

9. Section 60.273a(d) is added to read as follows:

§ 60.273a Emission monitoring.

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(d) A furnace static pressure monitoring device is not required on any EAF equipped with a DEC system if observations of shop opacity are performed by a certified visible emission observer as follows: Shop opacity observations shall be conducted at least once per day when the furnace is operating in the meltdown and refining period. Shop opacity shall be determined as the arithmetic average of 24 consecutive 15-second opacity observations of emissions from the shop taken in accordance with Method 9. Shop opacity shall be recorded for any point(s) where visible emissions are observed. Where it is possible to determine that a number of visible emission sites relate to only one incident of visible emissions, only one observation of shop opacity will be required. In this case, the shop opacity observations must be made for the site of highest opacity that directly relates to the cause (or location) of visible emissions observed during a single incident.

10. Section 60.274a is amended by revising paragraphs (b), (c), (f), and (g) to read as follows:

§ 60.274a Monitoring of operations.

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(b) Except as provided under paragraph (d) of this section, the owner or operator subject to the provisions of this subpart shall check and record on a once-per-shift basis the furnace static pressure (if DEC system is in use, and a furnace static pressure gauge is installed according to paragraph (f) of this section) and either: check and record the control system fan motor amperes and damper position on a once-per-shift basis; install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood; or install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate at the control device inlet and check and record damper positions on a once-per-shift basis. The monitoring device(s) may be installed in any appropriate location in the exhaust duct such that reproducible flow rate monitoring will result. The flow rate monitoring device(s) shall have an accuracy of ± 10 percent over its normal operating range and shall be calibrated according to the manufacturer's instructions. The Administrator may require the owner or operator to

demonstrate the accuracy of the monitoring device(s) relative to Methods 1 and 2 of appendix A of this part.

(c) When the owner or operator of an affected facility is required to demonstrate compliance with the standards under § 60.272a(a)(3) and at any other time the Administrator may require that (under section 114 of the Act, as amended) either: the control system fan motor amperes and all damper positions; the volumetric flow rate through each separately ducted hood; or the volumetric flow rate at the control device inlet and all damper positions shall be determined during all periods in which a hood is operated for the purpose of capturing emissions from the affected facility subject to paragraph (b)(1) or (b)(2) of this section. The owner or operator may petition the Administrator for reestablishment of these parameters whenever the owner or operator can demonstrate to the Administrator's satisfaction that the affected facility operating conditions upon which the parameters were previously established are no longer applicable. The values of these parameters as determined during the most recent demonstration of compliance shall be maintained at the appropriate level for each applicable period. Operation at other than baseline values may be subject to the requirements of § 60.276a(c).

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(f) Except as provided for under § 60.273a(d), if emissions during any phase of the heat time are controlled by the use of a DEC system, the owner or operator shall install, calibrate, and maintain a monitoring device that allows the pressure in the free space inside the EAF to be monitored. The monitoring device may be installed in any appropriate location in the EAF or DEC duct prior to the introduction of ambient air such that reproducible results will be obtained. The pressure monitoring device shall have an accuracy of ± 5 mm of water gauge over its normal operating range and shall be calibrated according to the manufacturer's instructions.

(g) Except as provided for under § 60.273a(d), when the owner or operator of an EAF controlled by a DEC is required to demonstrate compliance with the standard under § 60.272a(a)(3), and at any other time the Administrator may require (under section 114 of the Clean Air Act, as amended), the pressure in the free space inside the furnace shall be determined during the meltdown and refining period(s) using the monitoring device required under paragraph (f) of this section. The owner

or operator may petition the Administrator for reestablishment of the pressure whenever the owner or operator can demonstrate to the Administrator's satisfaction that the EAF operating conditions upon which the pressures were previously established are no longer applicable. The pressure determined during the most recent demonstration of compliance shall be maintained at all times when the EAF is operating in a meltdown and refining period. Operation at higher pressures may be considered by the Administrator to be unacceptable operation and maintenance of the affected facility.

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11. Section 60.276a(g) is added to read as follows:

§ 60.276a Recordkeeping and reporting requirements.

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(g) The owner or operator shall maintain records of all shop opacity observations made in accordance with § 60.273a(d). All shop opacity observations in excess of the emission limit specified in § 60.272a(a)(3) of this subpart shall indicate a period of excess emission, and shall be reported to the administrator semi-annually, according to § 60.7(c).

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-6236-2]

Final Authorization of State Hazardous Waste Management Program Revision; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule; correction and stay of effective date.

SUMMARY: The EPA is announcing a stay of the immediate final rule published in the **Federal Register** of October 29, 1998 (63 FR 57912), authorizing revisions to Michigan's hazardous waste management program under the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA). The effect of the stay is to allow for an extended public comment period. In addition, EPA is making a minor correction to the immediate final rule. If EPA receives no adverse written comments, the corrected immediate final rule will take effect as provided

below. In the Proposed Rules section of this **Federal Register**, EPA is publishing a separate document that will serve as a proposal to authorize the revision should the Agency receive adverse comment.

DATES: Effective March 2, 1999, the immediate final rule published on October 29, 1998 (63 FR 57912) is stayed until June 1, 1999. This correction is effective June 1, 1999. If EPA receives no adverse comments by April 1, 1999, the stay will expire, and the October 29, 1998 immediate final rule and this correction will take effect without further notice on June 1, 1999. Should the EPA receive adverse comments during the extended comment period, EPA will revoke the October 29, 1998 immediate final rule, and withdraw this correction before its effective date. EPA will then address public comments in a later final rule based on the proposed rule.

ADDRESSES: Send written comments to: Judy Feigler, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Region 5, Waste, Pesticides and Toxics Division (DM-7J), 77 W. Jackson Blvd., Chicago, Illinois 60604. You may examine copies of the materials submitted by Michigan during normal business hours at the following addresses: EPA, Region 5, 77 W. Jackson Blvd., Chicago, Illinois 60604, contact Judy Feigler, (312) 886-4179; or Michigan Department of Environmental Quality, 608 W. Allegan, Hannah Building, Lansing, Michigan, contact: Ms. Ronda Blayer, (517) 353-9548.

FOR FURTHER INFORMATION CONTACT: Judy Feigler, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Region 5, Waste, Pesticides and Toxics Division (DM-7J), 77 W. Jackson Blvd., Chicago, Illinois 60604, (312) 886-4179.

SUPPLEMENTARY INFORMATION: The EPA published an immediate final rule in the **Federal Register** of October 29, 1998 (63 FR 57912), announcing final authorization of Michigan for revisions to its hazardous waste management program under RCRA and HSWA. The Agency has explained the reasons for this authorization in that document. The immediate final rule became effective on December 28, 1998. A portion of the State's hazardous waste program for which the State is seeking authorization

was inadvertently left out of the immediate final rule. This document corrects the omissions as follows: page 57915, the third column, is amended by inserting the phrase "as amended on April 17, 1995 (60 FR 19165); and May 12, 1995 (60 FR 25619)" after the phrase "February 9, 1995, 60 FR 7824."

In addition, EPA inadvertently did not publish public notice of the decision in newspapers in the State as required by 40 CFR 271.21(b)(3)(i)(B). EPA will publish public notice in the appropriate newspapers concurrent with publication of this document in the **Federal Register**. Therefore, since EPA is committed to its policy of ensuring public involvement in the decision-making process, EPA will accept public comments until April 1, 1999. Effective March 2, 1999, the immediate final rule published on October 29, 1998 (63 FR 57912) granting final authorization of Michigan's revised hazardous waste management program is stayed until June 1, 1999 to allow for the extended comment period. If no adverse comments are received by the end of the extended comment period, the stay will expire and the corrected immediate final rule will become effective on June 1, 1999. If EPA does receive adverse written comments during the extended comment period, EPA will revoke the October 29, 1999 immediate final rule, and withdraw this correction before its effective date. EPA will then address the comments in a later final rule based on the proposed rule.

You may examine copies of the materials submitted by Michigan during normal business hours at the locations indicated in the **ADDRESSES** section of this document. EPA may not provide additional opportunity for comment. Any parties interested in commenting must do so at this time.

For further information, see the document published in the Rules section of this **Federal Register**.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any

significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the United States prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Dated: February 16, 1999.

David A. Ullrich,

Acting Regional Administrator, Region 5.
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