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## 40 CFR Part 60

[AD-FRL–5308–9]

### Standards of Performance for New Stationary Sources: Volatile Organic Compound Emissions From the Synthetic Organic Chemical Manufacturing Industry Wastewater

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

**ACTION:** Supplemental notice to proposed rule.

**SUMMARY:** Today's proposal clarifies the application of the proposed new source performance standards (NSPS) for

volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) wastewater sources to modifications of existing SOCMI process units. The SOCMI wastewater NSPS were proposed on September 12, 1994 (59 FR 46780) under authority of Section 111 of the Clean Air Act, based on the Administrator's determination that VOC emissions from SOCMI wastewater operations cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare.

**DATES:** Comments on today's proposal must be received on or before November 13, 1995.

**ADDRESSES:** Interested parties may submit written comments regarding the amendments to the proposed rule (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention, Docket No. A–94–32, U. S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy also be sent to Robert Lucas at the address listed below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Lucas at telephone (919) 541–0884, Emission Standards Division (MD–13), Office of Air Quality Planning and Standards, U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:** The amendments to the proposed regulatory text are not included in this **Federal Register** document, but are available in Docket No. A–94–32 or by request from the Air Docket (see **ADDRESSES**). This notice, the proposed regulatory text, the amendments to the proposed rule, and background information document are also available on the Technology Transfer Network (TTN), one of the EPA's electronic bulletin boards developed and operated by the Office of Air Quality Planning and Standards. The TTN provides information and technology exchange in various areas of air pollution control. The service is free, except for the cost of a phone call. Dial (919) 541–5742 for up to a 14,400 bits per second (bps) modem. If more information on the TTN is needed, call the HELP line at (919) 541–5384.

#### I. Background

On September 12, 1994, the EPA proposed standards to limit VOC emissions from SOCMI wastewater. The proposed standards would regulate VOC emissions from wastewater generated by SOCMI process units and are limited to emission points in the associated process unit's wastewater collection and

treatment system. The standards would require all new, modified, and reconstructed SOCMI process units to control wastewater emissions to the level achievable by the best demonstrated system of continuous emission reduction, considering costs, nonair quality health, and environmental and energy impacts. In addition to requiring end-of-pipe and add-on controls, the standards would also control VOC wastewater emissions by eliminating or reducing the formation of these pollutants.

Today's proposal clarifies how the SOCMI wastewater NSPS applies to modifications of existing SOCMI process units in response to concerns raised by representatives of the chemical manufacturing industry. The EPA is addressing some of the industry's concerns at this time, because modifications of SOCMI process units that generate wastewater that were modified after September 12, 1994, will be subject to the final NSPS. Additional issues raised by comments to the September 12, 1994 proposed rule will be addressed at the time that the final rule is promulgated.

#### II. Modification of Existing Process Units

##### a. Increased Emissions From Non-Wastewater Sources

Today's proposal clarifies that physical and operational changes to SOCMI process units that result in increased emissions from non-wastewater sources do not subject a process unit to the SOCMI wastewater NSPS. Under the existing regulatory framework any physical or operational change to a SOCMI process unit that results in an increase in emissions from any emission source within a process unit—irrespective of whether the increased emissions are from wastewater sources—could be considered to be a modification within the meaning of section 111 of the Act, 42 U.S.C. § 7411.<sup>1</sup> Accordingly, a physical or operational change to a SOCMI process unit that results in increased emissions from sources other than wastewater would subject an existing SOCMI process unit (that was

<sup>1</sup> The NSPS general provisions that address modifications provide that “. . . any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.” (emphasis added)(40 CFR § 60.14(a))

modified after the SOCOMI wastewater NSPS was proposed) to the NSPS.<sup>2</sup>

Today's proposal, therefore, adds section 60.787(a) to the SOCOMI wastewater NSPS to make it clear that the rule applies only to emissions from wastewater sources, not to emissions from other, non-wastewater sources. The new provision provides that to be considered a modification within the meaning of section 111 of the Act the increase of emissions to the atmosphere brought about by any physical or operational change to an existing facility (i.e., process unit) must be an increase in emissions from wastewater generated by the process unit. Physical and operational changes that result in an increase in emissions from other emissions sources within the process unit such as process vents or equipment leaks not related to the collection and/or treatment of wastewater will not be considered a modification under the provisions of the SOCOMI wastewater NSPS.

Section 60.787 is amended by revising the section title to "Modification and Reconstruction", adding a new paragraph (a), and reformatting the original paragraph (a) to now be paragraph (b).

The new § 60.787(a) states that "For the purposes of this subpart, any physical or operational change to an existing process unit that results in an increase in the emission rate to the atmosphere of VOC shall be considered a modification within the meaning of section 111 of the Act, 42 U.S.C. § 7411, to the extent that an increase in emissions is from wastewater generated by the process unit. Physical and operational changes that result in an increase in emissions from other emission sources within the process unit, such as process vents or equipment leaks, not associated with or related to the collection, storage, and/or treatment of wastewater shall not be considered a modification under this subpart. [Note: Sources of VOC emissions associated with wastewater collection, storage, and treatment systems include but are not limited to individual drain systems, manholes, junction boxes, lift stations, trenches, sumps, weirs, oil-water separators, equalization or neutralization basins, clarifiers, aeration basins, storage and

treatment tanks, surface impoundments, and containers.]"

#### *b. Compliance Schedule*

Today's proposal would also allow the owner or operator of a SOCOMI process unit more time to comply with the SOCOMI wastewater NSPS, if the modification of a process unit requires major capital improvements to the wastewater collection and treatment system. The NSPS general provisions at 40 CFR 60.14(g) require that modified sources comply with the NSPS within 180 days of completion of the physical or operational change that results in increased emissions. Compliance with the proposed standards for wastewater equipment and control devices, however, will in some cases require large capital projects, such as the excavation of underground sewer pipes, that may take longer than 180 days to complete.

Today's proposal, therefore, adds section 60.770(e) to the SOCOMI wastewater NSPS to allow up to three years, if warranted, to complete capital improvements to wastewater collection and treatment systems necessary to comply with the SOCOMI wastewater NSPS as a result of the modification of a process unit. To obtain an extension to the 180 day compliance deadline in 40 CFR § 60.14(g), the owner or operator of an affected facility would be required to submit a compliance schedule and a justification for the schedule to the Administrator for approval. Today's proposal also adds section 60.770(d) to clarify that extensions of time to comply with the NSPS would be limited to situations involving the modification of a process unit; affected facilities for which construction or reconstruction is commenced after September 12, 1994 would continue to be required to be in compliance with the NSPS upon the initial start-up of the affected facility.

Section 60.770 is amended by revising the section title to "Applicability, designation of affected facility, and compliance schedule," and by adding new paragraphs (d) and (e).

The new § 60.770(d) states that "the owner or operator of an affected facility for which construction or reconstruction is commenced after September 12, 1994 (the proposal date), shall be in compliance with the provisions of this subpart upon initial start-up of the affected facility."

The new § 60.770(e) requires that "the owner or operator of an existing facility that becomes an affected facility under this subpart as a result of a modification, within the meaning of section 111 of the Clean Air Act, 42 U.S.C. § 7411, and as specified in

§ 60.787(a) of this subpart, shall be in compliance with applicable requirements of this subpart within 180 days of the completion of any physical or operational change as provided in § 60.14(g) of this part, unless the Administrator approves, upon the submission of a compliance schedule and a justification for the schedule, additional time up to a maximum of three years from the completion of the physical or operational change to comply with the applicable requirements of this subpart."

#### **List of Subjects in 40 CFR Part 60**

Environmental protection, Air pollution control, Reporting and recordkeeping requirements, Volatile organic compounds.

**Statutory Authority:** The statutory authority for this proposed amendment is provided by sections 101, 111, 114, 116, and 301 of the Clean Air Act, as amended; 42 U.S.C., 7401, 7411, 7414, and 7601.

Dated: September 25, 1995.

**Richard Wilson,**

*Acting Assistant Administrator.*

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#### **40 CFR Part 70**

[TN-NASH-95-01; FRL-5313-6]

#### **Clean Air Act Proposed Full Approval, or in the Alternative, Proposed Interim Approval of Operating Permits Program; Metropolitan Health Department, Metropolitan Government of Nashville and Davidson County, TN**

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

**ACTION:** Proposed full approval, or proposed interim approval in the alternative.

**SUMMARY:** The EPA proposes full approval of the operating permits program submitted by the State of Tennessee on behalf of the Metropolitan Health Department ("Nashville-Davidson County" or "the County"), located in the geographic area of Nashville-Davidson County. Alternatively, EPA proposes to grant interim approval if specified changes are not adopted prior to final promulgation of this rulemaking. Nashville-Davidson County's program was submitted for the purpose of complying with Federal requirements which mandate that states or local authorities develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

<sup>2</sup>Section 60.770 of the proposed SOCOMI wastewater NSPS (59 FR 46780, September 12, 1994) defines an "affected facility" that must comply with the NSPS to be "... a process unit that generates a wastewater and produces one or more of the chemicals listed in § 60.788 of this subpart as a product, co-product, by-product, or intermediate for which construction, modification, or reconstruction of the process unit commenced after September 12, 1994."