

bypass lines are specified in 40 CFR 63.983(a)(3), which are referenced from § 63.2450 of the final rule. The requirement to use flow indicators to identify periods of no flow through control devices is specified in § 63.2460(c)(7) of the final rule. We also note that the final rule allows the use of car seals and lock and key configurations as an alternative to the use of flow indicators in bypass lines. Furthermore, the definition of “flow indicator” in 40 CFR 63.981 does not restrict the type of device that can be used as a flow indicator in a bypass line. However, we have not allowed seal mechanism alternatives in § 63.2460(c)(7) of the final rule because these techniques cannot identify periods of no flow through a control device.

The definition of “flow indicator” in 40 CFR 63.981 is also inadequate for the purposes of § 63.2460(c)(7) of the final rule because it includes any device that only indicates whether the valve position would allow gas flow to be present in the control device. Therefore, the final rule specifies that for the purposes of § 63.2460(c)(7), “flow indicator” means a device which indicates whether gas flow is present in a line. Also note that the required number of flow indicators required by § 63.2460(c)(7) is related to the number of control devices, not the number of batch process vents.

Comment: One commenter claimed that the requirement not to use periods of “no-flow” in data averages is impossible to meet because most regulated streams have many periods of no flow (*i.e.*, more than 25 percent of the time) and, thus, this requirement would force noncompliance with the data availability requirement. The commenter contended that no flow periods are only relevant when flow is the parameter being monitored (*e.g.*, scrubber flow). The commenter noted that, where the parameter being monitored is not flow, then as long as the control device is operating properly (*e.g.*, flare has pilot flame, combustion device is operating at or above its minimum temperature), the rule requirements are met, regardless of flow.

Response: We decided to retain the “no flow” provision in the final rule. This provision is consistent with 40 CFR part 63, subpart GGG. It was added to subpart GGG to ensure that a source would not incur a “deviation” from the operating limits during periods when there are no HAP emissions being routed to the control device. For the same reason, it is applicable to the miscellaneous organic chemical manufacturing source category as well. We also note that periods of no flow are

excluded from the operating hours when calculating the 75 percent data availability requirement and, therefore, excluding these data will not result in non-compliance with the data availability requirements.

L. Recordkeeping and Reporting

Comment: Several commenters suggested moving the necessary recordkeeping elements from the definition of “operating scenario” to a new paragraph in the recordkeeping section (§ 63.2525). In addition, the commenters recommended excluding the following requirements from both the definition and the new recordkeeping section: a description of emission episode durations and a listing of vent-by-vent control levels for every operating scenario. Several commenters also expressed concern with the provision that a change in any of the elements of the definition constitutes a new operating scenario. They considered this provision burdensome because variations in some of the listed information (*e.g.*, a change in calculation and engineering analyses) can be construed as requiring separate operating scenarios even if the variation does not change the applicable requirements. One commenter stated that the manufacture of a new product in existing nondedicated equipment should not trigger a new operating scenario unless the compliance approach is different for the new product than it is for existing products. Furthermore, the commenter stated that reconfiguring equipment in a process or across processes should not in and of itself trigger a new operating scenario, unless it triggers new applicable requirements.

Response: After considering these suggestions, we decided to move the recordkeeping elements from the proposed definition to § 63.2525 of the final rule, but we did not change the recordkeeping elements themselves. We did not exclude the emission episode durations from the list of recordkeeping elements because this is an essential element in the calculation of emissions for events such as a purge or a vacuum operation. Note that if duration is not used in the calculation for a particular emission event or is not necessary in the compliance demonstration, there is no need to include it in the operating scenario. We did not exclude the requirement to specify vent-by-vent control levels because this information is important when batch process vents within a process are controlled to different levels. Also, because continuous process vents are regulated individually, it is important to identify

the actual control level for each vent. If all vents are controlled to the same level, then a simple statement indicating the control level is all that is needed for the operating scenario.

We also clarify in § 63.2525 that records are required of only those elements that are applicable (*i.e.*, the level of detail required for some compliance options will be greater than for others). For example, for compliance with the 20 ppmv outlet concentration standard when worst-case conditions are defined by the conveyance system limitations rather than by the process, it is not necessary to provide emission calculations for vents that are routed to the control device.

Comment: One commenter recommended deleting the requirement to submit as part of the compliance report each new operating scenario operated during the reporting period. Several other commenters asked that we revise the language to specifically require only a listing of the new operating scenarios in the compliance reports. According to one commenter, operating scenarios duplicate title V requirements, which is unnecessary and confusing. Another commenter stated that the requirement to submit each new operating scenario could result in the generation of a significant quantity of information, especially for batch processors who have the potential for hundreds of different operating scenarios. One commenter stated that the requirement to submit operating scenarios as part of the compliance report when there are deviations is unwarranted. According to the commenter, while listing the scenarios under which a source was operating during noncompliance events may be necessary, listing all of the scenarios under which a process unit might be operating is excessive and unnecessary.

Response: The final rule clarifies requirements for documenting and reporting operating scenarios. Our position is that submitting operating scenarios is critical to enforcement of the final rule, as they provide much of the information required to demonstrate compliance. Information in operating scenarios also is the cornerstone of the management of change strategy that was developed to address the constantly changing processing environment associated with batch processors. Although this management of change flexibility is optional at the discretion of the regulatory authority, 40 CFR part 63, subpart FFFF, provides the framework for implementing the strategy. Therefore, the final rule retains the requirement that complete operating scenarios must be submitted.