

than zero, creating a threshold for carcinogenic effects. It is possible that future evaluations of the carcinogens emitted by this source category would determine that one or more of the carcinogens in the category is a threshold carcinogen or is a carcinogen that exhibits a non-linear dose-response relationship but does not have a threshold.

The dose-response assessment for formaldehyde is currently undergoing revision by EPA. As part of this revision effort, EPA is evaluating formaldehyde as a potential non-linear carcinogen. The revised dose-response assessment will be subject to review by the EPA Science Advisory Board, followed by full consensus review, before adoption into the EPA IRIS. At this time, EPA estimates that the consensus review will be completed by the end of 2003. The revision of the dose-response assessment could affect the potency factor of formaldehyde, as well as its status as a threshold or nonthreshold pollutant. At this time, the outcome is not known. In addition to the current reassessment by EPA, there have been several reassessments of the toxicity and carcinogenicity of formaldehyde in recent years, including work by the World Health Organization and the Canadian Ministry of Health.

The EPA requests comment on how we should consider the state of the science as it relates to the treatment of threshold pollutants when making determinations under CAA section 112(d)(4). In addition, EPA requests comment on whether there is a level of emissions of a non-threshold carcinogenic HAP at which it would be appropriate to allow a facility to use the scenarios discussed under the CAA section 112(d)(4) approach.

If the CAA section 112(d)(4) approach were adopted, the requirements of the rule as proposed would not apply to any source that demonstrates, based on a tiered analysis that includes EPA-approved modeling of the affected source's emissions, that the anticipated HAP exposures do not exceed the specified HI limit.

3. Subcategory Delisting Under Section 112(c)(9)(B) of the CAA

The EPA is authorized to establish categories and subcategories of sources, as appropriate, pursuant to CAA section 112(c)(1), in order to facilitate the development of MACT standards consistent with section 112 of the CAA. Further, section CAA section 112(c)(9)(B) allows EPA to delete a category (or subcategory) from the list of major sources for which MACT standards are to be developed when the

following can be demonstrated: (1) In the case of carcinogenic pollutants, that "no source in the category * * * emits [carcinogenic] air pollutants in quantities which may cause a lifetime risk of cancer greater than one in 1 million to the individual in the population who is most exposed to emissions of such pollutants from the source"; (2) in the case of pollutants that cause adverse noncancer health effects, that "emissions from no source in the category or subcategory * * * exceed a level which is adequate to protect public health with an ample margin of safety"; and (3) in the case of pollutants that cause adverse environmental effects, that "no adverse environmental effect will result from emissions from any source."

One way in which the Agency could use these authorities would be to define a subcategory of facilities within the source category based upon technological differences, such as differences in turbine design characteristics, fuel type, production rate, emission vent flow rates, overall facility size, emissions characteristics, processes, or air pollution control device viability. The EPA requests comment on how we might establish subcategories based on these, or other, source characteristics. If it could then be determined that each source in this technologically-defined subcategory presents a low risk to the surrounding community, the subcategory could then be delisted in accordance with CAA section 112(c)(9). The GTA letter discussed above provides two examples of technological differences that may allow us to create subcategories of stationary combustion turbines. Those subcategories could be delisted if it were demonstrated that they met the requirements of CAA section 112(c)(9).

The GTA letter includes information on the risks created by emissions from lean-premix turbines. We are already proposing a subcategory for lean-premix turbines and in that discussion describe how these turbines are clearly technologically different from other types of stationary combustion turbines. While the GTA letter did not provide sufficient information for us to delist lean-premix turbines at this time, lean-premix turbines are a subcategory that could be delisted if GTA or other commenters provide sufficient information for us to determine that this subcategory satisfies the requirements of CAA section 112(c)(9).

Natural gas fired turbines are another example of a subcategory that might be delisted under this approach. We have created subcategories based on fuel type in other MACT rules and believe that

fuel type could be an appropriate way of subcategorizing stationary combustion turbines or of creating further subdivisions within the subcategories contained in the proposed rule. We are not proposing a subcategory for natural gas fired turbines at this time, although we could create such a subcategory in the future, if appropriate. While the information presented in GTA's letter is not sufficient for us to make this determination at this time, additional information on the emissions and risks from natural gas fired turbines could lead us to delist natural gas fired turbines under this approach.

The EPA requests comment on the concept of identifying technologically-based subcategories that may include only low-risk facilities within the combustion turbine source category and on the specific examples presented above.

Another approach to using the authority granted in CAA section 112(c)(9) is presented in the white paper prepared by representatives of the plywood and composite wood products industry (see docket OAR 2002-0060). The EPA is considering whether it would be possible to establish a subcategory of facilities within the larger source category that would meet the risk-based criteria for delisting. Such criteria would likely include the same requirements as described previously for the second scenario under the CAA section 112(d)(4) approach, whereby a facility would be in the low-risk subcategory if its emissions of threshold pollutants do not result in exposures which exceed the HI limits and if its emissions of nonthreshold pollutants do not exceed a cancer risk level of 10^{-6} . The EPA requests comment on what an appropriate HI limit would be for a determination that a facility be included in the low-risk subcategory.

Since each facility in such a subcategory would be a low-risk facility (*i.e.*, if each met these criteria), the subcategory could be delisted in accordance with CAA section 112(c)(9), thereby limiting the costs and impacts of the proposed MACT rule to only those facilities that do not qualify for subcategorization and delisting.

Facilities seeking to be included in the delisted subcategory would be responsible for providing all data required to determine whether they are eligible for inclusion. Facilities that could not demonstrate that they are eligible to be included in the low-risk subcategory would be subject to MACT and possible future residual risk standards. The EPA solicits comment on