

and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

*G. Submission to Congress and the Comptroller General*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a

“major” rule as defined by 5 U.S.C. 804(2).

*H. Petitions for Judicial Review*

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 11, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects**

*40 CFR Part 52*

Environmental protection, Air pollution control, Lead, Incorporation by reference, Intergovernmental relation, Reporting and recordkeeping requirements.

*40 CFR Part 81*

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: March 18, 1999.

**Michael V. Peyton,**

*Acting Regional Administrator, Region 4.*

Chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

GEORGIA—LEAD

**PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

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

**Subpart L—Georgia**

2. Section 52.570 is amended by adding paragraph (c)(45) to read as follows:

**§ 52.570 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(45) The State of Georgia submitted a lead SIP for the Muscogee County lead nonattainment area dated September 28, 1998.

(i) Incorporation by reference.

State Implementation Plan for Lead Columbus, Georgia Muscogee County, Requirements for the GNB facility that were adopted on September 28, 1998.

(ii) Other material. None.

\* \* \* \* \*

**PART 81—[AMENDED]**

1. The authority citation for part 81 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7671q.

**Subpart C—Section 107 Attainment Status Designations**

2. In § 81.311, the attainment status table for lead is amended by revising the designation type and date entry for Muscogee County (part).

**§ 81.311 [Amended]**

Designated Area	Designation		Classification	
	Date	Type	Date	Type
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Muscogee County (part)—That portion of the county which includes a circle with a radius of 2.3 kilometers with the GNB, Inc., lead smelting and battery production facility in the center.	June 11, 1999	Attainment		
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

[FR Doc. 99–8944 Filed 4–9–99; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[AD–FRL–6322–8]

**National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production**

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

**ACTION:** Final rule; interpretation and technical amendments.

**SUMMARY:** Under the Clean Air Act (Act), EPA issued a final rule (63 FR 18504, April 15, 1998) to reduce hazardous air pollutant (HAP) emissions from the pulp and paper production source category. That rule (known as the Pulp and Paper national emission standard for hazardous air pollutants or pulp and paper NESHAP) is the air component of the integrated air and water rules for the pulp and paper industry (known as the Pulp and Paper Cluster Rules). The rule applies to pulp and paper production processes

included under Standard Industrial Classification (SIC) code 26.

This action makes interpretive amendments to certain regulatory text in the 1998 pulp and paper NESHAP. We are making these amendments to make certain that the rule's language reflects our stated intent and also to correct certain inadvertent omissions and minor drafting errors.

**DATES:** These amendments are effective April 12, 1999. The incorporation by reference of the publication listed in the amendments is approved by the Director of the Federal Register as of April 12, 1999.

**ADDRESSES:** Docket No. A-92-40, containing the supporting information for the original and amendments to 1998 NESHAP and this action, is available for your inspection and copying between 8:00 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, or by calling (202) 260-7548. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Shedd, Emission Standards

Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone (919) 541-5397 or e-mail at [shedd.steve@epa.gov](mailto:shedd.steve@epa.gov). For questions on compliance and applicability determinations, contact Mr. Seth Heminway, Office of Enforcement and Compliance Assessment (2223A), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460; telephone (202) 564-7017 or e-mail at [heminway.seth@epa.gov](mailto:heminway.seth@epa.gov).

**SUPPLEMENTARY INFORMATION:**

*Regulated Entities.* Entities potentially regulated by this action include:

Category	SIC code	Examples of regulated entities
Industry .....	26	Pulp mills and integrated mills (mills that manufacture pulp and paper/paperboard) that chemically pulp wood fiber.

This table is not exhaustive. It lists the types of entities that we are now aware might be regulated by this action. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria in part 63, subparts A and S of title 40 of the Code of Federal Regulations.

**Information Contacts.** If you have questions about how this action applies to a particular situation or questions about compliance approaches, permitting, enforcement, and rule determinations, please contact the appropriate regional representative below.

**Region I:** Greg Roscoe, Chief, Air Pesticides and Toxics Enforcement Office, Office of Environmental Stewardship, U.S. EPA, Region I, JFK Federal Building (SEA), Boston, MA 02203; (617) 565-3221. Technical Contact for Applicability Determination, Susan Lancey, (617) 565-3587, (617) 565-4940 (Fax).

**Region II:** Mosey Ghaffari, Air Compliance Branch, U.S. EPA, Region II, 290 Broadway, New York, NY 10007-1866; (212) 637-3925, (212) 637-3998 (Fax).

**Region III:** Makeba Morris, U.S. EPA, Region III, 3AT10, 1650 Arch Street, Philadelphia, PA 19103; (215) 814-2187.

**Region IV:** Lee Page, U.S. EPA, Region IV, Atlanta Federal Center, 100 Alabama Street, Atlanta, GA 30303; (404) 562-9131.

**Region V:** Christina Prasinis (AE-17J), U.S. EPA, Region V, 77 West Jackson Street, Chicago, IL 60604-3590; (312) 886-6819, (312) 353-8289 (Fax).

**Region VI:** Michelle Kelly, Air Enforcement Branch (6EN-AA), U.S.

EPA, Region VI, Suite 1200, 1445 Ross Avenue, Dallas, TX 75202-2733; (214) 665-7580, (214) 665-7446 (Fax).

**Region VII:** Gary Schlicht, Air Permits and Compliance Branch, U.S. EPA, Region VII, ARTD/APCO, 726 Minnesota Avenue, Kansas City, KS 66101; (913) 551-7097.

**Region VIII:** Tami Thomas-Burton, Air Toxics Coordinator, U.S. EPA, Region VIII, Suite 500, 999 18th Street, Denver, CO 80202-2466; (303) 312-6581, (303) 312-6064 (Fax).

**Region IX:** Ken Bigos, U.S. EPA, Region IX, A-5, 75 Hawthorne Street, San Francisco, CA 94105; (415) 744-1240.

**Region X:** Andrea Wallenweber, Office of Air Quality, U.S. EPA, Region X, OFFICE OF AIR QUALITY PLANNING AND STANDARDS-107, 1200 Sixth Avenue, Seattle, WA 98101; (206) 553-8760, (206) 553-0404 (Fax).

**Technology Transfer Network.** The Technology Transfer Network (TTN) is a network of EPA's electronic bulletin boards. The TTN provides information and technology exchange in various areas of air pollution control. Information regarding the basis and purpose of this action, the rule and other relevant documents can be found on the pulp and paper page of EPA's Unified Air Toxics World Wide Web site (UATW) at "<http://www.epa.gov/ttn/uatw/pulp/pulppg.html>". For more information on the TTN, call the HELP line at (919) 541-5384.

**Outline.** The technical amendments discussed in this preamble are grouped according to rule sections: emission standards and testing, and monitoring and recordkeeping.

The preamble is organized as follows:

- I. Description of the Amendments and Interpretations
  - A. Emission Standards and Testing
    - 1. May process modifications be used instead of add-on control devices to meet the bleaching system standards (§ 63.445)?
    - 2. Must evaporator feed stage vapor and vacuum system condensates be controlled (§ 63.446)?
    - 3. May a direct injection gas chromatography/flame ionization detection test method be used to measure methanol in liquid streams (§ 63.14 and § 63.457(c)(3))?
    - 4. What are the minimum length and number of test runs required to demonstrate initial compliance (§ 63.457)?
  - B. Monitoring and Recordkeeping
    - 1. Must continuous monitors for residence time and concentration be used for some control device alternatives (§ 63.453)?
    - 2. What is the condensate tank "no detectable" emissions test frequency (§ 63.453)?
    - 3. What must be done if the tests for condensate tanks indicate emissions (§ 63.453)?
    - 4. May the repair period for closed-vent systems extend beyond 15 days as implied in the recordkeeping requirements (§ 63.453)?
    - 5. Do the recordkeeping requirements in subpart RR apply to closed collection systems (§ 63.453)?
  - C. Typographical Corrections
- II. Administrative Requirements
- III. Legal Authority

**I. Description of the Amendments and Interpretations**

In today's action, we are amending several sections of the national emission standard for hazardous air pollutants from the pulp and paper industry issued

on April 15, 1998 (the "1998 NESHAP") in title 40, part 63, subpart S. These amendments clarify the intent and correct inadvertent omissions and minor drafting errors in the 1998 NESHAP. This section presents a description of each of the amendments.

#### A. Emission Standards and Testing

##### 1. May process modifications be used instead of add-on control devices to meet the bleaching system standards (§ 63.445)?

Today's action revises the bleaching system standards (§ 63.445) to make clear that process modifications (e.g., 100 percent substitution of chlorine dioxide for chlorine and elimination of hypochlorite) may be used to achieve compliance with the chlorinated HAP emission limits for the bleaching system standards. The 1998 NESHAP requires equipment at subject bleaching stages to be enclosed and vented into a closed-system and routed to a control device that meets the specified emission limits (see § 63.445(c)).

Following promulgation of the 1998 NESHAP, commenters indicated that some mills may be able to achieve the concentration or mass emission limits specified in § 63.445(c) by process modifications without the use of an add-on control device. The commenters stated that as written, the 1998 NESHAP would preclude mills from using process modifications (e.g., 100 percent chlorine dioxide substitution for chlorine and elimination of hypochlorite) because the 1998 NESHAP specifies that the emissions must be captured and routed to a control device.

We did not intend to prevent you (owner or operator of the mill or reader, as appropriate) from using process modifications to achieve compliance with the standards for chlorinated HAP emissions. The outlet concentration control option was provided in the 1998 NESHAP in response to comments on the December 17, 1996 proposal (Pulp, Paper, and Paperboard Industry—Background Information for Promulgated Air Emission Standards, EPA-453/R-93-050b, pages 6-1 and 6-2) indicating that bleaching systems using high levels of chlorine dioxide substitution could have difficulty meeting a percent reduction limit due to low chlorine concentrations at the process equipment outlet. Also, the mass emission limit for bleaching system vents in the 1998 NESHAP was developed in response to comments on the March 8, 1996 supplemental **Federal Register** document (61 FR 9394, second column) indicating that new low-flow rate bleaching system technologies

would not be able to meet either the percent reduction or outlet concentration limits (Air Docket A-92-40, item IV-B-29). Therefore, we provided for two standards to allow process modifications without the need for add-on controls. Thus, we do not intend to require enclosures and closed-systems for process equipment that achieve compliance using process modifications. A temporary enclosure may be necessary to measure the outlet concentration or mass emission limit during the initial performance test and other compliance demonstrations. It should be noted that the percent reduction alternative emission limit was not included in the amended language since this reduction alternative is inherently based on the use of an add-on control device.

##### 2. Must evaporator feed stage vapor and vacuum system condensates be controlled (§ 63.446)?

Evaporator feed stage vapor and vacuum system condensates must be controlled. Today's action revises the standards for kraft pulping process condensates in the 1998 NESHAP (§ 63.446) to clarify which condensate streams from evaporator system weak liquor feed stages are subject to the standards. Our intention in the 1998 NESHAP was to collect all condensate streams from evaporator system stages where the majority of HAPs are discharged. The discussion in the next four paragraphs is intended to present the reader with a brief description of the evaporation process and provide background for identifying the regulated condensate streams.

The 1998 NESHAP (§ 63.446(b)(3)) specifies that the standards apply to certain kraft pulping process condensate streams. For the evaporator system, the 1998 NESHAP specifies that regulated streams are condensates from "each evaporator stage where weak liquor is introduced (feed stages)." The 1998 NESHAP defines the evaporator system as

\* \* \* all equipment associated with increasing the solids content and/or concentrating spent cooking liquor from the pulp washing system including pre-evaporators, multi-effect evaporators, concentrators, and vacuum systems, as well as associated condensers, hotwells, and condensate streams, and any other equipment serving the same function as those previously listed.

Evaporators are used to remove water and volatile contaminants (including HAPs) from weak liquor so that the spent cooking chemicals can be economically recovered and reused. After passing through the evaporator system, concentrated weak liquor (i.e.,

heavy or strong liquor) is burned in the recovery furnace to recover spent cooking chemicals and heat value contained in organic compounds remaining in the concentrated liquor.

An evaporator system is a series of interconnected evaporator stages called "effects" (thus the industry term "multi-effect evaporator"). Each stage is operated at different pressures to evaporate water and contaminants (HAPs) from weak liquor. The evaporated vapors from one stage heat the next stage. Thus, the condenser of each stage condenses vapors from this and previous stages. These vapors typically do not exit the evaporator system until after entering the next stage or stages. Additionally, the vapors from the weak liquor feed stages have the highest HAP content since this is the initial contact of the weak liquor with heat. Later stages contain less HAPs (unless more weak liquor is fed into the effect) since the majority of HAPs are evaporated from the liquor in the previous stage(s).

The liquor feed stages in the evaporator system are operated under very high vacuum, usually maintained by steam ejectors or vacuum pumps. The condensates generated by these vacuum devices and their associated condensers also have high HAP content due to volatilization of compounds from the individual liquor feed stages.

Following issuance of the 1998 NESHAP, we received requests to clarify the 1998 NESHAP language regarding the subject condensates from evaporator system weak liquor feed stages. We intended to include the condensates from weak liquor feed stage vapors and condensates from weak liquor feed stage vacuum systems in the list of subject kraft pulping process condensates specified in the 1998 NESHAP (§ 63.446(b)). However, the 1998 NESHAP language used to describe the weak liquor feed stage vapor condensates was not accurate and the 1998 NESHAP language omitted weak liquor feed stage vacuum system condensates. Our intent is evident in EPA's analysis of the condensate characterization data (Air Docket A-92-40, item IV-B-9) submitted following proposal, the supplemental **Federal Register** document (March 8, 1996; 61 FR 9383; page 9390, second column), and communications between EPA and industry stakeholders (Air Docket A-92-40, items IV-E-65 and IV-E-71) following publication of the proposed rule.

Accordingly, we are amending § 63.446(b) to clarify that condensates from the vapors and vacuum systems for weak liquor feed stages are subject to the kraft pulping process condensate

standards. As noted above, the vapors from weak liquor feed stages may not be condensed in some evaporative systems until the following stage or stages. In this case, you must collect and control the condensates from these evaporator stages.

3. *May a direct injection gas chromatography/flame ionization detection test method be used to measure methanol in liquid streams (§ 63.14 and § 63.457(c)(3))?*

A specific direct injection gas chromatography/flame ionization detection (GC/FID) test method is being included in today's action as an additional and alternative test method for determining the methanol content of liquid streams. We are amending the test methods and procedures section of the 1998 NESHAP (§ 63.457(c)(3)) and the incorporation-by-reference section of the NESHAP general provisions (§ 63.14) to incorporate this test method.

As presented in the April 15, 1998 NESHAP preamble (63 FR 18529), the 1998 NESHAP specifies EPA Reference Method 305 for determining methanol content of liquid streams. As the 1998 NESHAP preamble notes, however, the GC/FID test method developed by the National Council of the Paper Industry for Air and Stream Improvement, Inc. (NCASI) had not been validated using EPA procedures (Method 301). However, we stated in the 1998 NESHAP preamble that if we approve this method using the Method 301 validation procedures, then the NCASI method would be approved as either an alternative or a replacement for Method 305 with a supplemental **Federal Register** document.

On February 18, 1998, the director of EPA's Emissions, Monitoring and Analysis Division (EMAD) approved NCASI's test method as an alternative test method to EPA Method 305 for measuring methanol in condensates. Since clarifying amendments to the 1998 NESHAP are being published in today's action, we decided to incorporate this NCASI test method into the 1998 NESHAP language to ease implementation and referencing.

Either EPA Method 305 or the NCASI method may be used for measuring the methanol content of liquid streams. However, the NCASI test method has been validated for only one HAP compound: methanol. So while this NCASI method can be used in other parts of the 1998 NESHAP where methanol is specified as a surrogate for HAP, this method may not be used for certain test requirements for biological treatment where we require a total measurement of all HAP compounds (not just methanol).

4. *What are the minimum length and number of test runs required to demonstrate initial compliance (§ 63.457)?*

For the initial performance tests, a minimum of three 1-hour test runs must be conducted during which either an integrated sample or four grab samples must be taken. Today's action clarifies the terminology used for test runs and samples in the vent sampling requirements in § 63.457(b)(5) and (b)(6) and adds the 1-hour test length specification to the liquid sampling requirements in § 63.457(c)(3).

Commenters to the 1998 NESHAP indicated that the language regarding the minimum length of the test run and number of test runs required by the NESHAP was unclear. In reviewing the 1998 NESHAP, we found two sections where clarification of the terminology used to describe test runs and samples is needed. Additionally, we inadvertently omitted specifying the minimum test run length for liquid sampling. The following discussion identifies the 1998 NESHAP language in question and the amendments in today's action to correct the rule language.

Performance tests are used to demonstrate compliance with a relevant standard based on conditions that reflect normal operations. As specified in the performance testing requirements section of the NESHAP general provisions (§ 63.7(e)(1)):

Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source.

The NESHAP general provisions (§ 63.7(e)(3)) also specify:

\* \* \* For the purpose of determining compliance with a relevant standard, the arithmetic mean of the results of the three runs shall apply.

For pulping and bleaching system vent standards, the 1998 NESHAP specifies in the test methods and procedures section (§ 63.457(b)(5)) that owners or operators must collect a minimum of three samples that are representative of normal conditions and average the results to determine vent gas pollutant concentrations. However, the terminology used in the 1998 NESHAP for vent sampling was incorrect since the term "samples" was used instead of the phrase "test runs." Section 63.457(b)(5) should have used the phrase "test runs" since the subsequent language in § 63.457(b)(6) refers the minimum sampling time for the test runs and also specifies the number of samples to be taken during the run.

Therefore, we are changing the word "samples" to "test runs" in § 63.457(b)(5). Also, for additional clarity, we are adding the word "test" in front of the word "run" in § 63.457(b)(6).

For liquid stream sampling, the 1998 NESHAP specifies in the test methods and procedures section (§ 63.457(c)(3)) that owners or operators must collect a minimum of three samples that are representative of normal conditions and average the results to determine liquid stream total HAP or methanol concentrations. In drafting the 1998 NESHAP, we inadvertently omitted the minimum sampling time of each test run for liquid stream sampling. Although the liquid stream test methods referenced in the 1998 NESHAP (§ 63.457(c)(3)(i) and (c)(3)(ii)) are batch tests, we intended for the samples (either grab samples or composite samples) to be collected over a minimum period of 1 hour. Our intent for liquid stream sampling length is found in the test methods and procedures section (§ 63.451(i)(2)(iv)) of the December 17, 1993 proposal (63 FR 66181). Today's action corrects this omission and inserts the 1-hour sampling period language into § 63.457(c)(3).

Today's action amends the 1998 NESHAP to clarify that the initial performance tests for vent and liquid streams must consist of a minimum of three test runs and that the minimum sampling time for each test run is 1 hour. However, additional performance tests or longer sampling times may be needed to demonstrate compliance under normal operating conditions for equipment systems that have multiple operating scenarios or modes.

With regard to continuous compliance, the 1998 NESHAP did not specify frequencies and averaging periods for continuous monitoring since we intended to provide you flexibility in developing appropriate continuous monitoring strategies. As specified in the monitoring section of the 1998 NESHAP (§ 63.453(n)(4)), you must provide for the Administrator's approval the rationale for the selected operating parameter value, monitoring frequency, and averaging time. Since we have delegated this authority to State agencies, you have the flexibility to work out the specifics of continuous monitoring strategies with your permitting agencies. Additionally, we continue to hold workshops to discuss and identify continuous monitoring strategies with stakeholders.

## B. Monitoring and Recordkeeping

### 1. Must continuous monitors for residence time and concentration be used for some control device alternatives (§ 63.453)?

Thermal oxidizers meeting the outlet concentration standard may continuously monitor either combustion temperature or outlet concentration. Today's action clarifies the monitoring requirements in the 1998 NESHAP (§ 63.453(b)) for thermal oxidizers used to control pulping system vent emissions. Additionally, today's action clarifies that residence time is an operating parameter to be demonstrated initially and when process changes occur that will impact residence time.

The 1998 NESHAP (§ 63.443(d)) contains the following alternative emission limits for thermal oxidizers:

- (1) Reduce total HAP emissions by 98 percent or more by weight;
- (2) Reduce the total HAP concentration at the outlet of the thermal oxidizer to 20 parts per million or less by volume (ppmv), corrected to 10 percent oxygen on a dry basis;
- (3) Reduce total HAP emissions using a thermal oxidizer designed and operated at a minimum temperature of 871 °C (1600 °F) and a minimum residence time of 0.75 seconds; or
- (4) Reduce total HAP emissions using a boiler, lime kiln, or recovery furnace by introducing the HAP emission stream with the primary fuel or into the flame zone.

The monitoring requirements for thermal oxidizers (§ 63.453(b)) specify that a continuous monitoring system (CMS) must be operated to measure the temperature in the firebox or in the ductwork immediately downstream of the firebox and before any substantial heat exchange occurs. This applies to each thermal oxidizer used to comply with the percent reduction, outlet concentration, and minimum design specification requirements. When complying with the outlet concentration or the minimum design requirements, you must monitor for the parameter specified and for the temperature and concentration limits specified.

In drafting the 1998 NESHAP, we intended that continuous compliance with each emission limit alternative (with the exception of using a boiler, lime kiln, or recovery furnace) be demonstrated by monitoring only the thermal oxidizer operating temperature as evidenced by the December 17, 1993 proposal (§ 63.453(b)) and the 1998 NESHAP preamble (63 FR 18511). As an option for monitoring temperature, we intended to allow you to continuously monitor only the thermal oxidizer outlet concentration if you are complying with the 20 ppmv outlet concentration emission limit (§ 63.443(d)(2)).

However, the language in § 63.453(b) of the 1998 NESHAP is unclear. It incorrectly indicates that owners or operators complying with the 20 ppmv outlet concentration must continuously monitor the outlet concentration and temperature, and that owners or operators complying with the temperature and residence time specifications must continuously monitor the thermal oxidizer operating temperature, residence time, and HAP concentration.

Today's action amends the 1998 NESHAP to achieve the original intent as stated in the preamble (63 FR 18511). The amendment clarifies that mills that comply with the 20 ppmv emission limit must monitor either HAP concentration or temperature, but not both. The amendment also clarifies that monitoring of operating temperature is the only monitoring parameter requirement for demonstrating continuous compliance with the minimum temperature and residence time specification (§ 63.443(d)(3)). For the residence time requirement, you must demonstrate that the minimum residence time is being achieved (along with the operating temperature) and provide documentation to demonstrate this in the notification of compliance status. The minimum residence time must also be performed if the vent gas flow rate sent to the thermal oxidizer is increased above the flow rate established in the notification of compliance status.

### 2. What is the condensate tank "no detectable" emissions test frequency (§ 63.453)?

Today's action amends the monitoring requirements for closed collection systems (§ 63.453(l)) to clarify tests to determine "no detectable" emissions are to be conducted initially and annually.

In the standards for kraft pulping process condensates (§ 63.446(d)(2)(i)), the 1998 NESHAP specifies that condensate tanks used in the closed collection system for regulated condensate streams must be operated and designed with no detectable emissions as indicated by an instrument reading of less than 500 parts per million above background using EPA Reference Method 21. However, we inadvertently neglected to specify the schedule for conducting this Method 21 test. We intended this compliance monitoring to be conducted at the same frequency as that required for the closed-vent system Method 21 tests since the same test equipment and personnel are being used. Closed-vent systems are required to be tested initially and annually (§ 63.453(k)(3)). Today's amendment specifies that the

"no detectable" emissions tests for closed collection systems must also be performed initially and annually.

For additional clarity and to better incorporate additional changes being made in today's action (see sections I.B.3 and I.B.5 of this preamble), we restructured the NESHAP paragraph where the monitoring requirements for closed collection systems are specified (§ 63.453(l)). We are changing the structure of § 63.453(l) to parallel that used for the enclosure and closed-vent system monitoring requirements (§ 63.453(k)). Consequently, several subsections are being added to § 63.453(l). These revisions are contained in amended § 63.453(l)(2). Additional changes to § 63.453(l) are discussed in sections I.B.3 and I.B.5 of this preamble.

### 3. What must be done if the tests for condensate tanks indicate emissions (§ 63.453)?

We are amending the closed collection system monitoring requirements (§ 63.453(l)) to clarify that pulp and paper mills must comply with the repair schedule requirements of subpart RR of this part (§ 63.964(b)) if condensate tank "no detectable" emissions tests indicate emissions. All detectable emissions measured on condensate tanks must be repaired according to the repair schedule in subpart RR of this part.

The kraft pulping process condensate standards of the 1998 NESHAP (§ 63.446(d)(2)(i)) state that condensate tanks used in the closed collection system must be designed and operated with no detectable emissions. The 1998 NESHAP (§ 63.453(l)) specifies that closed collection systems (which include condensate tanks) must meet the inspection and monitoring requirements of subpart RR of this part (§ 63.964) which provide a repair schedule. Section 63.964(b) of subpart RR of this part states:

(b) The owner or operator shall repair all detected defects as follows:

(1) The owner or operator shall make first efforts at repair of the defect no later than 5 calendar days after detection and repair shall be completed as soon as possible but no later than 15 calendar days after detection except as provided in paragraph (b)(2) of this section.

(2) Repair of a defect may be delayed beyond 15 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the individual drain system and no alternative capacity is available at the facility site to accept the wastewater normally managed in the individual drain system. In this case, the owner or operator shall repair the defect at the next time the process or unit that is generating the wastewater managed in

the individual drain system stops operation. Repair of the defect shall be completed before the process or unit resumes operation.

We inadvertently omitted rule text in the 1998 NESHAP specifying that you must follow the repair schedule if the condensate tank tests indicate emissions. Our intent is evident since we included the repair schedule for defects in the continuous monitoring section (§ 63.453(f)(3)) of the December 17, 1993 proposal (58 FR 66182). In today's action, we are clarifying the 1998 NESHAP by explicitly specifying that the repair schedule requirements in subpart RR of this part (§ 63.964(b)(1) and (b)(2)) are triggered if the condensate tank "no detectable" emissions tests identify emissions.

As discussed previously in section I.B.2 of this preamble, the structure of the paragraph in the 1998 NESHAP specifying the monitoring requirements for closed collection systems (§ 63.453(l)) is being revised to parallel that used for the enclosure and closed-vent system monitoring requirements (§ 63.453(k)). As part of that restructuring, the revisions discussed in today's action regarding the repair schedule specified in subpart RR of this part for both condensate tanks and the rest of the closed collection system are contained in § 63.453(l)(3). One additional change to § 63.453(l) is discussed in section I.B.5 of this preamble.

*4. May the repair period for closed-vent systems extend beyond 15 days as implied in the recordkeeping requirements (§ 63.453)?*

Corrective actions or repairs of closed-vent system defects or leaks, under certain circumstances, may extend beyond the 15 calendar days specified in the 1998 NESHAP. Today's action corrects a drafting oversight in the requirements for inspection and repair of enclosures and closed-vent systems (§ 63.453(k)(6)(ii)).

In the monitoring requirements for enclosures and closed-vent systems (§ 63.453(k)(6)(ii)), the 1998 NESHAP specifies that corrective actions or repairs for enclosure and closed-vent system defects and leaks must be completed no later than 15 calendar days after the problem is identified. However, certain equipment may require more than the 15 calendar days to repair. It is not our intent to create a violation in cases where the failure to repair is beyond the control of the owner or operator, or where immediate repair would create greater emissions. The Agency's intent is evident since specific recordkeeping requirements (§ 63.454(b)(8) through (b)(10)) are triggered when repairs or corrective

actions require more than 15 calendar days to complete indicating that the rule contemplates situations where it will take longer than 15 days to complete repairs. For these cases, owners or operators must record the reason for the delay in repair, the expected date of successful repair, and the actual date of successful repair. If the reasons for delaying the repair meet the conditions specified in the rule and the recordkeeping requirements are met, then repairs or corrective actions that require longer than 15 calendar days are allowed.

Today's action adds clarifying sentences to the monitoring requirements for enclosures and closed-vent systems (§ 63.453(k)(6)(ii)). Delays in corrective actions or repairs beyond 15 calendar days are allowed in cases where the corrective actions or repairs are technically infeasible without a process unit shutdown or where the emissions resulting from immediate repair would be greater than the emissions likely to result from the delay of repair. This language addressing corrective actions and repairs is consistent with provisions in the national emission standards, specifically for oil-water separators and organic water separators (§ 63.1047(d)(2) of subpart VV of this part) and in the national emission standards for organic hazardous air pollutants for equipment leaks (§ 63.172(i) of subpart H of this part).

*5. Do the recordkeeping requirements in subpart RR apply to closed collection systems (§ 63.453)?*

The recordkeeping requirements of subpart RR of this part do not apply to closed collection systems. Today's action amends the monitoring requirements for closed collection systems (§ 63.453(l)) to clarify that the recordkeeping requirements of subpart RR of this part are not in effect. Certain provisions of the national emission standards for individual drain systems (subpart RR of this part) are referenced in the 1998 NESHAP for convenience. In developing the 1998 NESHAP, we identified areas of overlap between subpart RR of this part and the pulp and paper NESHAP. However, additional overlap was identified since promulgation.

The closed collection system monitoring requirements in the 1998 NESHAP (§ 63.453(l)) specify that each closed collection system must comply with the inspection and monitoring requirements of subpart RR of this part (§ 63.964). However, the monitoring requirement section of subpart RR of this part contains references (§ 63.964(a)(1)(vi) and (b)(3)) to the

recordkeeping requirements of subpart RR of this part (§ 63.965).

Today's action amends the pulp and paper 1998 NESHAP to specify that owners or operators are required to comply only with the closed collection system recordkeeping requirements specified in the pulp and paper 1998 NESHAP (§ 63.454) since the recordkeeping requirements specified in subpart RR of this part are redundant. As discussed previously in sections I.B.2 and I.B.3 of this preamble, the structure of the paragraph in the 1998 NESHAP specifying the monitoring requirements for closed collection systems (§ 63.453(l)) is being revised to parallel that used for the enclosure and closed-vent system monitoring requirements (§ 63.453(k)). The revisions to identify the overlap between the monitoring requirements of subpart RR of this part and the pulp and paper NESHAP discussed in this section are contained in § 63.453(l)(1)(i).

*C. Typographical Corrections*

Minor drafting errors and inadvertent omissions were identified in the 1998 NESHAP after promulgation. Today's action makes the following corrections:

- Changes "HAP's" to "HAPs" in the following sections: the definition of process wastewater treatment system (§ 63.441); the standards for kraft pulping process condensates section (§ 63.446(e)(3)); and the test methods and procedures section (§ 63.457(f)(1) and § 63.457(h)).

- Changes the word "sources" to "source" in the standards for the pulping system at kraft, soda, and semi-chemical processes (§ 63.443(b)(1)).

- Changes the word "uses" to "use" in the standards for the bleaching system (§ 63.445(a)(2)).

- Corrects text for the closed collection system design specifications in the standards for kraft pulping process condensates. In § 63.446(d)(l), delete the word "for", changes the words "closed" and "vent" to "closed-vent", and deletes the phrase "§ 63.693 as specified in."

- Corrects text for the clean condensate alternative standards (§ 63.447). In § 63.447(e)(2), delete the word "that", add the word "and" at the end of the paragraph in § 63.447(g)(1)(ii), and add the word "of" to § 63.447(g)(2) between the words "requirements" and "paragraphs."

- Corrects wording for the standards for enclosures and closed-vent systems (§ 63.450). In the § 63.450(b), add the word "in" before "§ 63.45(e)."

- Corrects wording for test methods and procedures section (§ 63.457). In § 63.457(b)(5)(ii)(C), change the word

“project” to “protect.” In § 63.457(b)(5)(ii)(E)(7), change the word “an” to “a.” In § 63.457(c)(2), change the semicolon at the end of the paragraph to a period. Add the word “an” to § 63.457(c)(4)(i) between the words “into” and “Erlenmeyer” in the first sentence of the paragraph.

- Changes the acronym “CEM’s” to “CEMs” in the comment column for the reference § 63.8(f)(6) in table 1 of the 1998 NESHAP (general provisions applicability to subpart S).

## II. Administrative Requirements

### A. Docket

The docket is an organized and complete file of all the information considered by 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 you can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket except for certain interagency documents will serve as the record in case of judicial review. (See section 307(d)(7)(A) of the Act.)

### B. Paperwork Reduction Act

The EPA already submitted the information requirements of the 1998 NESHAP to the Office of Management and Budget (OMB) on April 27, 1998 for approval under the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 1657.03), and a copy may be obtained from Sandy Farmer, Office of Policy, Planning, and Evaluation Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M Street SW, Washington, DC 20460 or by calling (202) 260-2740. The information requirements are not effective until OMB approves them.

Today’s amendments to the NESHAP will have no impact on the information collection burden estimates made previously. The amendments clarify the intent of the 1998 NESHAP and correct inadvertent omissions and minor drafting errors in the 1998 NESHAP. Consequently, the ICR has not been revised.

### C. Executive Order 12866: “Significant Regulatory Action” Determination

Under Executive Order 12866, EPA must determine whether the regulatory action is “significant” and, therefore,

subject to 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, 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.

The NESHAP published on April 15, 1998 was considered significant under Executive Order 12866, and EPA accordingly prepared a regulatory impact analysis (RIA). The amendments published today clarify the intent of the 1998 NESHAP and correct inadvertent omissions and minor drafting errors in the 1998 NESHAP. The OMB evaluated this action and determined it to be nonsignificant; thus, it did not require OMB review.

### D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking 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 businesses, small not-for-profit enterprises, and small governmental jurisdictions. The EPA determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this action. These amendments would not result in increased impacts to small entities and the changes to the 1998 NESHAP in today’s action do not add new control requirements.

### E. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (“Unfunded Mandates Act”), 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, 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 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 the action promulgated today does 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 today’s action.

### F. Executive Order 12875: Enhancing Intergovernmental Partnerships

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the OMB a description of the extent of EPA’s prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments “to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.”

While the final rule published on April 15, 1998 (1998 NESHAP) does not create mandates upon State, local, or tribal governments, EPA involved State and local governments in its development. Because today’s action clarifies the intent of the 1998 NESHAP and corrects inadvertent omissions and minor drafting errors, today’s action does not create a mandate upon State, local, or tribal governments.

### G. Applicability of Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 applies to any rule that EPA determines (1) is economically significant as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If

the regulatory action meets both criteria, EPA must evaluate the environmental health or safety effects 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 EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the order has the potential to influence the regulation. This rule falls into that category only in part: the minimum rule stringency is set according to a congressionally mandated, technology-based lower limit called the "floor," while a decision to increase the stringency beyond this floor can be partly based on risk considerations.

No children's risk analysis was performed for the 1998 NESHAP rulemaking because no alternative technologies exist that would provide greater stringency at a reasonable cost, and therefore the results of any such analysis would have no impact on the stringency decision. Today's action is not subject to Executive Order 13045 because it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

#### H. Executive Order 13084: Consultations and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments or if EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's action does not significantly or uniquely affect the communities of Indian tribal governments. The final rule published on April 15, 1998 (1998 NESHAP) does not create mandates upon tribal governments. Because today's action clarifies the intent of the 1998 NESHAP and corrects inadvertent omissions and minor drafting errors, today's action does not create a mandate on tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

#### I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (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., materials specifications, test methods, sampling procedures, business practices) 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 the OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards.

Although this action does not involve any new technical standards, today's action does include the incorporation by reference of an alternative test method. The method was developed by NCASI, however, NCASI is not a voluntary consensus standards body. No voluntary consensus standards were identified for measuring methanol in pulping process condensates.

#### J. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S.

Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). These technical amendments will be effective April 12, 1999.

#### K. Immediate Effective Date

The EPA is making today's action effective immediately. The EPA has determined that the rule amendments being made in today's action are interpretive rules which are not subject to notice and comment requirements. The EPA has also determined that this rule may be made effective in less than 30 days because it is interpretive and relieves restrictions. See 5 U.S.C. 553(d) (1) and (2).

### III. Legal Authority

These regulations are amended under the authority of sections 112, 114, and 301 of the Clean Air Act, as amended (42 U.S.C. sections 7412, 7414, and 7601).

#### List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations.

Dated: March 31, 1999.

#### Robert Brenner,

Acting Assistant Administrator, OAR.

For the reasons set out in the preamble, title 40, Chapter I of the Code of Federal Regulations is amended as follows:

### PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

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

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

#### Subpart A—General Provisions

2. Amend § 63.14 by adding paragraph (f) to read as follows:

#### § 63.14 Incorporations by reference.

\* \* \* \* \*

(f) The following material is available from the National Council of the Paper Industry for Air and Stream Improvement, Inc. (NCASI), P. O. Box 133318, Research Triangle Park, NC 27709-3318 or at <http://www.ncasi.org>: NCASI Method DI/MEOH-94.02, Methanol in Process Liquids GC/FID (Gas Chromatography/Flame Ionization



Detection), August 1998, Methods Manual, NCASI, Research Triangle Park, NC, IBR approved for § 63.457(c)(3)(ii) of subpart S of this part.

### Subpart S—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry

3. Amend § 63.441 by revising the definition of "Process wastewater treatment system" to read as follows:

#### § 63.441 Definitions.

\* \* \* \* \*

*Process wastewater treatment system* means a collection of equipment, a process, or specific technique that removes or destroys the HAPs in a process wastewater stream. Examples include, but are not limited to, a steam stripping unit, wastewater thermal oxidizer, or biological treatment unit.

\* \* \* \* \*

4. Amend § 63.443 by revising paragraph (b)(1) to read as follows:

#### § 63.443 Standards for the pulping system at kraft, soda, and semi-chemical processes.

\* \* \* \* \*

(b) \* \* \*

(1) At each existing affected source, the total HAP emissions from each LVHC system shall be controlled.

\* \* \* \* \*

5. Amend § 63.445 by revising paragraphs (a)(2) and (b) to read as follows:

#### § 63.445 Standards for the bleaching system.

(a) \* \* \*

(2) Bleaching systems bleaching pulp from kraft, sulfite, or soda pulping processes that use any chlorinated compounds; or

\* \* \* \* \*

(b) The equipment at each bleaching stage, of the bleaching systems listed in paragraph (a) of this section, where chlorinated compounds are introduced shall be enclosed and vented into a closed-vent system and routed to a control device that meets the requirements specified in paragraph (c) of this section. The enclosures and closed-vent system shall meet the requirements specified in § 63.450. If process modifications are used to achieve compliance with the emission limits specified in paragraphs (c)(2) or (c)(3), enclosures and closed-vent systems are not required, unless appropriate.

\* \* \* \* \*

6. Amend § 63.446 by revising paragraphs (b), (d)(1), and (e)(3) to read as follows:

#### § 63.446 Standards for kraft pulping process condensates.

\* \* \* \* \*

(b) The pulping process condensates from the following equipment systems shall be treated to meet the requirements specified in paragraphs (c), (d), and (e) of this section:

- (1) Each digester system;
- (2) Each turpentine recovery system;
- (3) Each evaporator system

condensate from:

(i) The vapors from each stage where weak liquor is introduced (feed stages); and

(ii) Each evaporator vacuum system for each stage where weak liquor is introduced (feed stages).

- (4) Each HVLC collection system; and
- (5) Each LVHC collection system.

\* \* \* \* \*

(d) \* \* \*

(1) Each closed collection system shall meet the individual drain system requirements specified in §§ 63.960, 63.961, and 63.962 of subpart RR of this part, except closed-vent systems and control devices shall be designed and operated in accordance with §§ 63.443(d) and 63.450, instead of in accordance with § 63.962(a)(3)(ii), (b)(3)(ii)(A), and (b)(3)(ii)(B)(5)(iii); and

\* \* \* \* \*

(e) \* \* \*

(3) Treat the pulping process condensates to reduce or destroy the total HAPs by at least 92 percent or more by weight; or

\* \* \* \* \*

7. Amend § 63.447 by revising paragraphs (e)(2), (g)(1)(ii), and (g)(2) to read as follows:

#### § 63.447 Clean condensate alternative.

\* \* \* \* \*

(e) \* \* \*

(2) The HAP emissions reduction occurring by complying with the clean condensate alternative technology.

\* \* \* \* \*

(g) \* \* \*

(1) \* \* \*

(ii) The air pollution control technologies that would be used to meet the requirements of § 63.443(a)(1)(ii) through (a)(1)(v); and

\* \* \* \* \*

(2) Estimates and basis for the estimates of total HAP emissions and emission reductions to fulfill the requirements of paragraphs (d), (e), and (f) of this section.

\* \* \* \* \*

8. Amend § 63.450 by revising paragraph (b) to read as follows:

#### § 63.450 Standards for enclosures and closed-vent systems.

\* \* \* \* \*

(b) Each enclosure shall maintain negative pressure at each enclosure or hood opening as demonstrated by the procedures specified in § 63.457(e). Each enclosure or hood opening closed during the initial performance test specified in § 63.457(a) shall be maintained in the same closed and sealed position as during the performance test at all times except when necessary to use the opening for sampling, inspection, maintenance, or repairs.

\* \* \* \* \*

9. Amend § 63.453 by revising paragraphs (b), (k)(6)(ii), and (l) to read as follows:

#### § 63.453 Monitoring requirements.

\* \* \* \* \*

(b) A CMS shall be operated to measure the temperature in the firebox or in the ductwork immediately downstream of the firebox and before any substantial heat exchange occurs for each thermal oxidizer used to comply with the requirements of § 63.443(d)(1) through (d)(3). Owners and operators complying with the HAP concentration requirements in § 63.443(d)(2) may install a CMS to monitor the thermal oxidizer outlet total HAP or methanol concentration, as an alternative to monitoring thermal oxidizer operating temperature.

\* \* \* \* \*

(k) \* \* \*

(6) \* \* \*

(ii) The repair or corrective action shall be completed no later than 15 calendar days after the problem is identified. Delay of repair or corrective action is allowed if the repair or corrective action is technically infeasible without a process unit shutdown or if the owner or operator determines that the emissions resulting from immediate repair would be greater than the emissions likely to result from delay of repair. Repair of such equipment shall be completed by the end of the next process unit shutdown.

(l) Each pulping process condensate closed collection system used to comply with § 63.446(d) shall comply with the requirements specified in paragraphs (l)(1) through (l)(3) of this section.

(1) Each pulping process condensate closed collection system shall be visually inspected every 30 days and shall comply with the inspection and monitoring requirements specified in § 63.964 of subpart RR of this part, except:

(i) Owners or operators shall comply with the recordkeeping requirements of § 63.454 instead of the requirements specified in § 63.964(a)(1)(vi) and (b)(3) of subpart RR of this part.

(ii) Owners or operators shall comply with the inspection and monitoring requirements for closed-vent systems and control devices specified in paragraphs (a) and (k) of this section instead of the requirements specified in § 63.964(a)(2) of subpart RR of this part.

(2) Each condensate tank used in the closed collection system shall be operated with no detectable leaks as specified in § 63.446(d)(2)(i) measured initially and annually by the procedures specified in § 63.457(d).

(3) If an inspection required by this section identifies visible defects in the closed collection system, or if an instrument reading of 500 parts per million or greater above background is measured, then corrective actions specified in § 63.964(b) of subpart RR of this part shall be taken.

10. Amend § 63.457 by revising paragraphs (b)(5) introductory text, (b)(5)(ii)(C), (b)(5)(ii)(E)(7), (b)(6), (c)(2), (c)(3) introductory text, (c)(4)(i), (f)(1), (h), and (m)(1)(ii); by redesignating paragraph (c)(3)(ii) as paragraph (c)(3)(iii); and adding a new paragraph (c)(3)(ii) to read as follows:

**§ 63.457 Test methods and procedures.**

(b) \*\*\*

(5) To determine vent gas concentrations, the owner or operator shall conduct a minimum of three test runs that are representative of normal conditions and average the resulting pollutant concentrations using the following procedures.

(ii) \*\*\*

(C) Critical orifice. The critical orifice shall have a flow rate of 200 to 250 ml/min and shall be followed by a vacuum pump capable of providing a vacuum of

640 millimeters of mercury (mm Hg). A 45 millimeter diameter in-line Teflon 0.8 micrometer filter shall follow the impingers to protect the critical orifice and vacuum pump.

(E) \*\*\*

(7) To prepare the 10 percent sulfuric acid solution, add 10 ml of concentrated sulfuric acid to 80 ml water in a 100 ml volumetric flask. Dilute to volume.

(6) \*\*\*

(6) The minimum sampling time for each of the three test runs shall be 1 hour in which either an integrated sample or four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15 minute intervals during the test run.

(c) \*\*\*

(2) The volumetric flow rate of the entering and exiting liquid streams shall be determined using the inlet and outlet flow meters or other methods demonstrated to the Administrator's satisfaction. The volumetric flow rate measurements to determine actual mass removal shall be taken at the same time as the concentration measurements.

(3) The owner or operator shall conduct a minimum of three test runs that are representative of normal conditions and average the resulting pollutant concentrations. The minimum sampling time for each test run shall be 1 hour and the grab or composite samples shall be taken at approximately equally spaced intervals over the 1-hour test run period. The owner or operator shall use one of the following procedures to determine total HAP or methanol concentration:

(ii) For determining methanol concentrations, NCASI Method DI/MEOH-94.02, Methanol in Process

Liquids by GC/FID, August 1998, Methods Manual, NCASI, Research Triangle Park, NC. This test method is incorporated by reference in § 63.14(f) of subpart A of this part.

(4) \*\*\*

(i) Filter the sample through the filter paper, into an Erlenmeyer flask by applying a vacuum to the flask sidearm. Minimize the time for which vacuum is applied to prevent stripping of volatile organics from the sample. Replace filter paper as often as needed in order to maintain filter times of less than approximately 30 seconds per filter paper. No rinsing of sample container or filter bowl into the Erlenmeyer flask is allowed.

(f) \*\*\*

(1) As the sum of all individual HAPs; or

(h) Bleaching HAP concentration measurement. For purposes of complying with the bleaching system requirements in § 63.445, the owner or operator shall measure the total HAP concentration as the sum of all individual chlorinated HAPs or as chlorine.

(m) \*\*\*

(1) Multiply the total HAP mass determined in paragraph (m)(1)(i) of this section by 0.65 to determine the target HAP mass for the high-HAP fraction condensate stream or streams.

11. Table 1 of subpart S is amended by revising the entry for § 63.8(f)(6) to read as follows:

TABLE 1 TO SUBPART S—GENERAL PROVISIONS APPLICABILITY TO SUBPART S<sup>a</sup>

Reference	Applies to Subpart S	Comment
63.8(f)(6)	No	Subpart S does not specify relative accuracy test for CEMs.

<sup>a</sup> Wherever subpart A specifies "postmark" dates, submittals may be sent by methods other than the U.S. Mail (e.g., by fax or courier). Submittals shall be sent by the specified date, but a postmark is not required.

[FR Doc. 99-8950 Filed 4-9-99; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-300837; FRL-6074-5]

RIN 2070-AB78

### Clopyralid; Extension of Tolerance for Emergency Exemptions

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

**ACTION:** Final rule.

**SUMMARY:** This regulation extends a time-limited tolerance for residues of the herbicide clopyralid in or on canola at 3 part per million (ppm) for an additional one and one-half year period. This tolerance will expire and is revoked on July 31, 2001. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on canola. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18.

**DATES:** This regulation becomes effective April 12, 1999. Objections and requests for hearings must be received by EPA, on or before June 11, 1999.

**ADDRESSES:** Written objections and hearing requests, identified by the docket control number [OPP-300837], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP-300837], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2,

1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP-300837]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

**FOR FURTHER INFORMATION CONTACT:** By mail: Libby Pemberton, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 280, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, 703 308-9364, pemberton.libby@epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA issued a final rule, published in the **Federal Register** of May 16, 1997 (62 FR 26949) (FRL-5718-2), which announced that on its own initiative under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a and (l)(6), as amended by the Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104-170) it established a time-limited tolerance for the residues of clopyralid in or on canola at 3 ppm, with an expiration date of July 31, 1998. EPA extended the expiration date of this tolerance to January 31, 2000 in a **Federal Register** notice published June 10, 1998 (63 FR 31640-31642) (FRL-5789-8). EPA established the tolerance because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment.

EPA received a request to extend the use of clopyralid on canola for this year's growing season due to the continued emergency situation involving perennial sowthistle and Canadian thistle in Minnesota,

Montana, and North Dakota. After having reviewed the submission, EPA concurs that emergency conditions exist. EPA has authorized under FIFRA section 18 the use of clopyralid on canola for control of perennial sowthistle and Canadian thistle in Minnesota, Montana, and North Dakota.

EPA assessed the potential risks presented by residues of clopyralid in or on canola. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. The data and other relevant material have been evaluated and discussed in the final rule of May 16, 1997 (62 FR 26949) (FRL-5718-2). Based on that data and information considered, the Agency reaffirms that extension of the time-limited tolerance will continue to meet the requirements of section 408(l)(6). Therefore, the time-limited tolerance is extended for an additional one and one-half year period. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations (CFR). Although this tolerance will expire and is revoked on July 31, 2001, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on canola after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA and the application occurred prior to the revocation of the tolerance. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

#### I. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by June 11, 1999, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with