

change to another option for meeting the applicable emission limit.

**Other Reports.** You are required to submit reports for periods of SSM of the capture system and control device. If the procedures you follow during any SSM are inconsistent with your plan, you must report those procedures in immediate reports required by the General Provisions in § 63.10(d)(5)(ii) and in your semiannual reports.

### III. What Are the Significant Comments and Changes Since Proposal?

Refer to the BID ("National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans Background Information for Final Standards—Summary of Public Comments and Responses," August 2003, EPA-453/R-03-009), for EPA's responses to each public comment; available in Docket No. OAR-2003-0005 (formerly Docket No. A-98-41).

#### A. End Coatings—Repair Spray Coatings

**Comment:** Two commenters stated that post-coat repair spray for easy-open ends was not covered by the proposed rule. The commenters stated that the proper classification of repair spray under the proposed NESHAP could be complicated by the various ways in which it is regulated under current State standards for reducing volatile organic compounds. The commenters recommended that EPA establish a specific emission limit for this type of coating, which has the potential for more use in the future because of increasing customer demand for easy-open ends.

**Response:** Using the coatings data and information provided by the commenters, we have added a separate emission limit for repair spray coatings under the end coating subcategory (formerly called end lining) in the final rule. As indicated by the name, repair spray coatings are used to cover breaks in the coating that are caused during the formation of the score in easy-open ends or to provide, after the manufacturing process, an additional protective layer for corrosion resistance. The emission limit in the final rule for repair spray coatings is 2.06 kilograms (kg) HAP/liter solids (17.17 lb HAP/gal solids) for existing affected sources and 0.64 kg HAP/liter solids (5.34 lb HAP/gal solids) for new affected sources. We also included a definition for "repair spray" in the definitions section of the final rule.

#### B. Affected Source Clarification

**Comment:** Some commenters expressed confusion regarding how we

defined "affected source" and "new affected source" in the proposed rule.

**Response:** In § 63.3482(b) of the final rule, an affected source is defined as the collection of all coating operations used for surface coating of metal cans or ends (including decorative tins) or metal crowns or closures. Section 63.3482(c) also states that an affected source is a new affected source if you commenced its construction after January 15, 2003 (proposal date) and the construction is of a completely new metal can surface coating source where previously no metal can surface coating source had existed. Based on the definition of "reconstruction," adding capacity to an existing source with a new coating line would not trigger reconstruction, but replacing an old line with a new line could trigger reconstruction if the cost criteria for replacing equipment are met (meeting or exceeding the cost criteria is more likely for smaller sources). The General Provisions define

"reconstruction" in terms of a "comparable new source." If the existing facility has multiple coating lines as part of its affected source, it is unlikely that adding a single coating line to replace an old one would cost more than 50 percent of the fixed capital cost that would be required to construct a comparable new source.

We have also clarified that the final rule applies to affected sources that use at least 5,700 liters (1,500 gal) of coatings per year. This means that the coating usage limit applies to the entire source rather than to each subcategory.

#### C. Monitoring, Recordkeeping, and Reporting Costs

**Comment:** The main industry trade association disagreed with the estimated costs of the proposed rule. The association estimated that the initial years 1 to 3 industrywide monitoring, recordkeeping, and reporting (MRR) compliance costs would total \$7,068,854, which is \$5,431,678 more than the EPA estimate. Also, it estimated that the average annualized industrywide MRR costs per year for year 4 and beyond would be \$10,674,080, which is \$3,190,207 per year more than EPA's estimate.

**Response:** We have changed the information collection request (ICR) cost estimates for each facility to include recalculated estimates for the amount of time associated with reading, interpreting, and summarizing regulations; rereading the regulation on a continuing basis as questions of interpretation arise during the time facilities are planning and preparing for compliance; securing outside legal and consultant services related to regulatory

review and interpretation; and covering recurrent labor costs for reviewing the regulation.

We have increased the cost estimates for computer equipment and software to include upgrades for larger facilities, as well as initial computer purchases for smaller facilities. The initial estimates included a cost of \$2,000 for the initial purchase for smaller facilities. The final rule includes a cost of computer equipment and software of \$3,500 (per facility) for all facilities.

We have adjusted our monitoring equipment costs for add-on control devices to include installation costs, equipment costs for PTE, and costs for monitoring software. We have updated our monitoring cost estimates to include a total of \$19,500 per facility instead of \$4,000 per facility.

We have included regenerative thermal oxidizer (RTO) operation and maintenance costs because they were inadvertently excluded from the previous calculations. Assuming that operating time will require 30 minutes per shift and equipment maintenance will require 1 hour per week, the overall RTO capital equipment costs increase by \$1.38 million.

The cost estimate as proposed used 1999 labor rates, and the current analysis uses 2001 labor rates for the metal can industry. The costs for labor requirements, computer equipment, monitoring equipment for add-on control devices, installation for the monitoring equipment, and operation and maintenance of recordkeeping and reporting are \$6,823,709 for years 1 through 3 and \$8,367,800 per year for year 4 and beyond.

#### D. Performance Test Costs

**Comment:** One commenter stated that the costs of performance tests were not properly accounted for in the ICR because EPA assumed the costs for performance testing would be amortized over 5 years. The commenter stated the costs of performance tests are more likely to be, on average, \$25,000 per facility which would result in a total industry cost of \$3,050,000, incurred and expended in year 3, compared with EPA's annualized cost estimate for performance tests of \$1,147,000.

**Response:** We estimated the initial cost of performance testing on a control device basis. Therefore, a typical metal can surface coating facility would incur costs of \$38,400 (\$19,200 × 2) because there are an average of two control devices per facility in the database. Our estimated costs remain valid. However, we agree with the commenter that the initial performance testing is most likely to be conducted in the third year after