

## 7. Glass Manufacturing Furnaces

Section 19.10 establishes NO<sub>x</sub> emission limits for glass manufacturing furnaces. The limitations depend on the type of glass manufactured by the furnace.

The emission limits, expressed as pounds NO<sub>x</sub> per ton of glass removal from the furnace, for commercial container and specialty container glass manufacturing are 5.5 and 11.0 respectively. In the case of borosilicate recipe glass manufacturing furnaces, a baseline NO<sub>x</sub> emission rate must be determined by January 1, 1994 and a plan must be submitted by July 1, 1994 explaining how those baseline emissions will be reduced by 30 percent. The furnace must then implement the plan and reduce its emissions accordingly. In addition, the owner or operator of a glass manufacturing furnace must annually adjust the combustion process of the furnace beginning in May 1994.

The Department has determined that glass furnaces will become subject to the specific emission limitations on May 1, 1997, unless the furnace is 'rebricked' before that date, in which case the furnace becomes subject to the emission limitations upon the date the rebricking is completed.

EPA accepts the technical and economic rationale presented by New Jersey in their proposed rule for the emission limits as adopted. EPA's policy allows states to extend the repowering guidance to other source categories. New Jersey's rebricking provisions meet all of the requirements in EPA's guidance. New Jersey's provision requires interim RACT to begin on May 1, 1994 and to rebrick and comply with the emission limits by May 1, 1997 or the first date after rebricking is completed, whichever is earlier. New Jersey defines interim RACT as annual adjustments to the combustion process.

New Jersey's emission limitations are consistent with EPA's general guidance and therefore, acceptable to the Agency. The emission limits are enforceable through appropriate averaging times, test methods, compliance schedules and reporting and recordkeeping requirements.

## 8. Facility-Specific NO<sub>x</sub> Emission Limits

Section 19.13 establishes a procedure for a case-by-case determination of what represents RACT for a particular facility, item of equipment or source operation. This procedure is applicable in two situations: (1) if a major NO<sub>x</sub> facility contains any source operation or item of equipment not listed in 19.2, or (2) if the

owner or operator of a source operation or item of equipment that is listed in 19.2 seeks approval of an alternative maximum allowable emission rate.

New Jersey's procedure entails the owners and/or operators of the effected facility to propose a NO<sub>x</sub> control plan or request for an alternative maximum allowable emission rate. The owners/operator are to include a technical and economic feasibility analysis of the possible alternative control measures. For each case, the regulations provide for the Department to establish emission limits based upon a RACT determination specific to the facility in question. The resulting control plan or alternate maximum allowable emission rate would be submitted for approval as a SIP revision.

Section 19.13(l) identifies the reasons why the State "may" revoke an approval of a NO<sub>x</sub> control plan. One reason would be an EPA disapproval of the plan after EPA rulemaking action. The State indicates that "may" does not apply to EPA disapprovals and that in a forthcoming amendment to Subchapter 19, New Jersey will clarify this. They will revise Sections 19.13(l)(3) and 19.13(h) to say that upon EPA disapproval of a specific NO<sub>x</sub> plan, New Jersey will revoke the plan. EPA is proposing to approve this provision because the New Jersey explanation is acceptable and, regardless, EPA has adequate authority under the Act to require the state to correct any EPA identified deficiencies.

For sources not subject to specific emission limitations or work practice standards, Section 19.13 provides a procedure and schedule which must be followed in order to comply with Subchapter 19. Should a source not comply with this procedure it would constitute a violation of Subchapter 19 and would subject the source owner or operator to civil and applicable criminal penalties. EPA believes this is sufficient to insure that sources comply and should EPA have to take enforcement action, it could use the same provisions to obtain compliance.

## 9. Exemptions

Section 19.2 contains provisions to exempt equipment and source operations. The following summarizes these exemptions:

1. Emergency generators which operate less than 500 hours annually and have a potential to emit less than 25 tons of NO<sub>x</sub>. This exemption provision is consistent with the Act since all sources with a potential to emit less than 25 tons per year of NO<sub>x</sub> are not subject to NO<sub>x</sub> emission limitations.

2. Equipment or source operations where the EPA Administrator determines that the

net air quality benefits are greater in the absence of NO<sub>x</sub> reductions. This provision conforms to Section 182(f) of the Act providing for this NO<sub>x</sub> RACT exemption.

3. NO<sub>x</sub> sources with a potential to emit less than 25 tons per year and with the potential to emit less than 137 pounds per day during the ozone season. This provision is consistent with the Act as indicated in the first exemption above.

## 10. Other Provisions

The following are administrative and procedural provisions to Subchapter 19 which were reviewed by EPA: definitions; general provisions; procedures for obtaining approvals and demonstrating compliance; requirements for adjusting the combustion process; emission testing, monitoring, and recordkeeping; and civil penalties. EPA has evaluated these provisions in Subchapter 19 for consistency with EPA policy and has determined that they meet the requirements and are therefore acceptable to the Agency.

## IV. Summary

The EPA is proposing full approval of Subchapter 19, "Control and Prohibition of Air Pollution From Oxides of Nitrogen" submitted by the State of New Jersey on November 15, 1993 for the marginal, moderate, and severe ozone nonattainment areas. New Jersey has applied Subchapter 19 to the entire State.

Nothing in this proposed rule should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. § 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. §§ 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under Section 110 and Subchapter I, Part D of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected.