specified in this subpart.

(1) *Frequency of reports.* As provided by § 63.10(a)(5), if the owner or operator is required to submit periodic reports to a State on an established timeline, the owner or operator may change the dates by which periodic reports submitted under this part may be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. This provision may be applied at any point after the source's compliance date.

(2) *Reporting results of performance tests.* As required by § 63.10(d)(2), the owner or operator of an affected source shall report the results of the initial performance test as part of the notification of compliance status required in § 63.1656(f).

(3) *Reporting results of opacity observations.* As required by § 63.10(d)(3), the owner or operator shall report the opacity results (produced using Test Method 9 or an approved alternative to these methods) along with the results of the performance test required under § 63.7. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the performance test required under § 63.7, the owner or operator shall report the opacity results before the close of business on the 30th day following the completion of the opacity observations.

(4) *Periodic startup, shutdown, and malfunction reports.* (i) As required by § 63.10(d)(5)(i), if actions taken by an owner or operator during a startup, shutdown, or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the startup, shutdown, and malfunction plan, the owner or operator shall state such information in a semiannual report. The report, to be certified by the owner or operator or other responsible

official, shall be submitted semiannually and delivered or postmarked by the 30th day following the end of each calendar half; and

(ii) Any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures in the startup, shutdown, and malfunction plan, the owner or operator shall comply with all requirements of § 63.10(d)(5)(ii).

(b) *Specific reporting requirements.* In addition to the information required under § 63.10, reports required under paragraph (a) of this section shall include the information specified in paragraphs (b)(1) through (b)(5) of this section. As allowed by § 63.10(a)(3), if any State requires a report that contains all of the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.

(1) *Air pollution control devices.* The owner or operator shall submit reports that summarize the records maintained as part of the practices described in the maintenance plan for air pollution control devices required under § 63.1653(b), including an explanation of the periods when the procedures were not followed and the corrective actions taken.

(2) *Venturi scrubbers.* In addition to the information required to be submitted in paragraph (b)(1) of this section, the owner or operator shall submit reports that identify the periods when the average hourly pressure drop of venturi scrubbers used to control particulate emissions dropped below the levels established in § 63.1654(a)(4), and an explanation of the corrective actions taken.

(3) *Fugitive dust.* The owner or operator shall submit reports that explain the periods when the procedures outlined in the fugitive dust control plan pursuant to § 63.1652(c) were not followed and the corrective actions taken.

(4) *Capture system.* The owner or operator shall submit reports that summarize the monitoring parameter exceedances measured pursuant to § 63.1655(c)(3) and the corrective actions taken.

(5)(i) The owner or operator shall submit reports pursuant to § 63.10(e)(3) that are associated with excess emissions events such as the exceedance of the scrubber pressure drop limit per paragraph (b)(2) of this section. These reports are to be submitted on a quarterly basis, unless

the owner or operator can satisfy the requirements in § 63.10(e)(3) to reduce the frequency to a semiannual basis.

(ii) All other reports specified in paragraphs (b)(1) through (b)(4) of this section shall be submitted semiannually.

**§ 63.1658 Recordkeeping requirements.**

(a) *General recordkeeping requirements:*

(1) The owner or operator of a ferroalloy production facility shall comply with all of the recordkeeping requirements under § 63.10.

(2) As required by § 63.10(b)(2), the owner or operator shall maintain records for five years from the date of each record of:

(i) The occurrence and duration of each startup, shutdown, or malfunction of operation (i.e., process equipment and control devices);

(ii) The occurrence and duration of each malfunction of the source or air pollution control equipment;

(iii) All maintenance performed on the air pollution control equipment;

(iv) Actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) when such actions are different from the procedures specified in the startup, shutdown, and malfunction plan;

(v) All information necessary to demonstrate conformance with the startup, shutdown, and malfunction plan when all actions taken during periods of startup, shutdown, and malfunction (including corrective actions) are consistent with the procedures specified in such plan. This information can be recorded in a checklist or similar form (see § 63.10(b)(2)(v).);

(vi) All required measurements needed to demonstrate compliance with the standard and to support data that the source is required to report, including, but not limited to, performance test measurements (including initial and any subsequent performance tests) and measurements as may be necessary to determine the conditions of the initial test or subsequent tests;

(vii) All results of initial or subsequent performance tests;

(viii) If the owner or operator has been granted a waiver from recordkeeping or reporting requirements under § 63.10(f), any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements;

(ix) If the owner or operator has been granted a waiver from the initial

performance test under § 63.7(h), a copy of the full request and the Administrator's approval or disapproval;

(x) All documentation supporting initial notifications and notifications of compliance status required by § 63.9; and

(xi) As required by § 63.10(b)(3), records of any applicability determination, including supporting analyses.

(b) Specific recordkeeping requirements:

(1) In addition to the general records required by paragraph (a) of this section,

the owner or operator shall maintain records for five years from the date of each record of:

(i) Records of pressure drop across the venturi if a venturi scrubber is used;

(ii) Records of manufacturer certification that monitoring devices are accurate to within 5 percent and of semiannual calibration;

(iii) Copy of the written maintenance plan for each air pollution control device;

(iv) Copy of the fugitive dust control plan; and

(v) Records of each maintenance inspection and repair, replacement, or other corrective action.

(c) All records for the most recent two years of operation must be maintained on site. Records for the previous three years may be maintained off site.

**§ 63.1659 Delegation of authorities.**

(a) In delegating implementation and enforcement authority to a State under subpart E of this part, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) No authorities are retained by the Administrator.

**§ 63.1660—§ 63.1679 [Reserved]**

TABLE 1 OF SUBPART XXX.—GENERAL PROVISIONS APPLICABILITY TO SUBPART XXX

Reference, subpart A general provisions	Applies to subpart XXX, §§ 63.1620—63.1679	Comment
63.1–63.5 .....	Yes.	
63.6(a)–(g), (i)–(j) .....	Yes.	
63.6(h)(1)–(h)(6), (h)(8)–(h)(9) .....	Yes.	
63.7(h)(7) .....	No .....	§ 63.6(h)(7), use of continuous opacity monitoring system, not applicable.
63.7 .....	Yes.	
63.8 .....	Yes.	
63.9 .....	Yes .....	Notification of performance test results changed to a 30-day notification period. <sup>a</sup>
63.10 .....	Yes .....	Allow changes in dates by which periodic reports are submitted by mutual agreement between the owner or operator and the State to occur any time after the source's compliance date.
63.11 .....	No .....	Flares will not be used to comply with the emission limits.
63.12–63.15 .....	Yes.	

<sup>a</sup>Comment applies to §§ 63.1650–63.1679. For §§ 63.1620–63.1649, comment reads "Notification of performance test results and of opacity observations changed to a 15-day notification period."

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 268**

[FRL–6133–9]

RIN 2050 AD38

**Land Disposal Restrictions—Treatment Standards for Spent Potliners From Primary Aluminum Reduction (K088); Notice of Data Availability**

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

**ACTION:** Notice of data availability.

**SUMMARY:** EPA has received a number of data sets from which Land Disposal Restrictions (LDR) may be derived for EPA Hazardous Waste: K088—Spent potliners from primary aluminum reduction. In today's document, the

Agency is presenting these data sets for comment in the context of developing a treatment standard for total arsenic (mg/kg) in K088 waste.

The public has 10 days from publication of this document to comment on these data sets and their utility in the development of K088 treatment standards. This document does not reopen for comment any other LDR Phase III or Phase IV issue.

**DATES:** Comments on this document must be submitted by August 14, 1998.

**ADDRESSES:** To submit comments, the public must send an original and two copies to Docket Number F–98–K88A–FFFFF, located at the RCRA Docket. The mailing address is: RCRA Information Center, U.S. Environmental Protection Agency (5305W), 401 M. Street, SW, Washington, D.C. 20460. RCRA Information Center is located at 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The RCRA Information Center is open for public inspection and copying of supporting information for RCRA rules from 9 a.m.

to 4 p.m. Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials by calling (703) 603–9230. A maximum of 100 pages may be copied from any regulatory document at no cost. Additional copies cost \$0.15 per page.

**FOR FURTHER INFORMATION CONTACT:** For general information or to order paper copies of this **Federal Register** document, call the RCRA Hotline. Callers within the Washington, Metropolitan Area must dial 703–412–9810 or TDD 703–412–3323 (hearing impaired). Long-distance callers may call 1–800–424–9346 or TDD 1–800–553–7672. The RCRA Hotline is open Monday-Friday, 9 a.m. to 6 p.m., Eastern Standard Time. For other information on this document, contact Elaine Eby (703) 308–8449 or Katrin Kral at (703) 308–6120, Office of Solid Waste, Mail Code 5302W, 401 M Street, SW, Washington, DC 20460.