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

[AD-FRL-2748-8]

**Amendment and Innovative Technology Waiver for New Source Performance Standards for Kraft Pulp Mills****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** On September 6, 1984 (49 FR 35156), the EPA proposed to amend the standards of performance for kraft pulp mills by adding a provision for determining compliance on a mass equivalent basis for digester systems and to grant, subject to concurrence by the Governor of the State of Georgia, an innovative technology waiver for operation of a new batch digester at the Owens-Illinois, Incorporated (O-I) kraft pulp mill in Clyattville, Georgia, pursuant to section 111(j) of the Clean Air Act, as amended (the Act), 42 U.S.C. 7411(j). This action promulgates the amendment and grants the waiver.

This amendment is necessary because the standards on a concentration basis preclude process systems which may have larger emissions on a concentration basis because of lower air flow rates but at the same time have equal or lesser emissions on a mass basis.

This waiver provides an opportunity to demonstrate the capability of a batch digesting displacement heating system to achieve equal or greater emission reductions than required by the existing standards of performance for digestive systems at kraft pulp mills at lower costs. Considerable energy and environmental benefits would also be achieved with this technology.

**EFFECTIVE DATE:** February 14, 1985. Under section 307(b)(1) of the Clean Air Act, judicial review of this amendment and waiver is available only by the filing of petitions for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings initiated to enforce these requirements.

**ADDRESSES:** *Docket.* Under section 307(d)(2), 42 U.S.C. 7607(d)(2), the Administrator is required to establish two separate rulemaking dockets for each rule that would apply only within the boundaries of one State. One copy of

the docket (Docket No. A-84-16) is located in Washington, D.C., at EPA's Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW. A second copy is located at the EPA Regional Office in Atlanta, Georgia, at 345 Courtland Street.

The docket may be inspected at the listed addresses between 8:00 a.m. and 4:00 p.m. on weekdays. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Eddinger, Industrial Studies Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5595.

**SUPPLEMENTARY INFORMATION:****Background***Current Regulations*

On September 24, 1976, standards of performance were proposed to limit emissions of particulate matter and total reduced sulfur compounds (TRS) from new, modified, and reconstructed kraft pulp mills (41 FR 42012). Final standards were published in the *Federal Register* on February 23, 1978 (43 FR 7568). Proposed revisions to the standards were published in the *Federal Register* on January 19, 1984 (49 FR 2448).

Section 111 of the Clean Air Act, as amended, requires that standards of performance be established at levels that reflect the performance of best demonstrated technology (BDT) for emission control. For digester systems, BDT for TRS emission control was determined to be incineration of exhaust gases. The digester TRS emission standard reflecting the performance of well-designed and well-operated incinerators was determined to be 5 parts per million (ppm).

*Requirements of Section 111(j)*

Section 111(j) of the Clean Air Act sets forth provisions for the issuance of waivers for the development of innovative technology. In the 1977 Amendments to the Clean Air Act, Congress added this provision to encourage the use of innovative technological systems of continuous emission reduction for the control of air pollutants. The intent in doing so was to provide a statutory incentive for the improvement of emission control technology and for reducing costs, environmental impacts, and energy usage of such technology.

Under section 111(j) of the Act, upon request by the owner or operator of a new source and with the consent of the Governor of the State in which the source is located, the Administrator is

authorized to grant a waiver from the requirements of section 111 for a limited time period and under specific terms and conditions provided certain statutory prerequisites are satisfied. The Administrator must determine that:

a. The proposed system or systems have not been adequately demonstrated;

b. The proposed system or systems will operate effectively and there is a substantial likelihood that such system or systems will achieve greater continuous emission reduction than that required to be achieved under the standard of performance which would otherwise apply, or achieve at least an equivalent reduction at lower costs in terms of energy, economic, or nonair quality environmental impact;

c. The owner or operator of the proposed source has demonstrated to the satisfaction of the Administrator that the proposed system will not cause or contribute unreasonable risk to public health, welfare, or safety in its operation, function or malfunction; and

d. The number of waivers granted under section 111(j) with respect to a proposed technological system of continuous emission reduction shall not exceed such number as the Administrator finds necessary to ascertain whether or not such a system will achieve the conditions specified in "b" and "c" immediately above.

In making and determination under "b", the Administrator shall take into account any previous failure of such system or systems to operate effectively or to meet any requirement of the new source performance standards (NSPS). In determining whether an unreasonable risk exists under "c", the Administrator shall consider, among other factors, whether and to what extent the use of the proposed technological system will cause, increase, reduce, or eliminate emissions of any unregulated pollutants; available methods for reducing or eliminating any risk to public health, welfare, or safety which may be associated with the use of such system; and the availability of other technological systems which may be used to conform to standards under section 111 without causing or contributing to such unreasonable risk. The Administrator may conduct such tests and may require the owner or operator of the proposed source to conduct such tests and provide such information as is necessary to carry out "c". Such requirements shall include a requirement for prompt reporting of the emission of any unregulated pollutant from a system if such pollutant was not emitted, or was emitted in significantly

lesser amounts without use of such system.

#### Waiver Request

On March 11, 1984, Owens-Illinois, Incorporated (O-I) submitted a request for an innovative technology waiver for the batch digester and multiple effect evaporator system at its Valdosta kraft pulp mill in Clyattville, Georgia. O-I indicates that a waiver would permit it to install and operate a digester displacement heating system that eventually would enable the digester system to comply with the mass equivalent of the NSPS TRS emission limit of 5 ppm. Additionally, O-I indicates that the displacement heating system (DHS) would achieve emission reductions at least equivalent to those of the control technology on which the standard is based, but at lower cost.

O-I plans to install DHS on its 9 existing batch digesters late in 1984. A new digester with a DHS will be installed first to maintain production capacity as each of the 9 existing digesters are removed from operation singly to retrofit the DHS. It is the new digester system which would be subject to the NSPS. Neither the existing digesters nor the multiple effect evaporators are, or would be, subject to NSPS.

Laboratory analysis suggests that TRS emissions from digesters with DHS may be displaced to evaporator condensate and exhaust gases. O-I expects that the BOD content of the overall mill effluent will be reduced, or be at least the same, by the use of the DHS because the displacement feature of the system will result in a corresponding reduction in the BOD content of the effluent from the present pulp washing system. The displacement stage can be considered as a stage of the mill's pulp washing system.

#### Proposed Waiver

The Agency reviewed the waiver request with regard to the requirements under section 111(j) of the Act and concluded that this request met the requirements of the Act. Therefore, the Agency proposed on September 6, 1984, to grant an innovative technology waiver to the Owens-Illinois, Incorporated, kraft pulp mill in Clyattville, Georgia, subject to the concurrence of the Governor of Georgia.

#### Waiver

##### Summary of the Final Waiver

A waiver is granted to Owens-Illinois for the No. 10 batch digester being built at the kraft pulp mill in Clyattville, Georgia. The No. 10 digester is

scheduled to start operation in late 1984. The waiver limits TRS emissions from the No. 10 digester to 0.02 lb TRS/ton of air dried pulp. The waiver also limits TRS emissions from the multiple effect evaporator system to the TRS level existing prior to installation of the No. 10 digester. The waiver is effective from No. 10 digester startup to December 31, 1986.

#### Governor's Concurrence

The Honorable Joe Frank Harris, Governor of the State of Georgia, has concurred in the innovative technology waiver as set forth herein under section 111(j)(A) of the Act, 42 U.S.C. 7411(j)(1)(A). Such a concurrence is a prerequisite for the granting of an innovative technology waiver by the Administrator under section 111(j) of the Act. The waiver as set forth herein is hereby granted.

#### Public Participation

The amendment and waiver were proposed and published in the *Federal Register* on September 6, 1984 (49 FR 35156). The preamble to the proposed amendment and waiver discussed in detail information relating to the DHS and the requirements of a waiver under section 111(j) of the Clean Air Act. Public comments were solicited at the time of proposal and interested persons were given the opportunity to request a public hearing on the amendment and waiver. No public hearing was requested. The public comment period was from September 6, 1984, to October 19, 1984. No public comments were received.

#### Docket

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

#### Miscellaneous

The Paperwork Reduction Act of 1980 (Pub. L. 96-511) requires EPA to submit to the Office of Management and Budget (OMB) certain public reporting/

recordkeeping requirements before proposal. This rulemaking does not involve a "collection of information".

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 601 et seq. is not required for this rulemaking because the rulemaking would not have a significant impact on a substantial number of small entities. The rulemaking would not impose any new requirements and, therefore, no additional costs would be imposed. It is, therefore, classified as nonmajor under Executive Order 12241.

#### List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference, Can surface coating, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fixed steam generators.

Dated: January 31, 1985.

Lee M. Thomas,  
Acting Administrator.

#### PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Title 40 Part 60, Subpart BB of the code of Federal Regulations is amended to read as follows:

1. Section 60.283, is amended by adding paragraph (a)(1)(vi) to read as follows:

##### § 60.283 Standard for total reduced sulfur (TRS).

(a) \* \* \*

(1) \* \* \*

(vi) The uncontrolled exhaust gases from a new, modified, or reconstructed digester system contain TRS less than 0.005 g/kg ADP (0.01 lb/ton ADP).

\* \* \* \* \*

2. Section 60.286 is added to read as follows:

##### § 60.286 Innovative technology waiver.

(a) Pursuant to section 111(j) or the Clean Air Act, 42 U.S.C. 7411(j), the No. 10 batch digester at Owens-Illinois Incorporated's Valdosta kraft pulp mill in Clyattville, Georgia, shall comply with the following conditions:

(1) Owens-Illinois, Incorporated shall obtain the necessary permits as required by Section 173 of the Clean Air Act, as

amended August 1977, to operate the No. 10 batch digester at the Valdosta mill.

(2) Commencing on [date of promulgation in Federal Register] and continuing for 2 years or to December 31, 1986, or until the displacement heating system that can achieve the standard specified in 40 CFR 60.283 is demonstrated to the Administrator's satisfaction, whichever comes first, Owens Illinois, Incorporated shall limit the discharge of TRS emissions to the atmosphere:

(i) From the No. 10 batch digester at the Valdosta mill to 0.02 lb of TRS per ton of air-dried pulp.

(ii) From the existing multiple-effect evaporators at the Valdosta mill to the TRS level existing prior to the modifications.

(3) Commencing the day after the expiration of the period described in (2) above, and continuing thereafter, emissions of TRS from the No. 10 batch digester shall not exceed the TRS level of 0.005 g/kg ADP (0.01 lb/ton ADP) as specified in 40 CFR 60.283.

(4) The No. 10 batch digester system shall comply with the provisions of §§ 60.284 and 60.285.

(5) A technology development report shall be sent to EPA, Emission Standards and Engineering Division (MD-13), Research Triangle Park, North Carolina 27711 and EPA Region IV, 345 Courtland, NE, Atlanta, Georgia 30365, postmarked before 60 days after the promulgation of this waiver and every 6 months thereafter while this waiver is in effect. The technology development report shall summarize the displacement heating system work including the results of tests of the various emission points being evaluated. The report shall include an updated schedule of attainment of 40 CFR 60.283 based on the most current information. Tests will be conducted prior to and after the digester modifications for TRS emissions and air flow rates on all vents to the atmosphere from the No. 10 digester system, the multiple effect evaporator system, and at the existing batch digester system. In addition, tests will be performed to determine the BOD content of the effluents from the multiple effect evaporator system, the brown stock washing system, and the mill prior to and after the digester modifications.

(b) This waiver shall be a federally promulgated standard of performance.

As such, it shall be unlawful for Owens-Illinois, Incorporated to operate the No. 10 batch digester or the multiple-effect evaporators in violation of the requirements established in this waiver. Violations of the terms and conditions of this waiver shall subject Owens-Illinois, Incorporated to enforcement under section 113 (b) and (c), 42 U.S.C. 7412 (b) and (c), and Section 120, 42 U.S.C. 7420, of the Act as well as possible citizen enforcement under section 304 of the Act, 42 U.S.C. 7604.

3. Section 60.285 is amended by adding a new paragraph (d)(5) to read as follows:

§ 60.285 Test methods and procedures.

\* \* \* \* \*

(d) \* \* \*  
(5) When determining compliance with § 60.283(a)(1)(vi), use the results of Method 2, Method 16, and the pulp production rate in the equation specified in § 60.285(d)(3), except substitute the pulp production rate (PPR) [kg/hr (tons/hr)] for the black liquor solids feed rate (BLS).

\* \* \* \* \*

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