The NESHAP provides protection to the public by requiring all secondary lead smelters to meet emission standards reflecting the application of the maximum achievable control technology (MACT). The NESHAP regulates emissions of lead compounds and total hydrocarbons (THC's) as surrogates for metal HAP's and organic HAP's, respectively. The EPA is also adding secondary lead smelters that are area sources to the list of source categories that are subject to MACT standards.

EFFECTIVE DATE: June 23, 1995.

ADDRESSES: *Docket.* Docket No. A–92–43, containing information considered by the EPA in development of the promulgated standards, is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (MC–6102), 401 M Street, SW, Washington, DC 20460; telephone (202) 260–7548. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

Background Information Document. A background information document (BID) for the promulgated standards may be obtained from the docket; the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone (919) 541–2777; or from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, telephone (703) 487–4650. Please refer to ''Secondary Lead Smelting—Background Information for Promulgated Standards,'' (EPA–453/R–95–008b).

The BID contains a summary of all the public comments made on the proposed standards and the EPA's response to the comments. It also contains a summary of the changes made to the standards since proposal.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Mulrine, Metals Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541–5289.

SUPPLEMENTARY INFORMATION:

Judicial Review. Under section 307(b)(1) of the Act, judicial review of a NESHAP is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this final rule. Under section 307(b)(2) of the Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

The information presented in this preamble is organized as follows:

I. Background

On July 16, 1992 (57 FR 31576), the EPA published a list of major and area sources for which NESHAP are to be promulgated. On December 3, 1993 (58 FR 63941), the EPA published a schedule for promulgation of those standards. The secondary lead smelting source category is included on the list of major sources and the EPA is required to establish national emission standards by May 31, 1995 according to this schedule. Major sources are those sources emitting 10 or more tons per year of any one HAP or 25 or more tons per year of a combination of HAP's.

This NESHAP was proposed in the **Federal Register** on June 9, 1994 (59 FR 29750). The same notice also announced that the EPA was proposing to add secondary lead smelters that are area sources to the list of source categories that will be subject to national emission standards. Area sources are those smelters emitting less than 10 tons per year of any single HAP and less than 25 tons per year of a combination of HAP's. The EPA received 31 letters commenting on the proposed rule and proposed area source listing. The EPA received no requests for a public hearing. The EPA published a supplemental notice announcing the availability of new data regarding the proposed standards for hydrogen chloride/chlorine (HCl/Cl_2) emissions on April 19, 1995 (60 FR 19556). The EPA received eight comment letters in response to the supplemental notice.

II. Summary

A. Summary of Promulgated Standards

The promulgated rule establishes standards to limit HAP emissions from smelting furnaces, refining kettles, agglomerating furnaces, dryers, and fugitive dust sources at both major source and area source secondary lead smelters. The promulgated rule does not apply to primary lead smelters, lead refiners, or lead remelters.

Emission standards promulgated under section 112 are to be technology-based and are to reflect the maximum degree of reduction of HAP emissions achievable taking into consideration the cost of achieving the emission reduction, any nonair quality health and environmental impacts and energy requirements. These standards are termed MACT standards. Emission reduction may be accomplished through application of a variety of measures, methods, or techniques. Emission standards, however, can be no less stringent than a minimum baseline or ''floor'' for standards set out in the statute.

For new sources, the standards for a source category or subcategory cannot be less stringent than the emission control that is achieved in practice by the best controlled similar source. The standards for existing sources can be less stringent than standards for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources (excluding certain sources described in section 112(d)(3) of the Act) for categories and subcategories with 30 or more sources, or the best-performing 5 sources for categories and subcategories with fewer than 30 sources. There are fewer than 30 secondary lead smelters, so the standards for existing sources are based on the best-performing 5 sources.

Floor levels of control were determined for each of the affected source types under consideration for regulation. Source types are process sources, process fugitive sources, and fugitive dust sources. For process fugitive sources and fugitive dust sources, which are similar in character and emissions potential across all secondary lead smelters, the entire population of secondary lead smelters are considered in determining MACT floor levels of control. For process sources, specifically smelting furnaces, smelters are differentiated and divided into configurations based on the