However, EPA agrees with the commenters' suggestion that de minimis levels should be established for exempting emission points from monitoring, because monitoring emission points with emission stream flow rates and/or HAP concentrations below a certain de minimis level is not reasonable. Therefore, a de minimis level of 1 pound per year of uncontrolled HAP emissions has been established for emission points within BLR sources below which continuous monitoring is not required.

6. Two commenters stated that EPA should not specify in the rule the wastewater treatment system parameters to monitor. The commenters stated that the parameters specified in the proposed rule are not appropriate for all treatment systems; that the parameters are tailored to the treatment system, and that there should be flexibility to determine which parameters should be used in each instance. The commenters further argued that States, in their role as permitting authorities, set monitoring parameters as part of the NPDES permit system under the Clean Water Act. Therefore, the commenters maintained, it is unreasonable for facilities to monitor two different sets of parameters.

The wastewater monitoring provisions of the HON, which are referenced in the final rule, allow biological treatment system monitoring parameters to be determined on a case-by-case basis. In light of the issues raised above by the commenters, and in accordance with the wastewater monitoring provisions of the HON, the final rule has been changed to allow owners and operators to monitor the wastewater treatment system parameters specified by the permitting authority responsible for enforcing the Clean Water Act.

7. Several commenters requested clarification of the compliance dates for existing, new, and reconstructed sources, which were not stated in the proposed rule. In response to these comments, the final rule specifies that the compliance date is 3 years from the date of promulgation for existing sources; new sources are required to be in compliance upon startup of the source.

8. Several commenters requested clarification of the General Provisions to part 63 as they relate to this rule. In response to these comments, a table identifying the relationship of the General Provisions requirements has been added to the final regulation.

9. Several commenters stated that EPA should clarify that the modification of existing BLR sources is covered by the section 112(g) rule, and will be

subject to "existing source MACT" as defined by the standard.

No additional language has been added to the regulatory text to address this comment. Instead, EPA has provided the following explanation to clarify the role of section 112(g) in determining the applicability of existing and new source MACT. Section 112(2)(B) of the Act requires that "after the effective date of a permit program under title V of this chapter, no person may modify any major source of hazardous air pollutants in such State, unless the Administrator (or the State) determines that the maximum achievable control technology emission limitation for existing sources will be met." The EPA believes that the requirement for a "determination" suggests that an administrative review is needed when an affected source is subject to a MACT standard, and that affected source undergoes a physical change or change in the method of operation that meets the definition of "modification" in section 112(a) of the Act. The purpose of this section of the preamble is to clarify the types of administrative review for sources in the epoxy resins and non-nylon polyamides source categories.

As discussed in the preamble to the proposed rule implementing section 112(g) of the Act, the EPA believes that in many if not most cases, an emission increase that meets the definition of ''modification'' will not have a substantive effect on the emission and/ or work practice standards that the affected sources will have to meet (see 59 FR 15504, April 1, 1994). Before and after the change, the affected source must continue to meet the "existing source MACT" level. The only circumstance which could affect the degree of control required is when the modification of a source creates an affected source above a threshold in an applicability definition after the change, which was under the applicability threshold before the change. For this rule, EPA believes there will be no such circumstances because the regulation contains no applicability threshold. The standard is an emission factor format which applies to BLR and WSR processes of any size.

The EPA believes that the process included in today's rule is sufficient to satisfy the requirement for a "determination" under section 112(g). Where a "modification" does not affect an affected source's applicability status, the proposed rule implementing section 112(g) requires that the source notify the permitting authority prior to startup of operation of the change (see proposed § 63.45(f)).

A similar "determination" is required for major source construction and reconstruction under section 112(g)(2)(A) of the Act. The administrative process for these determinations is contained in § 63.5 of the 40 CFR part 63, subpart A, General Provisions.

10. Revisions to definitions and phrasing have been made to clarify the regulation.

## VI. Administrative Requirements

## A. Docket

The docket for this rulemaking is A-92–37. The docket is an organized and complete file of all the information submitted to or otherwise considered by the EPA in the development of this rulemaking. The principal purposes of the docket are: (1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process; and (2) to serve as the record in case of judicial review (except for interagency review materials) (section 307(d)(7)(A) of the Act). The docket is available for public inspection at the EPA's Air and Radiation Docket and Information Center, the location of which is given in the ADDRESSES section of this notice.

## B. Enhancing the Intergovernmental Partnership Under Executive Order 12875

In compliance with Executive Order 12875 we have involved State, local, and tribal governments in the development of this rule. These governments are not directly impacted by the rule; i.e., they are not required to purchase control systems to meet the requirements of this rule. They will collect permit fees which will be used to offset the resource burden of implementing the rule. One representative of the State governments has been a member of the EPA Work Group developing this rule. The Work Group has met numerous times, and comments have been solicited from the Work Group members, including the State representative; and their comments have been carefully considered in the rule development. In addition, all States were encouraged to comment on the proposed rule during the public comment period. The EPA fully considered comments from States in the final rulemaking.

## C. Executive Order 12866

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether the regulatory action is "significant" and therefore subject to Office of Management and