

wastewater streams that contain soluble HAP unless at least 5 percent of the total soluble HAP is emitted from the waste management units. Commenters were particularly concerned about this issue for the final rule because much more methanol is present in miscellaneous organic chemical manufacturing processes than in processes subject to the HON, particularly because 40 CFR part 63, subpart FFFF, applies to HAP that are used as solvents. Another commenter claimed the available data do not support a floor of HON-equivalent control for streams with HAP concentrations less than 10,000 ppmw.

Response: We considered the request for separate treatment of wastewater containing soluble HAP. We began by reviewing the miscellaneous organic chemical manufacturing wastewater database, and we determined that wastewater containing soluble HAP compounds are generally managed separately from wastewater containing partially soluble HAP compounds in this industry. This separate treatment by the industry justifies the evaluation of separate floors in accordance with the commenter's requests. For the 60 facilities in the miscellaneous organic chemical manufacturing wastewater database, there are a total of 364 records (streams), excluding streams with HAP that are not listed on Table 9 to subpart G of 40 CFR part 63 (the HON), HAP concentrations less than 1,000 ppmw, and HAP concentrations greater than or equal to 1,000,000 ppmw. Of this total, 192 of the streams contain partially soluble or a mixture of partially soluble and soluble HAP, and 172 of the streams contain only soluble HAP. Only 26 streams contain a mixture of soluble and partially soluble HAP.

When we reevaluated the floors separately, we found that for the partially soluble and mixed streams, data show that considerably more than 12 percent of the streams that meet either of the HON cutoff criteria also received treatment consistent with HON treatment requirements (*i.e.*, the best-performing miscellaneous organic chemical manufacturing sources are those that implement HON-equivalent procedures). Of the 53 streams with flowrates greater than 1 lpm and concentrations of partially soluble or mixed streams less than 10,000 ppmw, nine are managed and treated according to HON levels. Therefore, we revised the flow cutoff in the MACT floor from 10 lpm to 1 lpm for streams with concentrations greater than or equal to 1,000 ppmw and less than 10,000 ppmw; the other cutoffs of greater than or equal to 10,000 ppmw at any flowrate for partially soluble and mixed streams

are unchanged. Another 42 streams had flowrates between 0.1 and 1.0, but only one was controlled. Therefore, we concluded that a sufficient number of streams below the cutoffs were not controlled to support a no emissions reduction floor determination.

We also identified a MACT floor for the 172 wastewater streams at 33 facilities that contain only soluble HAP. We ranked the 33 facilities based on the lowest concentration and flowrate of a wastewater stream that was managed and treated according to the HON requirements. The top five facilities were found to manage and treat all their soluble HAP containing wastewater consistent with the requirements in the HON. The median of the lowest concentrations in wastewater streams at these five facilities was found to be 30,000 ppmw. The lowest soluble HAP load for any stream at the five MACT facilities was 1,663 lb/yr (which we rounded to 1 tpy). Therefore, we determined that the MACT floor consists of the management and treatment requirements in the HON for wastewater streams containing at least 30,000 ppmw of soluble HAP and at least 1 tpy of soluble HAP. Wastewater streams with soluble HAP above these concentration and load cutoffs are considered Group 1 wastewater streams in the final rule. We also evaluated a beyond-the-floor alternative based on controlling streams with mixed HAP at flowrates greater than 0.5 lpm and streams that contain soluble HAP at concentrations greater than 15,000 ppmw. The total impacts of this alternative were determined to be unreasonable. Therefore, we set the standard for existing sources at the MACT floor.

For new sources, we determined the MACT floor for wastewater containing soluble HAP to be a concentration of 4,500 ppmw at the 1 tpy load. The 4,500 ppmw corresponds to the lowest concentration of a stream containing only soluble compounds that was managed and treated in accordance with the HON. The 1 tpy load cutoff was not lowered in going from the existing source standard to the new source standard because this level already represents the lowest load cutoff of any stream at the five MACT facilities and, therefore, represents the performance of the best-controlled similar source.

Comment: Two commenters indicated the proposed rule lacks criteria for evaluating affected wastewater streams from batch process units and specialty chemicals manufacture. One of the commenters suggested revising the rule so that the emission thresholds for wastewater are determined over a

representative batch cycle. To accomplish this, the commenter suggested that the following definitions be added to the rule:

- "Annual average" means the average over a designated 12-month period of actual or anticipated operation of the MCPU generating wastewater, except for units that are flexible operations or part of flexible operations. For flexible operation units, "annual average" means the average for a standard batch that is representative of the designated 12-month period of actual or anticipated operation of the MCPU generating wastewater.

- "Standard batch" means a batch process operated within a range of average or typical operating conditions that are documented in an operating scenario. Emissions from a "standard batch" are based on the production activity or product that result in the highest mass of HAP in the wastewaters generated by the process equipment during the batch cycle.

The second commenter noted that the proposed rule refers to § 63.144(c) for establishing the annual average flowrate for wastewater streams (*i.e.*, total wastewater volume divided by 525,600 minutes in a year). The commenter supported this for continuous process units, but recommended that the rule use criteria from 40 CFR part 63, subpart GGG, for batch process units since the wastewater streams from batch operations may only be operational a few months per year.

Response: The format for applicability is annual average flowrate based on the potential maximum amount of operating hours per year (*i.e.*, 8,760). Although the procedure was developed for continuous processes, it can be applied to batch processes. When multiplied out, the total flow of wastewater equivalent to 1 lpm and 8,760 hr/yr equals 0.14 million gal/yr (530 m³/yr). We recognize that the proposed rule did not contain guidance on how to interpret annual average for batch processes although our definition of wastewater stream described a single wastewater stream as being discarded from an MCPU through a single POD. Our intent with this language was to include all wastewater streams from single processes that were discharged through a single POD as one single wastewater stream. In the HON, annual average concentration is the total mass of compounds listed in Table 9 to subpart G of 40 CFR part 63 that are in the wastewater stream during the designated 12-month period divided by the total mass of the wastewater stream during the 12-month period. There is no separate consideration in the HON for