

in some cases. However, we determined that a lower cutoff than the 500 lb/yr is more appropriate. Of the approximately 1,500 process vents with concentrations less than 50 ppmv, the average (mean) mass emission rate is about 235 lb/yr. To establish a mass cutoff in the final rule that corresponds to the 50 ppmv concentration, we rounded this value to 200 lb/yr. If more than one emission episode contributes to a process vent, or if process vents within a process are piped or ducted together, the cutoff applies to the combined total.

The averaging period for determining the concentration was not specified in the proposed process vent definition; however, the proposed rule essentially required emissions to be calculated for each emissions episode. This means the averaging time for a concentration determination is over a single emission episode. The equations found in § 63.1323 of subpart JJJ would divide the total mass per batch by 8,760 hr/yr, which is not our intent. Therefore, we did not revise the definition to be consistent with the definition in subpart JJJ, but we have clarified that the concentration cutoff applies to emission episodes. The mass cutoff discussed above also applies to emission episodes. Thus, if a gas stream from any one episode meets the 50 ppmv cutoff, the process vent is affected.

Streams with less than 50 ppmv were specifically exempted from the vent definition to limit the introduction of dilution gases containing little to no HAP into emission streams as a means of diluting them and exempting them from control. Allowing averaging between streams of less than 50 ppmv with other emission episodes, as the commenters suggested, would effectively allow such dilution.

Therefore, we do not allow averaging across episodes to yield an average concentration for the purposes of determining whether a stream is affected.

We have decided to exempt some emissions releases that result from safety and hygiene practices because it is unlikely that these vents would reach the 50 ppmv concentration level. The exemption also will relieve owners and operators from the burden of demonstrating that they meet the concentration level. Specifically, the definition of "batch process vent" excludes flexible elephant trunk systems that draw ambient air (i.e., systems that are not ducted, piped, or otherwise connected to the unit operations) away from operators that could be exposed to fumes when vessels are opened.

We also note that although equipment openings without the presence of capture hoods and vents were not addressed specifically in the proposed rule, they would be subject to the provisions for certain liquid streams in open systems inside processes. Under these provisions, if the equipment meets the specified design and operating characteristics (e.g., a tank with a capacity greater than 10,000 gal), then routine opening of the equipment would not be allowed. Also, opening events that are not routine and conducted as part of maintenance activities can be addressed in the facility's SSMP. Finally, regarding the commenter's request to exempt emergency vents, the SSMP can be used to address these events as well.

*Comment:* One commenter stated that MACT floors must be based on an average of existing regulatory limits, not on actual emissions data. According to the commenter, using actual emissions data violates section 302(k) of the CAA.

*Response:* We disagree with this comment. Nothing in section 302(k) of the CAA prohibits the use of actual emission data in setting MACT floors. The MACT floor was developed using all available information. The evaluation included, but was not limited to, information about existing regulatory limits. We also collected information from sources in the industry and States during 1997 that was the source of actual emissions data. A CAA section 114 ICR was sent to 194 facilities in the spring of 1997. The facilities which received the ICR were identified from EPA's 1993 toxic release inventory database which included information on facilities in SIC codes 282, 284, 286, 287, 289, or 386. Information on continuous processes came from emissions and permit databases from the following States: Texas, Louisiana, North Carolina, Illinois, Missouri, California, and New Jersey.

*Comment:* One commenter stated that the methodology utilized in determining the MACT floor for batch processes fails to accurately reflect the processes of the adhesives and coatings industry because, to the best of the commenter's knowledge, none of the 11 companies that own all of the sources in the MACT floor analysis makes adhesives. Other commenters noted that air-bearing vents, which cannot safely go to a flare or incinerator, should be considered separately from non-air-bearing vents because it is much harder to obtain high control efficiencies without using a combustion device. One commenter requested that spray dryer operations and post-spray dryer solids handling

systems be excluded from the MCPU because the commenter is unaware of any facilities currently controlling such emission streams, it would be very costly to control such streams, and spray dryers are not specifically discussed in the MACT floor documentation.

*Response:* In the development of our database, we solicited information from a number of industries thought to be representative of this source category. Processing operations such as the synthesis of resins or polymers that are used as bases for adhesives are expected to result in emission sources with characteristics similar to other specialty chemical processes in this source category. Therefore, we expect the emission stream characteristics of the adhesives industry to have similar characteristics as those of other industries covered by this source category and have, therefore, not developed a separate category for this industry.

We disagree with the suggestion to consider air-bearing vents separately from other vents in the development of the MACT floor. Roughly half of the process vents in our batch process vents database have concentrations of 50 ppmv or less. These streams, which include many air-bearing streams from dryers and other sources, were exempt from the definition of process vent in the proposed rule because we recognize that it is not technically or economically feasible to require control of these streams. For process vents containing greater than 50 ppmv HAP, the final rule also allows compliance by meeting an outlet concentration limit as an alternative to a percent reduction standard. This alternative is provided to assist owners and operators in complying with the standards for low concentration streams.

Our process vent database includes spray dryers at two facilities. It also includes over 25 records for "dryers" at other facilities, some of which may pertain to spray dryers. As noted above, our database also includes air-bearing vents, which have characteristics likely to resemble those of emission streams from spray dryers. Therefore, we determined that these emission sources are represented in our database, and that the MACT floor properly sets the level of control for these vent streams.

*Comment:* Various commenters indicated the MACT floor for continuous process vents should be recalculated because of the following perceived problems with the database and analysis: a process vent at the BP Chemicals, Wood River plant (formerly Amoco Petroleum Additives), should be