

**Summary of Reasons Supporting the Adoption of the Proposed
Amendments to the Alabama Department of Environmental
Management’s Administrative Code for Division 3 (Air Division)
And
State Implementation Plan (SIP)**

Revisions to the Division 3 Code and the Alabama State Implementation Plan (SIP) are being proposed to revise NOx SIP Call regulations, add regulations to the State Plan to control the emissions of Municipal Solid Waste Landfill gases, and to incorporate by reference changes to the EPA’s New Source Performance Standards (NSPS), and National Emissions Standards for Hazardous Air Pollutants (NESHAPs).

A detailed index of changes is attached with this summary.

Revisions to Chapter 335-3-8

On February 14, 2020, Rule 335-3-8-.72 (NOx Budget Program Monitoring and Reporting) was adopted into ADEM Administrative Code. This rule became effective on April 13, 2020. On February 27, 2020, the Alabama Department of Environmental Management (ADEM) submitted the final version of these rules to EPA and requested that they be approved and incorporated into Alabama’s SIP.

During the public comment period, EPA provided several comments in a letter dated January 10, 2020, pertaining to Rule 335-3-8-.72. The proposed rules were revised in response to these comments.

On July 13, 2020, EPA Region 4 contacted ADEM to discuss an approvability issue that EPA HQ discovered in their review of Region 4’s proposed rulemaking to approve ADEM’s submission of the SIP revision pertaining to the NOx SIP Call update. Specifically, rule 335-3-8-.72 allows for three basic types of monitoring: (1) Part 75; (2) non-Part 75 NOx CEMS; and (3) emissions factors. One of EPA’s comments from January 10, 2020, stated:

335-3-8-.72(1)(c)2 – The EPA believes the regulations should require stack testing at least once every five years to verify that any historical NOx concentration and flow rate factors used to compute NOx mass emissions remain representative of the unit’s performance. The regulation should require the stack test results to be reported to ADEM promptly after the conclusion of the testing and would authorize ADEM to require the source to submit

a revised monitoring protocol if the test results indicate that the NOx concentration or flow rate factors should be revised.

In response to this comment, ADEM revised the proposed rule to require stack testing every five years to verify that historical data used to calculate NOx emissions was still adequate; however, this revision was mistakenly added to the monitoring alternative based on non-part 75 NOx CEMS under 335-3-8-.72(1)(c) rather than the alternative based on emissions factors under 335-3-8-.72(1)(d), as suggested by EPA.

Through a letter ADEM requested conditional approval of 335-3-8-.72 (NOx Budget Program Monitoring and Reporting), pending ADEM's correction of the issue identified above within requirements as defined under Clean Air Act section 110(k)(4). These proposed revisions would fulfill the requirements necessary for EPA to grant full approval.

Revisions to Chapter 335-3-10

ADEM proposes technical amendments to rules in Chapter 335-3-10.

EPA has set emission standards, notification and testing procedures, and monitoring requirements for a number of individual industrial sources or source categories. Standards of performance are not intended to achieve any specific air quality level. Instead, they are designed to reflect best-demonstrated technology (taking into account costs) for the source in question. New source performance standards apply only to stationary sources that are constructed, modified, or reconstructed after a relevant standard is established. In 1978, EPA published a list assigning priorities to 72 categories of sources for which new standards eventually would be developed. As soon as new standards are promulgated, facilities planning construction, reconstruction, or modification must comply.

ADEM incorporates by reference, the federal New Source Performance Standards (NSPS) into the Department's regulations concerning Air Pollution found in ADEM Admin. Code div. 335-3. This incorporation allows the EPA to delegate administrative enforcement of these regulations to ADEM.

**March 26, 2020, 85 FR 17244
40 CFR 60, Subparts Cf, WWW and XXX**

National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Municipal Solid Waste (MSW) Landfills source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, EPA took final action to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM); revised wellhead operational standards and corrective action to improve effectiveness and provide compliance flexibility; reorganized rule text to incorporate provisions from the new source performance standards (NSPS) within this subpart; and added requirements for electronic reporting of performance test results. The EPA also finalized minor changes to the MSW Landfills NSPS and Emission Guidelines (EG) and Compliance Times for MSW Landfills. Specifically, the EPA finalized provisions to the most recent MSW Landfills NSPS and EG that would allow affected sources to demonstrate compliance with landfill gas control, operating, monitoring, recordkeeping, and reporting requirements by following the corresponding requirements in the MSW Landfills NESHAP. These final amendments will result in improved compliance and implementation of the rule.

Amendments to Subpart Cf (Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills) will be incorporated into ADEM Chapter 335-3-19 as discussed later in this summary.

October 7, 2020, 85 FR 63394

40 CFR 60, Subparts A, XXX, CCCC, JJJJ, KKKK, and Appendices A, B, and F

Test Methods and Performance Specifications for Air Emission Sources

SUMMARY: EPA corrected and updated regulations for source testing of emissions. These revisions included corrections to inaccurate testing provisions, updates to outdated procedures, and approved alternative procedures that will provide flexibility to testers. These revisions will improve the quality of data and will not impose any new substantive requirements on source owners or operators.

October 13, 2020, 85 FR 64398

40 CFR 60, Subpart WWW

National Emission Standards for Hazardous Air Pollutants: Municipal

Solid Waste Landfills Residual Risk and Technology Review; Correction

SUMMARY: The Environmental Protection Agency (EPA) corrected a final rule that appeared in the **Federal Register** on March 26, 2020. The EPA finalized the residual risk and technology review (RTR) conducted for the Municipal Solid Waste (MSW) Landfills source category regulated under national emission standards for hazardous air pollutants (NESHAP). This action corrects inadvertent errors in the cross-referencing and formatting in the **Federal Register**; as well as clarifies two operational and reporting requirements in the March 26, 2020, final rule. This action also revises the heading of 40 CFR part 60, subpart WWW as described in the March 26, 2020, **Federal Register** document. The corrections and clarifications described in this action do not affect the substantive requirements of the regulations or the results of the RTR conducted for the MSW Landfills source category.

November 5, 2020, 85 FR 70487

40 CFR 60, Subpart BBa

National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills; Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013

SUMMARY: The U.S. Environmental Protection Agency (EPA) finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-alone Semicheical Pulp Mills, and the New Source Performance Standards (NSPS) for Kraft Pulp Mills constructed, reconstructed, or modified after May 23, 2013. The final rule clarifies how to set operating limits for smelt dissolving tank (SDT) scrubbers used at these mills and corrects cross-reference errors in both rules.

December 4, 2020, 85 FR 78412

40 CFR 60, Subparts IIII and JJJJ

Fuels Regulatory Streamlining

SUMMARY: EPA updated many of EPA's existing gasoline, diesel, and other fuel quality programs to improve overall compliance assurance and maintain environmental performance, while reducing compliance costs for industry and EPA. EPA streamlined existing fuel quality regulations by removing expired provisions, eliminating redundant compliance

provisions (*e.g.*, duplicative registration requirements that are required by every EPA fuels program), removing unnecessary and out-of-date requirements, and replacing them with a single set of provisions and definitions that applies to all gasoline, diesel, and other fuel quality programs. EPA's action does not change the stringency of the existing fuel quality standards.

January 19, 2021, 86 FR 5013

40 CFR 60, Subpart Kb

Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984

SUMMARY: The U.S. Environmental Protection Agency (EPA) finalized amendments to the Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. EPA finalized specific amendments that would allow owners or operators of storage vessels subject to the Standards of Performance for Volatile Organic Liquid Storage Vessels and equipped with either an external floating roof (EFR) or internal floating roof (IFR) to voluntarily elect to comply with the requirements specified in the National Emission Standards for Storage Vessels (Tanks)—Control Level 2, as an alternative standard, in lieu of the requirements specified in the Standards of Performance for Volatile Organic Liquid Storage Vessels, subject to certain caveats and exceptions for monitoring, recordkeeping, and reporting.

February 16, 2021, 86 FR 9470

40 CFR 60, Appendix A

Performance for New Stationary Sources [Corrected]

On pages 63413–63414, the ancillary text and table were republished in the Federal Register that EPA published on October 7, 2020.

March 21, 2021, 86 FR 15421

40 CFR 60 Appendix A

Test Methods and Performance Specification for Air Emission Sources; Correction

SUMMARY: The Environmental Protection Agency (EPA) corrected a final rule that was published in the **Federal Register** on October 7, 2020, and

was effective on December 7, 2020. The final rule corrected and updated regulations for source testing of emissions. This correction did not change any final action taken by the EPA on October 7, 2020; this action corrects the amendatory instructions for Methods 4 and 5.

June 29, 2021, 86 FR 34308

40 CFR 60, Subpart III

Improvements for Heavy-Duty Engine and Vehicle Test Procedures, and Other Technical Amendments (Standards of Performance for New Stationary Sources: Stationary Compression Ignition Internal Combustion Engines)

SUMMARY: The Environmental Protection Agency (EPA) amended the test procedures for heavy-duty engines and vehicles to improve accuracy and reduce testing burden. EPA also made other regulatory amendments concerning light-duty vehicles, heavy duty vehicles, highway motorcycles, locomotives, marine engines, other nonroad engines and vehicles, and stationary engines. These amendments affect the certification procedures for exhaust emission standards and related requirements. EPA finalized similar amendments for evaporative emission standards for nonroad equipment and portable fuel containers. The amendments increase compliance flexibility, harmonize with other requirements, add clarity, correct errors, and streamline the regulations. Given the nature of the amendments, they will have neither significant environmental impacts nor significant economic impacts for any sector. ADEM proposes to adopt standard in 40 CFR 60, Subpart III – Stationary Compression Ignition Internal Combustion Engines.

Revisions to Chapter 335-3-11

ADEM proposes technical amendments to rules in chapter 335-3-11. These rules will incorporate revisions regulations in 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Source Categories) and 40 CFR Part 61 (NESHAPS) by reference, into the State regulations.

The Environmental Protection Agency (EPA), in accordance with Section 112 of the Clean Air Act (CAA) as amended in 1990, is required to issue emission standards for all major sources of the 188 listed hazardous air pollutants. On July 16, 1992 [57 FR 31576], the EPA published an initial list of source categories for which air toxics emission standards are to be promulgated. By the year 2000, the EPA was required to develop rules for all of these categories that require maximum achievable reduction in emissions, considering cost and other factors. These rules

are generally known as “maximum achievable control technology” (MACT) standards. On December 15, 1995 [60 FR 57346] under Section 112(l)(5) and 40 CFR 63.91, the EPA granted full approval to the State of Alabama for the State’s program for receiving delegation of Section 112 standards that are unchanged from Federal rules as promulgated.

This Chapter is periodically updated to incorporate standards for additional source categories as they are promulgated by the EPA.

October 7, 2020, 85 FR 63394
40 CFR 61, Appendix B
Test Methods and Performance Specifications for Air Emission Sources

SUMMARY: EPA corrected and updated regulations for source testing of emissions. These revisions include corrections to inaccurate testing provisions, updates to outdated procedures, and approved alternative procedures that will provide flexibility to testers. These revisions will improve the quality of data and will not impose any new substantive requirements on source owners or operators.

November 1, 2019, 84 FR 58601
40 CFR 63, Subpart KKKKK
National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing

SUMMARY: EPA finalized certain amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP): Clay Ceramics Manufacturing source category. The final amendments are being issued in response to a petition for reconsideration filed by an affected industry (Kohler Company) on the final rule promulgated on October 26, 2015, as well as EPA’s review of the 2015 rule with respect to certain other issues raised by Kohler. This action revises the temperature monitoring methodology used to demonstrate continuous compliance with the dioxin/furan (D/F) emissions limit of the final rule. In addition, EPA addressed concerns raised by Kohler regarding visible emissions (VE) monitoring of tunnel kiln stacks for continuous compliance with particulate matter (PM) and mercury (Hg) emission limitations. This action also amends the requirements for weekly visual inspections of system ductwork and control device equipment for water curtain spray booths. Lastly, this action amends the NESHAP to include provisions for emissions averaging, makes technical corrections, and adds certain definitions.

February 4, 2020, 85 FR 6064
40 CFR 63, Subparts CC and UUU
National Emission Standards for Hazardous Air Pollutants:
Petroleum Refinery Sector

SUMMARY: This action sets forth the U.S. Environmental Protection Agency's (EPA's) decision on aspects of the Agency's proposed reconsideration of the December 1, 2015, final rule: Petroleum Refinery Sector Residual Risk and Technology Review (RTR) and New Source Performance Standards (NSPS). This action also finalizes proposed amendments to clarify a compliance issue raised by stakeholders subject to the rule, to correct referencing errors, and to correct publication errors associated with amendments to the final rule which were published on November 26, 2018.

February 25, 2020, 85 FR 10828
40 CFR 63, Subparts A, KKKK, and SSSS
National Emission Standards for Hazardous Air Pollutants: Surface
Coating of Metal Cans and Surface Coating of Metal Coil Residual
Risk and Technology Reviews

SUMMARY: The U.S. Environmental Protection Agency (EPA) took final action on the residual risk and technology reviews (RTRs) conducted for the Surface Coating of Metal Cans and Surface Coating of Metal Coil source categories regulated under national emission standards for hazardous air pollutants (NESHAP). The EPA also took final action on amendments for the two source categories to address emissions during periods of startup, shutdown, and malfunction (SSM); electronic reporting of performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing. Additionally, several miscellaneous technical amendments are being made to improve the clarity of the rule requirements. EPA made no revisions to the numerical emission limits for the two source categories based on the residual risk and technology reviews.

March 9, 2020, 85 FR 13524
40 CFR 63, Subparts A and YYYY

National Emission Standards for Hazardous Air Pollutants: Stationary Combustion Turbines Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Stationary Combustion Turbines source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, EPA took final action addressing requirements during periods of startup, shutdown, and malfunction (SSM) and to add electronic reporting requirements. The EPA finalized their proposed determination that the risks from this source category due to emissions of air toxics are acceptable and that the existing NESHAP provides an ample margin of safety to protect public health. The EPA also finalized their proposed determination that they identified no new cost-effective controls under the technology review that would achieve further emissions reductions from the source category.

March 12, 2020, 85 FR 14526

40 CFR 63, Subparts A and LLLL

National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Asphalt Processing and Asphalt Roofing Manufacturing source categories regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, EPA took final action to: Correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM); revise monitoring requirements for a control device used to comply with the particulate matter (PM) standards; add requirements for periodic performance testing; add electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and Notification of Compliance Status (NOCS) reports; and include other technical corrections to improve consistency and clarity. EPA made no revisions to the numerical emission limits based on the residual risk analysis or technology review. Although these amendments are not anticipated to result in reductions in emissions of hazardous air pollutants (HAP), they will improve compliance and implementation of the rule.

March 18, 2020, 85 FR 15608

40 CFR 63, Subpart GGGG

National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Solvent Extraction for Vegetable Oil Production source category regulated under national emission standards for hazardous air pollutants (NESHAP). Based on the results of the U.S. Environmental Protection Agency's (EPA's) risk review, the Agency finalized the decision that risks due to emissions of air toxics from this source category are acceptable and that the current NESHAP provides an ample margin of safety to protect public health. Under the technology review, the EPA finalized the decision that there are no developments in practices, processes, or control technologies that necessitate revision of the standards. Therefore, the EPA finalized no revisions to the numerical emission limits based on the risk and technology reviews. EPA took final action to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM), including removing general exemptions for periods of SSM, adding alternative work practice standards for periods of initial startup for new or significantly modified sources, and making other minor clarifications or corrections. The EPA also took final action to add provisions for electronic reporting of certain notifications and reports and performance test results; and make other minor clarifications and corrections. These final amendments will result in improved compliance and implementation of the rule.

March 20, 2020, 85 FR 15960

40 CFR 63, Subparts VVVV and WWWW

National Emission Standards for Hazardous Air Pollutants: Boat Manufacturing and Reinforced Plastic Composites Production Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology reviews (RTR) conducted for the Boat Manufacturing and the Reinforced Plastic Composites Production source categories regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, EPA took final action addressing emissions during periods of startup, shutdown, and malfunction (SSM) and amending provisions regarding electronic reporting of performance test and performance evaluation results and semiannual reports. These final amendments include removal of regulatory language that is inconsistent with the requirement that the standards apply at all times, inclusion of language requiring electronic reporting of performance test and performance evaluation results and semiannual reports, and an amendment to the Reinforced Plastic Composites Production NESHAP to clarify that mixers that route

to a capture and control device system with at least 95- percent efficiency overall are not required to have covers. The numeric emission limits of the standards for both source categories remain unchanged.

March 26, 2020, 85 FR 17244

40 CFR 63, Subpart AAAA

National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Municipal Solid Waste (MSW) Landfills source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, EPA took final action to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM); revise wellhead operational standards and corrective action to improve effectiveness and provide compliance flexibility; reorganize rule text to incorporate provisions from the new source performance standards (NSPS) within this subpart; and add requirements for electronic reporting of performance test results. The EPA also finalized minor changes to the MSW Landfills NSPS and Emission Guidelines (EG) and Compliance Times for MSW Landfills. Specifically, the EPA finalized provisions to the most recent MSW Landfills NSPS and EG that would allow affected sources to demonstrate compliance with landfill gas control, operating, monitoring, recordkeeping, and reporting requirements by following the corresponding requirements in the MSW Landfills NESHAP. These final amendments will result in improved compliance and implementation of the rule.

April 15, 2020, 85 FR 20838

40 CFR 63, Subpart UUUU

National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units—Subcategory of Certain Existing Electric Utility Steam Generating Units Firing Eastern Bituminous Coal Refuse for Emissions of Acid Gas Hazardous Air Pollutants

SUMMARY: The U.S. Environmental Protection Agency (EPA) took final action establishing a subcategory of certain existing electric utility steam generating units (EGUs) firing eastern bituminous coal refuse (EBCR) for acid gas hazardous air pollutant (HAP) emissions that was noticed in a February 7, 2019, proposed rule titled “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil- Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Finding and

Residual Risk and Technology Review” (2019 Proposal). After consideration of public comments, the EPA has determined that there is a need for such a subcategory under the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Coal- and Oil-Fired EGUs, commonly known as the Mercury and Air Toxics Standards (MATS), and the Agency established acid gas HAP emission standards applicable only to the new subcategory. The EPA’s final decisions on the other two distinct actions in the 2019 Proposal (*i.e.*, reconsideration of the 2016 Supplemental Finding that it is appropriate and necessary to regulate EGUs under Clean Air Act (CAA) section 112 and the residual risk and technology review of MATS) will be announced in a separate final action.

April 15, 2020, 85 FR 20855

40 CFR 63, Subpart NNNNN

**National Emission Standards for Hazardous Air Pollutants:
Hydrochloric Acid Production Residual Risk and Technology Review**

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Hydrochloric Acid (HCl) Production source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, in this action EPA finalized amendments to add electronic reporting; address periods of startup, shutdown, and malfunction (SSM); and establish work practice standards for maintenance activities pursuant to the Clean Air Act (CAA). EPA made no revisions to the numerical emission limits based on the risk analysis or technology review. Although these amendments are not anticipated to result in reductions in emissions of hazardous air pollutants (HAP), they will result in improved monitoring, compliance and implementation of the rule.

June 3, 2020, 85 FR 34326

40 CFR 63, Subpart PTTTT

**National Emission Standards for Hazardous Air Pollutants: Engine
Test Cells/Stands Residual Risk and Technology Review**

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Engine Test Cells/Stands source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, EPA took final action on amendments to the Engine Test Cells/ Stands NESHAP addressing periods of startup, shutdown, and malfunction (SSM). These final amendments also include provisions regarding electronic reporting, as well as clarifying and

technical corrections. These final amendments will result in improved compliance and implementation of the rule.

July 6, 2020, 85 FR 40386

40 CFR 63, Subparts A, SS, XX and YY

National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology Standards Residual Risk and Technology Review for Ethylene Production

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Ethylene Production source category regulated under National Emission Standards for Hazardous Air Pollutants (NESHAP). In addition, the U.S. Environmental Protection Agency (EPA) took final action to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM), including removing general exemptions for periods of SSM, adding work practice standards for periods of SSM where appropriate, and clarifying regulatory provisions for certain vent control bypasses. The EPA also took final action to revise requirements for heat exchange systems; add monitoring and operational requirements for flares; add provisions for electronic reporting of performance test results and other reports; and include other technical corrections to improve consistency and clarity. EPA estimates that these final amendments will reduce hazardous air pollutants (HAP) emissions from this source category by 29 tons per year (tpy) and reduce excess emissions of HAP from flares by an additional 1,430 tpy.

July 7, 2020 85 FR 40740

40 CFR 63 Subparts A, and EEEE

National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Organic Liquids Distribution (Non-Gasoline) (OLD) source category regulated under National Emission Standards for Hazardous Air Pollutants (NESHAP). The U.S. Environmental Protection Agency (EPA) finalized amendments to the storage tank requirements as a result of the RTR. In addition, EPA took final action to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM); add requirements for electronic reporting of performance test results and reports, performance

evaluation reports, compliance reports, and Notification of Compliance Status (NOCS) reports; add operational requirements for flares; and make other minor technical improvements. EPA estimates that these amendments will reduce emissions of hazardous air pollutants (HAP) from this source category by 186 tons per year (tpy), which represents an approximate 8 percent reduction of HAP emissions from the source category.

July 7, 2020, 85 FR 40594

40 CFR 63, Subpart A

Modernizing Ignitable Liquids Determinations

SUMMARY: The Environmental Protection Agency (EPA) finalized updates to the regulations for the identification of ignitable hazardous waste under the Resource Conservation and Recovery Act (RCRA) and to modernize the RCRA test methods that currently require the use of mercury thermometers. These revisions provide greater clarity to hazardous waste identification, provide flexibility in testing requirements, improve environmental compliance, and, thereby, enhance protection of human health and the environment.

July 8, 2020 85 FR 41100

40 CFR 63, Subparts A, IIII, MMMM, NNNN, OOOO, PPPP and RRRR

NESHAP: Surface Coating of Automobiles and Light-Duty Trucks; Miscellaneous Metal Parts and Products; Plastic Parts and Products; Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Metal Furniture Residual Risk and Technology Reviews

SUMMARY: The U.S. Environmental Protection Agency (EPA) took final action on the residual risk and technology reviews (RTRs) conducted for the Surface Coating of Automobiles and Light-Duty Trucks (ALDT); Surface Coating of Miscellaneous Metal Parts and Products (MMPP); and the Surface Coating of Plastic Parts and Products (PPP) source categories regulated under national emission standards for hazardous air pollutants (NESHAP). These final amendments also address emissions during periods of startup, shutdown, and malfunction (SSM); electronic reporting of performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing. Several miscellaneous technical amendments were also made to improve the clarity of the rule requirements. EPA made no revisions to the numerical emission limits based on these risk analyses or technology reviews. This notice also finalizes technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and

Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture.

July 9, 2020 85 FR 41276

40 CFR 63, Subparts A and JJJJ

National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Paper and Other Web Coating (POWC) source category regulated under national emission standards for hazardous air pollutants (NESHAP). The EPA finalized the proposed determination that risks due to emissions of air toxics are acceptable from this source category and that the current NESHAP provides an ample margin of safety to protect public health. Further, the U.S. Environmental Protection Agency (EPA) identified no new cost-effective controls under the technology review that would achieve significant further emissions reductions, and, thus, finalized the proposed determination that no revisions to the standards are necessary based on developments in practices, processes, or control technologies. In addition, the EPA took final action addressing startup, shutdown, and malfunction (SSM). These final amendments address emissions during SSM events, add a compliance demonstration equation that accounts for retained volatiles in the coated web; add repeat testing and electronic reporting requirements; and make technical and editorial changes. The EPA made these amendments to improve the effectiveness of the NESHAP, and although these amendments are not expected to reduce emissions of hazardous air pollutants (HAP), they will improve monitoring, compliance, and implementation of the rule.

July 10, 2020, 85 FR 41411

40 CFR 63 Subparts A and EEEE

National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) Residual Risk and Technology Review

[Corrected]

In rule document 2020-05900, appearing on pages 40740 through 40791 in the issue of Tuesday, July 7, 2020, EPA made the following corrections.

■ 1. On page 40760, in the second column, amendatory instruction 2 d. for § 63.14 should read as follows: “D d. By redesignating paragraphs

(h)(102) through (113) as paragraphs (h)(104) through (115), respectively;”.

§ 63.14 Incorporations by reference.

[Corrected]

■ 2. On the same page, in the same column, the section heading for 63.14 should read as set forth above.

July 10, 2020, 85 FR 41680

40 CFR 63 Subparts A and GGGGG

National Emission Standards for Hazardous Air Pollutants: Site Remediation Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Site Remediation source category regulated under national emission standards for hazardous air pollutants (NESHAP). The U.S. Environmental Protection Agency (EPA) finalized the proposed determination that risks due to emissions of air toxics from site remediation sources are acceptable and that no revision to the standards is required to provide an ample margin of safety to protect public health. Based on the results of our technology review, EPA promulgated the proposed changes to the leak detection and repair (LDAR) program. In addition, the EPA finalized amendments to revise regulatory provisions pertaining to emissions during periods of startup, shutdown and malfunction (SSM), including finalizing work practice requirements for pressure relief devices (PRDs) and the 240-hour maintenance period for control devices on tanks. EPA finalized requirements for electronic submittal of semiannual reports and performance test results. Finally, EPA made minor clarifications and corrections. The final revisions to the rule will increase the level of emissions control and environmental protection provided by the Site Remediation NESHAP.

July 13, 2020, 85 FR 42074

40 CFR 63, Subparts A and FFFFF

National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Integrated Iron and Steel Manufacturing Facilities source category regulated under national emission standards for hazardous air pollutants (NESHAP). EPA found that risks due to emissions of air toxics from this source category are acceptable and that the current NESHAP provides an ample margin of safety to protect public health. Under the technology review, EPA found no developments in

practices, processes, or control technologies that necessitate revision of the standards. In addition, EPA took final action to establish emission standards for mercury in response to a 2004 administrative petition for reconsideration which minimizes emissions by limiting the amount of mercury per ton of metal scrap used. EPA also removed exemptions for periods of startup, shutdown, and malfunction (SSM) consistent with a 2008 court decision, and clarifying that the emissions standards apply at all times; adding electronic reporting of performance test results and compliance reports; and making minor corrections and clarifications for a few other rule provisions.

July 22, 2020, 85 FR 44216

40 CFR 63 Subparts A and EEEE

National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) Residual Risk and Technology Review; Corrections

SUMMARY: On July 7, 2020, the U.S. Environmental Protection Agency (EPA) revised the National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) Residual Risk and Technology Review. A set of amendatory instructions and one reference to a standard approved for incorporation by reference were removed during the review and publication process but the related standard reference was not removed. In addition, subsequent amendatory instructions were not properly revised to reflect the edits. This document corrects the final regulations.

July 24, 2020, 85 FR 44752

40 CFR 63, Subparts XXXX

National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Rubber Tire Manufacturing source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, EPA took final action to add electronic reporting of performance test results and reports, compliance reports, and Notification of Compliance Status (NOCS) reports and to remove the provision that exempts emissions from compliance with the standards during periods of startup, shutdown, and malfunction (SSM). These amendments are made under the authority of the Clean Air Act (CAA)

and will improve effectiveness of the rule. The amendments are environmentally neutral.

July 24, 2020, 85 FR 44960

40 CFR 63 Subparts A and AAAAA

National Emission Standards for Hazardous Air Pollutants: Lime Manufacturing Plants Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Lime Manufacturing source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, EPA took final action addressing periods of startup, shutdown, and malfunction (SSM). These final amendments include new provisions requiring electronic reporting. EPA finalized its proposed determination that the risks are acceptable and that the current NESHAP provides an ample margin of safety to protect public health. EPA determined that there are no developments in practices, processes, or control technologies that necessitate revisions to the standards.

July 28, 2020, 85 FR 45476

40 CFR 63, Subparts A and RRRRR

National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Taconite Iron Ore Processing source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, EPA took final action addressing the exemptions previously allowed for periods of startup, shutdown, and malfunction (SSM) and clarifying that the emissions standards apply at all times. These final amendments include no revisions to the numerical emission limits of the rule based on the RTR. The amendments add electronic reporting of performance test results and compliance reports and make minor technical corrections and amendments to monitoring and testing requirements that will reduce the compliance burden on industry while continuing to be protective of the environment. While the amendments do not result in quantifiable reductions in emissions of hazardous air pollutants (HAP), this action results in improved monitoring, compliance, and implementation of the rule.

August 12, 2020, 85 FR 49084

40 CFR 63, Subparts A and FFFF

National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Miscellaneous Organic Chemical Manufacturing source category regulated under national emission standards for hazardous air pollutants (NESHAP). The U.S. Environmental Protection Agency (EPA) finalized decisions concerning the RTR, including amendments pursuant to the technology review for equipment leaks and heat exchange systems, and also amendments pursuant to the risk review to specifically address ethylene oxide emissions from storage tanks, process vents, and equipment leaks. In addition, EPA took final action to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM), including removing general exemptions for periods of SSM, adding work practice standards for periods of SSM where appropriate, and clarifying regulatory provisions for certain vent control bypasses. The EPA also took final action to add monitoring and operational requirements for flares that control ethylene oxide emissions and flares used to control emissions from processes that produce olefins and polyolefins; add provisions for electronic reporting of performance test results and other reports; and include other technical corrections to improve consistency and clarity. EPA estimates that these final amendments will reduce hazardous air pollutants (HAP) emissions from this source category by approximately 107 tons per year (tpy) and reduce ethylene oxide emissions from this source category by approximately 0.76 tpy. EPA also estimates that these final amendments will reduce excess emissions of HAP from flares that control ethylene oxide emissions and flares used to control emissions from processes that produce olefins and polyolefins by an additional 263 tpy.

August 13, 2020, 85 FR 49434

40 CFR 63, Subparts A and DDDD

National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products Residual Risk and Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the Plywood and Composite Wood Products (PCWP) source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, the EPA addressed periods of startup, shutdown and malfunction (SSM); added electronic reporting; added repeat emissions testing; and making technical and editorial changes. These amendments include no revisions to the numerical emission limits

in the rule based on the RTR. While the amendments do not result in reductions of emissions of hazardous air pollutants (HAP), this action results in improved monitoring, compliance, and implementation of the rule.

August 14, 2020, 85 FR 49724

40 CFR 63, Subparts A, HHHHH

National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing Residual Risk and Technology Review

SUMMARY: The U.S. Environmental Protection Agency (EPA) acted on the residual risk and technology review (RTR) conducted for the Miscellaneous Coating Manufacturing (MCM) source category regulated under national emission standards for hazardous air pollutants (NESHAP). These amendments also addressed emissions during periods of startup, shutdown, and malfunction (SSM), including clarifying regulatory provisions for certain vent control bypasses, provisions for electronic reporting of performance test results, performance evaluation reports, compliance reports, and Notification of Compliance Status (NOCS) reports; and provisions to conduct periodic performance testing of oxidizers used to reduce emissions of organic hazardous air pollutants (HAP).

August 21, 2020, 85 FR 51668

40 CFR 63, Subpart DDDD

National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products Residual Risk and Technology Review

Correction

In rule document 2020–12725 appearing on pages 49434–49469 in the issue of August 13, 2020, EPA made the following correction:

§ 63.2282 [Corrected]

■ On page 49459, in § 63.2282, in the third column, in the ninth line down, “August 13, 2021]” should read “August 13, 2020”.

September 9, 2020, 85 FR 55744

40 CFR 63, Subpart UUUUU

Mercury and Air Toxics Standards for Power Plants Electronic Reporting Revisions

SUMMARY: The U.S. Environmental Protection Agency (EPA) finalized amendments to the electronic reporting requirements for the National

Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units (also known as the Mercury and Air Toxics Standards (MATS)). EPA revised and streamlined the electronic data reporting requirements of MATS, increased data transparency by requiring use of one electronic reporting system instead of two separate systems, and provided enhanced access to MATS data. No new monitoring requirements are imposed; instead, EPA reduced reporting burden, increased MATS data flow and usage, made it easier for inspectors and auditors to assess compliance, and encouraged wider use of continuous emissions monitoring systems (CEMS) for MATS compliance. In addition, EPA extended the current deadline for alternative electronic data submission via portable document format (PDF) files through December 31, 2023.

September 10, 2020, 85 FR 56080

40 CFR 63, Subparts EEEEE and ZZZZZ

National Emission Standards for Hazardous Air Pollutants: Iron and Steel Foundries Major Source Residual Risk and Technology Review and Area Source Technology Review

SUMMARY: EPA finalized the residual risk and technology review (RTR) conducted for the major source Iron and Steel Foundries source category and the technology review for the area source Iron and Steel Foundries source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, EPA removed exemptions for periods of startup, shutdown, and malfunction (SSM) and to specify that emissions standards apply at all times. These final amendments also require electronic reporting of performance test results and compliance reports and make minor corrections and clarifications to a few other rule provisions for major sources and area sources.

October 7, 2020, 85 FR 63394

40 CFR 63, Subpart LLL, and Appendix A

Test Methods and Performance Specifications for Air Emission Sources

SUMMARY: EPA corrected and updated regulations for source testing of emissions. These revisions included corrections to inaccurate testing provisions, updates to outdated procedures, and approved alternative procedures that will provide flexibility to testers. These revisions will improve the quality of data and will not impose any new substantive requirements on source owners or operators.

October 13, 2020, 85 FR 64398

40 CFR 63, Subpart AAAA

National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review; Correction

SUMMARY: The Environmental Protection Agency (EPA) corrected a final rule that appeared in the **Federal Register** on March 26, 2020. The EPA finalized the residual risk and technology review (RTR) conducted for the Municipal Solid Waste (MSW) Landfills source category regulated under national emission standards for hazardous air pollutants (NESHAP). This action corrects inadvertent errors in the cross-referencing and formatting in the **Federal Register**; as well as clarifies two operational and reporting requirements in the March 26, 2020, final rule. This action also revises the heading of 40 CFR part 60, subpart WWW as described in the March 26, 2020, **Federal Register** document. The corrections and clarifications described in this action do not affect the substantive requirements of the regulations or the results of the RTR conducted for the MSW Landfills source category.

November 3, 2020, 85 FR 69508

40 CFR 63, Subpart AA

National Emission Standards for Hazardous Air Pollutants: Phosphoric Acid Manufacturing

SUMMARY: EPA finalized an amendment to the national emission standards for hazardous air pollutants (NESHAP) for the Phosphoric Acid Manufacturing source category. The amendment is in response to a petition for rulemaking on the mercury emission limit for existing phosphate rock calciners that was finalized on August 19, 2015 (“2015 Rule”). That emission limit was based on the maximum achievable control technology (MACT) floor for existing sources. All six of the existing calciners used to set this MACT floor are located at the PCS Phosphate Company, Inc. (“PCS Phosphate”) facility in Aurora, North Carolina (“PCS Aurora”). PCS Phosphate asserted that data received since the rule’s promulgation indicate that the MACT floor did not accurately reflect the average emission limitation achieved by the units used to set the standard. Based on these new data, the U.S. Environmental Protection Agency (EPA) finalized a revision of the mercury MACT floor for existing calciners.

November 5, 2020, 85 FR 70487

40 CFR 63, Subpart MM

National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills; Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013

SUMMARY: The U.S. Environmental Protection Agency (EPA) finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-alone Semicheical Pulp Mills, and the New Source Performance Standards (NSPS) for Kraft Pulp Mills constructed, reconstructed, or modified after May 23, 2013. The final rule clarifies how to set operating limits for smelt dissolving tank (SDT) scrubbers used at these mills and corrects cross-reference errors in both rules.

November 25, 2020, 85 FR 75235

40 CFR 63, Subparts A and HHHHH

National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing Residual Risk and Technology Review

Correction

In rule document 2020-13439 beginning on page 49724 in the issue of August 14, 2020, EPA made the following correction:

§ 63.8000 [Corrected]

■ On page 49742, in the first column, in § 63.8000(vi), in the 14th line “August 15, 2022” should read “August 15, 2018”.

December 4, 2020, 85 FR 78412

40 CFR 63, Subparts R and ZZZZ

Fuels Regulatory Streamlining

SUMMARY: EPA updated many of EPA’s existing gasoline, diesel, and other fuel quality programs to improve overall compliance assurance and maintain environmental performance, while reducing compliance costs for industry and EPA. EPA streamlined existing fuel quality regulations by removing expired provisions, eliminating redundant compliance provisions (*e.g.*, duplicative registration requirements that are required by every EPA fuels program), removing unnecessary and out-of-date

requirements, and replacing them with a single set of provisions and definitions that applies to all gasoline, diesel, and other fuel quality programs. EPA's action does not change the stringency of the existing fuel quality standards.

March 11, 2021, 86 FR 13819

40 CFR 63, Subpart A

Court Vacatur of Exemption From Emission Standards During Periods of Startup, Shutdown, and Malfunction

SUMMARY: The U.S. Environmental Protection Agency (EPA) amended the Code of Federal Regulations (CFR) to reflect a court order regarding the General Provisions for National Emissions Standards for Hazardous Air Pollutants (NESHAP) issued on December 19, 2008, by the United States Court of Appeals for the District of Columbia Circuit (the court). The court vacated two provisions in the General Provisions that exempted sources from hazardous air pollutant (HAP) nonopacity and opacity emission standards during periods of startup, shutdown, and malfunction (SSM). The court held that under the Clean Air Act (CAA), emissions standards or limitations must be continuous in nature and that the SSM exemptions in these two provisions violate this requirement. This ministerial action revises these two NESHAP General Provisions in the CFR to conform to the court's order.

Revisions to Chapter 335-3-19

ADEM proposes the addition of regulations to the State Plan for the Control of Landfill Gas Emissions at Existing Municipal Solid Waste Landfills.

On August 29, 2016, EPA promulgated a guideline for State rules relating to air pollutant emissions from existing landfills under the requirements of 40 CFR Part 60, Subpart Cf. On April 21, 2017, the Alabama Environmental Management Commission (AEMC) adopted changes to ADEM Admin Code 335-3-19 in response to the federal mandate.

Few, if any, States besides Alabama adopted rules for their States before EPA instituted a 90-day stay of the implementation of subpart Cf in May of 2017. The stay was issued based on EPA's agreement that its rule contained clear legal errors which had been raised in a legal action challenging the rule.

The stay had not been extended. However, EPA had made it clear that it did not expect States to promulgate rules and submit them to EPA until it revised 40 CFR Part 60, Subpart Cf. EPA indicated that it would not revise its guidance until 2020 at the earliest. ADEM therefore rescinded changes to chapter 335-3-19 from April of 2017, which were effective on October 5, 2018.

Rescission of the rules as recommended meant that all Alabama's landfills would continue to be regulated under the standards which have been in effect for several years consistent with the rest of the country.

EPA has revised 40 CFR Part 60, Subpart Cf. Therefore, ADEM is proposing new rules as part of the State Plan.