

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 63

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the fine PM emission reductions. For the same reasons we did not estimate monetized benefits for the rule, we did not estimate monetized disbenefits associated with the low-risk subcategory (e.g., additional NO_x emissions associated with RTO operations): A lack of sufficient scientific data to assign a monetized benefits value for HAP reductions, a lack of sufficient air quality modeling runs and sufficient scientific data to assign a monetized benefits value for VOC reductions, and the generalized foundation upon which the Thompson Report estimates are based for PM reductions.

It should be noted that we could only consider HAP emissions in setting the final standards as per the requirements of CAA section 112. Quantification of benefits and disbenefits are requested in OMB's RIA guidelines but are not legally required information for setting MACT standards.

We disagree with the assertion that our consideration of costs, in the context of establishing and delisting the low-risk PCWP subcategory, violates the DC Circuit's decision in *National Lime*. In setting the MACT floors for the PCWP NESHAP, cost was not a factor, and costs of compliance may not be used under the PCWP NESHAP as a basis for avoiding MACT, if it otherwise applies. Sources will be able to avoid MACT only if they demonstrate that they are in fact low risk. There is nothing improper about our general desire to reduce costs of CAA compliance, where appropriate and where imposing those costs is not necessary. In fact, the very existence of CAA section 112(c)(9) reflects the basic congressional goal of avoiding imposing regulatory burden where that burden is not needed to provide an ample margin of safety to protect public health.

III. Responses to Comments on the Proposed Amendments and Clarifications for Subpart DDDD

A. Definitions

1. Dryer Definitions

Comment: One commenter stated that the definition of ``tube dryer'' should be amended to differentiate tube dryers from pneumatic conveyors that use conditioned air. The commenter provided a suggested revised definition of ``tube dryer.''

Response: We did not intend to include pneumatic fiber transport systems under subpart DDDD. Pneumatic fiber transport systems are distinguished from primary and secondary tube dryers because heat is added to dryers specifically to remove moisture while the purpose of the higher temperatures used in fiber transport systems is to prevent cooling. Therefore, we have amended the definition of ``tube dryer'' as requested to ensure that pneumatic fiber transport systems are not classified as tube dryers.

Comment: One commenter requested that EPA modify all of the dryer definitions in subpart DDDD and appendix B to subpart DDDD by replacing ``at elevated temperature'' with ``by applying heat.''

Response: We agree with the commenter's suggested changes to the

dryer definitions to clarify that heat is deliberately applied during drying processes. The final rule has been amended as requested by the commenter.

2. Affected Source and Direct-Fired Process Unit

Comment: One commenter requested that EPA consider modifications to the proposed amendments to the definitions of ``combustion unit'' and ``affected source.'' First, the definition of ``combustion unit'' should be modified (1) to include combustion units that direct-fire PCWP process units but are not used to combust HAP emissions, and (2) for consistency with broad references in the proposed amendments that define the source category. Alternatively, the commenter suggested a revision to the proposed amendment to the definition of "affected source."

Second, the use of the word ``directly'' in the definition of ``direct-fired process unit'' could exclude process heaters that indirectly heat a heat transfer media before the combustion exhaust is routed to the drying operation, where the remaining heat energy is used in direct-fire contact with the process material. The commenter stated that deleting the word ``directly'' from the definition of ``direct-fired process unit'' would not change the meaning of the definition because it would still include the phrase ``* * * such that the process material is contacted by the combustion exhaust.''

Response: After reviewing how the term ``combustion unit'' is used throughout subpart DDDD, we agree with the commenter's suggested amendment to the definition to ``combustion unit'' to clarify that combustion units can be used to direct-fire process units or to control process exhaust. The amended definition of ``affected source'' (which we are amending as proposed with no further revisions) includes only those combustion unit exhaust streams that direct-fire process units, and it should not be read to mean that all combustion units at the plant site are part of the PCWP affected source (and thereby exempt from the Boiler/Process Heaters rule). We also agree with the commenter that an exhaust stream that supplies indirect heat for other uses would be part of the PCWP affected source if it is eventually routed through the direct-fired dryers such that it too contacts the wood material and becomes a mixture of combustion gases and process gases. We have amended the definition of ``direct-fired process unit'' accordingly as suggested by the commenter. However, if the indirect heat exhaust stream does not routinely pass through the direct-fired dryers, then this exhaust stream would be subject to the final Boilers/Process Heaters rule.

3. Engineered Wood Products

Comment: One commenter requested several edits to the definition of ``engineered wood product.'' First, the commenter stated that the type of resin or glue and the designed use of the product should not be specified for consistency with the definitions for the other wood products. Second, the list of products should include parallel strand lumber. Although implicit in the rule since the definition of ``laminated veneer lumber'' includes parallel strand lumber, parallel strand lumber is the more commonly used term.

Response: We agree with the commenter that, for consistency with other definitions in subpart DDDD, the definition of ``engineered wood products'' need not mention specific resin types or the designed use of the products. We have also removed the reference to glue from the commenter's suggested definition because ``resin'' is defined elsewhere in subpart DDDD, and the definition of ``resin'' includes ``glue.'' We have also added the term ``parallel strand lumber'' to the definition of ``engineered wood products.'' Finally, we have revised the definition of ``laminated veneer lumber'' and added a new definition of ``parallel strand lumber'' to indicate that these are two terms for the same product.

Comment: One commenter requested that the definitions of ``LSL press'' and ``LVL press'' be revised to clarify that the material

exiting these presses is a billet that must be sawn into LVL, LSL, or PSL and that not all LVL presses are heated. The commenter provided suggested revisions to these definitions.

Response: We agree with the commenter that LSL and LVL presses form billets that are subsequently cut into LSL and LVL products and amended the definitions to reflect that clarification. We further edited the definition of ``LVL press'' to more explicitly include PSL.