

future. If they exceed the threshold a second time, then the exemption is immediately withdrawn and they must comply with the 95 percent capture and control requirements within 3 years from when they originally exceeded the threshold.

*Comment:* Two commenters requested clarification of several issues related to repair work. They are assuming the proposed rule is intended to cover manufacturing operations only. Repair processes conducted in a manufacturing facility are also covered because they are likely to use the same materials. If the processes conducted are re-manufacturing, refurbishment, repair, or maintenance, it will be considered repair for the final NESHAP. The exception would be if the repair is a part which frequently needs replacement and is made in an assembly-line type process. They also asked that since there is no de-minimums level, if any manufacturing is done, would it be covered? They noted that at some of the commenter's facilities, some minor manufacturing may occur. The repair work that may also be done at the same facility is not related to the manufacturing processes (and would be using different resin and reinforcing materials.) The commenter believes that as the rule is currently written, both the manufacturing and repair operations would be covered. The commenter does not believe that is EPA's intent and asked if we could develop language to correct that.

One commenter stated that definitions of repair and manufacturing should be added to clarify the types of repair and manufacturing covered by the rule. The preamble and rule should be consistent in stating that the facilities that only repair composites are not affected. The commenter also feels that repair operations collocated with unrelated manufacturing operations should not be covered either. In a related comment, several commenters asked that a low-use cutoff be established so that facilities that use small amounts of resin and gel coat are not subject to the rule, especially since those uses may be incidental to a completely different manufacturing operation.

*Response:* The final rule has been written to make explicit what repair operations are and are not covered. Specifically, facilities at which only repair occurs are not covered by the final rule. In addition, repair of previously manufactured reinforced plastic composites unrelated to the reinforced plastic composites manufactured at the facility are also not covered by the final rule. Repair processes on parts that are

manufactured at the same location are covered by the final rule. In addition, we have added a low-use cutoff exemption to the final rule. We reviewed our entire database and determined that we had no data for facilities that use less than 1.2 tpy of resin and gel coat combined. Therefore, we believe that, in the absence of any available data, facilities that use less than 1.2 tpy of resin and gel coat to produce reinforced plastic composite products or components should be exempt from the final rule.

*Comment:* Many commenters requested that the rule incorporate an exemption for R&D facilities, and for R&D operations collocated with manufacturing operations. The materials used in R&D operation may be significantly different from those used in manufacturing.

*Response:* We have written the final rule to exempt R&D facilities and R&D operations. The definition of R&D is the same as contained in section 112(c)(7) of the CAA.

*Comment:* Several commenters stated that they believe the EPA cannot set different standards for small and large businesses based on the size of the business, rather than the size of the source. They believe that because the CAA clearly identifies "major source" by the level of HAP emissions, MACT floors must depend on the average HAP emissions reductions by the best sources without regard to cost factors of business size. They stated that this distinction was unfair because two facilities that emit the same amount of HAP would potentially have different requirements solely on the basis of their ownership. The commenter also believes that EPA did not adequately support the determination that large businesses have better access to capital than small businesses. They stated that this is not necessarily true.

*Response:* Based on the revised cost analysis, we have determined that it is no longer necessary to distinguish between small and large businesses. However, we still believe the use of different thresholds in the proposed rule was appropriate because this distinction only applied to the above-the-floor regulatory option. The CAA specifically states that when we go above the floor, we must consider costs.

*Comment:* One commenter states that the small business threshold of 250 tpy should apply to both existing and new sources. New capital funding to build a new facility would require due diligence on the part of the lending institution. The new facility would have to generate enough cash flow to meet the added debt load. Adding a capture

and control system to the debt load would significantly reduce the cash flow available to pay back the lender's note on a new facility because the capture and control system is a non-value added asset. The lending institution would discern this and deny the loan.

*Response:* For new sources, the proposed (and final standard) is the MACT floor, not an above-the-floor option. We do not have the flexibility to create small and large business distinctions when the standard is set at the MACT floor. Therefore, the final rule for new sources does not incorporate a small and large business distinction.

*Comment:* Several commenters stated that a method to establish percent reduction and HAP emissions factors is needed to foster the development of new products and equipment to serve the affected industry. They recommended that EPA establish a protocol to allow the smooth introduction of equipment, products, and other technologies into the final rule.

*Response:* Allowing facilities to use site-specific HAP emissions factors, and the procedure in the general provisions in 40 CFR part 63, subpart A, that allows facilities to demonstrate equivalent HAP emissions reductions, adequately address the incorporation of new HAP emissions reduction technologies. However, we have added § 63.5798 to the final rule that discusses how to obtain approval for new technologies.

*Comment:* Two commenters requested that EPA change the averaging provisions to allow a facility that changes some processes to non-styrene containing resins to average these resins with the styrene-containing resins to demonstrate compliance.

*Response:* We do not believe it would be appropriate to allow the use of non-styrene containing resins and gel coats to be included in the calculation of compliance. The MACT floors were developed only considering resins and gel coats that contain styrene (and other organic HAP, such as MMA) used at the facilities in our database. We did not consider non-styrene resins and gel coats used at our database facilities. Given the basis for developing the standards, it is inconsistent to allow non-styrene containing resins and gel coats to be used in the compliance calculations. Therefore, we have not added this request to the final rule.

*Comment:* Numerous commenters recommended replacing the point value system with the Composite Manufacturers Association (CMA) UEF