

be included in the newly created source category.

#### *D. Compliance During Periods of Startup, Shutdown, and Malfunction*

One commenter believed that the statement in § 63.4900(a)(2) of the proposed rule that affected sources do not have to comply with the emission limitations during periods of startup, shutdown, and malfunction does not comply with the CAA. This provision is often found in NESHAP in which compliance with the standards is based on the results of a short-term initial performance test and short-term averaging of continuous monitoring results thereafter. In consideration of this comment, we realized that this provision is not appropriate for the surface coating NESHAP when these short-term tests and monitoring results are only one component of a compliance determination that determines emissions over a long period of time, which in this case is a month. For the metal furniture surface coating NESHAP, the source owner or operator will use the performance test and continuous monitoring results in combination with data on coatings and other materials used over a month's period of time. These components will be combined to calculate a monthly organic HAP emission rate. Since there may be many startups and shutdowns of a coating operation over the course of a month as part of normal operation, it is not appropriate to exempt such periods from compliance with the standards. We believe that a month-long compliance period will accommodate potential short-term higher emission rates that might occur due to startup, shutdown, or malfunction, and that the proposed exemption is not necessary or appropriate. Thus, we revised and simplified the general compliance requirements in § 63.4900; we removed the statement that sources must be in compliance except during periods of startup, shutdown, and malfunction. We state in § 63.4900(a) of the final rule that all affected sources must be in compliance with the emission limitations in § 63.4890 at all times. We left in place the requirement for sources using an emission capture system and add-on control device to develop and implement a written startup, shutdown, and malfunction plan according to § 63.6(e)(3).

#### *E. Monitoring*

One commenter believed we inappropriately used the terms "sensitivity" and "tolerance" interchangeably in § 63.4968 of the proposed rule (now § 63.4967 in the

final rule). We agree with the commenter and replaced both terms with the term "accuracy." We also made numerous changes throughout this section to simplify monitoring requirements and maintain consistency with the monitoring requirements in other surface coating NESHAP under development.

#### *F. Title V Operating Permits*

Several commenters had concerns about possible conflicts between reporting requirements under this rule and their approved title V programs. It is important to emphasize that a permitting authority does not have the authority to change the reporting requirements of this rule (such as type of report, content of report, and/or frequency of submission). Reporting requirements under this rule are applicable requirements, and sources must comply with them.

The final rule, consistent with the proposed rule, does however allow an affected source to submit its semiannual compliance report along with, or as part of, its 6-month monitoring report required by 40 CFR part 70 or 40 CFR part 71. See § 63.4920(a)(1)(iv) and (a)(2) of the final rule. As a result of comments, § 63.4920(a)(1)(iv) and (a)(2) of the final rule have been modified to clarify when monitoring reports are required by 40 CFR part 70 or 40 CFR part 71 (every 6 months) and when a 6-month monitoring report must cross-reference a semiannual compliance report. Language was also added to § 63.4920(a)(1)(iv) of the final rule to ensure that a semiannual compliance report is submitted within a reasonable time (30 days) after the end of the semiannual reporting period.

At the request of commenters, §§ 63.4910(c)(2) and 63.4920(a)(3)(ii) of the final rule have been revised to ensure that certifications of truth, accuracy, and completeness for the notifications of compliance status and semiannual compliance reports under this rule are consistent with the certification requirements under 40 CFR part 70 or 40 CFR part 71. Additionally, "of the content" was deleted from both of these paragraphs as a responsible official needs to certify that the entire submittal is complete, not just the content of the report.

It is also important to correct in this final preamble a statement made in subsection B of Section II of the preamble to the proposed rule (67 FR 20206, 20208). In this subsection—"What is the relationship to other rules?"—the following is stated: "Overlapping reporting, recordkeeping, and monitoring requirements may be

resolved through the title V permit process." This statement is overly broad as 40 CFR part 70 and 40 CFR part 71 only address situations where more than one monitoring (including recordkeeping designed to serve as monitoring) or testing requirement applies. Specifically, 40 CFR 70.6(a)(3)(i)(A) and 40 CFR 71.6(a)(3)(i)(A) state in part that "If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions provided the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that are not included in the permit as a result of such streamlining; \* \* \*." There are no provisions in 40 CFR part 70 or 40 CFR part 71, however, which allow for the streamlining of overlapping recordkeeping or reporting requirements, unless the recordkeeping is designed to serve as monitoring as described in 40 CFR 70.6(a)(3)(i)(B) or 40 CFR 71.6(a)(3)(i)(B).

#### *G. Other Changes and Clarifications*

In addition to the changes described above, we note several areas of the proposed rule that warrant rewriting for the final rule, even though commenters did not object to them. They are necessary so that the provisions properly reflect our intent and are consistent with other surface coating NESHAP under development.

The proposed rule allowed the volume fraction of coating solids to be determined by means of a test method or from information provided by the supplier or manufacturer. We realize that there may be certain situations where neither of these options is adequate and added a calculation at § 63.4941(b)(3) for volume fraction of coating solids when the mass fraction and average density of the volatile components of the coating are known.

Section 63.4962 of the proposed rule contained detailed procedures for determining compliance when a source operates under different sets of representative operating conditions. Upon further review of this section, we believe this option is overly complicated and would be difficult to implement in actual practice. Rather than including these detailed compliance procedures in the final rule, we decided on a general statement allowing such a compliance demonstration if you believe a workable and enforceable procedure can be maintained to demonstrate compliance under different sets of representative operating conditions (see § 63.4891(d)(2)