



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

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OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

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MEMORANDUM

TO: Dockets No. A-90-19 and A-90-23

FROM: Mary Tom Kissell, WCPG *MTK*
Elaine Manning, WCPG *E.M.*
Jan Meyer, CCPG *JSM*

SUBJECT: Summary of and Response to Public Comments Received on the January 20, 2000 Proposed Revisions to the National Emission Standards for Hazardous Air Pollutants: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks

EPA AIR DOCKET

1.0 Introduction

1.1 Purpose

The purpose of this memorandum is to provide a summary of the comments received during the comment period for the January 20, 2000 (65 FR 3169) proposed revisions to the HON and to document EPA's responses to these comments.¹

In general, the comments were supportive of the proposed changes and only suggested minor clarifications. In a few cases, commenters also requested that EPA make corrections to provisions that were not part of the January 20, 2000 proposal. The comment summaries are

¹This proposal consisted of amendments to the definition of the term "process vent," amendments to add procedures for identifying "process vents" in order to ensure consistent interpretation of the term, and revisions to several provisions to the rule to reflect the terminology used in the revised definition. The proposal also included provisions to allow off-site control of process vent emissions and to allow for establishing a new compliance date under certain circumstances. The January 20th proposal also would amend appendix C of part 63 by adding another procedure for use in determining compliance with wastewater treatment requirements. The proposal also included several miscellaneous corrections and clarifications to other provisions of the rule to ensure that the rule is implemented as intended.

organized with the substantive comments on the proposed amendments requiring responses in Section 2.0 and comments considered essentially editorial in nature in Section 3.0. Section 4.0 provides a summary of comments on provisions of the rule that were not included in the January 20, 2000 proposed changes. Attachment A presents an index to commenters on the proposed amendments.

1.2 Background on the HON

On April 22, 1994 (59 FR 19402), and June 6, 1994 (59 FR 29196), the EPA published in the Federal Register the national emission standards for hazardous air pollutants (NESHAP) for the synthetic organic chemical manufacturing industry (SOCMI), and for several other processes subject to the equipment leaks portion of the rule. These regulations were promulgated as subparts F, G, H, and I in 40 CFR part 63, and are commonly referred to as the hazardous organic NESHAP, or the HON. We have published several amendments to clarify various aspects of the rule since the April 22, 1994 Federal Register publication of the rule. See the following Federal Register documents for more information: September 20, 1994 (59 FR 48175); October 24, 1994 (59 FR 53359); October 28, 1994 (59 FR 54131); January 27, 1995 (60 FR 5321); April 10, 1995 (60 FR 18020); April 10, 1995 (60 FR 18026); December 12, 1995 (60 FR 63624); February 29, 1996 (61 FR 7716); June 20, 1996 (61 FR 31435); August 26, 1996 (61 FR 43698); December 5, 1996 (61 FR 64571); January 17, 1997 (62 FR 2721); August 22, 1997 (62 FR 44608); and December 9, 1998 (63 FR 67787).

2.0 Summary of Response to Comments

2.1 Process Vent Definition and Conforming Edits

Comment 1: One commenter (IX-D-3) requested that EPA clarify that process vent provisions apply only to continuous discharges from continuous process units. The discussion of the changes to the definition of batch process vent appeared in Section V- A of the preamble (65 FR 3173). The commenter specifically recommended that the process should be characterized as a continuous process as well as the gas stream continuously discharging. With this suggested revision the text would read:

Our intent with the process vent provision of the rule was to address operations that created continuous gaseous discharges during the operation of the continuous process unit.

Response: The EPA believes that when the discussion on 65 FR 3173 is considered in conjunction with the proposed procedures for identification of process vents in §63.107 the intent for the applicability of the process vent provisions is clear. However, in an effort to understand the basis for the commenter's concern, EPA contacted a representative of the company that submitted this comment to obtain a better understanding of the reason for the comment. The EPA learned that the concern was that the preamble discussion might be interpreted as indicating

that a continuous gas stream created by combining several batch process vents was, potentially, a process vent under the rule. This was not the intent of the statement on 65 FR 3173 and such an interpretation would be inconsistent with the proposed language in §63.107(b). Specifically, in order for a gas stream to be a process vent, it must (among other things) not be a batch process vent and it must originate as a continuous flow from an air oxidation reactor, distillation unit, or other reactor. Consequently, EPA does not believe it is necessary to revise this discussion in the preamble for the final amendments as suggested. Furthermore, EPA is concerned that if we were to revise the preamble discussion as suggested some people might interpret that discussion as a statement that all vents from continuous processes are continuous, which is not always true.

Comment 2: One commenter (IX-G-2 and X-B-2) expressed support of the proposed changes to the definition of process vent, but also expressed a concern that the proposed amendments do not adequately address a unique situation that exists at the commenter's facility. Specifically, one of the commenter's HON-covered facilities has a gas stream that passes through a recovery device and has been characterized as a Group 2 process vent (the "Group 2 gas stream"). This gas stream is part of an approved emissions average and the commenter has installed a control device to create credits by controlling this gas stream to offset debits created elsewhere in the chemical manufacturing process unit (CMPU). The commenter stated that recent changes to the CMPU created a new gas stream that at this time is a Group 1 process vent (the "Group 1 gas stream"). The Group 1 gas stream is combined with the Group 2 gas stream at a point after the recovery device but prior to the inlet to the control device. Consequently, the commenter is concerned that the proposed definition of "process vent" could be read to deem the two physically separate gas streams as a single "process vent." This is because the determination of the location of the "process vent" for the Group 2 gas stream would presumably be "the point of entry into [the] control device." The commenter thought that this would be inconsistent with §63.115(a), with §63.150(g)(2), and with EPA's general intent that the characteristics of these gas streams be determined after the last recovery device and prior to the entrance to a control device.

The commenter (IX-G-2) submitted recommended revisions to the proposed language. Changes to the proposed rule language are indicated by ~~strikeout~~ and underlined text. The commenter recommended revising the definition of "process vent" as follows :

Process vent means:

- (1) If there is neither a recovery device nor a control device, the point of discharge to the atmosphere, or
- (2) If there are one or more recovery devices (regardless of whether the final recovery device is followed by a control device), the point of discharge from the final recovery device, or
- (3) If there is a control device but no recovery device, the inlet to the control device (or, if combined with another gas stream prior to the control device, at a representative point as near as practical to, but before, the point of combination) of a gas stream if the gas stream has the characteristics specified in §63.107(b) through (h) or

meets the criteria specified in §63.107(i). For purposes of §§63.113 through 63.118, all references to the characteristics of a process vent (e.g., flow rate, total HAP concentration, or TRE index value) shall mean the characteristics of the gas stream.

The commenter also recommended that EPA revise §63.107(a) to read:

(a) The owner or operator shall use the criteria specified in this section to determine whether there are any process vents associated with an air oxidation reactor, distillation unit, or reactor that is in a source subject to this subpart. A process vent is :

(1) If there is neither a recovery device nor a control device, the point of discharge to the atmosphere, or

(2) If there are one or more recovery devices (regardless of whether the final recovery device is followed by a control device), the point of discharge from the final recovery device, or

(3) If there is a control device but no recovery device, the inlet to the control device (or, if combined with another gas stream prior to the control device, at a representative point as near as practical to, but before, the point of combination) of a gas stream if the gas stream has the characteristics specified in paragraphs (b) through (h) of this section or meets the criteria specified in paragraph (i) of this section.

The commenter requested that if EPA did not amend the definition as requested, that EPA clarify, in the preamble to the final rule, that the commenter's understanding is correct.

Response: The EPA thoroughly considered the points raised by the commenter and concluded that the commenter's suggested language for the definition of process vent and for §63.107(a) would not be compatible with the intent of the January 20, 2000 proposed amendments. The commenter's suggested changes to the proposed amendments would alter the intended effect by requiring the identification of gas streams upstream of the discharge point and requiring identification of the last recovery device and of any streams combined after this recovery device. This examination would significantly increase the information that must be submitted as part of the operating permit application.

As part of the consideration of this comment, EPA also reexamined the interaction between the proposed changes to the definition of process vent and the emissions averaging provisions in the rule. The EPA agrees with the commenter that there can be situations where the proposed definition of process vent is incompatible with §63.150(g)(2)(i). Specifically, the language in §63.150(g)(2)(i) reflects an assumption that there are no combinations of gas streams after the final recovery device and before any control device. Further, it was also assumed that the gas stream is associated with a specific unit operation or process unit [§63.150(g)(2)(ii)(B)]. For these reasons, EPA concluded that it would be appropriate to retain the designation of a process vent and its characteristics as specified in §63.150(g)(2)(i). Specifically, it was decided that §63.150(g)(2)(i) should indicate that the process vent stream characteristics shall be determined before the gas stream is combined with other gas streams following the last recovery

device. It was also decided that it was necessary to make other edits to §63.150 to ensure that there is no confusion with the definition of process vent and the directions in §63.115 for determining the TRE of the vent stream. Thus, conforming edits were also made to §63.150(a), (g)(2)(iii), (m)(1)(i), and (m)(2)(i).

The changes to §63.150 read as follows:

§63.150 Emissions averaging provisions.

(a) *** Notwithstanding the definition of process vent in §63.101 and the sampling site designation in §63.115(a), for purposes of this section the location of a process vent shall be defined, and the characteristics of its gas stream shall be determined, consistent with paragraph (g)(2)(i) of this section.

(g) ***

(2) Emissions from process vents shall be calculated according to paragraphs (g)(2)(i) through (iii) of this section.

(i) The location of a process vent shall be defined, and the characteristics of its gas stream shall be determined at a point that meets the conditions in either paragraph (g)(2)(i)(A) or (B) of this section and the conditions in paragraphs (g)(2)(i)(C) through (E) of this section.

(A) The point is after the final recovery device (if any recovery devices are present).

(B) If a gas stream included in an emissions average is combined with one or more other gas streams after a final recovery device (if any recovery devices are present), then for each gas stream, the point is at a representative point after any final recovery device and as near as feasible to, but before, the point of combination of the gas streams.

(C) The point is before any control device (for process vents, recovery devices shall not be considered control devices).

(D) The point is before discharge to the atmosphere.

(E) The measurement site for determination of the characteristics of the gas stream was selected using Method 1 or 1A of part 60, appendix A.

(iii) ***

(B) ***

(2) For determining debits from Group 1 process vents, recovery devices shall not be considered control devices and cannot be assigned a percent reduction in calculating $EPV_{iACTUAL}$. The sampling site for measurement of uncontrolled emissions is after the final recovery device. However, as provided in §63.113(a)(3), a Group 1 process vent may add sufficient recovery to raise the TRE index value above 1.0, thereby becoming a Group 2 process vent.

(m) ***

(1) * * *

(i) Determine, consistent with paragraph (g)(2)(i) of this section, whether the process vent is Group 1 or Group 2 according to the procedures in §63.115.

* * * * *

(2) * * *

(i) Determine, consistent with paragraph (g)(2)(i) of this section, the flow rate, organic HAP concentration, and TRE index value using the methods specified in §63.115;

* * * * *

Comment 3: One commenter (IX-G-2) requested that EPA clarify the meaning of the term “process analyzer” as used in §63.107(h)(9). The commenter inquired whether the term included measurement devices such as on-line gas chromatographs and continuous emissions monitors. The commenter indicated that they interpret this provision as covering all gas streams exiting a process analyzer, whether the gas stream represents a sample from within the process (i.e., prior to any recovery and control devices) or a sample after the gas stream has exited a recovery device but prior to entry into a control device (if any). The commenter requested that EPA confirm this understanding in its response to comments or by clarifying the proposed language.

Response: In the proposed language in §63.107(h)(9), the EPA used the term of art “process analyzer” to refer to instruments that are used in the field as opposed to instruments that are used in a laboratory setting. The EPA agrees with the commenter that the term “process analyzer” was intended to refer to measurement devices such as on-line gas chromatographs and other types of devices that measure the composition of gas streams. The use of this term of art was not intended to make a distinction between analyzers used to monitor the composition of a gas stream prior to the last recovery device or following the last recovery device. The EPA did not intend to limit this exemption to analyzers used within the process and to exclude analyzers used on gas streams after discharge from the process. Consequently, EPA has decided to revise the wording of the proposed language in §63.107(h)(9) to refer to “a gas stream exiting an analyzer.”

2.2 Section 63.110, Applicability

Comment: One commenter (IX-G-2) disagreed with the proposed revision to §63.110(a). The commenter thought that the proposed change to use the conjunction “and/or” was not as clear as the current version of the rule which uses only the conjunction “and.” The latter is not only correct, it’s clearer. The commenter recommended that “and/or” be replaced with “and.”

Response: The purpose of this amendment to §63.110(a) is to add in-process equipment subject to §63.149 to the list of emission points subject to the provisions in 40 CFR part 63, subpart G. The EPA agrees with the commenter and has revised this text to read:

(a) This subpart applies to all process vents, storage vessels, transfer racks, wastewater streams, and in-process equipment subject to §63.149 within a source subject to subpart F of this part.

2.3 Wastewater

Comment 1: One commenter (IX-G-1) requested that EPA revise Item 2 of Table 12 to subpart G to refer to either nitrogen flow rate or steam flow rate. The commenter said that this change is necessary in order for the table to apply to all types of strippers that might be used to comply with the treatment requirements of §63.138. The commenter stated that this change should be consistent with EPA's intent.

Response: The EPA does not believe that it would be appropriate to make the requested change to Item 2 in Table 12. The monitoring specified in Table 12 for steam strippers was developed for steam strippers and monitoring just these parameters may not be sufficient to ensure that equivalent performance is achieved by a gas stripper such as a nitrogen stripper. The commenter may request approval of monitoring parameters under §63.143(d) according to the procedures in §63.151(f).

Comment 2: One commenter (IX-D-3) requested that EPA clarify Item 3 in Table 12. The commenter explained that Table 12 could be interpreted to mean that biological treatment units complying with §63.138(f) or §63.139(g) or steam strippers complying with §63.138(d) are the only treatment processes requiring monitoring. Item 3 appears to mean alternative parameters for the treatment process specifically listed in Items 1 and 2. According to recent HON amendments on 4/26/99, corrections were made to cross-references in §63.146(b)(8) by revising "§63.138(b)(1)(iii)(C), (c) (1) (iii) (D), (d), or (e) of this subpart " to "§63.138(b) (1), (c)(1), (d), (e), (f), or (g) of this subpart." Because it is EPA's intent that all treatment processes listed in §63.146(b)(8) should be monitored in some way, then Item 3 in Table 12 should be reworded as shown below.

If using a treatment process other than one for which monitoring requirements are specified above or if you wish to monitor parameters other than those specified above, approval from the Administrator is required in accordance with the requirements specified in §63.151(f).

Response: The EPA agrees with the commenter that Item 3 in Table 12 does not readily communicate that it applies to other treatment processes than those listed in Items 1 and 2 of Table 12. In the final amendments for Table 12, EPA has revised the entry for Item 3 in Table 12 to read:

Other treatment processes or alternative monitoring parameters to those listed in Item 2 of this table. . .

The EPA elected to edit the entry for Item 3 in this manner because there is no reason anyone would need to request approval of alternative parameters for biological treatment units since the rule does not specify the parameters to be monitored and provides that these be established for each unit individually. The EPA believes that the above description should be sufficient to communicate the same concept as the language suggested by the commenter.

Comment 3: One commenter (IX-G-2) noted that the January 20th proposed amendments to Table 20 of subpart G would change the citations at the end of the title to “§§63.133-63.139.” The commenter believes the current version is correct (it refers to §§63.133 - 63.138) and requests that it be maintained.

Response: The EPA agrees that the commenter is correct that the control devices are being used to comply with the control requirements for waste management units subject to the requirements of §§63.133 through 63.138. The intent of the proposed revision was to incorporate the idea that the control devices are subject to §63.139. Upon further review of the titles of tables for the wastewater provisions in subpart G, EPA has decided that the content of the table can be accurately represented by revising the title to read:

Table 20– Wastewater– Periodic Reporting Requirements for Control Devices Subject to §63.139² Used to Comply with §§63.133-63.138.

2.4 Appendix C to part 63

Comment 1: One commenter (IX-D-2) requested that EPA clarify that in some circumstances it is acceptable to interpolate compound concentrations for one or more zones when the Multiple Zone Concentration Measurements (Procedure 5) is used. The commenter explained that the proposed language for Procedure 5 would not allow interpolation because it required “measured representative organic compound concentrations in each zone and the inlet and outlet.” The commenter noted that if a basin is considered as several zones and one of the interior zones is not readily accessible for sampling, that for completing Form XIII, the concentration could be estimated by interpolation of the concentration data for the remaining zones. The commenter stated that this approach is consistent with the instructions provided in the Technical Support Document for the Evaluation of Aerobic Biological Treatment Units with Multiple Mixing Zones.

Response: EPA agrees that under some circumstances it can be acceptable to allow interpolation of compound concentrations in some zones. In the final amendments to appendix C of part 63, EPA has added the following paragraph to section III.E of appendix C to part 63.

²New text is underlined.

Reference 8, Technical Support Document for the Evaluation of Aerobic Biological Treatment Units with Multiple Mixing Zones, is a source for further information concerning how to interpolate the biorates for multiple zones. In units with well-characterized concentration measurements obtained in an initial evaluation of the unit, it may be possible to demonstrate that there is a good correlation of the component concentrations with the locations in the multiple-zone unit. With this good correlation, it may be possible to accurately predict the concentrations in selected zones without actually testing each selected zone. This correlation method may be used for units that have many zones (greater than 5) or where one of the interior zones is not readily accessible for sampling. To use this correlation method of estimating zone concentrations, it is necessary to measure the concentrations in the inlet unit, the exit unit, and sufficient interior units to obtain a correlation of component concentrations with the locations. You cannot use this correlation method of estimating selected zone concentrations if monitoring of each zone is required, or if the accuracy and precision of the correlation is inferior to actual individual sampling error. The accuracy and precision of the correlation may be improved by increasing the number of locations tested. The correlation is typically based on many samples. Because the correlation is based on many samples, it should provide an accurate representation of stable operating system.

Comment 2: One commenter (IX-D-2) requested that EPA remove Line 10 from Form XIII because it is not used in the calculations performed in the form and it does not provide a meaningful verification of data required elsewhere in the form.

Response: The EPA agrees with the commenter that Line 10 is not used in other calculations; however, we do believe the Line 10 calculation has some quality assurance value. Furthermore, the effort to complete Line 10 is trivial because no additional information needs to be collected to complete the calculation. The Line 10 value is obtained by a simple calculation using the numbers on Line 2 and Line 9 of Form XIII. The Line 10 value may be compared to the design residence time and used as a quality assurance check on the inputs of lines 2, 4, 5, and 9. Also, the total residence time, as presented on Line 10, may be a consideration in the identification of the number of zones that should be used in the planning of the data collection program that is necessary for the completion of the remainder of Form XIII. For these reasons, we are not removing this line from Form XIII of Appendix C.

3.0 Editorial Comments - Typographical, Format, and Other Clarifying Changes

The EPA agrees that the following comments are corrections or clarifying changes. The final amendments will reflect these changes. Changes are indicated by the underlined text.

| <u>Section</u> | <u>Explanation</u> | <u>Commenter</u> |
|-----------------------------------|--|------------------|
| §63.113(e)/ Clarification | Recommend that the following changes be made to clarify this paragraph: "The owner or operator of a Group 2 process vent with a TRE index value greater than 4.0 shall maintain a TRE index value greater than 4.0, comply with the provisions for calculation of a TRE index value in §63.115 and the reporting and recordkeeping provisions in §63.117(b), §63.118(c) and §63.118(h), and is not subject to monitoring or any other provisions of §§63.114 through 63.118." | IX-G-2 |
| §63.113(i)(2)/ Clarification | The last sentence of the citation indicates that records are retained by the transferee in accordance with §63.10(b), which is not a General Provision applicable to Subpart F, G, and H. The appropriate reference is probably §63.103(c). | IX-D-3 |
| §63.115(f)(1)/ Clarification | The owner or operator may determine the characteristics (flow rate, total organic HAP concentration, and TRE index value) for each HON stream, or combination of HON streams, at a representative point as near as practical to, but before, the point at which it is combined with <u>one or more</u> non-HON streams. | IX-G-2 |
| §63.115(f)(2)/ Clarification | *** Except as specified in paragraph (f)(3) of this section, if none of the HON streams, or combinations of HON streams, when determined at the location specified in paragraph (f)(1) of this section, has the characteristics associated with a Group 1 process vent, the combined vent stream is a Group 2 process vent regardless of the TRE index value determined at the location specified in §63.115(a). *** | IX-G-2 |
| §63.138(i)(2)(iii)/ Correction | *** A wastewater stream, either untreated or partially treated, where the mass flow rate has been calculated following the procedures in paragraph (i)(2)(i)(A) of this section, <u>is</u> exempt from the requirements of §§63.133 through 63.137. | IX-G-2 |
| §63.147(b)(8)/Typo | In the last statement for this citation, "in the Notice of Compliance Status Report" should be deleted. This appears to be unintentional wording at the end of the sentence. | IX-D-3 |

4.0 Comments Outside the Scope of the Proposed Rulemaking

The following comments are beyond the scope of the January 20, 2000 proposal. As EPA neither proposed language changes nor solicited comment on these issues, the Agency is not required to address these comments in this final rulemaking. However, EPA has decided to

discuss these comments in order to provide further guidance on the issues raised by the comments. The EPA notes that any corrections or clarifications to the rule that might be suggested by these comments will not be addressed in this rulemaking. The EPA will consider in the future whether it is necessary to revise the rule to clarify any of these provisions in the rule.

Comment 1: One commenter (IX-D-1) requested that EPA clarify whether an owner or operator with a chemical manufacturing process unit with equipment that is also subject to the new source performance standards (NSPS) for air oxidation reactors, distillation operations, or reactor processes (40 CFR 60, subparts III, NNN, and RRR) can elect to comply exclusively with the HON requirements for process vents. The commenter requested this clarification because the HON definition of a process vent excludes gas streams going to fuel gas systems, but the NSPS rules do not include this exception. The commenter (IX-D-1) believed that EPA's intent is to simplify and streamline requirements that apply to the same equipment and thus, it would be appropriate to extend this exception to the gas streams subject to the NSPS.

Response: The change requested by the commenter would change the applicability of these three NSPS and thus, would require proposal of amendments to the three NSPS subparts. Accordingly, EPA does not think that it is appropriate to make this change through this rulemaking. The EPA wants to point out that the change is also not consistent with the intent of the overlap provisions in §63.110(d). The provisions in §63.110(d) were included in the HON to avoid duplication of monitoring, recordkeeping, and reporting requirements where the same equipment would be subject to substantively the same requirements in multiple rules. The EPA did not, and never intended to, change the applicability of control requirements through these overlap provisions in subpart G. Whether it would be appropriate to revise the applicability of the requirements in NSPS for air oxidation reactors, distillation operations, or reactor processes has to be considered in the context of the intent and objectives of those rules.

Comment 2: One commenter (IX-G-1) requested that EPA clarify what documentation is required when wastewater residuals are sent out of the United States. The commenter stated that foreign entities are not subject to U.S. laws and are not likely to certify that they manage HON residuals in accordance with the requirements of §63.138(k) for treatment of residuals.

Response: The requirements of the rule are the same irrespective of the location of the off-site treater. Subpart G is clear that a facility may not ship this waste to any entity for off-site treatment unless a certification of compliance with the requirements of §§63.132 - 63.147 or §63.102(b) or subpart D of 40 CFR 63 can be made. If the foreign entity can not, or will not provide such certification, then the owner or operator of the HON source may not transfer the waste to them.

For an owner or operator transferring a Group I HON wastewater stream or residual from a Group I wastewater stream, the documentation required in all cases includes:

1. With each shipment or transport, include a notice that the wastewater stream or residual must be treated in accordance with 40 CFR 63, subpart G (§63.132(g)(1)(i)).
2. In the initial compliance report, include a statement of the name and location of the off-site treater and a description of the Group 1 wastewater stream or residual sent to the treatment facility (§63.152(b)(5)).
3. In Periodic reports, report any changes in the identity of the treatment facility or transferee (§63.152(c)(4)(iv)).

Off-site treaters (or on-site third party treaters) must certify to EPA that they accept responsibility for compliance with §§63.132 - 63.147 for any shipment of wastewater or residual covered by the written certification. These written certifications need only be submitted to EPA. The off-site treaters (or on-site third party treaters) must submit the applicable compliance reports and maintain applicable records for their treatment and handling of the wastewater or residuals.

Comment 3: One commenter (IX-D-3) questioned why the wastewater tank provisions do not allow use of the option to have an external floating roof converted to an internal floating roof?

Response: When EPA was developing the wastewater requirements in the HON, EPA was not aware of any wastewater tanks that had been equipped with an external floating roof and had been converted to an internal floating roof. Because no commenter requested that this compliance option also be provided for wastewater tanks, EPA did not include this option in the wastewater provisions. As the commenter did not indicate that there was an actual situation where such a tank is being used to store wastewater subject to the control requirements of the rule, EPA does not see a need at this time to do a separate rulemaking to provide this option.

Comment 4: One commenter (IX-D-3) requested that EPA update monitoring provisions for process vents and transfer operations in a similar manner to the April 26, 1999 corrections that were made to provide the exemption from monitoring requirements in §63.139(d)(4) (iii)-(iv). Those two exemptions from the monitoring requirements for wastewater controls pertain to hazardous waste permitted boilers or process heaters and hazardous waste incinerators. The commenter recommended this change to make these monitoring requirements for process vents and transfer operations consistent with the monitoring requirements for treatment and control of emissions from process wastewater streams.

Response: The EPA agrees with the commenter that a similar situation exists for process vents and transfer operations as with process wastewater streams. It was an oversight not to include amendments to these sections when the April 26, 1999 changes were being considered. The EPA wants to point out that this oversight does not necessarily impose duplicative monitoring, recordkeeping, and reporting requirements on sources because §63.110 (h) already

allows users to consolidate their monitoring, recordkeeping, and reporting requirements under the HON and RCRA rules. Thus, it is not really necessary to make this correction to subpart G to provide a similar exemption for process vents or transfer operations.

Comment 5: One commenter (IX-D-3) observed that §63.133(g)(2) references the schedules specified in paragraphs (c) and (d) for inspecting for control equipment failures. However, paragraphs (c) and (d) do not really give schedules. Paragraph (c) refers to the inspection procedures in §§63.120(a)(2) and (a)(3) applicable to fixed roof tanks with an internal floating roof. The schedules are actually specified in §§63.120(a)(2) and (a)(3). Paragraph (d) refers to inspection procedures in §§63.120(b)(2)(i) through (b)(4) and the additional design requirements in §§63.120(b)(5) and (b)(6) applicable to external floating roof tanks. The commenter concluded that §63.133(g)(2) should have more specifically referenced the inspection schedule in §§63.120(a)(2) and (a)(3) for internal floating roof tanks and given a specific inspection schedule for external floating roof tanks. The commenter concluded by suggesting that §63.133(g)(2) be restated as:

The owner or operator shall inspect for control equipment failures in paragraphs (g)(1)(i) through (g)(1)(viii) of this section according to the schedule specified in §63.120(a)(2) and (a)(3) for fixed roof tanks with an internal floating roof and each time the vessel is emptied and degassed for external floating roof tanks.

Response: The EPA agrees that the requirement would be more straightforward if the schedules were specified more directly and that §63.133(d) does not specify a schedule for the inspections. Presently, §63.133(d) only references the inspection procedures in §§63.120(b)(2) through (4). Paragraph (d) of §63.133 should have referenced §63.120(b)(1) and (b)(10) to specify the schedule for inspections. The EPA notes that owners or operators should be able to understand the inspection requirements since Table 11 of subpart G does correctly specify the inspection frequency for external floating roof tanks. These requirements are presented in the summary for §63.133(d). The EPA disagrees with the commenter's suggestion that the inspection schedule for external floating roof tanks is only whenever the tanks are emptied and degassed. The commenter's suggested language is also inconsistent with the inspection and monitoring requirements specified in Table 11 of subpart G wastewater tanks equipped with external floating roofs.

If EPA were to revise §63.133(g)(2), it would read:

(2) The owner or operator shall inspect for the control equipment failures in paragraphs (g)(1)(i) through (g)(1)(viii) according to the schedule specified in paragraphs (c) and (d) of this section §§63.120(a)(2) and (a)(3) for fixed roof tanks with an internal floating roof and §63.120(b)(1) and (b)(10) for external floating tanks.

Comment 6: One commenter (IX-D-3) requested that EPA correct the "Frequency of Inspection or Monitoring" column in Table 11 to reflect the appropriate frequencies for control equipment failure inspections on tanks and oil-water separators in accordance with §63.133(g)(2) and §63.137(e)(2). The commenter also noted that the schedule for inspecting for control equipment failures on tanks is specified in §§63.120(a)(2) and (a)(3) for fixed roof tanks with an internal floating roof and each time the vessel is emptied and degassed for external floating roof tanks. The inspection frequency for oil-water separators is specified in §63.137(c).

Response: In response to this comment, EPA reviewed §§63.133 and 63.137 to determine if there was an error in the summary of the monitoring requirements in Table 11 of subpart G. The EPA determined that Table 11 does correctly specify the inspection frequency for those requirements. The EPA believes that the concern with the table arises due to the manner in which the table cites specific provisions in the rule. The intent with the entries for control equipment failures as specified in §§63.133 (g) and 63.137(d) was to refer to the inspections for improper work practices specified in §§63.133(f) and 63.137(d) and to control equipment failures specified in §§63.133(g)(1)(ix) and 63.137(e)(1)(vii). These inspections are to be conducted semiannually and the table correctly indicates that inspection frequency. The frequency of inspections required by §§63.133(g)(2) and 63.137(e)(2) is indicated by entries for §63.133(c) and (d) and §63.137(c), respectively.

Comment 7: One commenter (IX-D-3) requested that EPA revise the §63.143(e)(4) reference to §63.139(d) to be more specific and cite §63.139(d)(4).

Response: While the EPA agrees with the commenter that the citation could be made more specific, EPA does not believe that it is necessary to make this change. The reference to §63.134(d) is sufficient for readers to find the applicable provisions. Furthermore, changing this citation would really require restructuring and redrafting of several paragraphs in §63.143(e). The effort to integrate this change into the rule is not warranted at this time.

5.0 Editorial Comments - Typographical, Cross Reference Errors, and Other Clarifying Changes

The following table summarizes minor technical corrections that were not part of the January 20, 2000 proposed rule amendments. These changes will be made as part of the final rule amendments for the January 20, 2000 proposal as a matter of efficiency in rulemaking.

One commenter (IX-D-3) submitted the following changes as suggestions for overall improvement of the rule.

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| §63.118(f)(5)/Typo | The reference in §63.118(f)(5) to §63.118(a)(2)(v) is incorrect. The correct reference should be §63.118(a)(2). Section 63.118(f)(5) should read: "Reports of the times and duration of all periods recorded under paragraph (a) (2) of this section in which all pilot flames of a flare were absent." |
| §63.128(h)(1)(ii)/Typo | The citation should say "minimum residence time" instead of "maximum residence time." |
| §63.130(d)(5)/Typo | The reference in §63.130(d)(5) to §63.130(a)(2)(v) is incorrect. The correct reference should be §63.130(a)(2)(i). Section 63.130(d)(5) should read: "Reports of the times and duration of all periods recorded under paragraph (a) (2) (i) of this section in which all pilot flames of a flare were absent." |
| §63.140(c)/Typo | Reference to §63.147(c)(7) should be §63.147(b)(7). |
| §63.146(b)(9) introductory text and (b)(9)(iii) | The references to §63.138(d) and (h)(3) in the introductory text should be removed since these compliance options are already exempted from the need to submit a design evaluation or the results of a performance test. Paragraph (b)(9)(iii) should also have excluded the compliance option in §63.138(d) for design steam strippers. [Note: If the first correction is made, it is not necessary to include paragraph (b)(9)(iii).] |
| §63.146(d)/ Citation error | In order for §63.146(d) to be consistent with the 4/26/99 <u>Federal Register</u> changes, it should be modified to read: "(d) Except as provided in paragraph (f) of this section, for each treatment process used to comply with §63.138(b) (1), (c) (1), (d), (e), (f), or (g) of this subpart, the owner or operator shall submit as part of the next Periodic Report required by §63.152(c) the information specified in paragraphs (d) (1), (d)(2), and (d) (3) of this section for the monitoring required by §63.143(b), (c), and (d) of this subpart." This paragraph presently omits references to paragraphs (d), (f), or (g) of §63.138. |
| Table 17 - note (f)/Typo | This note should have stated: "Parameter(s) to be monitored or measured in accordance with Table 12 <u>and</u> §63.143 of this subpart." |

ATTACHMENT A
INDEX TO COMMENTERS ON PROPOSED HON AMENDMENTS
(65 FR 3169, January 20, 2000)

| Commenter Number (EPA Docket No. A-90-19) | Commenter Name and Address |
|--|---|
| IX-D-1 | M. Hampton Hampton Environmental Inc. Austin, Tx 78756 |
| IX-D-2 | D.A. Barton, National Council of the Paper Industry for Air and Stream Improvement, Inc. (NCASI) Medford, MA 53015 |
| IX-D-3 | L. Swaim EH&S Regulatory Management The Dow Chemical Company Freeport, TX 77541-3257 |
| IX-G-1 | K.J. Vernon, P.E. Corporate Environmental Support Marathon Ashland Petroleum, LLC Findlay, OH 45840 |
| IX-G-2 | A. McMahan Counsel, Environmental, Health, & Safety Programs General Electric Co. Mt. Vernon, IN 47620 |