

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL- ]

RIN 2060-AD-56

RIN 2060-AE-37

National Emission Standards for Hazardous Air Pollutants:  
Group I Polymers and Resins and  
Group IV Polymers and Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On September 5, 1996, the EPA promulgated 40 CFR Subpart U - National Emission Standards for Hazardous Air Pollutants (NESHAP) for Group I Polymers and Resins (61 FR 46906), and on September 12, 1996, the EPA promulgated 40 CFR 63 Subpart JJJ - Group IV Polymers and Resins NESHAP (61 FR 48208). This action proposes to correct an error in the final Group I Polymers and Resins NESHAP, by extending the compliance date for heat exchange systems. In addition, this action proposes to extend the initial compliance date for equipment leaks for both the Group I and Group IV Polymers and Resins NESHAP, to allow time necessary for affected sources to respond to amendments to the hazardous organic NESHAP (HON) equipment leak provisions promulgated on December 26, 1996, which are directly referenced in both subparts U and JJJ.

Because these amendments are merely extending the compliance dates for equipment leaks and Group I Polymers and Resins heat exchange systems, the EPA does not anticipate receiving adverse comments. Consequently, the proposed revisions to the promulgated rule are also being issued as a direct final rule in the final rules section of this FEDERAL REGISTER. If no significant adverse comments are received by the due date for comments (see DATES section below), no further action will be taken with respect to this proposal, and the direct final rule will become final on the date provided in that action.

DATES: Comments. Comments must be received on or before [insert date 30 days from date of publication in the FEDERAL REGISTER], unless a hearing is requested by [insert date 10 days from date of publication in the FEDERAL REGISTER]. If a hearing is requested, written comments must be received by [insert date 45 days from date of publication in the FEDERAL REGISTER].

Public Hearing. Anyone requesting a public hearing must contact the EPA no later than [insert date 10 days from the date of publication in the FEDERAL REGISTER]. If a hearing is held, it will take place on [insert date 15 days from the date of publication in the FEDERAL REGISTER], beginning at 10:00 a.m.

ADDRESSES: Comments. Comments should be submitted (in

duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Numbers A-92-44 and A-92-45 (see docket section below), room M-1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. The EPA requests that a separate copy also be sent to the contact person listed below. Comments may also be submitted electronically by sending electronic mail (e-mail) to:  
a-and-r-docket@epamail.epa.gov.

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 in attending the hearing or wishing to present oral testimony should notify Ms. Marguerite Thweatt, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541-5607.

Docket. Docket Nos. A-92-44 and A-92-45, containing the supporting information for the original NESHAP and this action, are available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, room M-1500, first floor, 401 M Street SW, Washington, DC 20460, or by calling (202) 260-7548 or 260 - 7549. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Rosensteel,

Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5608.

SUPPLEMENTARY INFORMATION: The Group I Polymers and Resins NESHAP directly reference the heat exchange system provisions (§63.104) of the HON. The EPA intended the subpart U compliance schedule to mirror the compliance schedule in the HON. However, subpart U inadvertently only allows six months for compliance with the heat exchange system provisions (March 5, 1997), while the HON allows three years from its effective date. Therefore, this action proposes to change the subpart U compliance date for heat exchange systems to September 5, 1999, to correct the inadvertent error in the final rule.

In addition, both subparts U and JJJ directly reference the equipment leak provisions of the HON (40 CFR 63, subpart H). Both subparts require that affected sources comply with the equipment leak provisions by 6 months after promulgation - March 5, 1997 for subpart U and March 12, 1997 for subpart JJJ. However, in accordance with a settlement agreement, the EPA promulgated a final rule amending the HON on December 26, 1996. The final amendments to the HON include revisions to the HON equipment leak provisions, which are also applicable, by direct reference,

to sources subject to subparts U and JJJ.

This document is available in Docket Nos. A-92-44 and A-92-45 or by request from the EPA's Air and Radiation Docket and Information Center (see ADDRESSES), and is available for downloading from the Technology Transfer Network (TTN), the EPA's electronic bulletin board system. The TTN provides information and technology exchange in various areas of emissions control. The service is free, except for the cost of a telephone call. Dial (919) 541-5742 for up to a 14,000 baud per second modem. For further information, contact the TTN HELP line at (919) 541-5348, from 1:00 p.m. to 5:00 p.m., Monday through Friday, or access the TTN web site at: <http://ttnwww.rtpnc.epa.gov>. Regulated entities. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Elastomers and Thermoplastics

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by the proposed amendments discussed in this notice. If you have questions regarding the applicability of these proposed amendments to a particular entity, consult the person listed in the preceding "FOR FURTHER INFORMATION CONTACT" section.

Electronic Submission of Comments. Electronic comments must be submitted as an ASCII file, avoiding the use of special characters and any form of encryption. Comments will also be accepted on diskette in WordPerfect 5.1 or ASCII file format. All comments in electronic form must be identified by the docket number A-92-44 or A-92-45. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments may be filed online at many Federal Depository Libraries.

#### ADMINISTRATIVE

##### A. Paperwork Reduction Act

For the both the Group I and Group IV Polymers and Resins NESHP, the information collection requirements were submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, [44 U.S.C. 3501 et seq.]. The OMB approved the information collection requirements for the Group IV Polymers and Resins NESHP and assigned those standards the OMB control number 2060-0351. 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 the EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The EPA has amended 40 CFR Part 9, Section 9.1, to indicate the information collection requirements contained in the Group IV Polymers and Resins NESHP.

An Information Collection Request (ICR) document for the Group I Polymers and Resins I NESHAP was prepared by the EPA (ICR No. 1746.01) but has not yet been approved by the OMB. A copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division (2137), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, or by calling (202) 260-2740.

The amendments to the NESHAP contained in the direct final rule should have no impact on the information collection burden estimates made previously. Therefore, the ICRs have not been revised.

B. Executive Order 12866 Review

Under Executive Order (E.O.) 12866, the EPA must determine whether the proposed regulatory action is "significant" and therefore, subject to the Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant" regulatory action as one that is likely to lead to 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 in 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.

Pursuant to the terms of the Executive Order, the OMB notified the EPA that it considered both the Group I Polymers and Resins NESHAP and the Group IV Polymers and Resins NESHAP "significant regulatory actions" within the meaning of the Executive Order. The EPA submitted those actions to the OMB for review. Changes made in response to suggestions or recommendations from the OMB were documented and included in the public record.

These proposed amendments to those NESHAP provide affected sources more time in which to comply with the equipment leaks provisions of those rules. These proposed revisions do not add any additional control requirements. Therefore, these amendments were classified "non-significant" under Executive Order 12866 and were not required to be reviewed by OMB.

### C. Regulatory Flexibility

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with



this proposed rule. The EPA has also determined that this proposed rule will not have a significant economic impact on a substantial number of small entities. See the September 5, 1996 Federal Register (61 FR 46906) and the September 12, 1996 Federal Register (61 FR 48208) for the basis for this determination. The compliance date changes to the two rules do not impose any economic burden for any regulated entity.

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that these proposed amendments do not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. Therefore, the requirements of the Unfunded

Mandates Act do not apply to this action.

E. Submission to Congress and the General Accounting Office

Under 5 U.S.C. §801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA submitted a report containing this proposed rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this proposed rule in the Federal Register. This is not a "major rule" as defined by 5 U.S.C. §804(2).

LIST of SUBJECTS in 40 CFR Part 63

Environmental protection, Air pollution control,  
Hazardous substances.

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Dated

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Carol M. Browner  
Administrator