

minimize HAP emissions from energetics and organic peroxides manufacturing.

We did not broadly define energetics to encompass reactive or explosive conditions and the presence of highly flammable gases such as ethylene oxide and hydrogen. Based on past rules, we realize that combustion technology may not be appropriate in these cases, but other control technologies achieving relatively high control efficiencies are available and technically feasible.

Finally, the final rule includes a definition of “energetics” that is based on the definitions suggested by the commenters, and a definition of “organic peroxides” that is taken from 40 CFR 264.1080(d):

*Energetics* means propellants, explosives, and pyrotechnics and include materials listed at 49 CFR 172.101 as Hazard Class I Hazardous Materials, Divisions 1.1 through 1.6.

*Organic peroxides* means organic compounds containing the bivalent -o-o- structure which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

Borrowing from language contained in 40 CFR 264.1080(d), only processes producing “organic peroxides as the predominant products manufactured by the process” and manufacturing “more than one functional family of organic peroxides or multiple organic peroxides within one functional family,” with one or more of these organic peroxides that “could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures” would be eligible for identical treatment as energetics.

*Comment:* One commenter asked for clarification that only solvent recovery operations operating at chemical manufacturing facilities are covered under 40 CFR part 63, subpart FFFF. The commenter also suggested adding a paragraph to the final rule to alert wastewater treatment operators that the final rule might apply to them.

*Response:* We have not included the suggested language because solvent recovery operations are in fact covered by 40 CFR part 63, subpart FFFF, even if they are not located at a chemical manufacturing facility. However, offsite operations that are part of an affected source under another subpart of 40 CFR part 63, such as the Offsite Waste and Recovery Operations NESHAP (subpart DD), are not subject to subpart FFFF, as specified in § 63.2435(b)(3) of the final rule. Secondly, offsite treatment facilities are not affected sources but they may be required to treat

wastewaters according to the provisions in subpart FFFF. Operators will be notified by respective dischargers of their obligation to treat in accordance with § 63.132(g)(1), as referenced in Table 7 to subpart FFFF of part 63.

*Comment:* A number of commenters identified concerns with the “family of materials” concept and requested that EPA either eliminate it or make several changes. Several commenters suggested that the term is inconsistent with the floor determination and the information collection request (ICR), which allowed respondents to group materials but did not require it. One commenter suggested that the family of materials concept would discourage innovative or new and changed products due to constantly changing calculations and control requirements and increased administrative burden associated with tracking families. The commenter also stated that the concept is incompatible with flexible batch processes and could lead to division of products and equipment that are emitting to the same vent or groupings of products located in different buildings. The commenter suggested that grouping be conducted on shared process vents rather than families.

Four of the commenters suggested two key concepts to incorporate into the definition: the need to be able to group together processes with essentially identical emission sources and/or stream characteristics; and the recognition that, under some circumstances, functionality (e.g., end use or product characteristics) may be an appropriate option in lieu of chemical composition. One of the commenters also suggested that we revise the list of examples because the proposed examples appear to be much broader categories of products than what other parts of the definition seem to allow and apply the concept only to batch process units in the same operational area.

One commenter stated that if EPA insisted on regulating equipment based on a “family of materials” concept, it should be limited to batch processes, and the emission threshold from the batch database should be recalculated. Finally, one of the commenters suggested that if EPA does not remove the family of materials concept, EPA must allow facilities to exclude from a family of materials grouping all individual products when the manufacture results in uncontrolled HAP emissions of less than 500 lb/yr for nondedicated batch operations or 100 lb/yr for dedicated batch operations.

*Response:* The concept of “family of materials” is merely a logical grouping

to describe materials that have very similar production and emission stream characteristics such that they can be considered as a single process. The final rule bases its control requirement on the sum of uncontrolled emissions within a process grouping. Only processes with uncontrolled organic HAP emissions of greater than 5 tpy are required to be controlled by 98 percent. Therefore, the definition of process determines what sources are included within a process grouping, which in turn affects applicable requirements and must be clearly specified in the final rule. In the proposed rule, we introduced the term family of materials to describe materials that vary only slightly in molecular structure, functional groups or other characteristics and are produced using procedures that result in essentially identical HAP emission streams from essentially identical emission sources. Our intent in requiring the grouping of these materials is to keep operators from artificially breaking them up into separate “processes” to avoid control requirements. We consider this concept to be important and have retained it in the final rule, with some modifications. Further, from our concept of “standard batch,” we would say that each family of materials has the same “standard batch.”

The standard batch concept was developed to allow owners and operators to identify and characterize emission events associated with a process. Once the emissions from each process are characterized, the owner or operator can merely count the number of batches conducted per year for each process to determine uncontrolled and controlled HAP emissions and compliance requirements. The standard batch concept provides a manageable way to document emissions; processes with the same identical standard batch should be considered the same process.

We agree with the commenters that our proposed definition did not adequately convey the concept of identical emission streams characteristics. We note that as long as groupings are also based on identical HAP emission characteristics, a grouping based on functionality is still compatible with the concept of having only one standard batch per process, which is a cornerstone of our compliance implementation strategy. Therefore, we have incorporated the suggested option so that the final definition requires identical emissions and either similar composition or functionality.

We reject the argument that the database is flawed because we did not require groupings when we surveyed