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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-6478-6]

RIN 2060-A153

National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT); Process Wastewater Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; amendments.

SUMMARY: On June 29, 1999 (64 FR 34854), we promulgated a consolidated rulemaking that included standards for four specific source categories (i.e., acetal resins (AR), acrylic and modacrylic fiber (AMF), hydrogen fluoride (HF) and polycarbonate (PC) production), and general control requirements for certain types of emission points for hazardous air pollutants (HAP).

At the time of promulgation of the consolidated rulemaking, we deferred taking final action regarding provisions applicable to wastewater streams for the AR, AMF, and PC production source categories based on a need to propose significant changes to the wastewater provisions that were proposed on October 14, 1998 (63 FR 55178). The HF production source category does not have wastewater streams. In parallel with the promulgated consolidated rulemaking package, we published a supplemental notice of proposed rulemaking regarding wastewater provisions (64 FR 34950) applicable to wastewater streams for the AR, AMF, and PC production source categories and reopened the public comment

period regarding those proposed wastewater provisions.

Today's action promulgates wastewater provisions amendments applicable to wastewater streams for the AR, AMF, and PC production source categories based on our response to comments received on the wastewater provisions proposed on June 29, 1999 (64 FR 34950).

EFFECTIVE DATE: November 22, 1999.

ADDRESSES: Docket No. A-97-17 contains supporting information used in developing the standards. The docket is located at the U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 in room M-1500, Waterside Mall (ground floor), and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: For information concerning the final wastewater provision amendments, contact David W. Markwordt at the Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541-0837, facsimile (919) 541-0942, e-mail address markwordt.david@epa.gov.

SUPPLEMENTARY INFORMATION:

Docket

The docket is an organized and complete file of all the information considered by the EPA in the development of this rulemaking. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the Clean Air Act (Act).) The regulatory text and other materials related to this rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260-7548. A reasonable fee may be charged for copying docket materials.

Technical Support Document.

The wastewater amendments promulgated today are supported by a supplementary information memorandum that contains a summary of the public comments received on the proposed wastewater provision amendments and our response to those comments. This memorandum may be obtained from the docket for this rule, A-97-17 (see *Docket*). The title of the memorandum is "Generic Maximum Achievable Control Technology—Supplementary Information for Acetal Resins, Acrylic and Modacrylic Fiber, and Polycarbonate Production Wastewater Provisions." The Supplementary Notice of Proposed Rulemaking (SNPR), the promulgated regulatory text, and supporting documentation are available in Docket No. A-97-17 or by request from our Air and Radiation Docket and Information Center (see **ADDRESSES**).

Technology Transfer Network

In addition to being available in the docket, an electronic copy of today's amendments is also available through the Technology Transfer Network (TTN). Following signature, a copy of the rule will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules <http://www.epa.gov/ttn/oarpg>. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541-5384.

Plain Language

In compliance with President Clinton's June 1, 1998 Executive Memorandum on Plain Language in government writing, this preamble is written using plain language. Thus, the use of "we" in this notice refers to the EPA. The use of "you" refers to the reader, and may include industry; State, local, and tribal governments; environmental groups; and other interested individuals.

Regulated Entities

Entities potentially regulated are those that produce AR, AMF, and PC and are major sources of HAP as defined in section 112 of the Act. Regulated categories and entities include:

| Category | Regulated entities ^a |
|----------------|--|
| Industry | Producers of homopolymers and/or copolymers of alternating oxymethylene units. Producers of either acrylic fiber or modacrylic fiber synthetics composed of acrylonitrile (AN) units. |

| Category | Regulated entities ^a |
|----------|---------------------------------|
| | Producers of polycarbonate. |

^aThis table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that the EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility, company, business, organization, etc., is regulated by this action, you should carefully examine the applicability criteria in § 63.1104(a)(1), (b)(1), (c)(1), and (d)(1) of the rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Judicial review. Under section 307(b)(1) of the Act, judicial review of these final wastewater provision amendments is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by January 21, 2000. Under section 307(d)(7)(B) of the Act, only an objection to these wastewater provisions amendments which was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under section 307(b)(2) of the Act, the requirements established by today's final action may not be challenged separately in any civil or criminal proceeding we bring to enforce these requirements.

I. What Is the Background for These Wastewater Provision Amendments?

On June 29, 1999 (64 FR 34854), we promulgated a consolidated rulemaking that included generic MACT standards under section 112 of the Act for certain small source categories consisting of five or fewer sources. At that time, we proposed amendments to the provisions applicable to wastewater and certain liquid streams in open systems and deferred taking final action on those provisions until now. Today's action finalizes these amendments based on comments received on the proposed amendments and our response to those comments.

II. Compliance Dates

The compliance dates for the standards promulgated on June 29, 1999 (64 FR 34854) for the AR, AMF, and PC production source categories are July 1, 2002 for existing sources and upon startup after June 29, 1999 for new sources. Additional compliance time is not warranted for existing sources, and there have not been any new AR, AMF, and PC production facilities that would warrant specifying a different compliance date for new sources. Therefore, although we deferred action on the wastewater provisions for the AR, AMF, and PC production source categories, the dates for compliance with the wastewater provisions adopted by this action will be the same as for the other provisions we previously promulgated on June 29, 1999.

III. Comments Received on the Proposed Wastewater Provisions Amendments

We received no major comments on the wastewater provisions amendments proposed on June 29, 1999 (64 FR 34950). We have made limited clarifying changes and some editorial changes in response to comments received. Clarifying changes include (1) amending 40 CFR part 63, subpart YY by replacing the term "chemical manufacturing process unit" and "CMPU" with the phrase "a process unit whose primary product is a product produced by a source category subject to this subpart"; (2) amending 40 CFR part 63, subpart YY applicability tables for process wastewater requirements to reflect that both Group 1 and Group 2 wastewater streams are subject to requirements under § 63.1106(a); and (3) amending 40 CFR part 63, subpart YY to clarify that when a source subject to this subpart is colocated with a Synthetic Organic Chemical Manufacturing Industry (SOCMI) source, and a single wastewater treatment facility treats similar wastewaters from both sources, a certification by the treatment facility that they will manage and treat the waste in conformity with the specific control requirements set forth in 40 CFR 63.133 through 63.147 will also be deemed sufficient to satisfy the certification requirements for the generic MACT wastewater provisions.

A supplementary information memorandum that contains a summary of the public comments received on the proposed wastewater provisions amendments and our response to those comments may be obtained from the docket for this rule, A-97-17 (see *Docket*).

IV. Summary of Final Wastewater Provisions Amendments

The final wastewater provisions amendments incorporate and cross-reference wastewater provisions of the HON for the AR, AMF, and PC production source categories. These final amendments respond to comments received on the proposed wastewater provisions published on October 14, 1998 (63 FR 55178), and the proposed amendments to those provisions published on June 29, 1999 (64 FR

34950). In addition, these final amendments reflect our original intent regarding "point of determination" measurements and "treatment and destruction" requirements for process wastewater, and that requirements for maintenance wastewater and liquid streams in open systems be included.

The final amendments for process wastewater, maintenance wastewater, and liquid streams in open systems within the regulated process unit directly refer to HON wastewater requirements. For process wastewater, you are required to make a group determination for each wastewater stream based on flow rate and organic HAP concentration. If a process wastewater stream is determined to be Group 1, you must comply with specific requirements for waste management units to suppress emissions, and requirements to treat the wastewater streams to reduce the organic HAP concentration. The suppression requirements in the referenced sections of the HON are equivalent in stringency to the wastewater requirements that were initially proposed on October 14, 1998 (63 FR 55178) for most emissions points associated with wastewater streams.

The maintenance wastewater provisions require, for each maintenance wastewater stream that contains organic HAP, that you develop and follow procedures to manage wastewaters generated during maintenance activities so that emissions are minimized. The provisions for liquid streams in open systems apply to drain or drain hubs, manholes, lift stations, trenches, pipes, oil/water separators, and tanks within the regulated process unit, and require that you implement specific emission reduction techniques for each type of equipment.

V. Summary of Impacts

We estimate that the impacts for air emissions will be negligible because AR, AMF, and PC production affected sources that will be subject to these requirements are already well controlled. Similarly, water pollution and solid waste, and increases in energy use resulting from the use of control devices will be negligible. Based on

previous impacts analyses associated with the application of the control and recovery devices required under the standards and because each of the three subject source categories have only five or fewer major sources, we believe that there will be minimal, if any, adverse environmental or energy impacts associated with the final amendments.

Likewise, based on available information, we estimate that the cost and economic impacts of the final wastewater provisions amendments for the three source categories being regulated will be insignificant or minimal. The economic analyses for each of the three source categories can be obtained from the docket (see *Docket*).

VI. Administrative Requirements

A. Paperwork Reduction Act

The information collection requirements associated with these wastewater provisions amendments do not add to the promulgated rule information collection requirements. The information collection requirements of the promulgated rule for the generic MACT standards were submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, 44 U.S.C. 3501, *et seq.* Under the promulgated rule, we prepared an Information Collection Request (ICR) document (ICR No. 1750.01) and a copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M Street, SW, Washington, DC 20460, or by calling (202) 260-2740. We 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 our regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The OMB approved the information collection requirements for the AR, AMF, and PC production source categories and assigned the OMB control number 2060-0420 to the ICR. This approval expires September 30, 2002.

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether a 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 result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the

economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

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

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

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

The final wastewater provisions amendments for AR, AMF, and PC production do not constitute a "significant regulatory action" as defined under Executive Order 12866, and therefore, are not subject to review by OMB.

C. Executive Order 13132 (Federalism)

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

If EPA complies by consulting, Executive Order 13132 requires EPA to provide to the Office of Management and Budget (OMB), in a separately identified section of the preamble to the rule, a federalism summary impact statement (FSIS). The FSIS must include a description of the extent of EPA's prior consultation with State and local officials, a summary of the nature of

their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met. Also, when EPA transmits a draft final rule with federalism implications to OMB for review pursuant to Executive Order 12866, EPA must include a certification from the agency's Federalism Official stating that EPA has met the requirements of Executive Order 13132 in a meaningful and timely manner.

This final rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This rule has minimal direct effects on the 9 plants which are impacted by this rule. This rule has even less impacts on States within which the plants reside. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

D. Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act of 1996

Under the Regulatory Flexibility Act (RFA) of 1980 (5 U.S.C. 601, *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), we are required to give special consideration to the effect of Federal regulations on small entities and to consider regulatory options that might mitigate any such impacts.

Today's action is not subject to the requirements of the RFA as modified by SBREFA because it does not impose any regulatory requirements on small entities.

E. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), we 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 in any 1 year. Under section 203, we are required to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule. Under section 205 of UMRA, we must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. We are required to select the

least burdensome alternative for State, local, and tribal governments and the private sector that achieves the objectives of the rule, unless we explain why this alternative is not selected or unless the selection of this alternative is inconsistent with law.

Because the promulgated rule and these final amendments to the rule do not include a Federal mandate and are estimated to result in expenditures less than \$100 million in any 1 year by State, local, and tribal governments, we have not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. In addition, because small governments would not be significantly or uniquely affected by this rule, we are not required to develop a plan with regard to small governments. Therefore, the requirements of the UMRA do not apply to this action.

F. National Technology Transfer and Advancement Act

Under section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104-113, section 12(d) (15 U.S.C. 272 note), we are directed to use voluntary consensus standards instead of government-unique standards in our regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. By doing so, the Act is intended to reduce the cost to the private and public sectors.

Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standard bodies. We are required by the NTTAA to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

As part of a larger effort, we are undertaking a project to cross-reference existing voluntary consensus standards on testing, sampling, and analysis, with current and future EPA test methods. When completed, this project will assist us in identifying potentially-applicable voluntary consensus standards that can then be evaluated for equivalency and applicability in determining compliance with future regulations.

This action does not involve the promulgation of any new technical standards. It does, however, cross-reference existing technical standards, including government-unique technical standards that have been proposed and promulgated under other rulemakings for similar source control applicability

and compliance determinations, therefore section 12(d) does not apply.

G. Executive Order 13045

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that we determine (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, we 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 we considered.

This amendatory action is not subject to Executive Order 13045 because it does not constitute an economically significant regulatory action as defined by Executive Order 12866 and because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13084

Under Executive Order 13084, we 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 cost incurred by the tribal governments, or we consult with those governments. If we comply by consulting, we are required to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of our 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, we are required to develop an effective process permitting elected officials 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 amendments implement requirements specifically set forth by Congress in section 112 of the Act without the exercise of any discretion by us. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

I. Congressional Review Act

Under the Small Business Regulatory Enforcement Fairness Act of 1996, we submitted a report containing these final amendments 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 these final amendments in the **Federal Register**. This is not a "major rule" as defined by the Small Business Regulatory Enforcement Fairness Act.

List of Subjects in 40 CFR Part 63

Environmental protection, Acetal resins production, Acrylic and modacrylic fiber production, Air emissions control, Hazardous air pollutants, Polycarbonates production, Process wastewater streams, Wastewater.

Dated: November 15, 1999.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, title 40, chapter I, part 63 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 YY—National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards

2. Section 63.1100 is amended by adding paragraph (g)(5) as follows:

§ 63.1100 Applicability.

* * * * *

(g) * * *

(5) *Overlap of subpart YY with other regulations for wastewater.* (i) After the compliance dates specified in § 63.1102 for an affected source subject to this subpart, a wastewater stream that is subject to the wastewater requirements of this subpart and the wastewater requirements of subparts F, G, and H of this part (collectively known as the "HON") shall be deemed to be in compliance with the requirements of this subpart if it complies with either set of requirements. In any instance where a source subject to this subpart is colocated with a Synthetic Organic Chemical Manufacturing Industry (SOCMI) source, and a single wastewater treatment facility treats both

Group 1 wastewaters and wastewater residuals from the source subject to this subpart and wastewaters from the SOCM source, a certification by the treatment facility that they will manage and treat the waste in conformity with the specific control requirements set forth in 40 CFR 63.133 through 63.147 will also be deemed sufficient to satisfy the certification requirements for wastewater treatment under this subpart.

(ii) After the compliance dates specified in § 63.1102 for an affected source subject to this subpart, a wastewater stream that is subject to control requirements in the Benzene Waste NESHAP (subpart FF of part 61 of this chapter) and this subpart is required to comply with both rules.

3. Section 63.1101 is amended by adding definitions in alphabetical order to read as follows:

§ 63.1101 Definitions.

* * * * *

Annual average concentration, as used in the wastewater provisions, means the flow-weighted annual average concentration, as determined according to the procedures specified in § 63.144(b).

Annual average flow rate, as used in the wastewater provisions, means the annual average flow rate, as determined according to the procedures specified in § 63.144(c).

* * * * *

Group 1 wastewater stream means a process wastewater stream at an existing or new source that meets the criteria for Group 1 status in § 63.132(c).

Group 2 wastewater stream means a process wastewater stream that does not meet the definition of a Group 1 wastewater stream.

* * * * *

Maintenance wastewater means wastewater generated by the draining of process fluid from components in the process unit, whose primary product is a product produced by a source category subject to this subpart, into an individual drain system prior to or during maintenance activities.

Maintenance wastewater can be generated during planned and unplanned shutdowns and during periods not associated with a shutdown. Examples of activities that can generate

maintenance wastewaters include descaling of heat exchanger tubing bundles, cleaning of distillation column traps, draining of low legs and high point bleeds, draining of pumps into an individual drain system, and draining of portions of the process unit, whose primary product is a product produced by a source category subject to this subpart, for repair.

* * * * *

Oil-water separator or organic-water separator means a waste management unit, generally a tank used to separate oil or organics from water. An oil-water or organic-water separator consists of not only the separation unit but also the forebay and other separator basins, skimmers, weirs, grit chambers, sludge hoppers, and bar screens that are located directly after the individual drain system and prior to additional waste management units such as an air flotation unit, clarifier, or biological treatment unit. Examples of an oil-water or organic-water separator include, but are not limited to, an American Petroleum Institute separator, parallel-plate interceptor, and corrugated-plate interceptor with the associated ancillary equipment.

* * * * *

Point of determination means each point where process wastewater exits the process unit, whose primary product is a product produced by a source category subject to this subpart.

Note to definition for point of determination: The regulation allows determination of the characteristics of a wastewater stream at the point of determination or downstream of the point of determination if corrections are made for changes in flow rate and annual average concentration of Table 9 compounds (as defined under this subpart) as determined in § 63.144. Such changes include losses by air emissions, reduction of annual average concentration or changes in flow rate by mixing with other water or wastewater streams, and reduction in flow rate or annual average concentration by treating or otherwise handling the wastewater stream to remove or destroy hazardous air pollutants.

* * * * *

Process wastewater means wastewater which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate

product, finished product, by-product, or waste product. Examples are product tank drawdown or feed tank drawdown, water formed during a chemical reaction or used as a reactant, water used to wash impurities from organic products or reactants, equipment washes between batches in a batch process, water used to cool or quench organic vapor streams through direct contact, and condensed steam from jet ejector systems pulling vacuum on vessels containing organics.

Process wastewater stream means a stream that contains process wastewater.

* * * * *

Table 9 compounds means compounds listed in Table 9 of subpart G of this part.

* * * * *

Wastewater is either a process wastewater or a maintenance wastewater and means water that:

(1) Contains either:

(i) An annual average concentration of Table 9 compounds (as defined under this subpart) of at least 5 parts per million by weight at the point of determination and has an annual average flow rate of 0.02 liter per minute or greater, or

(ii) An annual average concentration of Table 9 compounds (as defined under this subpart) of at least 10,000 parts per million by weight at the point of determination at any flow rate, and that

(2) Is discarded from a process unit, whose primary product is a product produced by a source category subject to this subpart.

Wastewater stream means a stream that contains wastewater.

* * * * *

4. Section 63.1103 is amended by:

- a. Adding entries 6, 7, and 8 in table 1 of paragraph (a)(3);
- b. Adding entries 8, 9, and 10 in table 2 of paragraph (b)(3)(i);
- c. Adding entries 7, 8, and 9 in table 5 of paragraph (d)(3); and
- d. Adding entries 6, 7, and 8 in table 6 of paragraph (d)(3) as follows:

§ 63.1103 Source category-specific applicability, definitions, and requirements.

* * * * *

(a) * * *

(3) * * *

TABLE 1. TO § 63.1103.—WHAT ARE MY REQUIREMENTS IF I OWN OR OPERATE AN ACETAL RESINS PRODUCTION EXISTING OR NEW AFFECTED SOURCE?

If you own or operate * * *

And if * * *

Then you must * * *

TABLE 1. TO § 63.1103.—WHAT ARE MY REQUIREMENTS IF I OWN OR OPERATE AN ACETAL RESINS PRODUCTION EXISTING OR NEW AFFECTED SOURCE?—Continued

| If you own or operate * * * | And if * * * | Then you must * * * |
|--|---|---|
| * * * | * * * | * * * |
| 6. An acetal resins production process unit that generates process wastewater. | The process wastewater stream is a Group 1 or Group 2 wastewater stream. | Comply with the requirements of § 63.1106(a). |
| 7. An acetal resins production process unit that generates maintenance wastewater. | The maintenance wastewater contains organic HAP. | Comply with the requirements of § 63.1106(b). |
| 8. An item of equipment listed in § 63.1106(c)(1). | The item of equipment meets the criteria specified in § 63.1106(c)(1) through (3) and either (c)(4)(i) or (ii). | Comply with the requirements in Table 35 of subpart G of this part. |

* * * * *

(i) * * *

(b) * * *

(3) * * *

TABLE 2. TO § 63.1103.—WHAT ARE MY REQUIREMENTS IF I OWN OR OPERATE AN ACRYLIC AND MODACRYLIC FIBER PRODUCTION EXISTING OR NEW AFFECTED SOURCE AND AM COMPLYING WITH PARAGRAPH (B)(3)(I) OF THIS SECTION?

| If you own or operate * * * | And if * * * | Then you must * * * |
|---|---|---|
| * * * | * * * | * * * |
| 8. An acrylic and modacrylic fiber production process unit that generates process wastewater. | The process wastewater stream is a Group 1 or Group 2 wastewater stream. | Comply with the requirements of § 63.1106(a). |
| 9. An acrylic and modacrylic fiber production process unit that generates maintenance wastewater. | The maintenance wastewater contains organic HAP. | Comply with the requirements of § 63.1106(b). |
| 10. An item of equipment listed in § 63.1106(c)(1). | The item of equipment meets the criteria specified in § 63.1106(c)(1) through (3) and either (c)(4)(i) or (ii). | Comply with the requirements in Table 35 of subpart G of this part. |

* * * * *

(d) * * *

(3) * * *

TABLE 5. TO § 63.1103.—WHAT ARE MY REQUIREMENTS IF I OWN OR OPERATE A POLYCARBONATE PRODUCTION EXISTING AFFECTED SOURCE?

| If you own or operate * * * | And if * * * | Then you must * * * |
|---|---|---|
| * * * | * * * | * * * |
| 7. A polycarbonate production process unit that generates process wastewater. | The process wastewater stream is a Group 1 or a Group 2 wastewater stream. | Comply with the requirements of § 63.1106(a). |
| 8. A polycarbonate production process unit that generates maintenance wastewater. | The maintenance wastewater contains organic HAP. | Comply with the requirements of § 63.1106(b). |
| 9. An item of equipment listed in § 63.1106(c)(1). | The item of equipment meets the criteria specified in § 63.1106(c)(1) through (3) and either (c)(4)(i) or (ii). | Comply with the requirements in Table 35 of subpart G of this part. |

TABLE 6. TO § 63.1103.—WHAT ARE MY REQUIREMENTS IF I OWN OR OPERATE A POLYCARBONATE PRODUCTION NEW AFFECTED SOURCE?

| If you own or operate * * | And if * * * | Then you must * * * |
|---|---|---|
| * * * | * * * | * * * |
| 6. A polycarbonate production process unit that generates process wastewater. | The process wastewater stream is a Group 1 or a Group 2 wastewater stream. | Comply with the requirements of § 63.1106(a). |
| 7. A polycarbonate production process unit that generates maintenance wastewater. | The maintenance wastewater contains organic HAP. | Comply with the requirements of § 63.1106(b). |
| 8. An item of equipment listed in § 63.1106(c)(1). | The item of equipment meets the criteria specified in § 63.1106(c)(1) through (3) and either (c)(4)(i) or (ii). | Comply with the requirements in Table 35 of subpart G of this part. |

* * * * *

5. Section 63.1106 is added to subpart YY to read as follows:

§ 63.1106 Wastewater provisions.

(a) *Process wastewater.* Except as specified in paragraphs (a)(1) through (a)(16) and paragraph (d) of this section, the owner or operator of each affected source shall comply with the HON process wastewater requirements in §§ 63.132 through 63.148.

(1) When terms used in §§ 63.132 through 63.148 are defined in § 63.1101, the definition in § 63.1101 shall apply, for the purposes of this subpart. For terms used in §§ 63.132 through 63.148 that are not defined in § 63.1101, the definitions in § 63.101 and § 63.111 shall apply.

(2) When the term chemical manufacturing production process unit, or CMPU, is used in §§ 63.132 through 63.148, the phrase "a process unit whose primary product is a product produced by a source category subject to this subpart" shall apply, for the purposes of this subpart.

(3) Owners and operators of affected sources are not required to comply with § 63.132(b)(1) and (d) and § 63.138(c). Further, owners and operators are exempt from all requirements in §§ 63.132 through 63.148 that pertain solely and exclusively to organic HAP listed in Table 8 of subpart G of this part.

(4) When the determination of equivalence criteria in § 63.102(b) is referred to in §§ 63.132, 63.133, and 63.137, the alternative nonopacity emission standard provisions in § 63.6(g) shall apply, for the purposes of this subpart.

(5) When the HON storage vessel requirements for internal floating roofs contained in § 63.119(b) are referred to in § 63.133(a)(2)(ii), the requirements in § 63.1063(a)(1)(i), (2), and (b) shall apply, for the purposes of this subpart.

(6) When the HON storage vessel requirements for external floating roofs in § 63.119(c) and § 63.120(b)(5) and (6) are referred to in § 63.133(a)(2)(iii) and (d), the requirements in § 63.1063(a)(1)(ii), (2), and (b) shall apply, for the purposes of this subpart.

(7) For the purposes of this subpart, § 63.1063(c)(2)(iv) shall apply instead of § 63.133(e).

(8) When § 63.143(c), (d), (e)(3) and § 63.146(a) require the submission of a request for approval to monitor alternative parameters according to the procedures specified in § 63.151(f) or (g), the owner or operator requesting to monitor alternative parameters shall follow the procedures specified in

§ 63.1108(c) or as specified in a referenced subpart.

(9) When § 63.147(d) requires the owner or operator to keep records of the daily average value of each continuously monitored parameter for each operating day as specified in § 63.152(f), the owner or operator shall keep records of each continuously monitored parameter for each operating day as specified in § 63.998(b).

(10) When § 63.132(a) and (b) refer to the "applicable dates specified in § 63.100 of subpart F of this part," the applicable compliance dates specified in § 63.1102 shall apply, for purposes of this subpart.

(11) Where § 63.152(b) and/or the Notification of Compliance Status is referred to in §§ 63.132 through 63.148, the Notification of Compliance Status requirements contained in § 63.1110(a)(3) shall apply, for purposes of this subpart.

(12) Where § 63.152(c) and/or the Periodic Report requirements are referred to §§ 63.132 through 63.148, the Periodic Report requirements contained in § 63.1110(a)(4) shall apply, for purposes of this subpart.

(13) When Method 18 of appendix A to part 60 of this chapter is specified in § 63.139(e)(1)(ii), § 63.145(d)(4), or § 63.145(i)(2), either Method 18 or Method 25A may be used. The use of Method 25A of appendix A to part 60 of this chapter shall comply with paragraphs (a)(13)(i) and (a)(13)(ii) of this section.

(i) The organic HAP used as the calibration gas for Method 25A of appendix A of part 60 of this chapter shall be the single organic HAP representing the largest percent by volume of the emissions.

(ii) The use of Method 25A of appendix A of part 60 of this chapter is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(14) When the HON recordkeeping requirements for by-pass lines in § 63.118(a)(3) is referred to in § 63.148(f), the requirements in § 63.998(d)(1)(ii)(A) shall apply, for the purposes of this subpart.

(15) When the Initial Notification requirements in § 63.182(b) are referred to in § 63.148(j), the requirements in § 63.1110(c) shall apply, for the purposes of this subpart.

(16) For the purposes of this subpart, § 63.148(k) shall not apply.

(b) *Maintenance wastewater.* The owner or operator of each affected source shall comply with the HON

maintenance wastewater requirements in § 63.105. When terms used in § 63.105 are defined in § 63.1101, the definition in § 63.1101 shall apply, for the purpose of this subpart. For terms used in § 63.105 that are not defined in § 63.1101, the definitions in § 63.101 and § 63.111 shall apply.

(c) *Liquid streams in open systems.*

The owner or operator shall comply with the provisions of Table 35 of subpart G of this part for each item of equipment meeting the criteria specified in paragraphs (c)(1) through (3) of this section and either paragraph (c)(4)(i) or (ii) of this section, with the exceptions provided in paragraphs (c)(5) and (6) of this section.

(1) The item of equipment is one of the types of equipment identified in paragraphs (c)(1)(i) through (vii) of this section.

- (i) Drain or drain hub;
- (ii) Manhole (including sumps and other points of access to a conveyance system);
- (iii) Lift station;
- (iv) Trench;
- (v) Pipe;
- (vi) Oil/water separator; and
- (vii) Tanks with capacities of 38 m³ or greater.

(2) The item of equipment is part of an affected source that is subject to this subpart.

(3) The item of equipment is controlled less stringently than in Table 35 of subpart G of this part, and the item of equipment is not otherwise exempt from the provisions of this subpart, or a referenced subpart.

(4) The item of equipment:

- (i) Is a drain, drain hub, manhole, lift station, trench, pipe, or oil/water separator that conveys water with a total annual average concentration greater than or equal to 10,000 parts per million by weight of Table 9 compounds (as defined under this subpart) at any flow rate; or a total annual average concentration greater than or equal to 1,000 parts per million by weight of Table 9 compounds (as defined under this subpart) at an annual average flow rate greater than or equal to 10 liters per minute.

(ii) Is a tank that receives one or more streams that contain water with a total annual average concentration greater than or equal to 1,000 parts per million by weight of Table 9 compounds (as defined under this subpart) at an annual average flow rate greater than or equal to 10 liters per minute. The owner or operator shall determine the characteristics of the stream as specified in paragraphs (c)(4)(ii)(A) and (B) of this section.

(A) The characteristics of the stream being received shall be determined at the inlet to the tank.

(B) The characteristics shall be determined according to the procedures in § 63.144(b) and (c).

(5) When terms used in Table 35 of subpart G of this part are defined in § 63.1101, the definition in § 63.1101 shall apply, for the purpose of this subpart. For terms used in Table 35 of subpart G of this part that are not defined in § 63.1101, the definitions in § 63.101 and § 63.111 shall apply.

(6) When Table 35 of subpart G of this part refers to 40 CFR 63.119(e)(1) or (e)(2) in the requirements for tanks, the requirements in § 63.982(a)(1) shall apply, for purposes of this subpart.

(d) The compliance date for the affected sources subject to the provisions of this section is specified in § 63.1102.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-6478-8]

RIN 2060-AG91

National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; corrections.

SUMMARY: On June 29, 1999, we issued the National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT) (64 FR 34854). This final rule corrections serve to clarify and correct errors in the promulgated rule.

EFFECTIVE DATE: November 22, 1999.

FOR FURTHER INFORMATION CONTACT: For information concerning these corrections amendments, contact David W. Markwordt, Policy, Planning, and Standards Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541-0837, facsimile: (919) 541-0942, electronic mail address: markwordt.david@epa.gov.

SUPPLEMENTARY INFORMATION: *Regulated entities.* Entities that will potentially be affected by these corrections are those that produce acetal resins, acrylic and modacrylic fiber, hydrogen fluoride, and polycarbonate and are major sources of hazardous air pollutants as defined in section 112 of the Clean Air Act (Act). The regulated categories and entities include the following:

| Category | Regulated entities ^a |
|----------------|---|
| Industry | Producers of homopolymers and/or copolymers of alternating oxymethylene units. Producers of either acrylic fiber or modacrylic fiber synthetics composed of acrylonitrile (AN) units. Producers of, and recoverers of HF by reacting calcium fluoride with sulfuric acid. For the purpose of implementing the rule, HF production is not a process that produces gaseous HF for direct reaction with hydrated aluminum to form aluminum fluoride (i.e., the HF is not recovered as an intermediate or final product prior to reacting with the hydrated aluminum). Producers of polycarbonate. |

^a This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that we are now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility, company, business, organization, etc., is regulated by this action, you should carefully examine the applicability criteria in § 63.1104(a)(1), (b)(1), (c)(1), and (d)(1) of the rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. What Is the Background for the Corrections?

On June 29, 1999 (64 FR 34854), we published the National Emission Standards for Hazardous Air Pollutants: Generic MACT final rule which promulgated standards for four major HAP source categories (i.e., acetal resins production, acrylic and modacrylic fiber production, hydrogen fluoride production, and polycarbonate production). The proposal for the Generic MACT rule was published on October 14, 1998 (63 FR 55178), and given the size of the proposed rule, we allowed for a 90-day public comment period even though we were under a May 15, 1999 court ordered deadline for the Administrator's signature of the final rule. Because of the short time period between proposal and promulgation and the many changes made to the proposal package, some inadvertent errors were made. Today's action consists of editorial, cross-reference, and clarifying corrections to

the promulgated Generic MACT rule published on June 29, 1999 (64 FR 34854). These corrections will become effective immediately (without further rulemaking action) on November 22, 1999. We have determined that it is unnecessary to provide prior notice and opportunity to comment on these corrections. In one case, we determined an opportunity for public comment is warranted; we are proposing amendments to address this case in a separate notice.

Today's action corrects typographical, grammatical, and cross-reference errors. For example, as promulgated, § 63.998(a)(1)(iii)(A) incorrectly referred the reader to § 63.999(c)(8) for the requirement for an owner or operator to report times and duration of all periods during which the flare or all the pilot flames are absent. The correct citation for this requirement is § 63.999(c)(3) and today's action makes the necessary changes to reflect the accurate citation. For another example, § 63.1012(f) incorrectly includes a citation with two

repetitive paragraph designations (i.e., § 63.1003(e)(e)). Today's action corrects that error by removing one of those paragraph designations (i.e., § 63.1003(e)).

One of the corrections is in wording. We made an error in Table 2 to § 63.1103(b)(3)(i), item 4, that could result in control applicability errors. At promulgation, Table 2 to § 63.1103(b)(3)(i), item 4, erroneously required that an owner or operator of a new or modified source that met specified criteria would be subject to new source requirements. We should have specified that an owner or operator of a new or reconstructed source, not modified source, that met specified criteria would be subject to new source requirements. We have corrected this error by replacing the word "modified" with "reconstructed."

II. What Are the Impacts Associated With the Corrections?

This action consists of corrections and clarifications of our intent at the time of