

normal hours of operation as identified above.

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. Send or deliver information identified as CBI only to the following address: Mr. Jim Eddinger, c/o OAQPS Document Control Officer (Room C404-2), U.S. EPA, Research Triangle Park, 27711, Attention Docket ID No. OAR-2002-0058. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

**Public Hearing.** Persons interested in presenting oral testimony or inquiring

as to whether a hearing is to be held should contact Ms. Kelly Hayes, Combustion Group, Emission Standards Division (C439-01), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone (919) 541-5578 at least 2 days in advance of the public hearing. Persons interested in attending the public hearing must also call Ms. Kelly Hayes to verify the time, date, and location of the hearing.

The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposed rule. If a public hearing is requested and held, EPA will ask clarifying questions during the oral presentation but will not respond to the presentations or comments. Written statements and supporting information will be considered with equivalent weight as any oral statement and supporting information presented at a public hearing, if held.

**Outline.** The information presented in this preamble is organized as follows:

- I. Background Information
  - A. What criteria are used in the development of NESHAP?
  - B. What is the regulatory development background of the source categories in the proposed rule?
  - C. What is the statutory authority for the proposed rule?
  - D. What is the relationship between the proposed rule and other combustion rules?
  - E. What are the health effects of pollutants emitted from industrial/commercial/institutional boilers and process heaters?
- II. Summary of the Proposed Rule
  - A. What source categories and subcategories are affected by the proposed rule?
  - B. What pollutants are emitted?
  - C. What is the affected source?
  - D. Does the proposed rule apply to me?
  - E. What emission limitations and work practice standards must I meet?
  - F. What are the testing and initial compliance requirements?
  - G. What are the continuous compliance requirements?
  - H. What are the notification, recordkeeping and reporting requirements?
- III. Rationale of the Proposed Rule
  - A. How did EPA determine which pollution sources would be regulated under the proposed rule?
  - B. How did EPA select the format for the proposed rule?
  - C. How did EPA determine the proposed emission limitations for existing units?
  - D. How did EPA determine the MACT floor for existing units?
  - E. How did EPA consider beyond-the-floor for existing units?
  - F. Should EPA consider different subcategories for solid fuel boilers and process heaters?
  - G. How did EPA determine the proposed emission limitations for new units?

- H. How did EPA determine the MACT floor for new units?
- I. How did EPA consider beyond-the-floor for new units?
- J. How did EPA determine testing and monitoring requirements for the proposed rule?
- K. How did EPA determine compliance times for the proposed rule?
- L. How did EPA determine the required records and reports for the proposed rule?
- M. How does the proposed rule affect permits?
- N. What alternative provisions are being considered?
- IV. Impacts of the Proposed Rule
  - A. What are the air impacts?
  - B. What are the water and solid waste impacts?
  - C. What are the energy impacts?
  - D. What are the control costs?
  - E. Can we achieve the goals of the proposed rule in a less costly manner?
  - F. What are the economic impacts?
  - G. What are the social costs and benefits of the proposed rule?
- V. Public Participation and Requests for Comment
- VI. Administrative Requirements
  - A. Executive Order 12866, Regulatory Planning and Review
  - B. Executive Order 13132, Federalism
  - C. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments
  - D. Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks
  - E. Unfunded Mandates Reform Act of 1995
  - F. Regulatory Flexibility Act as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*
  - G. Paperwork Reduction Act
  - H. National Technology Transfer and Advancement Act
  - I. Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

## I. Background Information

### A. What Criteria Are Used in the Development of NESHAP?

Section 112 of the CAA requires EPA to promulgate regulations for the control of HAP emissions from each source category listed under section 112(c) of the CAA. The statute requires the regulations to reflect the maximum degree of reductions in emissions of HAP that is achievable taking into consideration the cost of achieving emissions reductions, any nonair quality health and environmental impacts, and energy requirements. This level of control is commonly referred to as MACT. The MACT based regulation can be based on the emissions reductions achievable through application of measures, processes, methods, systems, or techniques