

The proposed rule contained significant accommodations for small businesses where requirements were more stringent than the MACT floor for existing sources. Since these above-the-floor requirements for existing sources have been eliminated in the final rule for all process/product groupings except centrifugal casting and continuous lamination/casting, these accommodations for small business are no longer necessary.

Other accommodations originally included to aid small businesses were extended to all businesses at proposal and have been retained in the final NESHAP.

In the proposed rule, there were different HAP emissions thresholds above which an existing facility had to comply with more stringent above-the-floor requirements of 95 percent capture and control. This threshold was 250 tpy of HAP emissions for small businesses and 100 tpy for large businesses. In the final rule, we have removed the above-the-floor capture and control requirements for existing sources, except for those with centrifugal casting or continuous lamination/casting, and we have established a single threshold of 100 tpy for these existing sources, whether they are small or large businesses. Based on our analysis, setting the threshold at 100 tpy for these sources, rather than retaining the proposed 100 tpy for large businesses and 250 tpy for small businesses, does not result in any additional impacts on small businesses. This is because we have no facilities that emit over 100 tpy, but less than 250 tpy, of HAP from centrifugal casting or continuous lamination/casting processes, and are small businesses.

The reporting and recordkeeping requirements for these small businesses include initial notifications, startup notifications and compliance reports. These requirements were discussed in more detail under the discussion of the Paperwork Reduction Act above. We estimate that 301 existing facilities owned by small businesses will be impacted by these requirements, and 53 new facilities owned by small businesses will be impacted in the first 3 years. The professional skills required to complete these reports include the ability to calculate HAP emissions and resin use and read and follow report format guidance. All facilities impacted by the final rule are predicted to have personnel with the necessary skills because they would need these skills to comply with other regulatory requirements, such as Toxic Release Inventory (TRI) reporting.

Provisions to minimize the reporting and recordkeeping requirements on small business have been incorporated into the final rule. These provisions include allowing the facility to substantiate resin and gel coat HAP contents using MSDS rather than requiring testing of each resin and gel coat; use of resin purchase records to determine resin use; and exemption of facilities that can demonstrate that all their resin and gel coats comply with the required HAP content limits from the requirement to keep records of resin use and calculate HAP emissions factor averages. These provisions have also been extended to all companies subject to today's final NESHAP.

These facilities may also be subject to the NESHAP being developed for plastic parts and products. There should be no duplication of effort as a result of the Reinforced Plastic Composites NESHAP and the Plastic Parts and Products NESHAP being developed because the Reinforced Plastic Composites NESHAP will cover different operations. Facilities subject to the final rule are also subject to HAP emissions estimate reporting under the TRI requirements. In the final rule, we could determine no ways to combine TRI and the reporting requirements of the NESHAP because the objectives and statutory authorities of these requirements are different.

As indicated above, we have incorporated significant alternatives into the final rule to minimize the impact on small businesses but still meet the objectives of the CAA.

As required by section 609(b) of the RFA, EPA conducted outreach to small entities and convened a SBAR panel to review advice and recommendations from representatives of the small entities that potentially would be subject to the proposed rule requirements.

Consistent with RFA/SBREFA requirements, the panel evaluated the assembled materials and small-entity comments on issues related to the elements of the IRFA. A copy of the panel report is included in the docket.

The panel considered numerous regulatory flexibility options in response to concerns raised by the small entity representatives. The major concerns included the affordability and technical feasibility of add-on controls, the resin and gel coat HAP contents required to meet some of the MACT floors, and the regulatory treatment of specialty products.

These are the major panel recommendations and EPA's response in today's final rule:

- Recommend setting higher thresholds for small businesses than

EPA had initially considered for requirements to use add-on controls.

*Response:* In today's action, EPA has removed the requirements for add-on controls for open molding, pultrusion, SMC and BMC manufacturing, and mixing operations at existing sources. We are retaining this above-the-floor requirement for centrifugal casting and continuous lamination/casting operations at existing sources and setting a single threshold of 100 tpy applicable to both small and large businesses. Setting a common threshold at 100 tpy does not increase the impacts on any small business because we identified no small-business owned sources that are impacted as the result of the decision to set a single threshold. Also, the original reason for setting different existing source thresholds for small versus large businesses were the impacts of the capital cost of add-on controls for open molding, pultrusion, SMC and BMC manufacturing, and mixing. Because existing sources that have these operations are no longer subject to any above-the-floor add-on control requirements, the original reason for having the different thresholds no longer exists.

The following recommendations were developed for small businesses, but were extended to both large and small business in the proposed rule and in the final rule.

- Recommend setting the new source floor for small-owned sources at the level of the existing source floor.

*Response:* Today's final rule includes this provision.

- Recommend establishing separate floors for specialty products.

*Response:* Today's final rule includes provisions for special products.

- Explore pollution-prevention alternatives to add-on controls.

*Response:* The EPA did explore this possibility with industry sources. We could not devise a workable pollution-prevention alternative to include in the proposed rule and requested comment. The only comments received on a pollution-prevention alternative were for the pultrusion process/product grouping. In the final rule, we have incorporated a new pollution-prevention technology recommended in the comments as a compliance alternative for pultrusion operations.

- Recommend allowing individual facilities to use the same resin in all resin application processes.

*Response:* Today's final rule includes this provision.

- Reconsider the resin HAP content requirement for tooling resins.

*Response:* We requested additional information on tooling resins