

specialty batch processing systems, and it would offer no environmental benefit. According to the commenter, frequent, even daily, changes are normal and necessary requirements of such facilities. The commenter stated that facilities should only be required to report changes that result in non-conformance with emission limits or control efficiency requirements, or that cause a process to exceed the 10,000 lb/yr uncontrolled HAP threshold, thereby triggering compliance requirements under subpart FFFF.

Other commenters stated that the proposed notification of process change requirement is too expansive, imposing a reporting burden which totally duplicates title V change requirements. One of these commenters stated that there is no need to submit reports for a process change unless the process change brings about new applicable requirements. According to the commenter, an example of a situation where there would be no need to report is the startup of a new process in an existing MCPU for a new product, or family of products, which emits no HAP; or requires no new or different controls, work practices, or monitoring; and brings about no new applicable requirements. Both commenters noted that any process change that generates a new or modified applicable requirement may be anticipated by the facility and would be reported and/or incorporated in the title V permit. Therefore, according to the two commenters, providing 60-day prior notifications of process changes (e.g., in separate notices or in the semiannual compliance report) would be unnecessary, wasteful, and burdensome. Therefore, the commenters recommended deleting the notification of process change requirement in § 63.2515(f).

*Response:* We disagree with the commenters. These records are needed to document continuous compliance. As stated before, the level of detail associated with information provided in operating scenarios depends on the compliance options and strategy chosen. For example, we provide concepts like standard batches to account for variability that could be introduced into a process without triggering new applicable requirements. Standard batches mean a range of operating conditions can be covered as part of a single operating scenario. Likewise, demonstrating initial compliance under worst-case conditions means information in the notification of compliance status should rarely change. Therefore, we do not agree that the requirements to report process changes are unnecessarily burdensome.

#### *M. Startup, Shutdown, and Malfunction*

*Comment:* Several commenters requested changes to the definition of “startup.” Their primary concern is the statement that excludes the first time equipment is put into operation after a shutdown for maintenance and at the start of a campaign to produce a product that has been produced in the past. One commenter stated that actions to bring a batch campaign online, regardless of whether previous campaigns of that product have been run in the past, to be completely different and more complex than the routine activities conducted between batches within a campaign, and these operations are not always predictable. Another commenter indicated startups should apply after shutdowns for maintenance to avoid safety and environmental issues associated with trying to run controls with air and/or inerts in the system. Finally, one commenter claimed the exclusions are illegal because we did not collect information for periods of SSM.

Several commenters also opposed the exclusions from the definition of “shutdown” for the cessation of a batch process at both the end of a campaign and for routine maintenance. According to one commenter, shutting down a process unit after a campaign involves completely different and more complex procedures than those conducted between batches in a campaign; these operations are not always predictable, and there is no difference between shutting down between campaigns and a maintenance shutdown of a continuous process after a production run.

*Response:* We have considered similar comments on previous rulemakings involving batch processors. Commenters in the past suggested that operating practices for controls used with batch processes are the same as those for controls used with continuous processes and argued for similar provisions. Our response was to provide a definition of startup and shutdown that would consider situations when operators would be unfamiliar with the equipment operation or it might not be possible to follow standard operating procedures. However, we thought that a startup after maintenance, after switching to a product that has been produced in the past, or the startups between batches during a campaign are all routine, normal operating conditions that should result in the same standard batch. Similarly, we considered shutdown at the end of a campaign, between batches, or for planned, preventative maintenance to be normal

operations and resulting in the same standard batch. Our rationale for providing separate requirements for continuous processes was that a startup or shutdown for any reason results in operation under conditions different from the normal steady-state operation, which is not the case for batch operations.

We accept the commenters’ statement that actions to bring a batch campaign on-line, regardless of whether previous campaigns of that product have been run, or after a shutdown for maintenance, could be completely different and more complex than the routine activities conducted between batches within a campaign. This could also be the case, as commenters argue, after cessation of operation for various reasons. Therefore, we are persuaded that when these operations are outside of operations covered by a standard batch (or a nonstandard batch, as described below), that they should be covered by the SSM provisions.

Related to this issue is our concept of nonstandard batch, which describes a situation where operations are conducted outside the range of conditions established by a standard batch or where steps are repeated or deleted that contribute to emissions from the batch and, therefore, must be considered in determining compliance. For example, if QA/QC metrics are not met at a certain step of a process, and a material must be recrystallized or purified to a greater degree than originally prescribed by the standard operating procedure, extended processing steps must be considered. In these instances, owners and operators are required to calculate emissions from the nonstandard batch and verify compliance with the standards. These instances would not be considered part of the SSM provisions because they can be reasonably anticipated. As a result, we have defined the term “nonstandard batch” in the final rule to describe situations that are not standard batches, but also are not malfunctions.

*Comment:* One commenter asserted that SSM provisions in proposed § 63.2490 are unlawful. According to the commenter, allowing sources to avoid enforcement actions merely by demonstrating that they were in compliance with their own SSM plans necessarily allows them to operate in less than continuous compliance even if their deviations were avoidable. The commenter indicated that the CAA makes it clear that sources must be in compliance with emissions standards continuously, except for unavoidable deviations during SSM.