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Tuesday
October 30, 1984

Part II

**Environmental
Protection Agency**

40 CFR Part 60

Review and Amendment of Standards of
Performance for New Stationary
Sources—Secondary Brass and Bronze
Production Plants; Final Rule

1000-10-30-84

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 60**

[AD-FRL 2680-3]

**Review and Amendment of Standards
of Performance for New Stationary
Sources—Secondary Brass and
Bronze Production Plants**AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA has reviewed the standards of performance for secondary brass and bronze ingot production plants (40 CFR Part 60, Subpart M) as required under the Clean Air Act as amended August 1977. As a result of this review, three amendments to the standard were proposed on May 23, 1984. This action promulgates the amendments to the above standards. The amendments clarify the applicability of the standards and specify the use of Reference Method 9 for visible emissions observations.

EFFECTIVE DATE: October 30, 1984. Under section 307(b)(1) of the Clean Air Act, judicial review of this new source performance standard is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings initiated to enforce these requirements.

ADDRESSES: *Review document.* The review document which summarizes information gathered during the review may be obtained from the EPA Library (MD-35), Research Triangle Park, N.C. 27711, telephone number (919) 541-2777. Please refer to "Review of New Source Performance Standards for Secondary Brass and Bronze Plants. EPA-450/3-84-009."

Normally a second document is prepared which contains (1) a summary of all the public comments made on the proposed amended standards along with responses to the comments, and (2) a summary of the changes made to the standards since proposal. This second document has not been prepared in this instance because no comments were received during the public comment period and no changes have been made to the proposed amendments.

Docket. Docket No. A-83-06, containing information gathered during the review 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, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:
For Policy Questions: Mr. Doug Bell, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone number (919) 541-5578.

For Technical Questions: Mr. James Crowder, Industrial Studies Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone number (919) 541-5601.

SUPPLEMENTARY INFORMATION:**Background**

The new source performance standards (NSPS) for secondary brass and bronze ingot production plants were proposed on June 11, 1973 (38 FR 15406), and promulgated by the EPA on March 8, 1974 (39 FR 9309). The secondary brass and bronze NSPS applies to reverberatory and electric furnaces of 1,000 kilogram (kg) (2,205 pound [lb]) or greater production capacity and blast (cupola) furnaces of 250 kilogram per hour (kg/h) (550 pound per hour [lb/h]) or greater production capacity, constructed or modified on or after June 11, 1973. The standards regulate emissions of particulate matter collected during charging and refining phases and exhausted to the atmosphere through control devices. The numerical emission limits are based on the use of fabric filters, which have been identified as the best demonstrated technology for controlling particulate matter emissions in this industry. For reverberatory furnaces, the concentration of particulate matter emissions in the exhaust gases must not exceed 50 milligrams per dry standard cubic meter (mg/dscm) (0.22 grams per dry standard cubic foot [gr/dscf]) and the opacity of visible emissions must not exceed 20 percent. For electric and blast (cupola) furnaces, the opacity of visible emissions must not exceed 10 percent.

The standards do not contain requirements for the continuous monitoring of particulate matter emissions. Reference test methods specified by the NSPS are Method 5 for determining the concentration of particulate matter emissions and the associated moisture content, Method 1

for sample and velocity traverses, Method 2 for velocity and volumetric flow rates, and Method 3 for gas analysis. In addition, Reference Method 9 is specified at 40 CFR 60.11(b) for determining the opacity of visible emissions.

As required by section 111(a)(1) of the Clean Air Act, the promulgated standards reflected application of "the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated. For convenience, this is referred to as "best demonstrated technology," or "BDT."

Section 111(b)(1)(B) required review and, if appropriate, revision of NSPS every 4 years. A principal purpose of this review is to ensure that the standards reflect a current assessment of best demonstrated technology. Thus, if there now exists an adequately demonstrated technology that yields greater emission reduction than required by the standards, more stringent standards will be proposed reflecting the performance of that technology. On the other hand, if the standard is found to require application of technology that is not adequately demonstrated (for either technical or cost reasons, for example), less standards will be proposed reflecting the best technology that is adequately demonstrated.

The first 4-year review of the NSPS for brass and bronze ingot production plants was completed in 1979. At that time, only two reverberatory furnaces were subject to, and in compliance with, the NSPS. This review found no reasons to make any changes to the existing standards of performance.

The second review of the NSPS for secondary brass and bronze ingot production plants has recently been completed and the findings are summarized in EPA publication number EPA-450/3-84-009 entitled "Review of New Source Performance Standards for Secondary Brass and Bronze Plants." The revisions to the NSPS which resulted from the review were proposed in the Federal Register on May 23, 1984 (49 FR 21864).

No public comments were received concerning the proposed revisions. Today's notice, therefore, promulgates the proposed revisions with no change. The revisions are discussed in subsequent sections.

Revisions

Applicability

The original standards, promulgated in 1974, explicitly apply to facilities that melt, smelt, or otherwise cast brass or bronze into intermediate products such as ingot. It was not intended that the standards apply to foundry furnaces, which cast brass or bronze into the shape of final products. All brass and bronze production facilities in operation at the time the standards were developed produced only ingot; thus, the term "ingot production plants" was used in the title so that foundries would clearly be excluded from the standard.

Since completion of the previous 4 year review of NSPS, an electric furnace which is used to continuously cast rod, rather than to batch cast ingot, was installed in a prototype facility. The facility is controlled by a baghouse and is in compliance with the NSPS visible emissions standard. Emission rates and collection and control technology for this process are identical to those for electric furnaces used to batch cast ingot. Because rod continuously cast from electric furnaces is considered to be an intermediate product, and because there are no significant differences in emissions, collection and control technology, and emission control costs for electric furnaces producing either ingot or continuously cast rod, continuous casting electric furnaces are considered to be subject to the NSPS also.

Therefore, the NSPS is amended to reflect this conclusion by deleting the word "ingot" from the title and text of the regulation. Additionally, § 60.130 of the regulation is amended to explicitly exclude foundry furnaces that cast brass or bronze into the shape of finished products from the standards.

Test Methods

The NSPS does not specify a test method for making visible emission observations of the exhaust gases during compliance testing. Instead, the use of EPA Reference Method 9 is specified in the General Provisions that apply to all standards of performance [40 CFR Part 60, Subpart A, § 60.11(b)]. However, to remove any ambiguity that might exist by omitting mention of Reference Method 9 in the NSPS, the regulation is being amended to specify that Reference Method 9 will be used to make visible emissions observations during compliance testing.

Public Participation

Prior to proposal of the standards, interested parties were advised by public notice in the Federal Register (48

FR 50608, November 2, 1983) of a meeting of the National Air Pollution Control Techniques Advisory Committee to discuss the brass and bronze production facility standards recommended for proposal. This meeting was held on November 29, 1983. The meeting was open to the public and each attendee was given an opportunity to comment on the standards recommended for proposal. The standards were proposed and published in the Federal Register on May 23, 1984 (49 FR 21865). The preamble to the proposed standards discussed the availability of the background information document (BID), "Review of New Source Performance Standards for Secondary Brass and Bronze Plants" (EPA-450/3-84-009), which described in detail the regulatory alternatives considered and the impacts of those alternatives. Public comments were solicited at the time of proposal and, when requested, copies of the BID were distributed to interested parties. To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards, a public hearing was scheduled for July 10, 1984, at Research Triangle Park, North Carolina, but was not held because no one requested that a hearing be conducted. The public comment period was from May 23, 1984, to June 22, 1984. No public comments were received.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review (Section 307(d)(7)(A)).

Miscellaneous

The effective date of this regulation is October 30, 1984. Section III of the Clean Air Act provides that standards of performance or revisions thereof become effective upon promulgation and apply to affected facilities.

As prescribed by section 111 of the Clean Air Act, establishment of standards of performance for secondary

brass and bronze plants was preceded by the Administrator's determination that these sources contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. In accordance with section 117 of the Act, publication of this review was preceded by consultation with appropriate advisory committees, independent experts and Federal departments and agencies.

This regulation will be reviewed again 4 years from the date of this review as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under section 111(b) of the Act. An economic impact assessment was prepared during this review, and all aspects of the assessment were considered to ensure that cost was carefully considered in determining both the best demonstrated technology and the reasonableness of alternative regulatory requirements. The economic impact assessment is included in the background information document for the proposed standards.

In addition to economics, the cost effectiveness of the standards was also evaluated in order to assure that the controls required by this rule are reasonable relative to other particulate matter regulations. In this case, the standards reduce particulate matter from reverberatory and electric furnaces at an average cost effectiveness of about \$135 and \$1,500 per ton, respectively. The cost effectiveness of the standard for blast (cupola) furnaces was not determined because none of these facilities have become subject to the NSPS. Additional detail on costs can be found in the background information document.

This review was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to the EPA and any EPA response to those comments are available for public inspection at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

Under Executive Order 12291, the EPA is required to judge whether a regulation is a "major rule" and, therefore, subject to the requirements of a regulatory impact analysis (RIA). The Agency has

determined that this regulation would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be a "major rule." The Agency has, therefore, concluded that this regulation is not a "major rule" under Executive Order 12291.

Regulatory Flexibility Analysis

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule, if promulgated, will not have a significant impact on a substantial number of small business entities. An analysis of the economic impacts to small businesses was conducted. The analysis examined the effects of the rule on production costs, compliance costs relative to those of large businesses, availability of capital and the likelihood of resultant business closures. The analysis did not identify any significant negative impacts on small businesses. Further, the standard will have no impact on other small entities.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products,

Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference, Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators, Fiberglass insulation, Synthetic fibers, Lime.

Dated: October 23, 1984.

William D. Ruckelshaus,
Administrator.

PART 60—[AMENDED]

For the reasons set out in the preamble, 40 CFR Part 60, Subpart M is amended as follows:

1. The title of the subpart is revised to read as follows:

Subpart M—Standards of Performance for Secondary Brass and Bronze Production Plants

2. In § 60.130, paragraph (a) is revised to read as follows:

§ 60.130 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the following affected facilities in secondary brass or bronze production plants: Reverberatory and electric furnaces of 1,000 kg (2205 lb) or greater production capacity and blast (cupola) furnaces of 250 kg/h (550 lb/h) or greater production capacity. Furnaces from which molten brass or bronze are cast into the shape of finished products, such as foundry furnaces, are not considered to be affected facilities.

* * * * *

3. In § 60.133, paragraphs (a)(3) and (a)(4) are revised and paragraph (a)(5) is added to read as follows:

§ 60.133 Test methods and procedures.

(a) * * *
(3) Method 2 for velocity and volumetric flow rate.
(4) Method 3 for gas analysis, and
(5) Method 9 for visual determination of the opacity of emissions.

* * * * *

(Secs. 111 and 301(a) of the Clean Air Act as amended, 42 U.S.C. 7411 and 7601 (a))

[FR Doc. 84-28554 Filed 10-29-84; 8:45 am]

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