



Division of Environment
Bureau of Air

ENVIRONMENTAL BENEFIT STATEMENT
AND
ADDITIONAL IMPACTS FOR ENVIRONMENTAL REGULATIONS

Pursuant to K.S.A. 77-416(d)-(e)

**PROPOSED AMENDMENT OF EXISTING AIR QUALITY REGULATION:
K.A.R. 28-19-720**

November 2019

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Background of Proposed Amendments

The Bureau of Air of the Kansas Department of Health and Environment (KDHE) is proposing to amend certain Kansas Air Quality Regulations, specifically Kansas Administrative Regulation (K.A.R.) 28-19-720, “New Source Performance Standards” (NSPS). Operating under delegated authority from the Environmental Protection Agency (EPA), the state of Kansas has been designated the primary authority to implement and enforce federal standards that are adopted into the state regulations. An agreement signed in May of 1986 specifically granted the state the authority for the NSPS which are adopted in K.A.R. 28-19-720. This 1986 document spells out the procedures and conditions wherein the authority is automatically delegated to Kansas upon the incorporation of the standard into Kansas regulation.

To date, the state authority for NSPS exists only for the federal rules promulgated by the EPA through June 30, 2010, this is the date of the last adoption of Title 40 of the Code of Federal Regulations, part 60 (40 C.F.R. part 60) by Kansas. Facilities in Kansas are nonetheless subject to provisions of the federal rules adopted after July 1, 2010, which the EPA has full authority to implement and enforce. The state must adopt new and revised federal regulations to gain primacy for those federal provisions. Thus, the basic purpose of the proposed amendments are to update K.A.R. 28-19-720 to incorporate the federal changes made to the respective standards since the last update of the state regulations. K.A.R. 28-19-720 is specifically being updated to incorporate amendments to 40 C.F.R. part 60 up to July 1, 2017.

K.A.R. 28-19-720: New Source Performance Standards (NSPS)

K.A.R. 28-19-720 implements the federal NSPS provisions as state requirements under the Kansas Air Quality Act. The pollutants of concern under the NSPS are the criteria pollutants for which national ambient air quality standards (NAAQS) are established in 40 C.F.R. Part 50. These are: sulfur dioxide, nitrogen dioxide, ozone, particulate matter, lead, and carbon monoxide. Section 111 of the Clean Air Act (CAA) directs the EPA to develop regulations implementing emissions standards of the relevant pollutants for new stationary sources. The Federal NSPS provisions are codified at 40 C.F.R. part 60, and regulate new, modified or reconstructed facilities within each of several defined categories. They also establish performance standards for the operation of the facilities, which promotes the facility to reduce emissions of relevant air pollutants.

The NSPS include emissions limitations, work practices, and other enforceable methods for accomplishing the goal of reducing air pollutant emissions from these sources. The following table lists the relevant NSPS provisions that have been amended or promulgated from July 1, 2010 through June 30, 2017. Detailed summaries of amendments are provided in Appendix A of this document. The table below provides the following information in chronological order: the part or subpart of the rule being amended, the *Federal Register* publication citation and date, and a short description of the rule.

Part/Subpart	Federal Register Publication Citation/ Date	Description
60.17 Subpart A; 60.62-60.64, 60.66 Subpart F; Part 60 Appendices B and F	75 FR 54970 September 9, 2010	Portland Cement Plants
60.4 Subpart A	75 FR 55274 September 10, 2010	General Provisions - Address
60.8 Subpart A; Part 60 Appendices A-3 through A-8	75 FR 55636 September 13, 2010	Performance tests
60.4 Subpart A	75 FR 69348 November 12, 2010	General Provisions - Address
60.17 Subpart A	76 FR 2832 January 18, 2011	General Provisions for Portland Cement Plants
60.42, 60.45 Subpart D; 60.48Da-60.49Da Subpart Da; 60.42Db, 60.48Db Subpart Db; 60.47c Subpart Dc	76 FR 3517 January 20, 2011	Fossil-Fuel-Fired, Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial Institutional Steam Generating Units
Part 60 Table 1	76 FR 10761 February 28, 2011	Delegation of Authority
60.17 Subpart A; 60.2005, 60.2015-60.2030, 60.2045, 60.2070, 60.2085, 60.2105-60.2155, 60.2170, 60.2175, 60.2210, 60.2220, 60.2230, 60.2235, 60.2242, 60.2250, 60.2260, 60.2265, Table 1, Tables 4 - 8 Subpart CCCC; 60.2500, 60.2505, 60.2525, 60.2535, 60.2540, 60.2541, 60.2542, 60.2545, 60.2550, 60.2555, 60.2558, 60.2635, 60.2650, 60.2670- 60.2720, 60.2730-60.2740, 60.2770, 60.2780, 60.2790, 60.2795, 60.2805, 60.2860, 60.2870, 60.2875, Table 1, Table 2, Tables 4 - 9 Subpart DDDD; 60.4760 - 60.4930, Tables 1- 5 Subpart LLLL; 60.5000 - 60.5250, Tables 1-6 Subpart MMMM	76 FR 15704 March 21, 2011	Commercial and Industrial Solid Waste Incineration Units
60.32e, 60.39e, Table 1A Subpart Ce, 60.58c, Table 1A Subpart Ec, Table 1B Subpart Ec	76 FR 18407 April 4, 2011	Hospital/Medical/Infectious Waste Incinerators
Part 60 – Actions on petitions	76 FR 28318 May 17, 2011	Portland Cement Plants

Part/Subpart	Federal Register Publication Citation/ Date	Description
Part 60 Subparts CCCC and DDDD	76 FR 28662 May 18, 2011	Industrial, Commercial, and Institutional Boilers and Process Heaters and Commercial and Industrial Solid Waste Incineration Units
60.4200-60.4217, 60.4219, Table 3 Subpart IIII; 60.4230-60.4231, 60.4233, 60.4236, 60.4241, 60.4243, 60.4248, Tables 1-2 Subpart JJJJ	76 FR 37954 June 28, 2011	Stationary Compression Ignition and Spark Ignition Internal Combustion Engines
60.4 Subpart A	76 FR 38024 June 29, 2011	CFR Correction
60.17 Subpart A; Part 60 Appendix A-7	77 FR 2456 January 18, 2012	General Provisions- Incorporation by reference; Test Methods
Part 60 Appendix F	77 FR 8160 February 14, 2012	Quality Assurance Procedures
60.17 Subpart A; 60.21, 60.24 Subpart B; 60.40, 60.41, 60.42, 60.45 Subpart D; 60.40Da-60.45Da, 60.47Da-60.52Da Subpart Da; 60.40b-60.41b, 60.43b-60.44b, 60.46b, 60.48b-60.49b Subpart Db; 60.40c-60.43c, 60.45c, 60.47c Subpart Dc	77 FR 9304 February 16, 2012	Coal- and Oil-Fired Electric Utility Steam Generating Units
Part 60 – Appendix F	77 FR 13977 March 8, 2012	Quality Assurance Procedures
Part 60	77 FR 18709 March 28, 2012	Quality Assurance Procedures
60.41Da, 60.49Da Subpart Da	77 FR 23399 April 19, 2012	CFR Correction
Part 60 – Actions on petitions	77 FR 25087 April 27, 2012	Sewage Sludge Incineration Units
Part 60 Appendix A-6	77 FR 44488 July 30, 2012	Test Methods
60.17, 60.70 Subpart A; 60.70a-60.77a Subpart Ga	77 FR 48433 August 14, 2012	Nitric Acid Plants
60.17 Subpart A; 60.630 Subpart KKK; 60.640 Subpart LLL; 60.5360-60.5430, Tables 1-3 Subpart OOOO	77 FR 49490 August 16, 2012	Oil and Natural Gas Sector
60.17 Subpart A; 60.100, 60.101, 60.106, Subpart J; 60.100a, 60.101a, 60.103a, 60.107a, 60.109a Subpart Ja	77 FR 56422 September 12, 2012	Petroleum Refineries
60.17 Subpart A; 60.4207, 60.4211, 60.4214, 60.4219 Subpart IIII; 60.4231, 60.4243, 60.4245, 60.4248 Table 2, Subpart JJJJ	78 FR 6674 January 30, 2013	Reciprocating Internal Combustion Engines
60.2005, 60.2015, 60.2020, 60.2030, 60.2045, 60.2105, 60.2110, 60.2115, 60.2120, 60.2140, 60.2145, 60.2165, 60.2170, 60.2175, 60.2210, 60.2235, 60.2265, Tables 1, 2, 5-8 Subpart CCCC; 60.2505, 60.2525, 60.2535, 60.2545, 60.2550, 60.2555, 60.2675, 60.2680, 60.2685, 60.2690, 60.2710, 60.2720, 60.2730, 60.2740, 60.2770, 60.2795, 60.2875, Tables 1, 2, 6-9 Subpart DDDD	78 FR 9112 February 7, 2013	Solid Waste Incineration Units

Part/Subpart	Federal Register Publication Citation/ Date	Description
60.61, 60.62, 60.63, 60.64, 60.65, 60.66 Subpart F	78 FR 10006 February 12, 2013	Portland Cement Plants
60.41Da, 60.42Da, 60.48Da, 60.49Da, 60.50Da Subpart Da	78 FR 24073 April 24, 2013	Coal- and Oil-Fired Electric Utility Steam Generating Units
60.56c Subpart Ec	78 FR 28052 May 13, 2013	Hospital/Medical/Infectious Waste Incinerators
60.4 Subpart A	78 FR 37973 June 25, 2013	CFR Correction
60.5365, 60.5380, 60.5390, 60.5395, 60.5410-60.5413, 60.5415-60.5417, 60.5420, 60.5430, Tables 1 and 2 Subpart OOOO	78 FR 58416 September 23, 2013	Oil and Natural Gas Sector
Table I Part 60	78 FR 71510 November 29, 2013	Delegation of Authority
60.101a Subpart Ja	78 FR 76753 December 19, 2013	Petroleum Refineries
60.8, 60.13, 60.17, Subpart A; 60.46b, 60.47b Subpart Db; 60.51c Subpart Ec; 60.84 Subpart H; 60.154 Subpart O; 60.284 Subpart BB; 60.335 Subpart GG; 60.374 Subpart KK; 60.382, 60.386 Subpart LL; 60.472 Subpart UU; 60.660, 60.665 Subpart NNN; Table 7 Subpart IIII; Table 2 Subpart JJJJ; Appendices A-1 through A-8; Appendix B, Appendix F Part 60	79 FR 11228 February 27, 2014	Test Methods
60.17, 60.280 Subpart A; 60.280a-260.288a Subpart BBa;	79 FR 18952 April 4, 2014	Kraft Pulp Mills
60.75a Subpart Ga	79 FR 25681 May 6, 2014	CFR Correction
Appendix F Part 60	79 FR 28439 May 16, 2014	Quality Assurance Requirements
60.42Da Subpart Da	79 FR 68777 November 19, 2014	Coal- and Oil-Fired Electric Utility Steam Generating Units
60.5365, 60.5375, 60.5385, 60.5390, 60.5395, 60.5401, 60.5410-60.5416, 60.5420, 60.5430 Subpart OOOO	79 FR 79018 December 31, 2014	Oil and Natural Gas Sector
Table 1 Part 60	80 FR 10596 February 27, 2015	Delegation of authority
60.17 Subpart A; 60.530-60.539b Subpart AAA; 60.5472-60.5483 Subpart QQQQ; Appendices A-8 and I Part 60	80 FR 13672 March 16, 2015	New Residential Wood Heaters, New Hydronic Heaters and Forced-Air Heaters
Appendices B and F Part 60	80 FR 38628 July 7, 2015	Performance Specifications

Part/Subpart	Federal Register Publication Citation/ Date	Description
60.61-60.64 Subpart F	80 FR 44772 July 27, 2015	Portland Cement Plants
60.5365, 60.5430 Subpart OOOO	80 FR 48262 August 12, 2015	Oil and Gas Sector
60.200, 60.201, 60.203, 60.205 Subpart T; 60.210, 60.211, 60.213, 60.215 Subpart U; 60.223-60.225 Subpart V; 60.230, 60.233, 60.235 Subpart W; 60.243, 60.245 Subpart X	80 FR 50386 August 19, 2015	Phosphoric Acid Manufacturing and Phosphate Fertilizer Production
60.17 Subpart A; 60.5508-60.5580, Tables 1, 2, 3 Subpart TTTT; 60.5700-60.5880, Tables 1, 2, 3, 4 Subpart UUUU	80 FR 64510 October 23, 2015	Electric Utility Generating Units
60.105 Subpart J; 60.100a-60.102a, 60.104a-60.107a Subpart Ja	80 FR 75178 December 1, 2015	Petroleum Refineries
60.48Da Subpart Da	81 FR 20172 April 6, 2016	CFR Correction
Appendices B and F Part 60	81 FR 31515 May 19, 2016	Performance Specifications
60.17 Subpart A; 60.5360-60.5370, 60.5410-60.5413, 60.5415, 60.5416, 60.5420, 60.5430, Table 3 Subpart OOOO; 60.5360a-60.5390a, 60.5395a, 60.5397a, 60.5398a, 60.5400a-60.5402a 60.5405a-60.5408a, 60.5410a-60.5413a, 60.5415a-60.5417a, 60.5420a-60.5423a, 60.5425a, 60.5430a, 60.5432a, 60.5433a, Tables 1, 2, 3 Subpart OOOOa	81 FR 35824 June 3, 2016	Oil and Natural Gas Sector
60.2000-60.2265 Subpart CCCC; 60.2500-60.2875 Subpart DDDD	81 FR 40956 June 23, 2016	Commercial and Industrial Solid Waste Incineration Units
60.13, 60.332, 60.562, 60.543, 60.614, 60.643, 60.664, 60.5410, 60.5415, 60.332, Table 1 Subpart KKKK	81 FR 42542 June 30, 2016	CFR Correction
Part 60	81 FR 52346 August 8, 2016	Actions on petitions
Part 60	81 FR 52778 August 10, 2016	Actions on Petitions
60.8, 60.17, 60.4245 Table 2 Subpart JJJJ; Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7. A-8 Part 60	81 FR 59800 August 30, 2016	Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources
Appendix F Part 60	81 FR 83160 November 21, 2016	Quality Assurance Requirements
Appendix F Part 60	82 FR 10711 February 15, 2017	Quality Assurance Requirements
60.5393a, 60.5397a, 60.5410a, 60.5411a, 60.5415a, 60.5416a, 60.5420a Subpart OOOOa	82 FR 25730 June 5, 2017	Oil and Natural Gas Sector
60.17 Subpart A	82 FR 28561 June 23, 2017	CFR Correction

I. Environmental Benefit Statement

1) Need for proposed amendments and environmental benefit likely to accrue.

a) Need

These amendments are needed to maintain the state's authority under existing delegation agreements to administer the federal regulations and to ensure that the Kansas Air Quality Regulations are current and consistent with the federal requirements. The state is delegated primary authority for the NSPS standards adopted under the Kansas Air Quality Regulation proposed herein for amendment. However, with respect to federal changes (additions, revocations, or amendments) made to these standards since the last date of state adoption, and in accordance with the state-EPA delegation agreement, the state must adopt these new provisions and notify EPA of the updated state authority to implement and enforce such standards. Currently, the EPA is the implementing authority in the state for the standards promulgated after July 1, 2010. There exists a split in the authority to enforce these rules, with Kansas primacy for rules in effect on July 1, 2010 and EPA for those after. This split or dual regulatory authority for implementation and enforcement of the standards subject to this rule-making could result in loss of consistency of application and possible confusion for the regulated community regarding the relative roles of the state and federal agencies. This adoption of changes, followed by the notice to EPA of the updated delegation and authority, will resolve these potential problems.

b) Environmental benefit

The proposed revisions are not expected to result in specific environmental benefits beyond those already achieved by the federal promulgation. All affected facilities are currently subject to the standards. One of the major benefits of state promulgation is that affected facilities will be able to work with the state, rather than the EPA, to achieve compliance. Providing implementation at the state level will enhance the consistency in the application of the regulations.

2) When applicable, a summary of the research indicating the level of risk to the public health or the environment being removed or controlled by the proposed rules and regulations or amendment.

For the NSPS, which address criteria pollutants, Section 109 of the CAA directs the EPA Administrator to set the national primary ambient air quality standards (NAAQS) for each of the criteria pollutants at levels "the

attainment and maintenance of which ... are requisite to protect the public health.” (42 U.S.C. §7409(b)(1)). The EPA has conducted or utilized research on the health effects of the various pollutants that have guided their promulgation of the standards being adopted. This began with the establishment of the NAAQS, and continues with the creation and updating of emissions standards necessary to reduce emissions to attain and maintain the air quality within the NAAQS levels. Each standard has been subjected to peer review and often to litigation. General criteria pollutant information can be found at EPA’s NAAQS website, <https://www.epa.gov/naaqs>. EPA’s Air Research homepage provides links to additional tools and information; <https://www.epa.gov/air-research/>. EPA also provides a website for learning about studies used in EPA’s science assessments, which is available at <http://hero.epa.gov/index.cfm>. Supporting and related materials for individual NSPS standards and amendments are available in their corresponding docket at <http://www.regulations.gov>.

3) If specific contaminants are to be controlled by the proposed regulations or amendment, a description indicating the level at which the contaminants are considered harmful according to current available research.

As noted above, development of the NAAQS have been made at the federal level through extensive research; the state rules are no more stringent than the federal rules. EPA has promulgated NAAQS for each air pollutant for which air quality criteria have been published. To date, NAAQS have been promulgated for six criteria pollutants: ozone, particulate matter, sulfur oxides, nitrogen oxides, carbon monoxide, and lead (see table below). Units of measure for the standards are parts per million (ppm) by volume, parts per billion (ppb) by volume, and micrograms per cubic meter of air ($\mu\text{g}/\text{m}^3$).

National Ambient Air Quality Standards

Pollutant	Primary/ Secondary	Averaging Time	Level	Form	
Carbon Monoxide	primary	8-hour	9 ppm	Not to be exceeded more than once per year	
		1-hour	35 ppm		
Lead	primary and secondary	Rolling 3 month average	0.15 µg/m ³ ⁽¹⁾	Not to be exceeded	
Nitrogen Dioxide	primary	1-hour	100 ppb	98th percentile, averaged over 3 years	
	primary and secondary	Annual	53 ppb ⁽²⁾	Annual Mean	
Ozone	primary and secondary	8-hour	0.070 ppm ⁽³⁾	Annual fourth-highest daily maximum 8-hr concentration, averaged over 3 years	
Particle Pollution	PM _{2.5}	primary	Annual	12 µg/m ³	annual mean, averaged over 3 years
		secondary	Annual	15 µg/m ³	annual mean, averaged over 3 years
		primary and secondary	24-hour	35 µg/m ³	98th percentile, averaged over 3 years
	PM ₁₀	primary and secondary	24-hour	150 µg/m ³	Not to be exceeded more than once per year on average over 3 years
Sulfur Dioxide	primary	1-hour	75 ppb ⁽⁴⁾	99th percentile of 1-hour daily maximum concentrations, averaged over 3 years	
	secondary	3-hour	0.5 ppm	Not to be exceeded more than once per year	

(1) In areas designated nonattainment for the Pb standards prior to the promulgation of the current (2008) standards, and for which implementation plans to attain or maintain the current (2008) standards have not been submitted and approved, the previous standards (1.5 µg/m³ as a calendar quarter average) also remain in effect.

(2) The level of the annual NO₂ standard is 0.053 ppm. It is shown here in terms of ppb for the purposes of clearer comparison to the 1-hour standard level.

(3) Final rule signed October 1, 2015, and effective December 28, 2015. The previous (2008) O₃ standards additionally remain in effect in some areas. Revocation of the previous (2008) O₃ standards and transitioning to the current (2015) standards will be addressed in the implementation rule for the current standards.

(4) The previous SO₂ standards (0.14 ppm 24-hour and 0.03 ppm annual) will additionally remain in effect in certain areas: (1) any area for which it is not yet 1 year since the effective date of designation under the current (2010) standards, and (2) any area for which an implementation plan providing for attainment of the current (2010) standard has not been submitted and approved and which is designated nonattainment under the previous SO₂ standards or is not meeting the requirements of a SIP call under the previous SO₂ standards (40 CFR 50.4(3)). A SIP call is an EPA action requiring a state to resubmit all or part of its State Implementation Plan to demonstrate attainment of the required NAAQS.

II. Additional Economic Impacts for Environmental Regulations

In addition to the Economic Impact Statement prepared for the Kansas Division of the Budget, for all environmental rules and regulations the following descriptions of costs are included:

1) Capital and annual costs of compliance with the proposed amendments and the persons who will bear those costs.

For the EPA to approve the state's Title V operating permit program, one condition is that the state periodically update their standards to incorporate new federal regulations. Failure to adopt these proposed state regulation amendments will not result in the federal standards being rendered inapplicable to sources, but, as previously discussed, would instead result in a "split authority" regulatory structure. If the amendments are not implemented and the EPA were to withdraw approval of the state plan, then the CAA provisions, including the Title V operating permit program would be administered by the EPA.

The cost of compliance for facilities is not increased, *per se*, by the proposed state rulemaking, because these rules are already in force at the federal level. There are no anticipated additional costs resulting from these proposed amendments beyond those resulting from the initial federal rule promulgation and implementation. Adoption of Federal CAA regulations means facilities regulated therein, are subject to the costs associated with meeting the respective federal standards regardless of whether or not the state adopts the particular standards. Because the state adopts these *verbatim*, and adds no additional requirements, no additional costs to the regulated community are imposed by the proposed state action.

Some of the amendments are merely technical corrections, with no actual change in requirements, therefore leading to no economic impact. Additionally, some standards adopted or amended by the EPA regulate facilities or groups of facilities that do not currently exist within the state (*e.g.*, large municipal waste combustors).

2) Initial and annual costs of implementing and enforcing the proposed amendments, including the estimated amount of paperwork, and the state agencies, other governmental agencies or other persons or entities who will bear the costs.

Addressed in the Economic Impact Statement prepared for the Kansas Division of the Budget under Section III, Subsection F. The NSPS that are being proposed will transfer regulation authority from the EPA to the KDHE. The adoption of proposed changes to 40 C.F.R. Part 60 are not expected to increase the KDHE current staff members' regulatory duties. The permitting staff is already incorporating elements of the existing federal requirements into permits being drafted because the federal regulations will apply and are assumed to be state-regulated eventually.

3) Costs which would likely accrue if the proposed regulations are not adopted, the persons who will bear the costs and those who will be affected by the failure to adopt the regulations.

Addressed in the Economic Impact Statement prepared for the Kansas Division of the Budget under Section III, Subsection I. KDHE needs to adopt current regulations and amendments to stay on a par with the national standards. If the proposed amendments are not adopted, the state will not have the authority necessary to implement and enforce the new standards listed in this impact statement, *i.e.*, the EPA would remain as the primary authority for those standards that have been promulgated by the EPA since July 1, 2010. As previously discussed, this would result in a “split authority” regulatory structure for the NSPS. This situation could potentially lower consistency in the application of standards, and burden regulated facilities because they will have to work with both the state and the EPA. This results in confusion for the regulated community regarding the applicable requirements that must be met, as well as the added burden of working with two agencies, instead of one. This would result in the regulated community bearing the cost and the burden of confusion associated with “split authority.”

4) A detailed statement of the data and methodology used in estimating the costs used in the statement.

Addressed in the Economic Impact Statement prepared for the Kansas Division of the Budget under Section III, Subsection F. The economic impact information contained herein has been obtained through EPA analysis documents, where available, for the respective rulemaking actions, and supplemented where possible with information found in the proposed or final rule notices in the *Federal Register*.

Appendix A

The following are amendments being proposed for adoption. They are currently contained in the *Federal Register* 40 CFR Part 60:

Portland Cement Plants: The following actions amend the new source performance standards for Portland Cement Plants. There are currently two facilities subject to these rule changes in the State of Kansas.

➤ **60.17 Subpart A; 60.62-60.64, 60.66 Subpart F; Part 60 Appendices B and F**
[September 9, 2010 Volume 75: 54970-55065](#)

This action amends the (NSPS) for Portland Cement Plants. These amendments add or revise emission limits for particulate matter (PM), opacity, nitrogen oxides (NO_x), and sulfur dioxide (SO₂) for facilities that commence construction, modification, or reconstruction after June 16, 2008. The final rule also includes additional testing and monitoring requirements for affected sources.

➤ **60.17 Subpart A**
[January 18, 2011 Volume 76: 2832-2837](#)

The EPA is taking direct final action to the national emission standards for hazardous air pollutants (NESHAPs) from the Portland Cement Manufacturing Industry and NSPS for Portland Cement Plants. The final rules were published on September 9, 2010. This direct final action amends certain regulatory text to clarify compliance dates and clarifies that the previously issued emission limits that were changed in the September 9, 2010, action remain in effect until sources are required to comply with the revised limits. We are also correcting two minor typographical errors in the regulatory text to the September 9, 2010 action.

➤ **Part 60 – Actions on petitions**
[May 17, 2011 Volume 76: 28316-28326](#)

The EPA has denied in part and granting in part the petitions to reconsider the final revised NSPS for Portland Cement Plants under section 111(b) of the CAA. The EPA is also denying all requests that the EPA issue an administrative stay on the NSPS.

➤ **60.61, 60.62, 60.63, 60.64, 60.65, 60.66 Subpart F**
[February 12, 2013 Volume 78: 10006-10054](#)

The EPA is amending the NSPS for PM for Portland Cement Plants. These amendments promote flexibility, reduce costs, ease compliance and preserve health benefits.

➤ **60.61-60.64 Subpart F**
[July 27, 2015 Volume 80: 44772-44793](#)

On February 12, 2013 the EPA finalized amendments to the NSPS for the Portland cement industry. Subsequently the EPA became aware of certain minor technical errors in those amendments, and thus issued a proposal to correct these errors. The EPA received 3 comments on the proposal. In response to the comments received and to complete the technical corrections, the EPA is now issuing final amendments. In addition, consistent with the U.S. Court of Appeals to the DC Circuit's vacatur of the affirmative defense provisions in the final rule, this action removes those provisions. These amendments do not affect the pollution reduction or costs associated with these standards.

Fossil-Fuel-Fired, Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units: There are currently 171 facilities subject to 40 C.F.R. Part 60, subparts Da, Db, and/or Dc in Kansas.

- **60.42, 60.45 Subpart D; 60.48Da-60.49Da Subpart Da; 60.42Db, 60.48Db Subpart Db; 60.47c Subpart Dc**

[January 20, 2011 Volume 76: 3517-3524](#)

EPA is taking direct final action to amend the new source performance standards for electric utility steam generating units and industrial-commercial-institutional steam generating units. This action amends the testing requirements for owners/operators of steam generating units that elect to install particulate matter continuous emission monitoring systems. It also amends the opacity monitoring requirements for owners/operators of affected facilities subject to an opacity standard that are exempt from the requirement to install a continuous opacity monitoring system. In addition, this action corrects several editorial errors identified from previous rulemakings.

- **60.17 Subpart A; 60.21, 60.24 Subpart B; 60.40, 60.41, 60.42, 60.45 Subpart D; 60.40Da-60.45Da, 60.47Da-60.52Da Subpart Da; 60.40b-60.41b, 60.43b-60.44b, 60.46b, 60.48b-60.49b Subpart Db; 60.40c-60.43c, 60.45c, 60.47c Subpart Dc**

[February 16, 2012 Volume 77: 9304-9513](#)

On May 3, 2011, under authority of Clean Air Act (CAA) section 111, the EPA proposed standards of performance for fossil-fuel fired electric utility, industrial-commercial-institutional, and small industrial-commercial-institutional steam generating units (76 FR 24976). After consideration of public comments, the EPA is finalizing these rules in this action. Pursuant to CAA section 111, the EPA is revising standards of performance in response to a voluntary remand of a final rule. Specifically, EPA is amending NSPS after analysis of the public comments we received. The EPA is also finalizing several minor amendments, technical clarifications, and corrections to existing NSPS provisions for fossil fuel-fired EGUs and large and small industrial-commercial-institutional steam generating units.

- **60.41Da, 60.49Da Subpart Da**

[April 19, 2012 Volume 77: 23399-23409](#)

This document corrects certain preamble and regulatory text. This action corrects typographical errors, such as cross-reference errors and certain preamble text that is not consistent with the final regulatory text which was published in the *Federal Register* on Thursday, February 16, 2012 (77 FR 9304).

- **60.41Da, 60.42Da, 60.48Da, 60.49Da, 60.50Da Subpart Da**

[April 24, 2013 Volume 78: 24073-24094](#)

The EPA is taking final action on its reconsideration of certain issues in the final rule titled “Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units.” The NSPS rule issued pursuant to CAA section 111 is referred to as the Utility NSPS. The Administrator received petitions for reconsideration of certain aspects of the Utility NSPS. On November 30, 2012, the EPA granted reconsideration of, proposed, and requested comment on a limited set of issues. The EPA also proposed certain technical corrections to the Utility NSPS.

The EPA is now taking final action on the definitional and monitoring provisions in the Utility NSPS that were addressed in the proposed reconsideration rule. As part of this action, the EPA is also making certain technical corrections to the Utility NSPS. The EPA is not taking final action on startup and shutdown provisions related to the PM standard in the Utility NSPS.

➤ **60.42Da Subpart Da**

[November 19, 2014 Volume 79: 68777-68795](#)

The EPA is taking final action on its reconsideration of the startup and shutdown provisions in the final rule titled “Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units.” On November 30, 2011, the U.S. Environmental Protection Agency (EPA) granted reconsideration of, proposed, and requested comment on a limited set of issues in the February 16, 2012 Utility NSPS including certain issues related to the final work practice standards applicable during startup periods and shutdown periods. On June 25, 2013, the EPA reopened the public comment period for the reconsideration issues related to the startup and shutdown provisions related to the PM standard in the Utility NSPS. The EPA is now taking final action on the standards applicable during startup and shutdown provisions related to the PM standard in the Utility NSPS.

➤ **60.48Da Subpart Da**

[April 6, 2016 Volume 81: 20172-20207](#)

This action finalizes the technical corrections that the EPA proposed on February 17, 2015, to correct and clarify certain text of the EPA’s regulations regarding “Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial- Institutional Steam Generating Units”. The EPA is also taking final action to remove the rule provision establishing an affirmative defense for malfunction.

➤ **Part 60**

[August 8, 2016 Volume 81: 52346-52347](#)

The EPA is providing notice that it has responded to two petitions for reconsideration for the final rule titled “Reconsideration of Certain Startup/Shutdown Issues: NESHAP from Coal- and Oil-Fired Electric Utility Steam Generating Units and NSPS for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units,” published in the *Federal Register* on November 19, 2014. The Administrator denied the requires for reconsideration in separate letters to the petitioners. The letters and a document providing a full explanation of the agency’s rationale for each denial is in the docket of these rules.

Commercial and Industrial Solid Waste Incineration Units: There are currently 25 facilities subject to 40 C.F.R. Part 60, subparts CCCC, DDDD, LLLL, or MMMM in Kansas.

- **60.17 Subpart A; 60.2005, 60.2015-60.2030, 60.2045, 60.2070, 60.2085, 60.2105-60.2155, 60.2170, 60.2175, 60.2210, 60.2220, 60.2230, 60.2235, 60.2242, 60.2250, 60.2260, 60.2265, Table 1, Tables 4 - 8 Subpart CCCC; 60.2500, 60.2505, 60.2525, 60.2535, 60.2540, 60.2541, 60.2542, 60.2545, 60.2550, 60.2555, 60.2558, 60.2635, 60.2650, 60.2670- 60.2720, 60.2730-60.2740, 60.2770, 60.2780, 60.2790,**

60.2795, 60.2805, 60.2860, 60.2870, 60.2875, Table 1, Table 2, Tables 4 - 9 Subpart DDDD; 60.4760 - 60.4930, Tables 1- 5 Subpart LLLL; 60.5000 - 60.5250, Tables 1-6 Subpart MMMM

[March 21, 2011 Volume 76: 15704-15790](#)

This action promulgates EPA's final response to the 2001 voluntary remand of the December 1, 2000 new source performance standards and emission guidelines for commercial and industrial solid waste incineration units and the vacatur and remand of several definitions by the District of Columbia Circuit Court of Appeals in 2007. In addition, this action includes the 5-year technology review of the new source performance standards and emission guidelines required under 129 of the CAA. This action also promulgates other amendments that the EPA believes are necessary to address air emissions from commercial and industrial solid waste incineration units.

➤ **Part 60 Subparts CCCC and DDDD**

[May 18, 2011 Volume 76: 28662-28664](#)

The EPA is delaying the effective dates for the final rule titled "Standards of Performance for New Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units" under the authority of the Administrative Procedure Act until the proceedings for judicial review of these rules are completed or the EPA completes its reconsideration of the rules, whichever is earlier.

➤ **Part 60**

[April 27, 2012 Volume 77: 25087-25088](#)

The EPA is providing notice that it has denied two petitions for reconsideration of a final rule published in the *Federal Register* on March 21, 2011. The rule established NSPS and emission guidelines for sewage sludge incineration units located at wastewater treatment facilities designed to treat domestic sewage sludge, and was issued pursuant to the EPA's authority under CAA section 129 to regulate solid waste incineration units. After publication of the rule, the EPA received petitions for reconsideration of the final rule from the National Association of Clean Water Agencies (NACWA) (dated May 24, 2011) and the Sierra Club (dated May 20, 2011). After carefully considering the petitions and supporting information, in reaching a decision on the petitions, EPA Administrator Lisa P. Jackson denied the petitions for reconsideration on April 6, 2012, in separate letters to the petitioners. EPA denied the petitions because they fail to meet the procedural test for reconsideration under CAA section 307(d)(7)(B), and/or are not of central relevance to the outcome of the rule, both of which are necessary conditions precedent to granting reconsideration. The letters explain in detail EPA's reasons for the denials.

➤ **60.2005, 60.2015, 60.2020, 60.2030, 60.2045, 60.2105, 60.2110, 60.2115, 60.2120, 60.2140, 60.2145, 60.2165, 60.2170, 60.2175, 60.2210, 60.2235, 60.2265, Tables 1, 2, 5-8 Subpart CCCC; 60.2505, 60.2525, 60.2535, 60.2545, 60.2550, 60.2555, 60.2675, 60.2680, 60.2685, 60.2690, 60.2710, 60.2720, 60.2730, 60.2740, 60.2770, 60.2795, 60.2875, Tables 1, 2, 6-9 Subpart DDDD**

[February 7, 2013 Volume 78: 9112-9213](#)

This action sets forth the EPA's final decision on the issues for which it granted reconsideration in December 2011, which pertain to certain aspects of the March 21, 2011, final rule titled "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units" (CISWI rule). This action also includes the EPA's final decision to deny the requests for reconsideration with respect to all issues raised in the petitions for reconsideration for the final

commercial and industrial solid waste incineration rule for which the EPA did not grant reconsideration. Among other things, this final action establishes effective dates for the standards and makes technical corrections to the final rule to clarify definitions, references, applicability and compliance issues. In addition, the EPA is issuing final amendments to the regulations that were codified by the Non-Hazardous Secondary Materials rule (NHSM rule). Originally promulgated on March 21, 2002, the NHSM rule provides the standards and procedures for identifying whether non-hazardous secondary materials are solid waste under the Resource Conservation and Recovery Act when used as fuels or ingredients in combustion units. The purpose of these amendments is to clarify several provisions in order to implement the non-hazardous secondary materials rule as the agency originally intended.

➤ **60.2000-60.2265 Subpart CCCC; 60.2500-60.2875 Subpart DDDD**

[June 23, 2016 Volume 81: 40956-41034](#)

This action sets forth the EPA's final decision on the issues for which it granted reconsideration on January 21, 2015, which pertain to certain aspects of the February 7, 2013 final rule titled "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units" (CISWI rule). The EPA is finalizing proposed actions on these four topics: Definition of "continuous emission monitoring system (CEMS) data during startup and shutdown periods," PM limit for the waste-burning kiln subcategory; fuel variability factor for coal-burning energy recover units; and the definition of "kiln". This action also includes the EPA's final decision to deny the request for reconsideration of all other issues raised in the petitions for reconsideration of the 2013 final commercial and industrial solid waste incineration rule for which EPA did not grant reconsideration.

Hospital/Medical/Infectious Waste Incinerators: There are currently 2 facilities subject to 40 C.F.R. Part 60, subpart Ce and no facilities subject to 40 C.F.R. Part 60, subpart Ec in Kansas.

➤ **60.32e, 60.39e, Table 1A Subpart Ce, 60.58c, Table 1A Subpart Ec, Table 1B Subpart Ec**

[April 4, 2011 Volume 76: 18407-18415](#)

On October 6, 2009, EPA promulgated its response to the remand of the NSPS and emissions guidelines for hospital/medical/infectious waste incinerations by the U.S. Court of Appeals for the District of Columbia Circuit and satisfied the CAA section 129(a)(5) requirement to conduct a review of the standards every 5 years. This action promulgates amendments to the NSPS and emissions guidelines, correcting inadvertent drafting errors in the nitrogen oxides and sulfur dioxide emissions limits for large hospital/medical/infectious waste incinerators in the new source performance standards, which did not correspond to the EPA's description of the EPA's standard setting process, correcting erroneous cross-references in the reporting and recordkeeping requirements in the new source performance standards, clarifying that compliance with the emission guidelines must be expeditious if a compliance extension is granted, correcting the inadvertent omission of delegation of authority provisions in the emission guidelines, correcting errors in the units' description for several emissions limits in the emission guidelines and new source performance standards, and removing extraneous text from the hydrogen chloride emission limit for large hospital/medical/infectious waste incinerators in the emission guidelines.

➤ **60.56c Subpart Ec**

[May 13, 2013 Volume 78: 28052-28078](#)

This action finalizes amendments to the federal plan and NSPS for hospital/medical/infectious waste incinerators. This final action implements nation standards promulgated in the 2009 amendments to the hospital/medical/infectious waste incinerator emissions guidelines that will result in reductions in emissions of certain pollutants from all affected units.

Stationary Compression Ignition and Spark Ignition Internal Combustion Engines: There are currently 800 facilities subject to 40 C.F.R. Part 60, subparts IIII and/or JJJJ in Kansas.

- **60.4200-60.4217, 60.4219, Table 3 Subpart IIII; 60.4230-60.4231, 60.4233, 60.4236, 60.4241, 60.4243, 60.4248, Tables 1-2 Subpart JJJJ**

[June 28, 2011 Volume 76: 37954-37976](#)

The EPA is finalizing revisions to the standards of performance for new stationary compression ignition internal combustion engines under section 111(b) of the CAA. The final rule requires more stringent standards for stationary compression ignition engines with displacement greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder, consistent with recent revisions to standards for similar mobile source marine engines. In addition, the action revises the requirements for engines with displacement at or above 30 liters per cylinder to align more closely with recent standards for similar mobile source marine engines, and for engines in remote portions of Alaska that are not accessible by the Federal Aid Highway System. The action also provides additional flexibility to owners and operators of affected engines and corrects minor mistakes in the original standards of performance. Finally, the action makes minor revisions to the standards of performance for new stationary spark ignition internal combustion engines to correct minor errors and to mirror certain revisions finalized for compression ignition engines, which provides consistency where appropriate for the regulation of stationary internal combustion engines. The final standards will reduce nitrogen oxides by an estimated 1,100 tons per year, particulate matter by an estimated 38 tons per year, and hydrocarbons by an estimated 18 tons per year in the year 2030.

- **60.17 Subpart A; 60.4207, 60.4211, 60.4214, 60.4219 Subpart IIII; 60.4231, 60.4243, 60.4245, 60.4248 Table 2, Subpart JJJJ**

[January 30, 2013 Volume 78: 6674-6724](#)

The EPA is finalizing amendments to the NESHAPs for stationary reciprocating internal combustion engines. The final amendments include alternative testing options for certain large spark ignition (generally gas-fueled) stationary reciprocating internal combustion engines, management practices for a subset of existing spark ignition stationary reciprocating internal combustion engines in sparsely populated areas and alternative monitoring and compliance options for the same engines in populated areas. The EPA is establishing management practices for existing compression ignition engines on offshore vessels. The EPA is also finalizing limits on the hours that stationary emergency engines may be used for emergency demand response and establishing fuel and reporting requirements for certain emergency engines used for emergency demand response. The final amendments also correct minor technical or editing errors in the current regulations for stationary reciprocating internal combustion engines.

Stationary Combustion Turbines: There are currently 10 facilities subject to 40 C.F.R. Part 60, subpart KKKK in Kansas.

- **60.13, 60.332, 60.562, 60.543, 60.614, 60.643, 60.664, 60.5410, 60.5415, 60.332, Table 1 Subpart KKKK**

[June 30, 2016 Volume 81: 42542-42543](#)

EPA finalized several technical corrections to Part 60 sections revised as of July 1, 2015.

Nitric Acid Plants: There are currently no facilities subject to 40 C.F.R. Part 60, subpart Ga in Kansas.

- **60.17, 60.70 Subpart A; 60.70a-60.77a Subpart Ga**

[August 14, 2012 Volume 77: 48433-48448](#)

The EPA is finalizing the NSPS for nitric acid plants. Nitric acid plants include one or more nitric acid production units. These revisions include a change to the nitrogen oxides emission limit which applies to each nitric acid production unit commencing construction, modification, or reconstruction after October 14, 2011. These revisions also include additional testing and monitoring requirements.

- **60.75a Subpart Ga**

[May 6, 2014 Volume 79: 25681-25682](#)

EPA finalized a technical correction for the following:

In rule document 2012–19691 appearing on pages 48433 through 48448 in the issue of Tuesday, August 14, 2012, make the following correction. 1. On page 48447, Equation 1 is corrected as set forth below.

$$E_{30} = k \frac{1}{n} \sum_{i=1}^n C_i Q_i / P_i$$

(Eq. 1)

Oil and Natural Gas Sector: There are currently 178 facilities subject to 40 C.F.R. Part 60, subparts KKK, OOOO, and/or OOOOa in Kansas.

- **60.17 Subpart A; 60.630 Subpart KKK; 60.640 Subpart LLL; 60.5360-60.5430, Tables 1-3 Subpart OOOO**

[August 16, 2012 Volume 77: 49490-49600](#)

This action finalizes the review of NSPS for the listed oil and natural gas source category. In this action the EPA revised the NSPS for volatile organic compounds (VOCs) from leaking components at onshore natural gas processing plants and new source performance standards for sulfur dioxide emissions from natural gas processing plants. The EPA also established standards for certain oil and gas operations not covered by the existing standard. In addition to the operations covered by the existing standards, the newly established standards will regulate VOC emissions from gas wells, centrifugal compressors, reciprocating compressors, pneumatic controllers and storage vessels. This action also finalizes the residual risk and technology review for the Oil and Natural Gas Production source category and the Natural Gas Transmission and Storage source category. This action includes revisions to the existing leak detection and repair requirements. In addition, the EPA has established in this action emission limits reflecting maximum achievable control technology for certain currently uncontrolled emission sources in these source categories. This action also includes modification and addition of testing and monitoring and related notification, recordkeeping and reporting

requirements, as well as other minor technical revisions to the national emission standards for hazardous air pollutants. This action finalizes revisions to the regulatory provisions related to emissions during periods of startup, shutdown and malfunction.

- **60.5365, 60.5380, 60.5390, 60.5395, 60.5410-60.5413, 60.5415-60.5417, 60.5420, 60.5430, Tables 1 & 2 Subpart OOOO**

[September 23, 2013 Volume 78: 58416-58448](#)

This action finalizes the amendments to NSPS for the oil and natural gas sector. The administrator received petitions for reconsideration of certain aspects for the August 12, 2012, final standards. These amendments are results of reconsideration of certain issues raised by petitioners related to implementation of storage vessel provisions. The final amendments provide clarity of notification and compliance dates, ensure control of all storage vessel affected facilities and update key definitions. This action also corrects technical errors that were inadvertently included in the final standards.

- **60.5365, 60.5375, 60.5385, 60.5390, 60.5395, 60.5401, 60.5410-60.5416, 60.5420, 60.5430 Subpart OOOO**

[December 31, 2014 Volume 79: 79018-79041](#)

This action finalizes amendments to NSPS for the oil and natural gas sector. On August 16, 2012, the EPA published final new source performance standards for the oil and natural gas sector. The Administrator received petitions for administrative reconsideration of certain aspects of the standards. Among issues raised in the petitions were time-critical issues related to certain storage vessel provisions and well completion provisions. On July 17, 2014 (79 FR 41752), the EPA published proposed amendments and clarifications as a result or reconsideration of certain issues related to well completions, storage vessels and other issues raised for reconsideration as well as technical corrections and amendments to further clarify the rule. This action finalizes these amendments and corrects technical errors that were inadvertently included in the final standards.

- **60.5365, 60.5430 Subpart OOOO**

[August 12, 2015 Volume 80: 48262-48268](#)

This action finalizes amendments to NSPS for the Oil and Natural Gas Sector. On March 23, 2015, the EPA re-proposed its definition of “low pressure gas well” for notice and comment to correct a procedural defect with its prior rulemaking that included this definition. The EPA also proposed to amend the NSPS to remove provisions concerning storage vessels connected or installed in parallel and to revise the definition of “storage vessel.” This action finalizes the definition of “low pressure gas well” and the amendments to storage vessel provisions.

- **60.17 Subpart A; 60.5360-60.5370, 60.5410-60.5413, 60.5415, 60.5416, 60.5420, 60.5430, Table 3 Subpart OOOO; 60.5360a-60.5390a, 60.5395a, 60.5397a, 60.5398a, 60.5400a-60.5402a 60.5405a-60.5408a, 60.5410a-60.5413a, 60.5415a-60.5417a, 60.5420a-60.5423a, 60.5425a, 60.5430a, 60.5432a, 60.5433a, Tables 1, 2, 3 Subpart OOOOa**

[June 3, 2016 Volume 81: 35824-35942](#)

This action finalizes amendments to the current NSPS and establishes new standards. Amendments to the current standards will improve implementation of the current NSPS. The new standards for the oil and natural gas source category set standards for both greenhouse gases (GHGs) and VOCs. Except for the implementation improvements, the new standards for GHGs, these requirements do not change the requirements for operation covered by the current standards.

➤ **Part 60**

[August 10, 2016 Volume 81: 52778-52779](#)

The EPA is providing notice that it has responded to 11 petitions for reconsideration of the final rule titled “Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews,” published in the *Federal Register* on August 16, 2012, and seven petitions for reconsideration of subsequent amendments published in the *Federal Register* on September 23, 2013, and December 31, 2014. The agency previously granted reconsideration of several discrete issues and took final action on reconsideration through documents published in the *Federal Register* on September 23, 2013, December 31, 2014, August 12, 2015, and June 3, 2016. The Administrator denied the remaining requests for reconsideration in separate letters to the petitioners. The basis for the EPA’s action is set out fully in a separate document available in the rulemaking docket.

➤ **60.5393a, 60.5397a, 60.5410a, 60.5411a, 60.5415a, 60.5416a, 60.5420a Subpart OOOOa**

[June 5, 2017 Volume 82: 25730-25734](#)

By letter dated April 18, 2017, the Administrator announced the convening of a proceeding for reconsideration of the fugitive emission requirements at well sites and compressor station sites in the final rule, “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources,” published in the *Federal Register* on June 3, 2016. In this action, the EPA is granting reconsideration of additional requirements in that rule, specifically the well site pneumatic pumps standards and the requirements for certification by professional engineer. In addition, the EPA is staying for three months these rule requirements pending reconsideration.

Petroleum Refinery: There are currently three facilities subject to 40 C.F.R. Part 60, subpart Ja in Kansas.

➤ **60.17 Subpart A; 60.100, 60.101, 60.106, Subpart J; 60.100a, 60.101a, 60.103a, 60.107a, 60.109a Subpart Ja**

[September 12, 2012 Volume 77: 56422-56480](#)

On June 24, 2008, the EPA promulgated amendments to the Standards of Performance for Petroleum Refineries and the NSPS for petroleum refinery process units constructed, reconstructed or modified after May 14, 2007. The EPA subsequently received three petitions for reconsideration of these final rules. On September 26, 2008, the EPA granted reconsideration and issued a stay for the issues raised in the petitions regarding process heaters and flares. On December 22, 2008, the EPA addressed those specific issues by proposing amendments to certain provisions for process heaters and flares and extending the stay of these provisions until further notice. The EPA also proposed technical corrections to the rules for issues that were raised in the petitions for reconsideration. In this action, the EPA is finalizing those amendments and technical corrections and is lifting the stay of all the provisions granted on September 26, 2008 and extended until further notice on December 22, 2008.

➤ **60.101a Subpart Ja**

[December 19, 2013 Volume 78: 76753-76756](#)

The EPA is taking direct final action to amend the Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007. This direct final rule amends the definition of “delayed coking unit” by removing process piping and associated equipment (pumps, valves, and connectors) from the definition. This final rule also removes redundant definition of “delayed coking unit” from the rule text.

➤ **60.105 Subpart J; 60.100a-60.102a, 60.104a-60.107a Subpart Ja**

[December 1, 2015 Volume 80: 75178-75354](#)

This action finalizes the residual risk and technology review conducted for the Petroleum Refinery source categories regulated under NESHAPs Refinery MACT 1 and Refinery MACT 2. It also includes revisions to the Refinery MACT 1 and MACT 2 rules in accordance with provisions regarding establishment of MACT standards. This action also finalizes technical corrections and clarifications for the NSPS for petroleum refineries to improve consistency and clarity and address issues related to a 2008 industry petition for reconsideration. Implementation of this final rule will result in projected reductions of 5,200 tons per year of hazardous air pollutants which will reduce cancer risk and chronic health effects.

Electric Utility Generating Units: There are currently no facilities subject to 40 C.F.R. Part 60, subparts TTTT in Kansas.

➤ **60.17 Subpart A; 60.5508-60.5580, Tables 1, 2, 3 Subpart TTTT; 60.5700-60.5880, Tables 1, 2, 3, 4 Subpart UUUU**

[October 23, 2015 Volume 80: 64510-64660](#)

The EPA is finalizing NSPS under CAA section 111(b) that, for the first time, will establish standards for emissions of carbon dioxide for newly constructed, modified and reconstructed affected fossil fuel-fired electric utility generating units (EGUs). This action establishes separate standards of performance for fossil fuel-fired electric utility steam generating units and fossil fuel-fired stationary combustion turbines. This action also addresses related permitting and reporting issues. In a separate action, under CAA section 111(d), the EPA is issuing final emission guidelines for states to use in developing plans to limit carbon dioxide emissions from existing fossil fuel-fired EGUs.

Kraft Pulp Mills: There are currently no facilities subject to 40 C.F.R. Part 60, subpart BBa in Kansas

➤ **60.17, 60.280 Subpart A; 60.280a-260.288a Subpart BBa**

[April 4, 2014 Volume 79: 18953-18972](#)

This action finalizes revisions to the NSPS for Kraft pulp mills. These revised standards include PM emission limits for recovery furnaces, smelt dissolving tanks and lime kilns, and opacity limits for recovery furnaces and lime kilns equipped with electrostatic precipitators. These revised standards apply to emission units commencing construction, reconstruction or modification after May 23, 2013. This final rule removes the General Provisions exemption for periods of startup, shutdown and malfunction resulting in a standard that applies at all times. This final rule also includes additional testing requirements and updated monitoring,

recordkeeping and reporting requirements for affected sources, including electronic reporting of performance test data. These revisions to the testing, monitoring, recordkeeping and reporting requirements are expected to ensure that control systems are properly maintained over time, ensure continuous compliance with standards and improve data accessibility for the EPA, states, tribal governments and communities.

New Residential Wood Heaters, New Hydronic Heaters and Forced-Air Heaters: There are currently no facilities subject to 40 C.F.R. Part 60, subparts QQQQ in Kansas.

➤ **60.17 Subpart A; 60.530-60.539b Subpart AAA; 60.5472-60.5483 Subpart QQQQ; Appendices A-8 and I Part 60**

[March 16, 2015 Volume 80: 13672-13753](#)

The EPA is taking final action to revise the Standards of Performance for New Residential Wood Heaters and to add a new subpart: Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces. This rule is authorized by section 111(b) and section 114 of the CAA. The EPA is not finalizing, at this time, the proposed Standards of Performance for New Residential Masonry Heaters in order to allow additional time for the Masonry Heater Association to limit their efforts to develop revised test methods, an emissions calculation program and an alternative dimensioning standard. This final rule achieves several objectives for new residential wood heaters, including applying updated emission limits that reflect the current best systems of emission reduction; eliminating exemptions over a broad suite of residential wood combustion devices; strengthening test methods as appropriate; and streamlining the certification process. Residential wood smoke emissions are a significant national air pollution problem and human health issue. These emissions occur in many neighborhoods across the country, including minority and low-income neighborhoods, and impact people in their homes. To the extent that children and other sensitive populations are particularly susceptible to asthma, and that minority populations and low-income populations are more vulnerable, this rule will significantly reduce the pollutants that adversely affect their health. On an economic basis, the public benefits of this rule vastly outweigh the costs, with every dollar in additional cost producing more than \$100 in public benefit. This final action does not include any requirements for heaters solely fired by gas, oil or coal. In addition, it does not include any new requirements associated with appliances that are already in use. The EPA continues to strongly encourage state, local, tribal, industry and consumer efforts to change out (replace) older heaters with newer, cleaner, more efficient heaters.

Phosphoric Acid Manufacturing and Phosphate Fertilizer Production: There are currently no facilities subject to 40 C.F.R. Part 60, subparts T, U, V, W, and/or X in Kansas

➤ **60.200, 60.201, 60.203, 60.205 Subpart T; 60.210, 60.211, 60.213, 60.215 Subpart U; 60.223-60.225 Subpart V; 60.230, 60.233, 60.235 Subpart W; 60.243, 60.245 Subpart X**

[August 19, 2015 Volume 80: 50386-50460](#)

This action finalizes the residual risk and technology review conducted for the Phosphoric Acid Manufacturing and Phosphate Fertilizer Production source categories regulated under NESHAPs. In addition, this action finalizes an 8-year review of the current NSPS for five source categories. EPA is also taking final action addressing CAA provisions related to emission standards for hazardous air pollutants, review and revision of emission standards, and work practice standards. The final amendments to the Phosphoric Acid Manufacturing NESHAP include: Numeric emission limits for previously unregulated mercury and total

fluoride emissions from calciners; work practice standards for hydrogen fluoride emissions from previously unregulated gypsum dewater stacks and cooling ponds; clarifications to the applicability and monitoring requirements to accommodate process equipment and technology changes, removal of the exemptions for startup, shutdown, and malfunction (SSM); adoption of work practice standards for periods of startup and shutdown; and revised recordkeeping and reporting requirements for periods of SSM. The final amendments to the Phosphate Fertilizer Production NESHAP include: Clarifications to the applicability monitoring requirements to accommodate process equipment and technology changes; removal of the exemptions for SSM: adoption of work practice standards for periods of startup and shutdown: and revised recordkeeping and reporting requirements for periods of SSM. The revised NESHAP for Phosphoric Acid Manufacturing facilities will mitigate future increases of mercury emissions from phosphate rock calciners by requiring pollution prevention measures. Further, based on the 8-year review of the current NSPS for these source categories, the EPA determined that no revisions to the numeric emission limits in those rules are warranted.

General Provisions – Address

➤ 60.4 Subpart A

[September 10, 2010 Volume 75: 55274-55277](#)

EPA is correcting the addresses for EPA Region 5 state and local agencies in EPA regulations. The jurisdiction of EPA Region 5 includes the states of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin. Certain EPA air pollution control regulations requiring submittal of notifications, reports and other documents to the EPA Regional office, must also be submitted to the appropriate authorized state or local agency. This technical amendment updates and corrects the addresses for submitting such information to the EPA Region 5 state and local agency offices.

➤ 60.4 Subpart A

[November 12, 2010 Volume 75: 69348-69353](#)

EPA is updating and correcting the addresses for both the EPA Region IX office and the EPA Region IX State and local agencies in certain EPA regulations related to air pollution, small businesses, chemical imports and exports, and asbestos. These regulations require submittal of notifications, reports and other documents to the applicable EPA regional office and, in some cases, to the applicable State or local agency. The jurisdiction of EPA Region IX covers the States of Arizona, California, Hawaii, and Nevada; the territories of American Samoa and Guam; the Commonwealth of the Northern Mariana Islands; the territories of Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Palmyra Atoll, and Wake Islands; and certain U.S. Government activities in the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. This technical amendment updates and corrects the addresses for submitting such information to the EPA Region IX office and applicable State and local agency offices.

➤ 60.4 Subpart A

[June 29, 2011 Volume 76: 38024-38026](#)

In Title 40 of the Code of Federal Regulations, Part 60 (§ 60.1 to end of part 60 sections), revised as of July 1, 2010, on page 60, in § 60.4(d)(2)(viii), the table entitled “Delegation Status for New Source Performance

Standards for Shasta County Air Quality Management District, Siskiyou County Air Pollution Control District, South Coast Air Quality Management District, and Tehama County Air Pollution Control District” is corrected.

➤ **60.4 Subpart A**

[June 25, 2013 Volume 78: 37973-37978](#)

EPA is amending its regulations to reflect a change in address for EPA’s Region 7 office. This action is editorial in nature and is intended to provide accuracy and clarity to the Agency’s regulations.

General Provisions - Performance Tests, Quality Assurance, Test Procedures

➤ **60.8 Subpart A; Appendices A-3 through A-8 Part 60**

[September 13, 2010 Volume 75: 55636-55657](#)

EPA is taking final action to promulgate amendments to the General Provisions to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. All requirements pertaining to the audit samples have been moved to the General Provisions and have been removed from the test methods because the current language in the test methods regarding audit samples is inconsistent from method to method. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies. Under this final rule, the requirement to use an audit sample during a compliance test will apply to all test methods for which a commercially available audit exists.

➤ **Part 60 Appendix A-6**

[July 30, 2012 Volume 77: 44488-44494](#)

This action promulgates Methods 16C for measuring total reduced sulfur (TRS) emissions from stationary sources. Method 16C offers the advantages of real-time data collection and uses procedures that are already in use for measuring other pollutants. Method 16C will be a testing option that is used at the discretion of the tester.

➤ **60.8, 60.13, 60.17, Subpart A; 60.46b, 60.47b Subpart Db; 60.51c Subpart Ec; 60.84 Subpart H; 60.154 Subpart O; 60.284 Subpart BB; 60.335 Subpart GG; 60.374 Subpart KK; 60.382, 60.386 Subpart LL; 60.472 Subpart UU; 60.660, 60.665 Subpart NNN; Table 7 Subpart IIII; Table 2 Subpart JJJJ; Appendices A-1 through A-8; Appendix B, Appendix F Part 60**

[February 27, 2014 Volume 79: 11228-11294](#)

This action promulgates technical and editorial corrections for source testing of emissions and operations. Some current testing provisions contain inaccuracies and outdated procedures, and new alternatives that have been approved are being added. These revisions will improve the quality of data and will give testers additional flexibility to use the newly approved alternative procedures.

➤ **60.8, 60.17, 60.4245 Table 2 Subpart JJJJ; Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7. A-8 Part 60**

[August 30, 2016 Volume 81: 59800-59826](#)

This action promulgates technical and editorial corrections and revisions to regulations related to source testing of emissions. We have made corrections and updates to testing provisions, and added newly approved alternatives to existing testing regulations. These revisions will improve the quality of data and provide flexibility in the use of approved alternative procedures. The revisions do not impose any new substantive requirements on source owners or operators.

➤ **Part 60- Appendix F**

[February 14, 2012 Volume 77: 8160-8166](#)

The EPA is taking direct final action to establish Quality Assurance/Quality Control (QA/QC) procedures for continuous opacity monitoring systems (COMS) used to demonstrate continuous compliance with opacity standards in federally enforceable regulations. This action is necessary because we do not currently have QA/QC procedures for COMS. This action would require COMS used to demonstrate continuous compliance to meet these procedures (referred to as Procedure 3).

➤ **Part 60 – Appendix F**

[March 8, 2012 Volume 77: 13977-13978](#)

The EPA is extending the comment period for the direct final rule titled, “Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources,” that was published in the *Federal Register* on February 14, 2012. The EPA is extending the comment period because they received a request in a timely manner.

➤ **Part 60**

[March 28, 2012 Volume 77: 18707-18709](#)

The EPA published a direct final rule titled “Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources” in the *Federal Register* on February 14, 2012. Because the EPA received adverse comments to the parallel proposed rule issued under the same name on February 14, 2012, the EPA withdrew the direct final rule.

➤ **Appendix F Part 60**

[May 16, 2014 Volume 79: 28439-28444](#)

This action promulgates QA/QC procedures (referred to as Procedure 3) for continuous opacity monitoring systems used to demonstrate continuous compliance with opacity standards specified in a NSPS issued by the EPA pursuant to section 111(b) of the CAA, Standards of Performance for New Stationary Sources.

➤ **Appendix F Part 60**

[November 21, 2016 Volume 81: 83160-83163](#)

The EPA is taking direct final action to update a procedure in the NSPS. The procedure provides the ongoing QA/QC procedures for assessing the acceptability of particulate matter PM continuous emissions monitoring system (CEMS). The procedure explains the criteria for passing an annual response correlation audit (RCA) and the criteria for passing an annual relative response audit (RRA). The procedure currently contains a requirement that the annual QA/QC test results for affected facilities must fall within the same response range that was used to develop the existing PM CEMS correlation curve. As a result, some facilities are unable to meet the criteria for passing their annual QA/QC test because their emissions are now lower than the range

previously set during their correlation testing. We are modifying the procedure to allow facilities to extend their PM CEMS correlation regression line to the lowest PM CEMS response obtained during the annual RCA or RRA, when these PM CEMS responses are less than the lowest response used to develop the existing correlation curve. This change will ensure that facilities that have reduced their emissions since competing their correlation testing will no longer be penalized because their lower emissions fall outside their initial response range. This action also corrects a typographical error in the procedure.

➤ **Appendix F Part 60**

[February 15, 2017 Volume 82: 10711-10712](#)

Because the EPA received an adverse comment, they are withdrawing the direct final rule titled, “Revisions to Procedure 2—Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources.”

➤ **Appendices B and F Part 60**

[July 7, 2015 Volume 80: 38628-38652](#)

The EPA is finalizing performance specifications and test procedures for hydrogen chloride (HCl) CEMS to provide sources and regulatory agencies with criteria and test procedures for evaluating the acceptability of HCl CEMS. The final performance specification (Performance Specification 18) includes requirements for initial acceptance, including instrument accuracy and stability assessments. This action also finalizes quality assurance (QA) procedures for HCl CEMS used for compliance determination at stationary sources. The QA procedures (Procedure 6) specify the minimum QA requirements for ensuring and assessing the quality of HCl data measured by CEMS. The affected systems are those used for determining compliance with emission standards for HCl on a continuous basis as specified in an applicable permit or regulation.

➤ **Appendices B and F Part 60**

[May 19, 2016 Volume 81: 31515-31520](#)

The EPA is taking direct final action to make several minor technical amendments to the performance specifications and test procedures for HCl CEMS. This direct final rule also makes several minor amendments to the QA procedures for HCl CEMS used for compliance determination at stationary sources. The performance specification (Performance Specification 18) and the QA procedures (Procedure 6) were published in the *Federal Register* on July 7, 2015. These amendments make several minor corrections and clarify several aspects of these regulations.

General Provisions - Incorporations by Reference

➤ **60.17 Subpart A; Part 60 Appendix A-7**

[January 18, 2012 Volume 77: 2456-2466](#)

EPA is promulgating a final rule to incorporate the most recent versions of the American Society for Testing and Materials (ASTM) International ASTM standards into EPA regulations that provide flexibility to use alternatives to mercury-containing industrial thermometers. This final rule will allow the use of such alternatives in certain field and laboratory applications previously impermissible as part of compliance with EPA regulations. EPA believes the older embedded ASTM standards unnecessarily impede the use of effective, comparable, and available alternatives to mercury-containing industrial thermometers. Due to

mercury's high toxicity, EPA seeks to reduce potential mercury exposures to humans and the environment by reducing the overall use of mercury-containing products, including mercury-containing industrial thermometers.

➤ **60.17 Subpart A**

[June 23, 2017 Volume 82: 28561-28562](#)

The EPA is taking action to correct paragraph number in Incorporations by Reference section of our regulations that specifically lists material that can be purchased from the American Society for Testing and Materials (ASTM). This action assigns the appropriate IBR paragraph numbers by correcting paragraph ordering errors.

General Provisions – Delegation of Authority

➤ **Part 60 Table I**

[February 28, 2011 Volume 76: 10761-10771](#)

The States of Iowa, Kansas, Missouri, and Nebraska and the local agencies of Lincoln-Lancaster County, Nebraska, and the city of Omaha, Nebraska, have submitted updated regulations for delegation of EPA authority of implementation and enforcement of NSPS, NESHAP, and MACT standards. The submissions cover new EPA standards and, in some instances, revisions to standards previously delegated. EPA's review of the pertinent regulations shows that they contain adequate and effective procedures for the implementation and enforcement of these Federal standards. This action informs the public of delegations to the above-mentioned agencies.

➤ **Part 60 Table I**

[November 29, 2013 Volume 78: 71510-71523](#)

The States of Iowa, Kansas, Missouri, and Nebraska and the local agencies of Lincoln-Lancaster county, Nebraska, and the city of Omaha, Nebraska, have submitted updated regulations for delegation of EPA authority for implementation and enforcement of NSPS, NESHAP and MACT standards. The submissions cover new EPA standards and, in some instances, revisions to standards previously delegated. EPA's review of the pertinent regulations shows that they contain adequate and effective procedures for the implementation enforcement of these Federal standards. This action informs the public of delegations to the above-mentioned agencies.

➤ **Part 60 Table I**

[February 27, 2015 Volume 80: 10596-10608](#)

The States of Iowa, Kansas, Missouri, and Nebraska and the local agencies of Lincoln-Lancaster County, Nebraska, and the city of Omaha, Nebraska, have submitted updated regulations for delegation of EPA authority of implementation and enforcement of NSPS, NESHAP, and MACT standards. The submissions cover new EPA standards and, in some instances, revisions to standards previously delegated. EPA's review of the pertinent regulations shows that they contain adequate and effective procedures for the implementation and enforcement of these Federal standards. This action informs the public of delegations to the above-mentioned agencies.