

levels in terms of major source thresholds is necessary to determine if they are trivial. For example, a 5-ton emission is 20 percent of the major source threshold for serious and severe ozone nonattainment areas, but 50 percent of the major source threshold in extreme ozone nonattainment areas. A level set at 20 percent of the applicable threshold would equal 2 tons in extreme ozone nonattainment areas, but would be 20 tons in moderate nonattainment areas. It is not clear that emissions of this size could be characterized as trivial in all areas for all air pollutants, especially because emissions at these levels may trigger State major new source review (NSR), thus triggering applicable requirements.

Therefore, EPA is proposing and soliciting comment on setting the threshold for insignificant emission levels at 1 tpy for regulated air pollutants, except HAP, in all areas except extreme ozone nonattainment areas, where the threshold is proposed to be 1,000 pounds (lb) per year. These levels would be 1 percent of the major source threshold in moderate nonattainment areas, 2 percent in serious ozone nonattainment areas, 4 percent in severe ozone nonattainment areas, and 5 percent of the threshold in extreme ozone nonattainment areas. The EPA believes that these levels are trivial and would not prevent EPA from collecting any information of a consequential or significant nature. The lower threshold for extreme ozone nonattainment areas is necessary due to the increased concern that permitting authorities would have in such areas. Permitting authorities in these areas have collected information pertaining to permitted sources with relatively small emissions. This level of concern has been necessary in order to achieve emission reductions sufficient to make progress towards meeting the NAAQS.

The EPA proposes and solicits comment on setting the exemption threshold for HAP for any single emissions unit to be the lesser of 1,000 lb per year or the de minimis levels established under section 112(g) of the Act. In the part 70 rulemaking, EPA recommended that the emissions levels for HAP established for the purpose of setting insignificant emission levels not be less stringent than the levels established for modifications under section 112(g) of the Act. Although this was only a recommendation, many States structured their emissions levels for HAP using these levels as upper bounds. Note that the provisions of proposed § 71.5(g) would prevent a part 71 emissions unit from having insignificant emissions levels if the unit

was subject to applicable requirements of section 112(g). The EPA also proposes that the level for HAP should never be higher than 1,000 pounds per year. This is necessary because the major source threshold is 10 tpy for a single HAP, thus ensuring that insignificant emissions of HAP will never exceed 5 percent of the major source threshold. The EPA believes that these levels are trivial and would not prevent EPA from collecting any information of a consequential or significant nature.

The EPA proposes and solicits comment on setting the threshold for insignificant emissions for the aggregate emissions of any regulated air pollutant, excluding HAP, from all emission units located at a facility to not exceed a potential to emit of 10 tpy, except in extreme ozone nonattainment areas, where potential to emit may not exceed 5 tpy. The EPA further proposes and solicits comment on setting the threshold for insignificant emissions levels for the aggregate emissions of all HAP from all emission units located at a facility to not exceed a potential to emit of 5 tpy or the section 112(g) de minimis levels, whichever is less. These provisions would provide more certainty to the permitting authority because no emissions values in terms of potential or actual emissions would be required to be included in the application for emissions qualifying as insignificant, and it is conceivable that large quantities of emissions could be hidden from scrutiny without such aggregate emission thresholds. In addition, these provisions would clarify for applicants that large numbers of similar sources, such as valves or flanges, that might be exempt on an individual basis, would have to be described in detail in the application if the aggregate emissions from all the units are relevant to the applicability of the Act's requirements or the determination of major source status.

Minimal information concerning emissions units with insignificant emissions would have to be provided in a list in the application. This list would have to describe the emission units in sufficient detail to identify the source of emissions and demonstrate that the exemption applies. For example, the description "space heaters" on a list may not provide sufficient information because there could be an unlimited number of units with potentially significant emissions, but the description, "two propane-fired space heaters," places a limit on any estimate of emissions and would provide enough information. Descriptions may need to specify not only the number of units meeting the description, when more

than one unit is included under a single description, but in many cases capacity, throughput, material being processed, combusted, or stored, or other pertinent information may need to be provided. For example, "storage tank" would be insufficient, but "250-gallon underground storage tank storing unleaded gasoline, annual throughput less than 2,000 gallons," would be sufficient for quick assessment, because this level of information is sufficient to demonstrate whether any applicable requirements apply and that the 1 tpy emissions cap would most likely not be exceeded.

Emissions units (or activities) with insignificant emissions that might be logically grouped together on the list that would be required by proposed § 71.5(g)(2) but that have dissimilar descriptions, including dissimilar capacities or sizes, would be required to be listed separately in the application. This is necessary to prevent large numbers of emissions units from being grouped together on the list in such a way that the description would be too broad to provide sufficient information to identify the emissions units and provide an indication of whether or not the exemption applies. On the other hand, in certain cases, large numbers of certain activities could be grouped together on the list. For example, a complex facility may have hundreds of valves and flanges where the aggregate potential to emit of all the valves and flanges does not exceed the aggregate emissions cap and there are no applicable requirements that apply to the valves and flanges. In this case, it would most likely be appropriate to list all the valves and flanges together as one listed item, including the number of units meeting the exemption.

The EPA solicits comment on the approach regarding insignificant activities and emission levels proposed in this notice, particularly on whether this approach provides greater clarity than that discussed in promulgated part 70, and whether the approach proposed in this notice would be compatible with the approaches developed by States to date. The EPA also solicits comment regarding whether the approach proposed today provides adequate safeguards to insure that part 71 permit applications do not exclude significant information, especially all information necessary to determine applicability of Act requirements and major source status.

## 2. Cross Referencing Information in the Application

The permitting authority could allow the application to cross-reference