

MACT floor on the best performing 12 percent of 49 facilities rather than 12 percent of 22 facilities.

One commenter stated that section 112(d)(3)(A) of the CAA requires us to use only those facilities "for which the Administrator has emissions information." The commenter believed that this language limited us to considering only the 22 facilities, not the entire group of 49 facilities.

In response to these comments, we reviewed the information that was submitted by the 27 facilities with incomplete data. We also attempted to obtain additional information from some of the facilities. As a result of these efforts, we could not confirm the accuracy of our original assumption that the emission rates for these 27 facilities would fall within the range represented by the facilities with complete data. As a result, we agree with the commenter that a more appropriate basis for the floor determination is the data set for the 22 facilities that submitted complete data. Using information from only those facilities, we recalculated the existing source MACT floor based on the average of the best performing 12 percent of 22 facilities. This calculation reduced the MACT floor from 0.12 kg organic HAP per liter (1.0 lb/gallon (gal)) coating solids used to 0.10 kg organic HAP per liter (0.83 lb/gal) coating solids. In the final rule, the existing source emission limit in § 63.4890 corresponds to the new MACT floor value.

Two commenters also questioned our rejection of above-the-floor options for existing sources. We continue to believe that rejecting above-the-floor options was appropriate for existing sources. However, during our analysis of these comments, we began to further consider how the state-of-the-art for new sources has changed since our initial data gathering efforts. We have always recognized that there are certain coating technologies that may emit no organic HAP (as calculated according to § 63.4941(a)) such as powder coatings and liquid coatings that contain no organic HAP. The industry questionnaire responses that we reviewed in 1998 (representing 1997 data) showed that six facilities used powder coatings exclusively, and they were not used for the MACT floor calculations because they were true area sources. These powder coating facilities produced metal furniture items such as office chairs, dental chairs, commercial and residential lighting fixtures, and indoor and outdoor lighting fixtures. Of these six powder coating facilities, three had coating solids usages within the range represented by the facilities we used to determine the MACT floor (in

other words, had these three facilities used conventional liquid coatings instead of powder coatings, we would expect them to be major sources of HAP emissions and they would have been included in the determination of the MACT floor). We believe these data demonstrate the industry's current ability to exclusively use powder coatings in many situations.

Based on the 1998 questionnaire responses of the 22 facilities that provided complete data, information was provided for 188 individual liquid coatings. Eight of these coatings were reported as containing no organic HAP. In addition, another 48 individual coatings were reported as containing less than 1 percent by mass of organic HAP (typically as a small component of a solvent blend such as aromatic naphtha). We believe that this high percentage of non-HAP (or essentially non-HAP) coatings used by these 22 facilities indicates the coating suppliers' ability to produce and market non-HAP coatings and demonstrates that they are currently in use by the industry.

Over the past 5 years since we sent questionnaires to the metal furniture manufacturing industry, non-HAP coating technologies have undergone continual development. The availability of powder coatings in a wide range of colors has increased, as has the ability to produce various surface finishes and control film thickness. Coating manufacturers have also made significant strides in formulating non-HAP coatings, driven in large part by the requirements of surface coating NESHAP for a wide variety of industries. In addition, we are aware of other coating technologies, such as electrocoating, that have the potential to emit no HAP. Although we are not currently aware of these coating technologies being used in the metal furniture industry, we believe they can be used in certain circumstances and represent viable alternatives for new sources.

We believe the continual development of these non-HAP coating technologies over the past several years has allowed them to gain wider acceptance and use within the metal furniture surface coating industry, such that we now believe they represent in the aggregate the MACT floor for new sources. Considering that new sources have much greater latitude than existing sources to design manufacturing operations and the metal furniture items themselves to accommodate these coating technologies, new sources can more readily take advantage of these coating technologies. Accordingly, we have revised the new source MACT

floor to be no emissions of organic HAP from metal furniture surface coating operations. The emission limit for new sources in § 63.4890 of the final rule reflects this new MACT floor determination.

We also recognize that there may be specialized appearance or functional characteristics that can be produced only with coating technologies employing organic HAP, even for new sources. To accommodate these situations, we added a provision in the final rule that allows a new affected source to demonstrate on a case-by-case basis that organic HAP-free coating technologies cannot be used for their specific products. If we approve such a request, then the source would be required to meet an emission limit of 0.094 kg organic HAP per liter (0.78 lb/gal) coating solids used. This emission limit is the same as the emission limit originally proposed for new sources and would apply only to the specific products for which the determination was made, not all of the metal furniture surface coating operations at the new source.

C. Military Coatings

One commenter expressed concern about metal furniture used in battlefield situations. Such furniture may be coated with chemical agent resistant coatings and other coatings unique to the military. The commenter believed that the emission limits developed for the metal furniture rule did not take into account the needs of the military to sustain metal furniture and other battlefield support equipment and requested that all such coatings be regulated under the proposed NESHAP for miscellaneous metal parts and products, once those standards become final. Upon further analysis, we agree that military coatings used for refurbishment of military equipment may be unique from those used to develop the emission limits as in the proposed metal furniture surface coating rule and require special consideration. However, because so many different products are involved (metal furniture, large appliances, wood furniture, miscellaneous metal parts, fabric coating, and plastic parts), we believe the more appropriate approach is to group all of the products coated with specialized military coatings into their own source category. Thus, we are creating a new source category for the surface coating of refurbished military equipment for this purpose. The final rule for metal furniture includes an exemption for military coatings (see § 63.4881(c)(6) of the final rule) that will