

evaluated a regulatory alternative based on the more comprehensive LDAR program specified in 40 CFR part 63, subpart UU. We determined that this alternative is reasonable for processes that have at least one continuous process vent, but the costs are unreasonable for other processes. Because the regulatory alternative is implementation of a more stringent LDAR program, there are essentially no energy impacts or non-air quality health and environmental impacts associated with the regulatory alternative.

Finally, we did not evaluate a regulatory alternative for transfer operations because the floor is at the most stringent known requirements.

*Comment:* Several commenters recommended referencing the Generic MACT at 40 CFR part 63, subparts SS, UU, and WW, in their entirety to specify all of the initial compliance, monitoring, recordkeeping, and reporting for process vents, transfer operations, storage tanks, closed-vent systems, and equipment leaks. Commenters also recommended referencing §§ 63.132 through 63.149 (and their associated recordkeeping and reporting requirements in §§ 63.151 and 63.152) of the HON for all of the requirements for process wastewater streams and liquid streams in open systems within MCPU, although one commenter recommended referencing the closed-vent system requirements in subpart SS instead of the comparable requirements in the HON. According to the commenters, the piecemeal referencing in the proposed rule was confusing and it expanded some requirements relative to the other subparts and missed some requirements in those subparts, which resulted in inconsistencies. A particular concern was that the proposed approach excluded the use of fuel gas systems and routing emission streams to a process.

*Response:* To simplify and streamline the final rule and minimize the compliance burden, we decided to provide more complete references to the other rules with exceptions and additions only where needed. For example, we modified the hierarchy of compliance applicability in § 63.982(f) of the final rule; we overrode some of the initial compliance procedures in 40 CFR part 63, subpart SS, with the procedures in 40 CFR part 63, subpart GGG, for control devices used to control batch process vents; we retained the vapor balancing alternative in subpart GGG for storage tanks; we have specified different thresholds for Group 1 wastewater streams; we referenced 40 CFR part 63, subpart TT, rather than 40 CFR part 63, subpart UU, for equipment leaks in processes with no continuous

process vents; we have specified periodic verification procedures rather than continuous monitoring for control devices with inlet HAP load less than 1 tpy; we have allowed averaging periods of operating blocks as well as operating days for batch operations; we retained the recordkeeping concept as proposed based on operating scenarios; we retained the precompliance report; and we have specified recordkeeping and reporting requirements for "deviations."

*Comment:* Two commenters requested that sources be allowed to follow the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Consolidated Federal Air Rule (CAR) for continuous process vents, storage tanks, equipment leaks, and transfer operations so that a facility with HON and miscellaneous organic chemical manufacturing processes can comply with a consistent set of requirements. The commenters stated that the maximum use of standardized programs such as the CAR will provide the maximum flexibility to a facility nominally covered by multiple MACT rule requirements. One commenter stated that the American Chemistry Council, EPA, and many other stakeholders developed the CAR as the lowest burden, clearest, and most consistent set of requirements possible for the chemical industry using the HON model and understood that the CAR rule would be a model for future chemical industry rules.

*Response:* The CAR was developed to provide a consolidated set of requirements applicable to storage vessels, process vents, transfer racks, and equipment leaks within the SOCMI. The CAR eliminates the overlapping requirements of numerous new source performance standards (NSPS) and NESHAP for the SOCMI that affect the same processes and equipment. These same requirements have also been codified in the Generic MACT at 40 CFR part 63, subparts SS, UU, and WW. Therefore, a facility with both HON and miscellaneous organic chemical manufacturing processes can essentially comply with the same set of requirements (i.e., the HON processes would use the CAR, and the miscellaneous organic chemical manufacturing processes would follow the Generic MACT). We think that the reference in 40 CFR part 63, subpart FFFF, to the Generic MACT standards already provides the opportunity to consolidate across a facility, and except for equipment leaks, we do not see a benefit to cross-referencing another identical set of standards. We decided to specify in the final rule that you may elect to comply with equipment leak

requirements in the CAR because the CAR is equivalent to or more stringent than the requirements in subpart FFFF.

#### D. Standards for Process Vents

*Comment:* Numerous commenters suggested that we adopt the definition of "batch process vent" from the Polymer and Resins IV NESHAP. The commenters noted that this definition includes an applicability cutoff level of 500 lb/yr. Some of the commenters justified using this cutoff, or a similar mass-based limit, for the miscellaneous organic chemical manufacturing source category because 50 percent of batch process vents in the database emit less than 500 lb/yr and account for only 0.2 percent of total emissions, it would be more enforceable, and it would not be affected by dilution. One commenter suggested adding exemptions for vents used less than 300 hours per year (hr/yr) or emitting less than 1,000 lb/yr because batch processes often have hundreds of minor vents that are used only occasionally or have minimal emissions, and it would be prohibitively expensive to control these vents. Other commenters supported the 50 ppmv minimum control threshold but suggested that the concentration should be based on annual average vent HAP concentrations and emissions averaged over numerous emission episodes. They suggested using the existing annual average batch vent flowrate and annual average batch vent concentration equations found in § 63.1323 of subpart JJJ. Many commenters also requested exclusions for opening of process equipment for material addition, inspection, and for health and safety vents. The commenters indicated that the exclusion for opening equipment is supported by the EPA database because those facilities that reported fugitive emissions from batch operations did not control them. Furthermore, the commenters cited the precedent of the Offsite Waste and Recovery Operations MACT, which relieves operators of the requirement to vent emissions through a closed-vent system during sampling of tank contents and removal of sludges.

*Response:* In general, we agree with the comments relating to adding a mass cutoff comparable to the 50 ppmv concentration limit. The use of a mass cutoff may be simpler than calculating the concentration in some situations, such as where emissions are known, but not the total volume of air in the system or the duration of an emission event (e.g., emissions data developed from a mass balance). Being allowed to exclude vents based on emissions in addition to concentration may simplify the applicability determination procedure