

efficiency is 97 percent. Since there are only six sources, the MACT floor for existing sources is based on the average performance of the top five sources. Since only one of the top five sources is implementing control, we determined the MACT floor is no emissions reduction. The final standard is based on the MACT floor because the total impacts of a regulatory alternative were determined to be unreasonable.

In setting the MACT floor, we considered whether some facilities may implement emission reduction measures to reduce PM HAP emissions, instead of using control technologies. We requested information on emission reduction measures in our section 114 information request. Of the approximately 40 different process changes reported, however, only one facility reported a process change that could be directly associated with PM emissions, which was described as "removing a hopper and vent." Further, we do not know whether this emission reduction measure was effective in reducing PM HAP emissions. Therefore, because we lack information indicating that a sufficient number of process vents employ such measures to reduce emissions of PM HAP to set a floor, we were unable to set a MACT floor based on emission reduction measures.

The new source MACT floor for PM HAP emissions is based on the control achieved by the best-performing source. As noted above, the best-performing source is routing emission streams from three processes to three different control devices: a baghouse (fabric filter), a spray chamber and a rotoclone. The baghouse (fabric filter) achieves 97 percent control and this level is considered the emission control level that is achieved in practice by the best-controlled similar source, even though the other control devices report higher control efficiencies. Particulate control efficiencies are influenced by factors such as filtration velocity, particle loading, and particle characteristics, which in turn vary depending on the processes that emit them. Variations in stream characteristics make it difficult to conclude that the higher reported control efficiencies for the other control devices could be achieved in practice by all process vents that emit PM HAP. Based on ranking of the sources achieving 97 percent according to each source's lowest uncontrolled PM HAP emission level, the best-performing source is the lowest uncontrolled PM HAP emission level for any of the controlled processes (i.e., 400 lb/yr). Thus, the new source MACT floor for PM HAP emissions from process vents is 97 percent control for each process

with uncontrolled PM HAP emissions greater than or equal to 400 lb/yr.

*Comment:* One commenter stated that we unlawfully exempted emission points from regulation by establishing applicability cutoffs for both new and existing sources. The commenter stated that the rule must apply to all sources as required under the CAA, and, thus, cutoffs are illegal; and for wastewater, transfer operations, and equipment leaks, EPA illegally borrowed cutoffs and MACT floors from other standards. The commenter stated that standards must reflect the actual performance of the best-performing sources in the miscellaneous organic chemical manufacturing category. The commenter objected to 98 percent control levels for the process vent floors because reported control efficiencies for many process vents exceeded 98 percent. Finally, the commenter objected to the use of a work practice standard for equipment leak controls. Conversely, several other commenters suggested that the rule should specify additional thresholds below which a source would be considered to have "insignificant HAP emissions" and be exempt from control.

*Response:* We disagree that every emission point at a major source must be required to reduce emissions. First, section 112(a) of the CAA defines "stationary source" (through reference to section 111(a)) as: "\* \* \* any building, structure, facility, or installation which emits or may emit any air pollutant \* \* \*." (42 U.S.C. §§ 7412(a)(3) and 7411(a)(3)). The General Provisions for the MACT program define the term "affected source" as "the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory for which a section 112(d) standard or other relevant standard is established pursuant to section 112." (40 CFR 63.2). Nothing in the definition of "stationary source" or in the regulatory definition of "affected source" states or implies that each emission point or volume of emissions must be subjected to control requirements in standards promulgated under section 112.

Further, even under the commenter's interpretation of "stationary source," the Agency would still have discretion in regulating individual emission sources. Section 112(d)(1) allows the Administrator to "distinguish among classes, types, and sizes of sources within a category or subcategory in establishing such standards \* \* \*." We interpret this provision for the miscellaneous organic chemical manufacturing NESHAP, as we have for

previous rules, as allowing emission limitations to be established for subcategories of sources based on size or volume of materials processed at the affected source. Under the discretion allowed by the CAA for the Agency to consider "sizes" of sources, we made the determination that certain small-capacity and low-use operations (e.g., "smaller" storage tanks) can be analyzed separately for purposes of identifying the MACT floor and determining whether beyond-the-floor requirements are reasonable. In addition, our MACT floor determinations for certain categories (e.g., process vents), which are set according to section 112(d)(3) of the CAA, reflect the performance levels and "cutoffs" of the best-performing sources for which we had information.

In general, our MACT floor determinations have focused on the best-performing sources in each source category, and they consider add-on control technologies as well as other practices that reduce emissions. As part of our information collection effort, we requested information on emission source reduction measures. We generally did not receive information indicating that, for the emission points covered by 40 CFR part 63, subpart FFFF, sources are currently reducing emissions by means other than control technologies in sufficient numbers to support a MACT floor based on source reduction measures. Accordingly, our standards include a performance level that represents the level achieved by the best control technology, and a cutoff that represents the lowest emission potential that is controlled by the best 12 percent of sources. Because the miscellaneous organic chemical manufacturing source category is broad in terms of the numbers and types of processing operations that are covered, one challenge was to develop a format by which all sources could be compared to each other to establish the best-performing sources. The performance level generally is of the format that can be applied to different types of control technology and processes and is generally consistent with existing rules. Thus, different types of control technology and emission levels resulting from existing rules are captured in our MACT floor analysis. The cutoff allows owners and operators that have reduced their emissions below a certain level using one or more methods, including process changes to reduce or eliminate pollution at the source, to comply without additional control. Both performance levels and cutoffs have been set to account for variations in emission stream