

61, we included language consistent with language in § 63.110(c) of the HON. We also included language for overlap with subpart DDD of part 60 that is similar to the proposed language for subparts III, NNN, and RRR. In addition, for an MCPU with process vents that contain no HAP, but are subject to control requirements under subpart DDD, III, NNN, or RRR, the final rule also includes the suggestion to allow compliance with the control requirements in subpart FFFF for Group 1 process vents. In each case, the total organic compounds (TOC) must be considered as if they are organic HAP for purposes of compliance with subpart FFFF. For storage tanks subject to both subpart FFFF and 40 CFR part 60, subpart Kb, we decided to keep the proposed language and add another option. The new option in the final rule specifies that if control is required under subpart Kb and the tank is assigned to an MCPU, then compliance with the requirements for Group 1 storage tanks under subpart FFFF constitutes compliance with subpart Kb. Since the compliance requirements of 40 CFR part 61, subpart Y, are similar to the requirements in subpart Kb, we have decided to address overlap with subpart Y of part 61 by including language in the final rule that is consistent with the language used to address overlap with subpart Kb. We have not included language to address overlap with subparts K and Ka of part 60 because these rules apply to tanks storing petroleum liquids, which are not included in the miscellaneous organic chemical manufacturing source category. Finally, the final rule specifies that compliance with subpart FFFF constitutes compliance with subpart V in part 61 and subpart VV in part 60; alternatively, if you have an affected source with equipment subject to subpart V in part 61 or subpart VV in part 60, you may elect to comply solely with either subpart FFFF or the other applicable rule.

*Comment:* Commenters stated that the proposed applicability provisions and definitions do not go far enough to prevent multipurpose equipment from being subject to more than one MACT standard. Commenters suggested exempting all operations subject to another part 63 rule; designating subpart FFFF as the single applicable rule, or allowing facilities to pick any one of the applicable MACT rules; and using "primary product" and process unit group (PUG) concepts for clarifying applicability.

*Response:* We recognize that 40 CFR part 63, subpart FFFF, will affect manufacturers of specialty chemicals

and other products whose multipurpose production processes are subject to other MACT standards, creating situations where there are overlapping requirements. The challenge is how to consolidate overlapping requirements and still maintain the MACT reductions anticipated from each of the various standards. Many MACT standards that regulate specialty chemicals, pesticide active ingredients (PAI), SOCMIs, and polymers and resins have specific language relating to overlap. The predominant method of addressing possible overlap is by designating a primary product and requiring compliance with the final rule that applies to the primary product at all times when the flexible process unit is operating. The presumption is that the equipment should be regulated according to the standard that effectively applies for a majority of products produced.

After considering the provisions in previous rules, we decided to include in the final rule a provision that is essentially the same as in the PAI rule. This provision is based on developing a PUG from a collection of multipurpose equipment, determining the primary product for the PUG, and, generally, complying with the rule that applies to the primary product for all process units within the PUG. If the primary product is determined to be miscellaneous organic chemical manufacturing materials, then you must comply with subpart FFFF for all process units in the PUG. If the primary product is determined to be pharmaceutical products or PAI, then you must comply with 40 CFR part 63, subpart GGG or subpart MMM, respectively, for all MCPU in the PUG. Although we consider it unlikely, it is possible that the primary product of a PUG, as determined according to the procedures in subpart FFFF, could be material subject to another MACT rule such as 40 CFR part 63, subpart JJJ, even though it was not determined to be the primary product according to the procedures in subpart JJJ (*i.e.*, the PUG is a flexible operation unit under subpart JJJ). In this case, subpart FFFF only requires compliance with subpart FFFF for the MCPU in the PUG.

The PUG concept also overrides certain applicability provisions in other overlapping standards. For example, if the primary product of a PUG that is also a flexible operation unit for the purposes of subpart JJJ is determined to be an miscellaneous organic chemical manufacturing product, then the redetermination procedures for nonaffected units in subpart JJJ no longer apply. Another example is that

subpart GGG no longer applies to pharmaceutical process units in a PUG for which the primary product is determined to be miscellaneous organic chemical manufacturing material. Similarly, if the primary product of a PUG is miscellaneous organic chemical manufacturing material, then any PAI process units in the PUG that previously were required to comply with subpart MMM now must comply with subpart FFFF.

A slight difference exists between the PUG language in the PAI rule and this current PUG language. In the PAI rule, each process unit in the PUG must have some processing equipment that overlaps with at least one other PAI process unit in the group. For subpart FFFF, this restriction has been revised to require only that each process unit must have processing equipment that overlaps with any other process unit (of any kind) in the group. This language allows greater flexibility in setting the boundaries of the PUG and potentially increases the number of operations considered as part of a PUG, extending the potential for consolidation of overlapping requirements and enabling all the operations considered part of a flexible unit operation in earlier MACT standards to fall into the same PUG. Since the change also creates the possibility that PUG developed under subparts MMM and FFFF would not be identical, subpart FFFF specifies that an owner or operator may use a PUG developed under subpart MMM rather than developing a PUG under subpart FFFF.

*Comment:* One commenter stated that the final rule should specify a date in the future where the MACT standard for a particular equipment configuration is "set" to avoid having to redetermine applicability as processes and equipment change.

*Response:* Previous part 63 rules require a prospective review of the 5 year period from the compliance date to predict the primary product and, with the exception of the HON, a subsequent periodic redetermination ranging from every year to every 5 years, or upon permanent cessation of the primary product production. We recognize that redetermination is a burden in that it may require changing control strategies to comply with a different rule if the primary product changes. To minimize any burden associated with such changes, the final rule requires a redetermination only if the PUG stops manufacturing the primary product. As with the initial determination, the redetermination is based on a 5-year projection of production. After redetermination, the PUG becomes