

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 63****National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production***CFR Correction*

In Title 40 of the Code of Federal Regulations, Part 63 (§ 63.1200 to End), revised as of July 1, 2001, in § 63.1257, on page 134, redesignate paragraph (d)(4)(iii) as paragraph (d)(3)(iii), and on page 140, remove the second definition of  $\rho$  following equation 47.

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 63**

[WV001-1000a; FRL-7166-6]

**Approval of Section 112(l) Authority for Hazardous Air Pollutants; State of West Virginia; Department of Environmental Protection**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule and delegation.

**SUMMARY:** EPA is taking direct final action to approve West Virginia Department of Environmental Protection's (WVDEP's) request for delegation of authority to implement and enforce its hazardous air pollutant regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning, and secondary lead smelting which have been adopted by reference from the Federal requirements set forth in the Code of Federal Regulations. This approval will automatically delegate future amendments to these regulations once WVDEP incorporates these amendments into its regulations. In addition, EPA is taking direct final action to approve of WVDEP's mechanism for receiving delegation of future hazardous air pollutant regulations. This mechanism entails WVDEP's incorporation by reference of the unchanged Federal standard into its hazardous air pollutant regulation and WVDEP's notification to EPA of such incorporation. EPA is not waiving its notification and reporting requirements under this approval; therefore, sources will need to send notifications and reports to both

WVDEP and EPA. This action pertains only to affected sources, as defined by the Clean Air Act's (CAA's or the Act's) hazardous air pollutant program, which are not located at major sources, as defined by the Act's operating permit program. The WVDEP's request for delegation of authority to implement and enforce its hazardous air pollutant regulations at affected sources which are located at major sources, as defined by the Act's operating permit program, was initially approved on March 19, 2001. EPA is taking this action in accordance with the CAA.

**DATES:** This direct final rule will be effective June 3, 2002, unless EPA receives adverse or critical comments by May 2, 2002. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments on this action should be sent concurrently to: Makeba A. Morris, Chief, Permits and Technical Assessment Branch, Mail Code 3AP11, Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, and John A. Benedict, West Virginia Department of Environmental Protection, Division of Air Quality, 7012 MacCorkle Avenue, SE, Charleston, WV 25304-2943. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103 and the West Virginia Department of Environmental Protection, Division of Air Quality, 7012 MacCorkle Avenue, SE, Charleston, WV 25304-2943.

**FOR FURTHER INFORMATION CONTACT:** Dianne J. McNally, U.S. Environmental Protection Agency, Region 3, 1650 Arch Street (3AP11), Philadelphia, PA 19103-2029, [mcnally.dianne@epa.gov](mailto:mcnally.dianne@epa.gov) (telephone 215-814-3297). Please note that any formal comments must be submitted, in writing, as provided in the **ADDRESSES** section of this document.

**SUPPLEMENTARY INFORMATION:****I. Background**

Section 112(l) of the Act and 40 Code of Federal Regulations (CFR) part 63, subpart E authorize EPA to approve of State rules and programs to be implemented and enforced in place of certain CAA requirements, including the National Emission Standards for Hazardous Air Pollutants set forth at 40 CFR part 63. EPA promulgated the program approval regulations on

November 26, 1993 (58 FR 62262) and subsequently amended these regulations on September 14, 2000 (65 FR 55810). An approvable State program must contain, among other criteria, the following elements:

(a) A demonstration of the state's authority and resources to implement and enforce regulations that are at least as stringent as the NESHAP requirements;

(b) a schedule demonstrating expeditious implementation of the regulation; and

(c) a plan that assures expeditious compliance by all sources subject to the regulation.

On November 18, 1999, WVDEP submitted to EPA a request to receive delegation of authority to implement and enforce the hazardous air pollutant regulations for the affected sources defined in 40 CFR part 63. On March 19, 2001, WVDEP received delegation of authority to implement all emission standards promulgated in 40 CFR part 63, as they apply to major sources, as defined by 40 CFR part 70. On June 15, 2001, WVDEP supplemented their November 18, 1999 request with information necessary to address delegation of the hazardous air pollutant regulations for affected sources which are not located at major sources, as defined by 40 CFR part 70. At the present time, the delegation request pertaining to affected sources which are not located at major sources, as defined by 40 CFR part 70, includes the regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning, and secondary lead smelting which have been adopted by reference from the Federal requirements set forth in 40 CFR part 63, subparts M, N, O, T, and X, respectively. The WVDEP also requested that EPA automatically delegate future amendments to these regulations and approve WVDEP's mechanism for receiving delegation of future hazardous air pollutant regulations which it adopts unchanged from the Federal requirements. This mechanism entails WVDEP's incorporation by reference of the unchanged Federal standard into its regulation for hazardous air pollutant sources at 45CSR34 and WVDEP's notification to EPA of such incorporation.

**II. EPA's Analysis of WVDEP's Submittal**

Based on WVDEP's program approval request and its pertinent laws and regulations, EPA has determined that