

require some facilities to take costly steps to further control emissions even though those emissions may not result in exposures which could pose an excess individual lifetime cancer risk greater than one in one million, or which exceed thresholds determined to provide an ample margin of safety for protecting public health and the environment from the effects of hazardous air pollutants. We are, therefore, specifically soliciting comment on whether there are further ways to structure the proposed rule to focus on the facilities which pose significant risks and avoid the imposition of high costs on facilities that pose little risk to public health and the environment.

Representatives of the plywood and composite wood products industry provided EPA with descriptions of three mechanisms that they believed could be used to implement more cost-effective reductions in risk. The docket for today's proposed rule contains "white papers" prepared by industry that outline their proposed approaches (see docket number A-98-44, Item # II-D-525). These approaches could be effective in focusing regulatory controls on facilities that pose significant risks and avoiding the imposition of high costs on facilities that pose little risk to public health or the environment, and we are seeking public comment on the utility of each of these approaches with respect to this proposed rule.

One of the approaches, an applicability cutoff for threshold pollutants, would be implemented under the authority of CAA section 112(d)(4); the second approach, subcategorization and delisting, would be implemented under the authority of CAA section 112(c)(1) and (c)(9); and, the third approach, would involve the use of a concentration-based applicability threshold. We are seeking comment on whether these approaches are legally justified and, if so, we ask for information that could be used to support such approaches.

The maximum achievable control technology, or MACT, program outlined in CAA section 112(d) is intended to reduce emissions of HAP through the application of MACT to major sources of toxic air pollutants. Section 112(c)(9) is intended to allow EPA to avoid setting MACT standards for categories or subcategories of sources that pose less than a specified level of risk to public health and the environment. The EPA requests comment on whether the approaches described here appropriately rely on the provisions of CAA section 112. While the approaches focus on assessing the inhalation

exposures of HAP emitted by a source, EPA specifically requests comment on the appropriateness and necessity of extending these approaches to account for non-inhalation exposures or to account for adverse environmental impacts. In addition to the specific requests for comment noted in this section, we are also interested in any information or comment concerning technical limitations, environmental and cost impacts, compliance assurance, legal rationale, and implementation relevant to the identified approaches. We also request comment on appropriate practicable and verifiable methods to ensure that sources' emissions remain below levels that protect public health and the environment. We will evaluate all comments before determining whether either of the three approaches will be included in the final rule.

1. Industry Emissions and Potential Health Effects

For the PCWP source category, six HAP make up about 96 percent of the total organic HAP (*i.e.*, does not include metals that are HAP). Those six HAP are methanol, formaldehyde, acetaldehyde, phenol, acrolein, and propionaldehyde. All HAP are not emitted by all sources. However, all of the 223 major sources emit all six of the predominant HAP, with a few exceptions. Some engineered wood plants do not emit phenol; these plants are major sources but would not be affected by the proposed rule because they have no equipment subject to the proposed rule. Also, several particleboard plants do not emit propionaldehyde; these particleboard plants have dry rotary particle dryers (as opposed to green particle dryers), which are not subject to control requirements. (For more information, see section III.C.3).

In accordance with section 112(k), EPA developed a list of 33 HAP which present the greatest threat to public health in the largest number of urban areas. Some of the PCWP HAP are included on this list for the EPA's Urban Air Toxics Program. These HAP include three of the six most predominant PCWP HAP (acetaldehyde, acrolein, and formaldehyde). Additional urban HAP that may be emitted by PCWP facilities include benzene, carbon tetrachloride, chloroform, and methylene chloride.

In November 1998, EPA published "A Multimedia Strategy for Priority Persistent, Bioaccumulative, and Toxic (PBT) Pollutants." The organic HAP emitted by PCWP facilities do not appear on the published list of PBT compounds referenced in the EPA strategy.

To estimate the potential baseline risks posed by the PCWP source category and the potential impact of applicability cutoffs, EPA performed a "rough" risk assessment for 185 of the 223 facilities in the PCWP source category. The HAP included in the assessment were acetaldehyde, acrolein, benzene, formaldehyde, manganese, methanol, methylene chloride, and phenol. Of these HAP, four are presently not considered to have thresholds for cancer effects: acetaldehyde, benzene, formaldehyde, and methylene chloride.

Of the 185 facilities assessed, 148 facilities were found to pose cancer risks equal to or greater than one in one million to their surrounding population. Forty-six facilities were predicted to pose cancer risks of one in 100,000 or greater, and two PCWP facilities were found to pose cancer risks equal to or greater than one in 10,000.

2. Applicability Cutoffs for Threshold Pollutants Under Section 112(d)(4) of the CAA

The first approach is an "applicability cutoff" for threshold pollutants that is based on EPA's authority under CAA section 112(d)(4) to establish standards for HAP which are "threshold pollutants." A "threshold pollutant" is one for which there is a concentration or dose below which adverse effects are not expected to occur over a lifetime of exposure. For such pollutants, section 112(d)(4) allows EPA to consider the threshold level, with an ample margin of safety, when establishing emission standards. Specifically, section 112(d)(4) allows EPA to establish emission standards that are not based upon the MACT specified under section 112(d)(2) for pollutants for which a health threshold has been established. Such standards may be less stringent than MACT. Historically, EPA has interpreted section 112(d)(4) to allow categories of sources that emit only threshold pollutants to avoid further regulation if those emissions result in ambient levels that do not exceed the threshold, with an ample margin of safety.¹

A different interpretation would allow us to exempt individual facilities within a source category that meet the section 112(d)(4) requirements. There are three potential scenarios under this interpretation of the section 112(d)(4) provision. One scenario would allow an exemption for individual facilities that emit only threshold pollutants and can demonstrate that their emissions of

¹ See 63 FR 18754, 18765-66 (April 15, 1998) (Pulp and Paper Combustion Sources Proposed NESHA).