

N. Change Management

Comment: Regarding EPA's solicitation of comments concerning process change management, one commenter suggested relying on the title V constructions for process change management whenever possible. According to the commenter, adding change management provisions to the rule (beyond requiring facilities that change the underlying potential to emit assumptions to comply with the construction and/or operating permit requirements of their permitting authority) could only be justified when a campaign is introduced that changes the underlying evaluation of the worst case for a specific production unit. Otherwise, the commenter argued, any additional change management requirements would just increase the compliance burden on already overworked permitting authorities.

The commenter specifically requested that § 63.2515(f) be modified to exempt from separate reporting any process change that is managed according to regulations and procedures required by a permitting authority under an approved title V program. The commenter requested that facilities that process such a change request through the title V program or incorporate the change into a title V permit should only have to designate in that filing how the change impacts the 40 CFR part 63, subpart FFFF, compliance program at the facility. According to the commenter, this change would significantly decrease the burden on permitting authorities and facilities by requiring the permitting authorities to manage the same issue only once.

Regarding the solicitation of comments about change management being required for facilities complying with the alternate standard, the commenter stated that, for any facility restricting control device emissions to a documented 20 ppmv, the activities occurring before the control device are not able to significantly change the emissions profile to the environment as long as the maximum air flow through the control device does not change.

Response: Our intent in requiring operating scenarios, testing under worst-case conditions, and specification of conditions under which process changes are reported is to provide a framework for managing changes that may be frequent because of the nature of batch specialty chemical processing operations without introducing additional burden on permitting authorities and facilities. We intend, for example, that the standard batch and overall operating scenario cover the

anticipated range of conditions of a process; only in cases where a change is made that would fall outside of the standard batch would a new standard batch and operating scenario be required. However, we consider it inappropriate for the final rule to exempt any process change that is managed according to title V, as one commenter requested. For all practical purposes, 40 CFR part 63, subpart FFFF, specifies the information required to determine applicable requirements for the MACT standards that are incorporated into the title V permits. Finally, the final rule is consistent with the commenter's proposed approach to managing change for a process in which a control device is tested under worst-case conditions using limitations of the capture and conveyance system. The operating scenario in this case is simple, and no detailed information on the emission events controlled by the device are necessary. Likewise, if a process change occurred in the process, no new operating scenario is required because the existing operating scenario still applies.

Comment: One commenter made two comments regarding EPA's solicitation of comments on process change management as it relates to title V permits. First, noting that the solicitation of comments specifically referenced the Pharmaceuticals Production MACT, the commenter stated that the consideration under that rule authorizing States to allow facilities to introduce new processes into existing equipment or install stockpiled equipment without reopening title V permits would apply with equal force to 40 CFR part 63, subpart FFFF. The commenter noted that many batch and specialty chemical facilities frequently introduce new processes into existing equipment or install stockpiled equipment. According to the commenter, such facilities need to have the flexibility to respond quickly to the results of their research and development activities and changes in market conditions in a cost-effective manner and without opening a lengthy permitting process. Therefore, the commenter recommended that we provide a discussion of change management for subpart FFFF that is similar to that provided in the preamble to the final Pharmaceuticals Production MACT.

Second, the commenter noted that the Pharmaceuticals Production MACT encouraged States to allow for flexible permitting of facilities and avoid permit revisions where reasonably anticipated alternative operating scenarios can be established in title V permits and

supported with detailed operating logs. The commenter also noted that the pharmaceuticals change strategy authorized new process equipment to be brought into service, without permit modification, where it is either like-kind replacement or existing onsite equipment not in current service. According to the commenter, the miscellaneous organic chemical manufacturing source category would involve the same industry contacts and supporting rationales that we cited in the Pharmaceuticals Production NESHAP. Therefore, the commenter recommended that we include similar provisions in subpart FFFF.

Response: As the commenter noted, the preamble to the final Pharmaceuticals Production NESHAP (63 FR 50309, September 21, 1998) provided a detailed discussion of change management procedures as applied to pharmaceuticals production. We have decided not to include a similar discussion here. Sources subject to 40 CFR part 63, subpart FFFF, may discuss their interest in change management procedures with EPA or the appropriate permitting authority on an individual basis.

O. Overlapping Requirements

Comment: Several commenters requested that the rule include language to address potential overlap between 40 CFR part 63, subpart FFFF, and various 40 CFR part 60 and part 61 rules. Each commenter was concerned with a different group of rules, but collectively they include subparts K, Ka, Kb, VV, DDD, III, NNN, and RRR in part 60 and subparts V, Y, BB, and FF in part 61. Typically, the commenters requested language consistent with language in other rules such as the HON, or language specifying that compliance with subpart FFFF constitutes compliance with an overlapping rule. For vents in an MGPU that contain no HAP but are subject to control under 40 CFR part 60, subparts DDD, III, NNN, and RRR, one commenter requested a provision that would allow facilities to opt to meet the continuous process vent requirements of subpart FFFF in lieu of continuing to comply with the NSPS requirements.

Response: We agree that there is a need to address potential overlap between subpart FFFF and various part 60 and part 61 rules, and we have written the final rule accordingly. In general, the language is consistent with language in previous rules. For example, the final rule includes language consistent with § 63.110(e)(1) for overlap with subpart FF of part 61. To address overlap with subpart BB of part