

offsite treatment facility will be required to meet the wastewater standards and associated compliance provisions if it accepts wastewater from an affected source, the offsite treatment facility is not an affected source. Therefore, the compliance date specified in § 63.2445 does not apply to an offsite treatment facility. The burden is also on the affected source operators to inform the offsite treatment facility of their intent, determine if the offsite facility is willing to handle the wastewater, and allow the offsite treatment facility time to achieve initial compliance before the first shipment.

C. How Did We Develop the Standards?

Comment: One commenter stated that EPA unlawfully failed to set standards for all HAP emitted by the source category. According to the commenter, examples of HAP for which standards were not set include inorganic HAP such as HCl, HF, Cl₂, potassium compounds; and organic HAP such as maleic and phthalic anhydrides. As support, the commenter referenced *National Lime Association v. EPA*, 233 F.3d 625 (D.C. Cir. 2000). Conversely, other commenters noted that the rule as proposed regulates both inorganic and organic HAP, but they suggested it should regulate inorganic HAP only when generated by the combustion of halogenated organic HAP. Some of these commenters stated that focusing on just organic HAP would be consistent with EPA's CAA section 114 data collection, the corresponding MACT floor analysis, and the approach used in other MACT standards. Two commenters noted that EPA recognized the inherent differences in the physical/chemical nature of inorganic HAP and the different technologies required for their control and specifically excluded inorganic HAP from the MACT floor analysis. The two commenters also stated that other standards, such as the HCl Production MACT, already adequately address inorganic HAP reduction requirements. Should EPA decide to regulate inorganic HAP, two commenters indicated that we should conduct additional MACT floor analyses and then propose separate standards for organic and inorganic HAP.

Response: At proposal, our intent was that all types of gaseous HAP would be subject to the batch and continuous process vent standards. Similarly, the proposed storage tank standards would apply to all gaseous HAP, provided the maximum true vapor pressure for the total HAP in the storage tank exceeded the specified threshold. However, standards for the remaining emission source types are based on the

compounds regulated by the HON, which covered organic HAP only. Standards for transfer operations and equipment leaks would also apply to any individual organic HAP or combination of organic HAP that meet a partial pressure threshold. Wastewater standards would apply only to those organic HAP that have the potential to volatilize from water based on modeling analyses conducted during development of the HON.

In response to the comments, we decided to develop a MACT floor and standards for hydrogen halide and halogen HAP (*i.e.*, HCl, HF, and Cl₂) emissions from process vents that are separate from the analysis for organic HAP emissions. Based on data obtained in responses to the original ICR, this MACT floor was determined to be 99 percent control of hydrogen halide and halogen HAP from the sum of all vents in processes with uncontrolled hydrogen halide and halogen emissions equal to or greater than 1,000 lb/yr. We did not receive any information regarding source reduction techniques for hydrogen halide and halogen HAP. Generally, we would expect that these compounds are emitted as products of reaction, and there may be less opportunity for source reduction from these types of process vent emissions when compared to organic HAP. However, we structured the MACT floor to consider measures of reducing HAP emissions other than add-on control by basing the MACT floor on a percent reduction above some uncontrolled emission value. By default, implementing source reduction measures reduces "uncontrolled emissions." The performance level of 99 percent is the highest control level achievable across the source category and is achieved by about 50 percent of the processes. The primary control devices used in the industry are packed-bed scrubbers. Control efficiencies for hydrogen halides (acid gases) and halogens depend on the solubility of the HAP in the scrubbing liquid, which in turn will vary with the processes that emit them. Control device vendors estimate that removal efficiencies for inorganic gases range from 95 to 99 percent (EPA-CICA Fact Sheet: Packed-Bed/Packed-Tower Scrubber). Therefore, although the reported control efficiencies for some processes were in excess of 99 percent, levels greater than 99 percent may not be uniformly achievable under all operating conditions. The best performing of these sources are those with the lowest uncontrolled emissions from the sum of all vents within the process. Therefore,

we ranked all processes controlling hydrogen halide and halogen emissions to at least 99 percent by their uncontrolled emissions, from lowest to highest. For the best-performing 12 percent of processes, the median uncontrolled emissions rate is 1,000 lb/yr.

In setting the MACT floor for existing sources, we considered whether sources may be using emission reduction techniques other than technological controls for hydrogen halide and halogen HAP to determine whether such techniques might provide the basis for a floor. However, we did not receive any information regarding emission reduction techniques for these HAP in response to our ICR request that sources provide such information. Accordingly, we do not have information indicating that a sufficient percentage of sources are using emission reduction techniques for hydrogen halide and halogen HAP to enable us to set a MACT floor based on such techniques. Generally, we expect that because these HAP are emitted as products of reaction, there may be fewer opportunities to reduce process vent emissions of these HAP than there are opportunities to reduce emissions of organic HAP. (Organic HAP are frequently present in solvents, and solvent use can often be reduced; by contrast, reducing emissions of reaction products is more difficult because fundamental process changes are typically necessary.) Again, however, we do not have any information about the use of emission reduction techniques with which to support a floor determination.

Nevertheless, sources may use the pollution prevention option set out in 40 CFR part 63, subpart FFFF, to meet the 1,000 lb/yr cutoff for process vent emissions of hydrogen halide and halogen HAP and thereby comply with the relevant standards.

For new sources, the MACT floor is the same as for existing sources because reported control efficiencies in excess of 99 percent are not reliable. The final standards for hydrogen halide and halogen HAP emissions from process vents are also based on the MACT floor because the total impacts of a regulatory alternative were determined to be unreasonable.

Based on comments received, we decided to review our available data and develop a MACT floor for HAP metals in the form of PM, which acts as a surrogate for them. Our database shows six facilities emit PM HAP (specifically various metal compounds). One of the six facilities is controlling emissions from three processes with three different control devices, and the lowest control