

floor. A few processes are subject to LDAR programs required by the State of Louisiana, but most other processes subject to LDAR programs are implementing various programs required by the State of Texas or the program in 40 CFR part 60, subpart VV. For this analysis, we considered the Texas programs and the subpart VV program to be essentially equivalent because they all require only sensory monitoring for connectors. These programs also are equivalent to the program in 40 CFR part 63, subpart TT. Only LDAR programs designated as audible/visual/olfactory (e.g., not Method 21 monitoring) were not considered at least equivalent to subpart TT. We found that 236 of the 1,139 processes, or 21 percent, were controlled at least to the subpart TT level. Therefore, we set the floor based on the requirements of 40 CFR part 63, subpart TT.

Based on the revised MACT floor, we conducted an analysis of the cost of going above the floor to the 40 CFR part 63, subpart UU, program. In conducting this analysis, we revised our estimated uncontrolled emissions for our model processes by using the initial leak rates submitted by the industry in their comments. At the leak definitions of 500 ppmv for connectors and valves and 1,000 ppmv for pumps, we calculated leak rates of 0.35 percent for connectors, 6.47 percent for pumps, and 1.66 percent for valves from the data submitted by the industry. We also compared these leak rates and their resulting emission rates to data collected in the development of the Polymers and Resins IV NESHAP and found good agreement. The polymers and resins industry leak rates were 0.61 percent for connectors, 8.71 percent for pumps, and 1.4 to 1.8 percent for valves. To estimate reductions achieved by the LDAR programs, we assumed that the reduction achieved by the subpart UU program would be equal to the emissions estimated at the performance level of the program. We assumed that the subpart TT program would be half as effective as subpart UU for pumps, valves, and connectors, and that the reductions for pressure relief valves, open-ended lines, and sampling connections would be the same under both programs.

We also revised elements in our cost analysis to address commenter concerns. The revised analysis assumes that a facility required to implement an LDAR program will hire a subcontractor based on our understanding that this is the preferred and common alternative over the implementation of an in-house program. The analysis also made use of

revised cost data from the project files of the Polymers and Resins IV NESHAP.

The revised cost analysis shows that for processes with continuous process vents, the cost of the subpart TT program (the MACT floor) is \$3,200/Mg, the cost of the subpart UU program is \$2,800/Mg, and the incremental cost to go beyond the MACT floor to the subpart UU program is \$470/Mg. These costs are considered reasonable. Conversely, for batch processes, the costs of the beyond-the-floor option were determined to be unreasonable. Therefore, we decided to set the standard at the MACT floor for processes with only batch process vents, and we selected the beyond-the-floor option of subpart UU for processes with at least one continuous process vent.

Comment: Several commenters generally supported the pressure testing option in § 63.1036(b) of subpart UU, which requires that new or disturbed equipment be tested for leaks before use. However, the commenters are concerned that § 63.1036(b)(1)(iii) could be interpreted as requiring facilities to conduct leak tests whenever flexible hose connections are changed as part of a reconfiguration to make a different product or intermediate. The commenters stated that these leak tests would be burdensome because (1) changing flexible hoses to make different products may occur as frequently as daily or weekly, which would substantially increase the cost of conducting LDAR programs and take away from operating time, resulting in lost production and sales; (2) more frequent leak tests would also result in more emissions because the equipment must be purged to conduct the tests; and (3) flexible hoses that have been water tested would often have to be flushed with solvent prior to startup, which would add more turn-around time and increase waste generation. According to one commenter, connecting flexible hoses in different configurations is the type of "routine" seal breaks that were not intended to trigger LDAR pressure testing requirements. Thus, the commenters recommended revising § 63.1036(b)(1)(iii) to exempt all routine seal breaks of flexible hoses from LDAR requirements. One commenter also recommended that pressure testing be allowed as an option for sources that comply with the requirements in 40 CFR part 63, subpart TT.

Response: We agree with the commenters that pressure testing each time process equipment is reconfigured only by changing flexible hose connections at a transfer station is excessively burdensome and likely to lead to more emissions than it prevents.

Therefore, the pressure test option in the final rule allows this type of routine disturbance without the requirement to conduct a new pressure test. Since the final rule allows compliance with the requirements of 40 CFR part 63, subpart UU, as an alternative to the requirements of 40 CFR part 63, subpart TT, an owner or operator may comply with the pressure testing option in subpart UU as an alternative to the requirements of subpart TT.

H. Standards for Transfer Racks

Comment: One commenter indicated the MACT floor for transfer racks was established incorrectly and stated that we have no section 114 ICR data to support the transfer racks MACT floor because this information was not requested for the miscellaneous organic chemical manufacturing source category. The commenter indicated that using transfer rack data from HON sources or Organic Liquid Distribution (OLD) NESHAP sources is not appropriate for the miscellaneous organic chemical manufacturing source category, even if it does streamline the compliance process. The commenter noted that the Group 1 requirements of subpart G of the HON apply to a different source category manufacturing different chemicals in continuous, generally high-volume processes. The commenter claimed we made a "leap of faith" in assuming that the emission and control data for one source category are appropriate to another totally distinct category. The commenter could find no documentation indicating that subpart G continuous process load rates and vapor pressure cutoffs are applicable to batch subpart FFFF facilities. The commenter argued that setting a MACT floor using "existing available data" from a different source category is inconsistent with CAA requirements and requested that an actual transfer rack MACT floor determination be made prior to establishing the subpart FFFF control requirements.

Response: The MACT floor was based on the HON requirements. We did not have any specific data from our source category, but we relied on information that many of the facilities in this source category are co-located with facilities subject to the HON. The commenter objected to our assumptions because the HON applies to continuous, high volume production processes. Although subpart FFFF applies to many processes, batch specialty chemicals are a major component of the source category, and we agree that individual products are typically manufactured in lesser volumes than typical products in the HON source category. However, we