

operations are similar to emissions during processing and the final rule's emission estimation procedures are suitable for these events. Therefore, they can be included in a standard batch for a given product and can be practically implemented.

Comment: Some commenters are confused about how a process ends with the production of an "isolated intermediate" or product. One commenter stated that a process should end with the production of an isolated intermediate. Subsequent manufacturing operations using the intermediate should be considered part of a different process, and emissions from the operation should be managed separately from the emissions for the isolated intermediate process. A second commenter objected to the language in the proposal preamble that qualified the meaning of "stored" to be long-term storage, or that the material must be shipped offsite. The commenters stated that the term "storage" without qualification as to the length of storage or the purpose of storage is sufficient. A third commenter was concerned that the first sentence stated that an isolated intermediate is a "product," but the second sentence stated that many "isolated intermediates" may be produced in the manufacture of a product; and that to be an isolated intermediate, a material must be stored, but the definition of storage tanks specifically excludes tanks storing isolated intermediates. The commenter stated that the definition needs to define the end of an MCPU where that MCPU produces a material that is not itself a commercial product. Two commenters wanted clarification that the term isolated intermediate refers to an organic material and suggested changing the term to "isolated organic intermediate"; and four commenters suggested that the term be limited to batch processes.

Response: The concept of isolated intermediate is to identify a repeatable sequence of processing events that yield a material that is stable and subsequently stored before it undergoes further processing. The concept was introduced because many chemical processors have the capability to conduct intermediate processing steps in non-sequential order or even to conduct some processing steps offsite. Requiring an operator to consider all processing steps or campaigns that result in a final product may not yield a repeatable standard batch because of the possibility that not all steps would be conducted every time, or that some processing would depend on the availability of equipment and not be

sequential; therefore, we limit the definition of process to the manufacture of an isolated intermediate. The concept that an isolated intermediate must be stored is important in that, if there is no "break" in the processing operations, there is no end of a process. We have, in the final rule, revised the definition of storage tank and process tank. Storage effectively occurs when material is stored and not processed over the course of a batch process. Therefore, we have eliminated the inconsistency regarding storage so that a storage tank can mark the end of a process if it is truly a storage tank and not a process tank, surge control vessel, or bottoms receiver. To limit confusion between listing the various vessel types that could be construed as process tanks, we eliminated the descriptive terms drums, totes, day tanks, and storage tanks.

We have not revised the definition to include the term "organic." Our proposed and final definition clearly indicates that the material must be described by 40 CFR 63.2435(b). We have not limited the term to batch processes because the revised definitions of storage tank, surge control vessel, and bottoms receiver, make this distinction unnecessary. Additionally, we avoided basing any requirements on the differences between batch and continuous "processes" because processes can often contain both batch and continuous operations. Finally, we agree that the term isolated intermediate also is necessary to clarify that a material that is not itself a commercial product can be considered a product of a process.

B. How Did We Change the Compliance Dates?

Comment: Several commenters stated that area sources that become major sources should have 3 years to comply. The commenters indicated that the proposed requirement to comply within 1 year deviates from 40 CFR 63.6(c)(5) of the General Provisions and requirements in other rules, and the proposal preamble provides no justification for the shorter time period. One commenter also noted that there is no difference in the level of effort needed to comply relative to that for a major source.

Response: We agree to reference the General Provisions directly for compliance requirements for an area source that becomes a major source. We consider the 3-year period that the General Provisions allows for areas sources to come into compliance after becoming major sources to be adequate time. The proposed rule was published on April 4, 2002 and the anticipated

compliance date is August 2006. Area sources becoming major sources after the effective date will have 4-plus years to become familiar with the applicability of 40 CFR part 63, subpart FFFF. An area source that becomes a major source between the effective date and the compliance date also has 3 years to come into compliance, except if it adds a new affected source (e.g., a dedicated MCPU with the potential to emit 10 tpy of any one HAP or 25 tpy of combined HAP).

Comment: One commenter operates an offsite treatment facility that could receive wastewater from affected sources under 40 CFR part 63, subpart FFFF. This commenter expressed concern with the requirement that existing sources be in compliance 3 years after the effective date of the final rule because they might not even receive affected wastewater until sometime after the compliance date. Therefore, the commenter suggested adding a new § 63.2445(f) to read as follows: "If you have an offsite treatment operation that receives affected wastewater or residue prior to the effective date of this subpart, then you must comply with the requirements for offsite treatment operations in this subpart no later than the date 3 years after the effective date of the subpart. If you have an offsite treatment operation that receives affected wastewater or residue after the effective date of this subpart, then you must comply with the requirements for offsite treatment operations in this subpart prior to receipt of an affected wastewater or residue."

Response: The proposed rule specified that affected wastewater (i.e., "Group 1" wastewater in the final rule) that is sent offsite for treatment would be subject to § 63.132(g) of the HON. Those provisions require the offsite facility to comply with §§ 63.133 through 63.147 for any Group 1 wastewater that they receive. The commenter was concerned that an offsite treatment facility would be considered to be an existing source and might be unable to demonstrate initial compliance (i.e., implement the design and operational requirements for waste management units and determine the performance of control devices and treatment processes) by the compliance date if the facility is not now receiving Group 1 wastewater and the operators are unaware whether the facility may receive such wastewater at some point in the future.

We did not add the suggested language because the proposed language is clear and already satisfies the commenter's concerns. Although an