

simulated test conditions that, at a minimum, contain the highest HAP load of emissions that would be predicted to be vented to the control device based on an emission profile developed by the owner or operator. For example, an owner or operator could arrange to boil off a more volatile compound than those actually used in processes in separate equipment that can be connected to the ductwork upstream of the control device (if the emissions profile shows that this would represent worst-case conditions for the control device) and then test the control device. In this example, the owner or operator would not have to manufacture any unplanned products or generate products that do not meet normal specifications.

Also, when sources test under worst-case conditions, this should eliminate (or at least reduce) the need for any retesting at a later date when conditions change. If a source tested under "normal operating conditions," then any change from these conditions could/should trigger a need to retest the source under the "revised" normal operating conditions. The concept of worst-case conditions allows sources to anticipate potential changes so that only one (initial) test is generally required.

We agree with the commenter's assertion that worst-case conditions for thermal oxidizers may not occur at the highest pollutant loading. One extreme is when inlet concentrations are low (less than 1,000 ppmv). For these inlet conditions, the final rule allows compliance with a 20 ppmv outlet concentration limit instead of requiring 98 percent reduction. For streams with higher concentrations, higher loads are likely associated with higher flowrates. As the flowrate increases, residence time in the combustion chamber decreases, which could reduce performance. Therefore, we require the test at highest load.

*Comment:* One commenter stated that facilities should be able to use the results of compliance testing in one reactor configuration done under another MACT standard for an identical configuration regulated under 40 CFR part 63, subpart FFFF, even if the HAP vent to two separate, yet identical control devices.

*Response:* The final rule does not allow sources to "borrow" test results from one control device and apply those results to another "identical" control device. Factors other than the design of a control device can affect its performance and, therefore, each control device must be tested separately.

*Comment:* One commenter requested that we allow facilities the option of using EPA Method 320 for any initial

compliance option for batch or continuous streams and allow the use of EPA Method 320 for continuous emission monitoring systems (CEMS) that monitor HF, other fluorochlorochemicals, and halogenated compounds in addition to those that monitor HCl.

*Response:* We agree with the commenter that EPA Method 320, Fourier Transform Infrared (FTIR), is an acceptable method to demonstrate compliance for any type of batch or continuous vent stream. Therefore, the final rule includes EPA Method 320 as an option for measuring any of the listed HAP in a vent stream. We note, however, that unless Method 320 has been validated at a "similar source," the tester must validate Method 320 for that application by following the procedures in Section 13 of Method 320. To clarify the requirements for CEMS, § 63.2450(g)(1)(i) of the final rule specifies that a monitoring plan is required for CEMS other than an FTIR meeting Performance Specification (PS) 15 to measure hydrogen halide and halogen HAP, rather than only HCl.

*Comment:* Three commenters requested changes and clarification of the requirements for establishing operating limits. One commenter requested that the requirements be consistent with those in § 63.1334(b)(3) of 40 CFR part 63, subpart JJJ. A second commenter interpreted the proposed language to mean that an average is calculated from the values of the three test runs and then an engineering analysis may be applied to establish an operating limit that accounts for expected process variation. That commenter also requested a description of the process to be used and the timeframe under which the Administrator will conduct the review and approval of operating limits established in accordance with § 63.2470(e)(3)(i) of the proposed rule.

A third commenter took issue with the requirement that the operating parameter(s) be set at the average value measured during the performance test. The commenter noted that other chemical industry regulations allow the measured value to be adjusted based on engineering assessment and claimed that this is critical because performance tests must be run at representative conditions because of process variability, production schedules, and ambient conditions, e.g., a condenser may be tested on a cool day but the outlet temperature for compliance must reflect the hottest day as well.

*Response:* The final rule references the procedures in 40 CFR part 63, subpart SS, for establishing operating limits, except that for control devices

used for batch process vents, § 63.2460(c)(3) specifies additional procedures for setting the limits. Although the provisions differ slightly from what is described by the third commenter in that the performance test must be conducted at worst-case conditions, owners or operators can utilize engineering assessments to develop either a single limit for the entire process or multiple levels for different emission episodes within the process. These requirements ensure that the performance test captures challenging conditions that are not always present because of the variable nature of batch vents. If no Group 1 batch process vents are vented to the control device, then operating limits may be set using the results of the performance test and engineering assessment procedures as specified in subpart SS and consistent with the procedures described by the commenter. For batch process vents, we consider it appropriate that the initial compliance procedures in 40 CFR part 63, subpart FFFF, be consistent with the procedures in 40 CFR part 63, subpart GGG.

The final rule explicitly states in § 63.2460(c)(3) that operating limits based on the results of performance tests supplemented by other information must be reported in the source's precompliance report and approved by the Administrator. However, operating limits based on the average of the three test runs do not require preapproval. The final rule, like the proposed rule, also requires the owner or operator to submit in the precompliance report the test conditions, data, calculations, and other information used to establish operating limits in accordance with § 63.2460(c)(3). The precompliance report will be approved or disapproved within 90 days after receipt by EPA.

*Comment:* Several commenters indicated that the proposed rule did not address situations where a process has both batch and continuous unit operations or cases where batch vents and continuous vents are combined into a common header system. Another commenter suggested that batch vents manifolded together with continuous process vents should be treated as continuous process vents. Two of the commenters suggested that we resolve the issue of combined vent streams by deferring to 40 CFR part 63, subpart SS, for regulation of process vents. One commenter noted that subpart SS contains language at § 63.982(f) that governs how compliance with manifolded vents is determined and requested that this concept also be extended to allow for control devices that control vents subject to more than