

note that transfer operations, which by definition consist of the loading racks for tank trucks and rail cars, are more specific to the size and type of vessel being loaded than the process that generates the products.

These tank trucks and rail cars are standard in size and configuration so that the same tank trucks and rail cars would be expected to carry material from either source category. Further, pumps, loading arms, and vapor collection and control equipment are not as much dependent on the process that generates the materials as the products themselves which are composed of either pure HAP or solutions containing significant amounts of HAP.

Our data indicate that 60 percent of the facilities that contain miscellaneous organic chemical manufacturing processes also contain processes subject to the HON. Additionally, we would expect that transfer racks located at these facilities would be used to load materials from both HON and miscellaneous organic chemical manufacturing processes. Therefore, we consider it reasonable to assume a MACT floor based on the requirements of the HON.

The HON standards were established based on the lowest yearly loading rates that are controlled in the source category. Because the HON source category manufactures at typically higher volume production than what would typically be expected in the miscellaneous organic chemical manufacturing source category, and control requirements are based on the rack weighted average partial pressure of HAP, it offers a conservative approach to the MACT floor when applied to the batch specialty chemical industry. Therefore, only transfer racks that load miscellaneous organic chemical manufacturing products containing significant amounts of HAP are affected by the control requirements.

#### *I. Pollution Prevention*

*Comment:* Three commenters stated that the pollution prevention (P2) option should be broadened to allow more nondedicated batch operations or groups of nondedicated batch operations to use P2 for compliance. The commenters maintained that calculating and tracking HAP factors for individual nondedicated processes would not be viable for small operations. One commenter was concerned that only dedicated solvent recovery operations may be included in a P2 demonstration; nondedicated solvent recovery operations may not be considered in conjunction with the

processes for which they recover solvents for the P2 alternative standard. Similarly, another commenter stated that the proposal is not viable because waste solvents from numerous nondedicated batch processes are collected and refined at a central recovery unit, and § 63.2495(b)(2) of the proposed rule would preclude the merging of nondedicated solvent recovery with other processes. The commenter suggested including all of the operations in the calculation of a HAP consumption factor (including nondedicated recovery operations that receive and recover solvents for the operations). In addition, the commenter suggested that the production rate should exclude isolated intermediates to appropriately reflect the benefits achieved when measures are taken to eliminate isolation of intermediates. Because the boundaries are well defined, the commenter indicated that such an approach would be clearer to implement and enforce. To incorporate this approach, the commenter suggested adding a statement to the rule that says you may comply with the P2 option for multiple processes and associated recovery operations if the Administrator approves your P2 methodology submitted in the precompliance report.

*Response:* After examining the approach suggested by the commenters, we have concerns that it would not be consistent with the goals of P2 and also would not preserve the reductions in HAP consumption that would occur if the P2 alternative were limited to each product. The commenters suggested facilitywide groupings to demonstrate overall reductions in the HAP consumption factors. One of our major concerns stems from the fact that specialty chemical facilities will not manufacture the same products from the baseline years to the contemporaneous period. Under their suggested grouping concept, however, a baseline factor could be developed from a different set of products than those in the contemporaneous period. In this situation, a facility could demonstrate a reduction in the HAP factor by simply not manufacturing products that have high HAP consumption. Although these efforts could result in a net benefit to the environment, they are not considered P2 strategies and, therefore, an owner or operator should not take credit for these changes. Secondly, using the same groupings concept, a manufacturer could effectively reduce the overall usage of HAP in a production process in any given year, but increase the HAP factor for that product and still meet the grouping

target reductions, but not the target reductions on individual product lines. This would effectively allow an owner or operator to comply with a P2 alternative that could increase the inefficiency and waste within a process. Therefore, combining processes or groups of processes as suggested by the commenters is not appropriate, and we have not revised the alternative per the commenter's requests.

We also clarified language regarding merging processing steps conducted offsite to onsite for the purposes of redrawing a process boundary and claiming a reduction in consumption. For example, a solvent recovery step conducted offsite or as part of another process cannot later be moved onsite or to another process and used to claim a reduction in consumption. Such a strategy does not result in true emission reductions, but rather is a result of moving process boundaries.

*Comment:* Several commenters were concerned that the proposed P2 option would not allow for the generation of HAP other than HAP being used in the process. They noted that based on the definition of "consumption" and § 63.2495(b) of the proposed rule, if the HAP used by the process are not the same as those generated in the process, then the generated HAP must meet the otherwise applicable standards. One commenter suggested revising the definition of consumption to include HAP generated in the process, and the other commenters suggested incorporating generated HAP into the calculation of the HAP factor or the target HAP reduction.

*Response:* We do not agree with the suggested changes. The P2 alternative specifies that HAP generated in the process that are not introduced into the process and part of the consumption factor must be controlled per the standard requirements. This restriction is needed to ensure that reductions anticipated from the implementation of the alternative will occur. Consider a situation where the incoming quantity of HAP is considerably less than the amount of HAP generated in the process. Further, suppose the entire quantity of HAP generated in the process is emitted through a process vent (*i.e.*, no waste or wastewater). If the P2 alternative were to allow the quantity of HAP generated to be considered as part of the consumption factor, then the P2 standard could be met by capturing and recovering only 65 percent of the HAP emitted, which may not preserve the reductions we anticipated from the implementation of the standards as written. Therefore, we have not