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## I. Background and Public Participation

### A. What is the Source of Authority for Development of NESHAP?

Section 112 of the CAA requires us to list categories and subcategories of major sources and area sources of HAP and to establish NESHAP for the listed source categories and subcategories. Major sources of HAP are those that have the potential to emit greater than 10 tpy of any one HAP or 25 tpy of any combination of HAP. The category of major sources covered by the final rule was listed as Chromium Refractories Production on July 16, 1992 (57 FR 31576).

Section 112(c) of the CAA allows EPA to revise the source category list at any

time. After obtaining information from chromium refractories manufacturing plants that indicated that some facilities were major sources due to HAP emissions from the manufacturing of nonchromium refractories, we decided to expand the scope of the source category to include most manufacturers of refractory products. On November 18, 1999, we revised the source category name from Chromium Refractories Production to Refractories Manufacturing (64 FR 63025) to reflect the broadened scope of the source category. At proposal (67 FR 42108, June 20, 2002), we changed the source category name from Refractories Manufacturing to Refractory Products Manufacturing to further clarify the source category.

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

Section 112 of the CAA requires that we establish NESHAP for the control of HAP from both new and existing major sources. The CAA requires the NESHAP to reflect the maximum degree of reduction in emissions of HAP that is achievable. This level of control is commonly referred to as MACT.

The MACT floor is the minimum control level allowed for NESHAP and is defined under section 112(d)(3) of the CAA. In essence, the MACT floor ensures that the standards are set at a level that assures that all major sources achieve the level of control at least as stringent as that already achieved by the better-controlled and lower-emitting sources in each source category or subcategory. For new sources, the MACT floor cannot be less stringent than the emission control that is achieved in practice by the best-controlled similar source. The MACT standards for existing sources can be less stringent than standards for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources).

In developing MACT, we also consider control options that are more stringent than the floor. We may establish standards more stringent than the floor based on the consideration of the cost of achieving the emissions reductions, any non-air quality health and environmental impacts, and energy requirements.

### C. How Was the Rule Developed?

We proposed the standards for refractory products manufacturing on

June 20, 2002 (67 FR 42108). The public comment period lasted from June 20, 2002 to August 19, 2002. Industry representatives, regulatory agencies, environmental groups, and the general public were given the opportunity to comment on the proposed rule and to provide additional information during the public comment period. We offered at proposal the opportunity for oral presentation of data, views, or arguments concerning the proposed rule at a public hearing. One organization requested a public hearing, but it later withdrew the request, and a hearing was not held.

We received a total of eight public comments on the proposed rule. Comments were submitted by three industry trade associations, two refractory products manufacturing companies, and two other companies. One trade association submitted two sets of comments. The final rule reflects our full consideration of all of the comments received. Major public comments on the proposed rule, along with our responses to those comments, are summarized in this preamble.

## II. Summary of the Final Rule

### A. What Source Category Is Affected by the Final Rule?

Today's final rule applies to the Refractory Products Manufacturing source category. This source category includes, but is not limited to, any facility that manufactures refractory bricks and shapes that are produced using an organic HAP compound, pitch-impregnated refractory products, fired chromium refractory products, and fired clay refractory products. Fired refractory products are those that have undergone thermal processing in a kiln.

### B. What Are the Affected Sources?

Today's final rule establishes emission limitations (emission limits and operating limits) and work practice standards for several types of refractory products manufacturing sources. Table 1 of this preamble lists the affected sources that will be subject to today's final rule.

TABLE 1.—AFFECTED SOURCES FOR THE REFRACTORY PRODUCTS MANUFACTURING RULE

Refractory product type	Affected sources
<b>Sources subject to emission limits:</b>	
Resin-bonded	Existing and new curing ovens and kilns.
Pitch-bonded ..	Existing and new curing ovens and kilns.