

W. J. Henrick
G. Brumbaugh-Ashtabu
W. C. Lang

ENVIRONMENTAL PROTECTION AGENCY

~~R. W.~~ Laundrie

[40 CFR PART 61]

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Amendments to General Provisions

RECEIVED

MAR 25 1981

R. W. Laundrie

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Amendments.

SUMMARY: This proposal would amend the General Provisions for national emission standards for hazardous air pollutants to eliminate repetition in each other subpart; these proposed amendments relate to emission testing, monitoring and recordkeeping. The proposal would also add procedures and criteria for determining if proposed changes to a source constitute modification or reconstruction and for determining if a piece of equipment or a procedure is equivalent to that in a standard in terms of reducing emissions to the atmosphere. In addition, the proposal would simplify the language of the General Provisions.

DATES: Comments. Comments must be received on or before _____ (60 days after publication in the FEDERAL REGISTER).

Public Hearing. A public hearing will be held, if requested. Persons wishing to request a public hearing must contact EPA by _____ (2 weeks after publication in the FEDERAL REGISTER). If a hearing is requested, an announcement of the date and place will appear in a separate FEDERAL REGISTER notice.

ADDRESSES: Comments. Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number, _____ U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

GENC 014200

Public Hearing. Persons wishing to request a public hearing should notify Ms. Naomi D. Durkee, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5271.

Docket. Docket No. containing supporting information used in developing the proposed amendments is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Susan R. Wyatt, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone number (919) 541-5477.

SUPPLEMENTARY INFORMATION: Under the authority of Section 112 of the Clean Air Act, as amended in 1977, EPA has been adopting national standards for the emissions of hazardous air pollutants from existing and new stationary sources since 1971. All of the standards are contained in Part 61 of 40 CFR, each constituting a subpart. Subpart A, the first subpart of Part 61, comprises general provisions which apply to all of the standards in the subsequent subparts.

Presently, many provisions that apply to all the standards and would be applicable to future standards in Part 61 are in each standard's subpart. Incorporating these provisions into the subpart of the General Provisions would eliminate repetition in the subsequent subparts and would improve the organization of Part 61. An owner or operator of a source who wants information on the general requirements for sources emitting hazardous pollutants, and the procedures that owners and operators and the Administrator would follow

to assure compliance with the standard would find it in Subpart A. An owner or operator could then focus on the requirements that are specific to a source category and particular hazardous pollutant in each subpart thereafter. The majority of the provisions which are proposed to be incorporated into Subpart A from other subparts relate to emission testing, emission monitoring, and recordkeeping.

The proposed amendments to the General Provisions of Part 61 would provide criteria and procedures for determining whether proposed changes to a source would constitute modification. These amendments would help clarify EPA's implementation of modification as it is defined in the Clean Air Act, as amended in 1977, and in the present General Provisions of Part 61 for owners or operators who propose to make changes to a source which may result in increased emissions. The amendment would also add new provisions on the reconstruction of existing sources. These would require an owner or operator who makes major replacements of components of an existing source to meet the standard for new sources if it is technologically and economically feasible to do so. The new provisions would include procedures and criteria for determining reconstruction.

The proposed amendments would add procedures that would be followed when any person requests that the Administrator determine the equivalency of a design, a piece of equipment, a work practice or an operation to one in a standard. As provided by the Clean Air Act, as amended in 1977, the Administrator may approve the use of an alternative method of controlling emissions if, after notice and opportunity for a public hearing, he determines that the alternative method is equivalent, in terms of reducing emissions, to that specified in the applicable standard.

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The proposed amendments would also simplify Subpart A to make it more understandable for the owner or operator. For example, they would eliminate the differentiation between an equivalent test method and an alternative test method. The use of either an equivalent or alternative test method would require the approval of the Administrator. Once a determination of whether a method is an equivalent or an alternative method has been made, the effect of the determination would be essentially the same for both. Consequently, there is no need for a differentiation. Removing this differentiation would eliminate any confusion between the two terms. This goal would be accomplished by removing the term "equivalent method"; all test methods that are approved by the Administrator but are not reference methods would be called alternative methods.

The proposed amendments would also simplify the wording and punctuation in Subpart A. These amendments were made according to the guidelines in the "Federal Register Document Drafting Handbook" and the "U.S. Government Printing Office Style Manual."

DISCUSSION OF AMENDMENTS

The following discussion is organized by the headings of the sections of Part 61 which would be amended by this proposal. The sections are discussed in the order in which they appear in the proposed regulation.

DEFINITIONS

This proposal would amend four definitions presently in 40 CFR 61.02, would delete one definition, and would add five new definitions.

The definition of "Act" would be amended by correcting the reference number from 1857 to the new number, 7401, which incorporates the amendments of 1977.

The definition of "standard" would be expanded to include design, equipment, work practice and operational standards. This amendment stems from section 112(e) of the Clean Air Act, as amended in 1977, which states that the Administrator may promulgate "a design, equipment, work practice, or operational standard, or combination thereof" when "it is not feasible to prescribe or enforce an emission standard." As a result of this amendment, general provisions that apply to emission standards would also be applicable to design, equipment, work practice or operational standards.

The definition of "modification" would be amended to delete the exceptions to modification. The exceptions would be listed in 40 CFR 61.16, which would contain the criteria and procedures for determining if a change to a source is a modification. The definition in section 61.02 would then be identical to that appearing in section 112(a) of the Clean Air Act, as amended in 1977.

The definition of "alternative method" would be revised by removing the reference to an "equivalent method". In addition, the term "equivalent method" would be removed from Part 61. At present, there is differentiation between alternative and equivalent methods of testing emissions. An equivalent method is a test method which, under specified conditions, has a consistent and quantitative relationship to a reference method described in Appendix B of Part 61. An alternative method is a test method which is not an equivalent method but which, in specific cases, produces results adequate to determine compliance with the applicable standard. The use of either requires approval by the Administrator. The difference between them is that, if the results of an alternative test do not adequately indicate whether a source is in compliance, the Administrator may require the use of a reference method or its equivalent and withdraw his approval of the alternative method. This proposal would remove the term "equivalent method" to eliminate confusion between alternative

and equivalent methods. If the Administrator deems that a test method other than a reference method consistently gives results sufficient for determining compliance, he could incorporate that method as a reference method by amending the applicable standard and Appendix B of Part 61 instead of calling it an equivalent method. Any other test method that the Administrator may approve would be called an "alternative method." The Administrator would have the same authority that is presently in Part 61 to withdraw his approval of the alternative method, and require the use of a reference method.

Five new definitions would be added to section 61.02. A definition of "capital expenditure" would be added as a result of a proposed revision to an exemption to modification which is described in the discussion of modification which follows in this preamble. A definition of "reconstruction" would be added as part of the proposed addition of a new section to Subpart A of 40 CFR 61 which would contain provisions for existing sources which are reconstructed. The proposed section on reconstruction is discussed later in this preamble. The addition of the definition of reconstruction would necessitate the addition of a definition of "fixed capital cost" as it would apply to reconstruction. A definition of "run" would be added to clarify its usage as applied to emission testing. "Monitoring system" would be defined to specify the functions that the system for monitoring the emissions or related process parameters would be expected to perform.

APPLICATION FOR APPROVAL OF CONSTRUCTION MODIFICATION, OR RECONSTRUCTION

Section 61.07 of 40 CFR would be revised to specify some additional information which is needed in the application for approval of modification. For construction, modification, and reconstruction, the criterion for approval is that the new source will be able to meet the applicable standard.

The proposed revisions would clarify what information the Administrator needs to evaluate an application. The application for approval of construction and reconstruction requires technical information describing the proposed nature, size, design, operating design capacity, method of operation of the source, and calculations of emissions estimates. The application for approval of modification would include some information that is not needed for approval of construction, such as the precise nature of the proposed changes to the source, the productive capacities of the source before and after the changes, and calculations of estimates of emission before, as well as after, the changes. The application for approval of reconstruction could be submitted with the application for determination of reconstruction required by section 61.06 of 40 CFR. Approval of reconstruction would not be required if the standard for new and existing sources are the same and the reconstruction would take place two years after a standard for that source is promulgated.

NOTIFICATION OF STARTUP

This proposal would add a paragraph to section 61.09 of 40 CFR which would state that the owner or operator may satisfy the requirements of this section by submitting to the Administrator a copy of a notification of startup sent to a State or local agency if the notification is substantially similar to the one required by this section. The proposed provision is intended to eliminate the redundancy of preparing two separate, but similar notifications.

SOURCE REPORTING AND REQUEST FOR

WAIVER OF COMPLIANCE

This proposal would amend section 61.10 of 40 CFR by substituting the word "change" for the word "modification" when preceded by the word "process" throughout paragraph (b) of the section. In this paragraph, the word

"modification" is not used as defined in section 61.02; the word "change" would be substituted to avoid possible misinterpretation.

-- COMPLIANCE WITH STANDARDS AND MAINTENANCE REQUIREMENTS

The proposal would add a new section to Subpart A of 40 CFR 61 which would be section 61.12. This section would be added to clarify the basis for determining compliance with a standard and the responsibilities of an owner or operator to maintain and operate the source using good practice for air pollution control. Compliance with numerical emission limits would be determined by emission tests or as otherwise specified in the applicable standard; compliance with design, equipment, work practice or operational standards would be determined as specified in the applicable standard.

The proposed section would also provide the owner or operator of a source with the opportunity to use equipment or procedures which the Administrator determines to be equivalent in reducing emissions to those specified in the applicable standard in order to comply with that standard. The authority for these provisions is section 112(e)(3) of the Clean Air Act, which states that the Administrator shall permit the use of an alternative means of controlling emissions for compliance with a design, equipment, work practice or operational standard if, after notice and opportunity for public hearing, any person establishes to the Administrator's satisfaction that the alternative means will achieve a reduction in emissions at least equivalent to that achieved under the applicable standard. The section would outline the steps that would be followed in determining the equivalency. Any person may submit a written application requesting a determination of equivalency. Unless the subpart for the applicable standard specifies otherwise, the application is to include proposed test plans, or the results of testing or monitoring, a

description of procedures followed and pertinent conditions during testing or monitoring. In order to determine equivalency, the Administrator must find a substantial likelihood that the alternative means of emissions control, when used in normal operations, would produce equivalent emission reductions as the applicable standards would require, with approximately the same or less economic, energy, and environmental costs. If the Administrator believed that an application for equivalency may be approvable, he would publish a notice of a preliminary determination in the FEDERAL REGISTER and provide an opportunity for a public hearing. After the opportunity for a public hearing, the Administrator will make a final determination of the equivalency and publish it in the FEDERAL REGISTER.

EMISSION TESTS AND WAIVER OF EMISSION TESTS

This proposal would combine the sections in Subpart A of 40 CFR 61 which relate to emission tests (section 61.12) and waiver of emission tests (section 61.13) into one section, which would be section 61.13. The reason for proposing their combination is that the contents of the two sections are closely related and combining them would leave more numerical designations available for appropriately locating new sections.

The proposed amendments would transfer several requirements for emission tests from their present locations in the subparts of the standards to this section in the General Provisions to eliminate redundancy in each subpart. The first of these requirements would be that the owner or operator of each existing source or new source which started up before the effective date, test emissions within 90 days after the effective date and each new source test emissions within 90 days after the startup date. The second would be that the owner or operator notify the Administrator of the date of the emission

test 30 days before the test to allow the Administrator an opportunity to have an observer present during the test. The third would require that the emissions be determined within 30 days after each emission test and reported to the Administrator in a letter sent the day following the determination. This requirement would be to ensure that the test data is analyzed and results are reported in a timely manner.

This proposal would also add to this section two provisions for emission testing that are not in each of the standards. One would state the Administrator's authority to require an owner or operator to conduct an emission test at any time, as authorized by section 114 of the Clean Air Act. The other provision would require that the emission test be conducted under conditions specified by the Administrator. The Administrator will base his specifications on the design and operating characteristics of the source.

The provisions under the proposed paragraph (g) of this section, which relate to the use of alternative methods for testing emissions, are in section 61.14(c) of the present General Provisions and section 61.67(g) of the vinyl chloride standard in 40 CFR 61. They would be amended to include requirements for the date by which requests to use alternative methods during the initial emission tests are due to the Administrator. The purpose of these requirements is to ensure that the Administrator has ample time to evaluate the alternative method and notify the owner or operator of his evaluation before the deadline for conducting the initial emission test.

SOURCE TEST AND ANALYTICAL METHODS

The subpart of the General Provisions of 40 CFR 61 originally applied only to national emission standards for asbestos, beryllium and mercury. These were the only emission standards for hazardous air pollutants which had

been promulgated. Reference test methods and alternative test methods required in section 61.14 of the General Provisions, titled "Source Test and Analytical Methods," are specific to beryllium and mercury. With the addition of standards for vinyl chloride and future regulations under this part, the provisions of this section are no longer appropriate to the General Provisions. Consequently, this proposal would delete this section from the Subpart A and redesignate the paragraphs to the subparts of the applicable standards.

MONITORING REQUIREMENTS

This proposal would add a section on monitoring of emissions, to be designated section 61.14, to the subpart of the General Provisions 40 CFR 61. Monitoring is required in the vinyl chloride standard and monitoring requirements are anticipated to be in future regulations. Because hazardous air pollutants and the processes causing their emissions vary widely, monitoring systems may vary widely. The system may measure emissions or other process parameters, or may observe conditions which indicate the control of air pollution; measurements or observations may be gathered and recorded by equipment or manually. Consequently, a monitoring system would be broadly defined as the system required by an applicable regulation used to sample, to analyze, and to provide a permanent record of emissions or process parameters.

The section would state that the owner or operator shall operate the monitoring system as specified in the applicable standard and outlines the type of information that the Administrator would use to determine whether acceptable operating and maintenance procedures are in use. The proposal would also state that an owner or operator may be required to evaluate the performance of the monitoring system and report the results to the Administrator. The evaluation would help to determine the effectiveness and limits of the

system at a particular source. The owner or operator of a source would be allowed the flexibility to use alternative monitoring procedures that are approved by the Administrator on a case-by-case basis.

RECORDKEEPING

This proposal would add a new section on recordkeeping to Subpart A, § 61.15. It would describe the information which the owner or operator of a source must retain at the source in records which the Administrator would be able to inspect upon request. The section would require that each record be maintained for at least 2 years. These requirements are presently in the subparts of the standards; adding them to Subpart A would avoid redundancy.

MODIFICATION

The proposed amendments would also expand the provisions for modification by adding a new section 61.16 to the General Provisions. Section 112 of the Clean Air Act defines modification as a physical or operational change to a stationary source which results in an increase in the amount of emissions of a hazardous air pollutant for which a standard applies. Section 112 specifies that, upon modification, a stationary source becomes subject to the standard for new sources. Subpart A of Part 61 of 40 CFR repeats the definition of modification as it is found in section 112 of the Clean Air Act, describes some changes which, by themselves are not considered modification by the Administrator, and specifies the requirements that modified sources have to meet when subject to a standard. However, it does not describe the criteria by which the Administrator will determine whether a proposed change constitutes a modification or the data needed by the Administrator to make a determination. Detailed criteria and procedures for determining modification have not been needed because few requests for determination of modification are expected

under the standard that are presently in Part 61. In these standards, new and existing sources are subject to the same emission limits. The only difference in the standards for new and existing sources is the time by which a source must comply with the standard. A new source must comply within 90 days after initial startup; an existing source may request a waiver of compliance for up to 2 years after the effective date of the applicable standard if it is unable to comply within 90 days after the effective date. Consequently, at present, modification mainly affects existing sources operating under a waiver of compliance. If one is modified, it becomes a new source and must comply with the standard within 90 days after startup. However, the "National Emission Standards for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer" (44 FR 58642) proposed by EPA states that consideration should be given to setting separate standards new sources and existing sources. In fact, standards proposed on April 18, 1980, for benzene emissions from maleic anhydride plants (45 FR 26660) would require that new sources meet different emission limits than existing sources. It is likely that other standards will require different emission limits for new and existing sources. Consequently, more requests for determination of modification are expected. This proposal would add information to Subpart A that would clarify the criteria and procedures to be used by an owner or operator of a source and the Administrator in determining whether a physical or operational change constitutes modification.

The proposed procedures are largely drawn from those for modification as it applies to new source performance standards, which comprise Part 60 of 40 CFR. The Congressional authorities for new source performance standards (section 111 of the Clean Air Act) and for national emission standards for

hazardous air pollutants (section 112 of the Clean Air Act) have strong similarities. In both sections, modification has the same definition and the same basic intent--to require a stationary source which has increased the amount of its emissions as a result of a physical or operational change to meet the emission standards for new sources. Therefore, the Administrator would generally use the same criteria for determining modification for sources subject to Part 61 as were proposed and promulgated for Part 60.

The amount of emissions from a source would be determined by the rate of emissions to the atmosphere, expressed in kg/hour, as it is in Part 60. The emission rate would be determined by emission factors. If the use of emission factors does not demonstrate to the satisfaction of the Administrator that the emission rate will clearly increase or not increase as a result of the change to the source, the emission rate would be determined by material balances, continuous monitoring data, or by manual emission tests. If manual emission tests are used to determine the emission rate, the Student's t test in Appendix C of Part 60 would be used to statistically analyze whether the emissions rate was greater after the change than before.

The increase in emission rate would be measured from the actual rate of emissions from the sources or from the emission rate established by the standard to which the sources is subject before making the change, whichever is lower. The purpose of this provision is to prevent owners and operators of existing sources operating under a waiver of compliance from avoiding modification requirements when proposing changes to the source by measuring the change in emission rate from the actual emission rate instead of from the lower emission rate required by the standard for existing sources.

The proposed section on modification, section 61.16, would list several physical or operational changes which, by themselves, would not be considered modifications by the Administrator. Three are presently in Part 61 under the definition of modification in section 61.02; they are (1) routine maintenance, repair, and replacement of components of the source, (2) an increase in the hours of operation of the source, and (3) an increase in the production rate. The exemption for an increase in the production rate presently has a condition that the exemption will hold only if the increase does not exceed the operating design capacity of the source. The term "operating design capacity" is difficult to define and for certain industries the design capacity bears little relationship to the actual operating capacity of the source. This proposal would ~~be~~ revise the exemption to read "an increase in the production rate if that increase can be accomplished without a capital expenditure on the source." This revision is consistent with the revision to the same exemption to modification in Part 60 that was made in 40 FR 58419.

This proposal would add two new exemptions to modification. The Administrator would not consider a relocation or change in ownership of a stationary source a physical or operational change and consequently would not determine either to be a modification. This exemption would not be a change in the Administrator's present policy of determining modification; it was added to Part 60 to clarify the policy after many owners of sources questioned whether such changes would be modifications and would be included here for the same reason. The second new exemption would be the conversion of a source to coal if the conversion is required for the energy considerations specified in Section 111(a)(8) of the Clean Air Act. This exemption is required by law for national emission standards for hazardous air pollutants

as well as for new source performance standards because Section 112(a) of the Act states that modification shall have the same meaning as in Section 111(a) of the Act.---

One exemption to modification in Part 60 would not be included in the modification provisions for Part 61. In Part 60, an increase in emissions caused only by the use of an alternative fuel or raw material if, before the effective date of the standard, the existing facility was designed to accommodate that alternative use. If, as a result of using a different fuel or raw material, a source begins to emit a hazardous pollutant which it had not previously emitted, the source should be required to control the emissions as to the extent required for new sources. An example of a source for which the exemption should apply is storage tanks. An owner or operator could change the material stored in a tank from a nonhazardous material to a hazardous pollutant, such as benzene, without changing the design of the tank.

RECONSTRUCTION

The proposed amendments would add a new section describing provisions related to the reconstruction of existing sources to Subpart A. The purpose of reconstruction provisions is to discourage an owner or operator from perpetuating an existing source beyond its useful life in order to avoid meeting the standard for new sources, instead of replacing it with a newly constructed source. These proposed provisions, like those proposed for modification, would have more impact for those standards with different emission limits for new and existing sources. Reconstruction provisions are included in the proposed standard for benzene emissions from maleic anhydride plants, which is the first standard proposed under Part 61 of 40 CFR with different emission limits for existing and new sources.

The provisions proposed in these amendments, as well as those in the proposed standard for maleic anhydride plants, are largely drawn from the reconstruction provisions in the General Provisions for new source performance standards in Part 60 of 40 CFR. Reconstruction provisions are in Part 60 for the same reason that we propose to add them to Part 61; therefore, the Administrator would use the same criteria in both cases to determine reconstruction.

Reconstruction would be defined as the replacement of components of an existing source to such an extent that a) the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new source, and b) it is technologically and economically feasible for the source to meet the applicable standards. Fixed capital cost would be defined as the capital needed to provide all the depreciable components of the source. Upon reconstruction, an existing source would become subject to the new source standard irrespective of any changes in emissions.

The Administrator would determine reconstruction on a case-by-case basis. The proposed requirements specifying when an owner or operator must apply for a determination of reconstruction would be added to the amended section 61.06 of 40 CFR. They reflect the fact that determination of reconstruction is meaningful only if the applicable standards are different for new and existing sources or during the first two years after the effective date, when new sources must comply with the standard at initial startup but existing sources may request a waiver of compliance. Otherwise, the source would have to meet the same standards regardless of whether it was existing or new, and perpetrating an existing source beyond its useful life would not avoid meeting more stringent regulations.

The factors which the Administrator would consider when determining if proposed replacements constitute reconstruction are described in section 61.16a. These include a comparison of the fixed capital cost of the replacements to that of a comparable entirely new source, a comparison of the estimated life of a comparable entirely new source, the extent to which the components being replaced contribute to the emissions from the source, and any economic or technical limitations the source may have in complying with the applicable standards after the proposed replacements are made.

STATE AUTHORITY

This proposal would amend the section on state authority, which is presently section 61.16 of 40 CFR and would be redesignated as section 61.18. The amendments would delete the phrase "other than a stationary source owned or operated by the United States" from paragraph (a)(2). The amendment stems from section 118 of the Clean Air Act, as amended in 1977. Section 118(a) states that each department, agency, and instrumentality of executive, legislative, and judicial branches of the Federal government which has jurisdiction over any property or facility which discharges air pollutants shall be subject to, and comply with Federal, State, and local requirements. Section 118(b) of the Clean Air Act states that "any emission source of any department, agency, or instrumentality in the executive branch... may be granted an exemption from section 112 only in accordance with section 112(c)." Section 112(c)(2) of the Act gives the President the power to exempt any stationary source from compliance with a hazardous air pollutant standard for a period of less than 2 years only if he finds that the technology to implement the standard is not available and the operation of the source is required for national security. Consequently, any State or political subdivision thereof

legally has the authority to require a stationary source owned and operated by the United States to obtain permits, licenses, or approvals prior to initializing construction, modification, or operation of the source.

MISCELLANEOUS AMENDMENTS

Several sections in Subpart A of 40 CFR 61 would be redesignated as the result of the proposed addition of several new sections and an interest in grouping the sections logically. Since the number of numerical designations that are presently unassigned is too small to accomodate all the proposed new sections, alphabetical designations would be used with the numerical designations. Instead of adding the new sections at the end of the General Provisions, the proposal would group all the sections by subject, and assign to the most related sections different alphabetical designations under the same numerical designation.

This proposal would amend several sections for wording and punctuation. The wording changes would simplify and clarify the text. For example, "under" would be used instead of "pursuant to," "before" instead of "prior to", "to determine" instead of "to make a determination", and "applies" instead of "is applicable to." Redundant phrases such as "pursuant to the provisions of this part" would be deleted. The appearance of this phrase throughout the General Provisions is redundant because the applicablility of the entire subpart is defined in section 61.01. Punctuation corrections would primarily involve the use of colons and dashes in introductory sentences and would follow to the "U. S. Government Printing Office Style Manual."

PUBLIC HEARING

In accordance with section 307(d)(5) of the Clean Air Act, a public hearing will be held, if requested, to discuss the proposed amendments.

Persons wishing to make oral presentations should contact EPA at the address given in the Addresses section of this preamble. Oral presentations will be limited to 15 minutes each.

DOCKET

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are (1) to allow members of the public and industries involved to identify and locate documents so they can intelligently and effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review.

MISCELLANEOUS

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. These other regulations are labeled "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Date

Administrator

It is proposed to amend 40 CFR Part 61 as follows:

1. The table of contents is amended by revising the table of contents for Subpart A and the authority citation to read as follows:

PART 61 - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Subpart A - General Provisions

Sec.

- 61.01 Applicability.
- 61.02 Definitions.
- 61.03 Units and abbreviations.
- 61.04 Address.
- 61.05 Prohibited activities.
- 61.06 Determination of construction, modification, or reconstruction.
- 61.07 Application for approval of construction, modification, or reconstruction.
- 61.08 Approval of construction, modification, or reconstruction by the Administrator.
- 61.09 Notification of startup.
- 61.10 Source reporting and request for waiver of compliance.
- 61.11 Waiver of compliance.
- 61.12 Compliance with standards and maintenance requirements.
- 61.12a Circumvention.
- 61.13 Emission tests and waiver of emission tests.
- 61.14 Monitoring Requirements.
- 61.15 Recordkeeping.
- 61.16a Modification.
- 61.16a Reconstruction.
- 61.17 Availability of information.
- 61.18 State authority.

* * * * *

AUTHORITY: Sec. 112, 301(a), Clean Air Act as amended
[42 U.S.C. 7412, 7601(a)], and additional authority as noted.

SOURCE: 38 FR 8826, April 6, 1973, unless otherwise noted.

2. Section 61.01 is amended by removing the words "the provisions of" to read as follows:

§ 61.01 Applicability.

This part applies to the owner or operator of any stationary source for which a standard is prescribed under this part.

3. Section 61.02 is amended by removing the definition of "equivalent method"; by correcting the definition of "Act"; by revising the definitions for "alternative method," "modification," and "standard;" and by adding "definitions of capital expenditure," "fixed capital cost," "monitoring system," "reconstruction," and "run."

§ 61.02 Definitions.

"Act" means the Clean Air Act (42 U.S.C. 7401 et seq.).

"Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference method but which has been demonstrated to the Administrator's satisfaction to produce, in specific cases, results adequate for his determination of compliance.

"Capital expenditure" means an expenditure for a physical or operational change to a stationary source which exceeds the product of the applicable annual asset guideline repair allowance percentage specified in the latest edition of Internal Revenue Service (IRS) Publication 534 and the stationary source's basis as defined by section 1012 (7) of the Internal Revenue Code.

However, the total expenditures for a physical or operational change to a stationary source must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.

"Fixed capital cost" means the capital need to provide all the depreciable components of an existing source.

"Modification" means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any hazardous air pollutant (to which a standard applies) emitted by the source or which results in the emission of any hazardous air pollutant (to which a standard applies), not previously emitted.

"Monitoring system" means the system, required under the monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters.

"Reconstruction " means the replacement of components of an existing source to such an extent that the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new source and it is technologically and economically feasible for the source to meet the applicable standards.

"Run" means the net period of time during which an emission sample is collected.

"Standard" means a national emission standard; a design, equipment, work practice or operational standard; or any combination of these, for a hazardous air pollutant proposed or promulgated under this part.

4. In section 61.04, paragraph (a) is amended by removing the words "pursuant to this part" in the first sentence.

5. Section 61.05, is amended by rewording paragraphs (a), (b), (c).

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§ 61.05 Prohibited activities.

(a) After the effective date of any standard, no owner or operator shall construct or modify any stationary source subject to that standard without first obtaining written approval from the Administrator in accordance with this subpart, except under an exemption granted by the President under section 112 (c)(2) of the Act. Sources, the construction or modification of which commenced after the publication date of the standards proposed to be applicable to the sources, are subject to this prohibition.

(b) After the effective date of any standard, no owner or operator shall operate a new stationary source subject to that standard in violation of the standard, except under an exemption granted by the President under section 112(c)(2) of the Act.

(c) Ninety days after the effective date of a standard, no owner or operator shall operate any existing source subject to that standard in violation of the standard, except under a waiver granted by the Administrator under this part or under an exemption granted by the President under section 112(c)(2) of the Act.

* * * * *

6. Section 61.06 is amended by adding "reconstruction" to the title, revising the text to read as follows:

§ 61.06 Determination of construction, modification, or reconstruction.

(a) An owner or operator may submit to the Administrator a written application for a determination of whether actions intended to be taken by the owner or operator constitute construction or modification or the commencement thereof.

(b) (1) The owner or operator who proposes to replace components of an existing source shall submit to the Administrator a written application for determination of reconstruction if --

(i) The source is meeting the standard for new sources and

(ii) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new source.

(2) The information that shall be included in each application for determination of reconstruction is described in §61.16a.

(c) The Administrator will notify the owner or operator of the determination within 30 days after receiving sufficient information to evaluate an application submitted under paragraph (a) or (b) of this section.

7. In section 61.07, the words "or reconstruction" are added to the title, paragraphs (a) and (b) are reworded, and paragraphs (c) and (d) are added to read as follows:

1 § 61.07 Application for approval of construction, modification, or reconstructio

(a) The owner or operator who proposes to construct, modify, or reconstruct a stationary source shall submit to the Administrator an application for approval of the construction, modification, or reconstruction before the date on which the construction, modification, or reconstruction is planned to commence, or within 30 days after the effective date of construction, modification, or reconstruction had commenced but initial startup had not occurred by the effective date.

(b) Each application for approval of construction or reconstruction shall include --

(1) The name and address of the applicant;

(2) The location or proposed location of the source; and

(3) Technical information describing the proposed nature, size, design, operating design capacity, and method of operation of the source, including a description of any equipment to be used for control of emissions. Such technical information shall include calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations.

(c) Each application for approval of modification shall include, in addition to the information required in paragraph (b) of this section, --

(1) The precise nature of the proposed changes;

(2) The productive capacity of the source before and after the changes are completed; and

(3) Calculations of estimates of emissions before and after the changes are completed, in sufficient detail to permit assessment of the validity of the calculations.

(d) The application for approval of reconstruction may be submitted with the application for determination of reconstruction required in § 61.06.

8. In § 61.08, the words "of construction, modification, or reconstruction" are added to the heading and all paragraphs are reworded to read as follows:
§ 61.08 Approval of construction, modification, or reconstruction by the Administrator.

(a) The Administrator will notify the owner or operator of approval or intention to deny approval of construction, modification, or reconstruction within 60 days after receipt of sufficient information to evaluate an application under § 61.07.

(b) If the Administrator determines that a stationary source for which an application under § 61.07 was submitted will not cause violations of a standard if properly operated, he will approve the construction, modification, or reconstruction.

(c) Before denying any application for approval of construction, modification, or reconstruction, the Administrator will notify the applicant

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(1) Notice of the information and findings on which the intended denial is based; and

(2) Notice of opportunity for the applicant to present, within such time limit as the Administrator shall specify, additional information or arguments to the Administrator before final action on the application.

(d) A final determination to deny any application for approval will be in writing and will specify the grounds on which the denial is based. The final determination will be made within 60 days of presentation of additional information or arguments, or 60 days after the final date specified for presentation if no presentation is made.

(e) Neither submitting an application for approval nor the Administrator approval of construction or modification shall --

(1) Relieve an owner or operator of legal responsibility for compliance with any other applicable Federal, State, or local requirement; or

(2) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

9. Section 61.09 is amended by rewording paragraph (a) and adding paragraph (b) to read as follows:

§ 61.09 Notification of startup.

(a) The owner or operator of each stationary source which has an initial startup after the effective date of a standard shall furnish the Administrator with written notification as follows:

(1) A notification of the anticipated date of initial startup of the source not more than 60 days nor less than 30 days before that date.

(2) A notification of the actual date of initial startup of the source within 15 days after that date.

(b) If any State or local agency requires notification substantially similar to that in paragraph (a) of this section, sending the Administrator a copy of that notification will satisfy paragraph (a) of this section.

(Section 114, Clean Air Act as amended [42 U.S.C. 7414])

[38 FR 8826, April 6, 1973, as amended at 43 FR 8800, March 3, 1978]

10. Section 61.10 is reworded to read as follows:

§ 61.10 Source reporting and request for waiver of compliance.

(a) The owner or operator of each existing source or each new source which had an initial startup before the effective date shall provide the following information in writing to the Administrator within 90 days after the effective date:

(1) * * *

(4) A brief description of the nature, size, design, and method of operation of the stationary source including the operating design capacity of the source. Identify each point of emission for each hazardous pollutant.

(5) * * *

(6) A description of the existing control equipment for each emission point including --

(i) Each control device for each hazardous pollutant; and

(ii) Estimated control efficiency (percent) for each control device.

(7) A statement by the owner or operator of the source as to whether the source can comply with the standards within 90 days after the effective date.

(b) The owner or operator of each existing source unable to comply with an applicable standard may request a waiver of compliance with that standard for a period not exceeding 2 years after the effective date. Any request shall be in writing and shall include the following information:

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(1) * * *

(2) A compliance schedule, including the date each step toward compliance will be reached. The list shall include as a minimum the following dates:

(i) Date by which contracts for emission control systems or process changes for emission control will be awarded, or date by which orders will be issued for the purchase of component parts to accomplish emission control or process changes;

(ii) * * *

(iii) Date by which onsite construction or installation of emission control equipment or process change is to be completed; and

(iv) * * *

(3) * * *

(c) Any change in the information provided under paragraph (a) of this section shall be provided to the Administrator within 30 days after the change. However, if any change will result from modification of the source, § 61.07 and § 61.08 apply.

(d) A possible format for reporting under this section is included as Appendix A of this part. Advice on reporting the status of compliance may be obtained from the Administrator.

(Section 114, Clean Air Act as amended (42 U.S.C. 7414))

[38 FR 8826, April 6, 1973, as amended at 43 FR 8800, March 3, 1978]

11. Section 61.11 is amended by rewording it to read as follows:
§ 61.11 Waiver of compliance.

(a) Based on the information provided in any request under § 61.10, or other information, the Administrator may grant a waiver of compliance with a standard for a period not exceeding 2 years after the effective date of the standard.

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(b) The waiver will be in writing and will --

- (1) Identify the stationary source covered;
- (2) Specify the termination date of the waiver;
- (3) Specify dates by which steps toward compliance are to be taken; and
- (4) Specify any additional conditions which the Administrator determines necessary to assure installation of the necessary controls within the waiver period and to assure protection of the health of persons during the waiver period.

(c) The Administrator may terminate the waiver at an earlier date than specified if any specification under paragraphs (b)(3) and (b)(4) of this section are not met.

(d) Before denying any request for a waiver, the Administrator will notify the owner or operator making the request of the Administrator's intention to issue the denial, together with --

- (1) Notice of the information and findings on which the intended denial is based; and

- (2) Notice of opportunity for the owner or operator to present, within the time limit the Administrator specifies, additional information or arguments to the Administrator before final action on the request.

(e) A final determination to deny any request for a waiver will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 60 days after presentation of additional information or arguments; or within 60 days after the final date specified for the presentation if no presentation is made.

(f) The granting of a waiver under this section shall not abrogate the Administrator's authority under Section 114 of the Act.

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12. Section 61.12 is removed.

13. A new section 61.12 is added as follows:

§ 61.12 Compliance with standards and maintenance requirements.

(a) Compliance with numerical emission limits shall be determined by emission tests established in § 61.13 or as otherwise specified in an individual subpart.

(b) Compliance with design, equipment, work practice or operational standards shall be determined as specified in an individual subpart.

(c) The owner or operator of each stationary source shall maintain and operate the source, including associated equipment for air pollution control, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the source.

(d) In complying with a design, equipment, work practice, or operational standard required by an applicable subpart, an owner or operator may use alternative procedures which the Administrator has determined to be equivalent, in terms of reducing emissions, to that standard.

(e)(1) Any person may submit to the Administrator a written application for determination of equivalency. Unless specified otherwise in the applicable subpart, the application shall include a proposed test plan, or the results of testing or monitoring, a description of procedures followed in testing or monitoring, and a description of pertinent conditions during testing or monitoring.

(2) If, in the Administrator's judgement, an application for equivalency may be approvable, the Administrator will publish a notice of a preliminary determination in the FEDERAL REGISTER and provide the opportunity

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for a public hearing. After notice and opportunity for public hearing, the Administrator will determine the equivalence of the alternative means of emission limitation and will publish the final determination in the FEDERAL REGISTER.

(3) The Administrator may condition the approval of equivalency with requirements that may be necessary to ensure operation and maintenance to achieve the emission reduction that would be achieved under the applicable standard.

14. In section 61.13, "emission tests" is added to the heading and the section is revised to read as follows:

§ 61.13 Emission tests and waiver of emission tests.

(a). If required to do emission testing by an applicable subpart and unless a waiver of emission testing is obtained under this section, the owner or operator shall test emissions from the source --

(1) Within 90 days after the effective date for an existing source or a new source which has an initial startup date before the effective date; or

(2) Within 90 days after initial startup for a new source which has an initial startup date after the effective date.

(b) The Administrator may require an owner or operator to test emissions from the source at any other time under section 114 of the Act.

(c) The owner or operator shall notify the Administrator of the emission test at least 30 days before the emission test to allow the Administrator the opportunity to have an observer present during the test.

(d) The owner or operator of each new source and, at the request of the Administrator, the owner or operator of each existing source shall provide emission testing facilities as follows:

- (1) Sampling ports adequate for test methods applicable to each source.
- (2) Safe sampling platform(s).
- (3) Safe access to sampling platform(s).
- (4) Utilities for sampling and testing equipment.
- (5) Any other facilities that the Administrator needs to safely and properly test a source.

(e) Each emission test shall be conducted under such conditions as the Administrator shall specify based on design and operational characteristics of the source.

(f) Unless otherwise specified in an applicable subpart, samples shall be analyzed and emissions determined within 30 days after each emission test has been completed. The owner or operator shall report the determinations of the emission test to the Administrator by a registered letter sent before the close of the first business day following the determination.

(g)(1) Emission tests shall be conducted as set forth in this section, the applicable subpart and Appendix B unless the Administrator --

(i) Approves the use of an alternative method, the results of which he has determined to be adequate for indicating whether a specific source is in compliance; or

(ii) Waives the requirement for emission testing because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is in compliance with the standard.

(2) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative method, he may require the use of a reference method. If the results of the reference and alternative methods do not agree, the results obtained by the reference method prevail, and the Administrator will notify the owner or operator that approval of the method previously considered to be alternative is withdrawn.

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(3) For an existing source, any request for use of alternative method during the initial emission test shall be submitted to the Administrator within 30 days after the effective date, unless a waiver of compliance has been granted under § 61.11.

(4) For a new source, any request for use of alternative method during the initial emission test shall be submitted to the Administrator no later than with the notification of startup required under § 61.09.

(h)(1) Emission tests may be waived upon written application to the Administrator if, in his judgement, the source is meeting the standard, or the source is being operated under a waiver of compliance, or the owner or operator has requested a waiver of compliance and the Administrator is still considering that request.

(2) If application for waiver of the emission test is made, the application shall accompany the information required by § 61.10 or the notification of startup required by § 61.09, whichever is applicable. A possible format is contained in Appendix A to this part.

(3) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later cancelling the waiver. The cancellation will be made only after notice is given to the owner or operator of the source.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414))

[38 FR 8826, Apr. 6, 1973, as amended at 43 FR 8800, Mar. 3, 1978]

15. Section 61.14 is removed.

16. A new section 61.14 is added as follows:

§ 61.14 Monitoring requirements.

(a) Unless otherwise specified, this section applies to each continuous monitoring system required under each applicable subpart.

(b) Each owner or operator shall, to the extent practicable, maintain and operate each monitoring system as specified in the applicable subpart. The Administrator's determination of whether acceptable operating and maintenance procedures are being used will be based on information which may include, but is not limited to, review of operating and maintenance procedures, manufacturer recommendations and specifications, and inspection of the monitoring system.

(c) When required by the applicable subpart and at any other time the Administrator may require, the owner or operator of a source being monitored shall conduct a performance evaluation of the monitoring system and furnish the Administrator with a copy of a written report of the results within 60 days of the evaluation. The performance evaluation shall be conducted according to the applicable specifications and procedures described in the applicable subpart. The owner or operator of the source shall furnish the Administrator with written notification of the date of the performance evaluation at least 30 days before the evaluation is to begin.

(d) When the effluents from a single source, or two or more sources subject to the same emission standards, are combined before being released to the atmosphere, the owner or operator shall install a monitoring system on each effluent or on the combined effluent. If two or more sources are not subject to the same emission standards, the owner or operator shall install a separate monitoring system on each effluent; unless otherwise specified. If the applicable standard is a mass emission standard and the effluent from one source is released to the atmosphere through more than one point, the owner or operator shall install a monitoring system at each emission point unless the installation of fewer systems is approved by the Administrator.

(e) The owner or operator of each monitoring system shall reduce the monitoring data as specified in each applicable subpart. Monitoring data recorded during periods of unavoidable continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in any data average.

(f) After receipt and consideration of a written application, the Administrator may approve alternatives to any monitoring procedures or requirements of this part.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

17. Section 61.15 is redesignated as section 61.17.

18. A new section 61.15 is added as follows:

§ 61.15 Recordkeeping.

(a) Each owner or operator shall maintain records with the following information at the source and make them available for inspection by the Administrator for a minimum of 2 years:

(1) A file of all measurements and test results related to air pollution control, including those from emission tests and monitoring; equipment calibration checks; adjustments and maintenance performed on equipment; and all other information required by this part and recorded in a permanent form suitable for inspection.

(2) Records of the occurrence and duration of any period during which any air pollution control equipment or monitoring system is malfunctioning or inoperative.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414),)

19. Section 61.16 is redesignated as section 61.18 and is revised to read as follows:

§ 61.18 State authority.

(a) This part shall not be construed to preclude any State or political subdivision thereof from --

(1) Adopting and enforcing any emission limiting regulation applicable to a stationary source, provided that such emission limiting regulation is not less stringent than the standards prescribed under this part; or

(2) Requiring the owner or operator of a stationary source to obtain permits, licenses, or approvals prior to initiating construction, modification, reconstruction, or operation of the source.

(Sec. 116, Clean Air Act as amended (42 U.S.C. 7416))

[38 FR 8826, April 6, 1973, as amended at 43 FR 8800, Mar. 3, 1978]

20. A new section 61.16 is added as follows:

??? PP 61.16 ?? Modification.

(a) Except as provided under paragraphs (c) and (d) of this section, any physical or operational change to a stationary source which results in an increase in the rate of emission to the atmosphere of a hazardous pollutant to which a standard applies shall be considered a modification. The increase in emission rate shall be measured from the actual rate of emissions from the source or from the emission rate established by the standard to which the source is subject prior to making the change, whichever is lower.

(b) Upon modification, an existing source shall become a new source for each hazardous pollutant of which the rate of emission to the atmosphere increases and to which a standard applies.

(c) The following shall not, by themselves, be considered modifications under this part:

(1) Maintenance - repair or replacement which the Administrator determines to be routine for a source category.

(2) An increase in production rate of a stationary source, if that increase can be accomplished without a capital expenditure for the stationary source.

(3) An increase in the hours of operation.

(4) Conversion to coal required for energy considerations as specified in section ----- of the Act.

(5) The relocation or change in ownership of the stationary source.

(e) Special provisions under an applicable subpart of this part shall supercede any conflicting provision of this section.

, 21. A new section 61.16a is added as follows:

PP 61.16a Reconstruction.

(a) Upon reconstruction, as defined in PP 61.02 of this part, an existing source becomes a new source irrespective of any change in emission rate.

(b) Each application for determination of reconstruction shall include--

(1) The name and address of the applicant;

(2) The location of the source;

(3) A description of the components to be replaced;

(4) The proposed emission control systems;

(5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new source; and

(6) A discussion of any economic or technical limitations the source may have in complying with the applicable standards after the proposed replacements.

(c) Emission net shall be expressed as kg/h for any hazardous pollutant discharged into the atmosphere for which a standard is applicable. The administrator shall use the following to determine the emission rate.

(1) Emission factors as specified in the latest issue of "Compilation of Air Pollutant Emission Factors," EPA Publication No. AP-42, or other emission factors determined by the Administrator to be superior to AP-42 emission factors, in cases where use of emission factors demonstrates that the emission rate will clearly increase or clearly not increase as a result of the physical or operational change.

(2) Material balances, monitoring data, or manual emission tests in cases where use of emission factors, as referenced in paragraph (c)(1) of this section, does not demonstrate to the Administrator's satisfaction that the emission rate will clearly increase or clearly not increase as a result of the physical or operational change, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator using emission factors. When the emission rate is based on results from manual emission tests or monitoring data, the procedures specified in Appendix C of Part 60 shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Administrator shall specify to the owner or operator. At least three valid test runs must be conducted before and at least three after the physical or operational change. If the Administrator approves, the results of the emission tests required in Section 61.13(a) may be used for the test runs to be conducted before the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum degree feasible for all test runs.

(c) The Administrator's determination of reconstruction shall be based on --

(1) The fixed capital cost of the replacements compared to the fixed capital cost that would be required to construct a comparable entirely new source;

(2) The estimated life of the source after the replacements compared to the life of a comparable entirely new source;

(3) The extent to which the components being replaced cause or contribute to the emissions from the source; and

(4) Any economic or technical limitations on compliance with applicable standards which are inherent in the proposed replacements.

(d) Individual subparts of this part may include specific provisions which refine and delimit provisions for reconstruction set forth in this section.

22. Section 61.17 is redesignated as section 61.12a and the words "subject to the provisions of this part" are removed from the first sentence.

23. In section 61.33, paragraph (a) is revised to read as follows:

§ 61.33 Stack Sampling.

(a) Unless a waiver of emission testing is obtained under § 61.13, each owner or operator required to comply with § 61.32(a) shall test emissions from the source according to Method 103 or Method 104 of Appendix B to this part -

(1) * * *

* * * * *

24. In section 61.44, paragraph (a) is revised to read as follows:

§ 61.44 Stack Sampling.

(a) Sources subject to § 61.42(b) shall be continuously sampled, during release of combustion products from the tank, according to Method 103 or Method 104 of Appendix B to this part.

* * * * *

25. Section 61.53 is revised to read as follows:

§ 61.53 Stack sampling.

Testing under this section shall be done according to Method 101 or Method 102, whichever is applicable.

* * * * *

26. Paragraph B of Appendix A is amended by replacing the words "of beryllium or mercury pollutants" with the words "subject to emission testing."

27. In Method 103 of Appendix B, paragraph 1.2 is amended by removing the words "as specified under the provisions of § 61.14 of the regulations."