

No significant adverse secondary air, water, or solid waste impacts are anticipated from these standards. The national annual energy usage due to the installation of the required control devices is expected to be 5.0 million cubic meters per year (180 million cubic feet per year) of natural gas to operate afterburners on blast furnaces and reverberatory/blast furnace smelters. The natural gas consumption estimated at proposal was 3.7 million cubic meters (130 million cubic feet per year). The increase since proposal is due to a revised analysis of the control equipment and amount of natural gas needed to perform gas stream blending to control organic HAP emissions from reverberatory/blast furnace smelters. No other notable energy impacts are expected.

The implementation of this regulation is expected to result in a national annual cost of \$2.8 million. This includes an annualized cost from installation of control devices of \$1.86 million and total monitoring, reporting, and recordkeeping costs of \$0.93 million. At proposal, the estimated national costs were \$2.6 million per year. The annualized control costs were estimated to be \$890,000 and the annual costs for monitoring, recordkeeping, and reporting were \$1.7 million. The annualized control costs have increased since proposal because the cost estimate to control organic HAP emissions from reverberatory/blast furnace smelters was revised in response to public comments. The annual monitoring, recordkeeping, and reporting costs have decreased since proposal because the HCl/Cl<sub>2</sub> monitoring requirements have been withdrawn and the final metal HAP monitoring requirements involve fewer emission tests and less expensive monitoring devices than at proposal.

The economic impact analysis done at proposal showed that the economic impacts from the proposed standard would be insignificant. The economic impact analysis was not revised for promulgation because the relatively small increase in costs is not expected to have any effect on the conclusions of the economic impact analysis.

### III. Public Participation

On November 17, 1992, the EPA presented the National Air Pollution Control Techniques Advisory Committee with an overview of the EPA's decision to regulate surrogates in place of regulating individual metal HAP's and organic HAP's.

Prior to proposal of the standards, owners and operators of secondary lead smelters were invited by the EPA to participate in a meeting to discuss the

results of the EPA's secondary lead smelter testing program as well as the standards being evaluated for proposal. This meeting was held on October 5, 1993. The comments submitted following this meeting were incorporated into the proposed rule.

The standards were proposed and published in the **Federal Register** on June 9, 1994 (59 FR 29750). The preamble to the proposed standards discussed the availability of the BID, which described the technical basis and the impacts of the proposed standards. Public comments were solicited at the time of proposal.

To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards, the opportunity for a public hearing was offered at proposal; however, no requests for a hearing were received. The public comment period was from June 9, 1994 to August 8, 1994. Thirty-one comment letters were received. A supplemental notice was published on April 19, 1995 (60 FR 19556) and eight comment letters were received. The comments were carefully considered by the Administrator in formulating the final rule.

### IV. Significant Comments and Responses

The EPA received comment letters on the proposed standards from owners and operators of secondary lead smelters and industry trade associations, States, equipment vendors, and environmental groups. A detailed discussion of all the comments and the EPA's responses can be found in the promulgation BID, which is referenced in the **ADDRESSES** section of this preamble. The summary of comments and responses in the BID serves as the basis for the revisions that have been made to the standards between proposal and promulgation. Most of the comment letters contained multiple comments.

Significant comments and new information were received on four topics since proposal: the area source finding, the standards for process sources (especially those proposed for HCl/Cl<sub>2</sub> emissions), the monitoring requirements for metal HAP's, and the exemption from the Resource Conservation and Recovery Act (RCRA) boiler and industrial furnace (BIF) emission standards. These comments and the EPA's responses are summarized in this preamble.

#### A. Adverse Health Effects Finding for Area Sources

Six commenters agreed with the EPA's finding that smelters that are area

sources (i.e., those with emissions of less than 10 tons per year of any one HAP or 25 tons per year of a combination of HAP's) should be listed as sources subject to section 112 standards and should be subject to the same regulations as smelters that are major sources. Seven commenters disagreed with the EPA's decision to regulate area sources; three of the seven argued that the risks are insufficient to warrant regulation under MACT standards. After considering all comments on the subject, the EPA continues to believe that area sources should be regulated under MACT standards and is, therefore, maintaining its decision to regulate secondary lead smelters that are area sources under this final action.

The decision to list area source smelters to regulate them under the same standards as major source smelters is based on the cancer risks from secondary lead smelter emissions and noncancer health risks posed by lead compound emissions. The estimated annual cancer incidence is 0.1 cases for all seven smelters predicted to be area sources. This cancer incidence is due primarily to exposure to 1,3-butadiene and arsenic. The maximum exposed individual has a cancer risk of 1 in 1,000 and 560,000 individuals are estimated to be exposed to a risk greater than 1 in 1 million.

Section 112(c)(3) of the Act does not offer a "bright line" test for the EPA to use in making an area source finding. Instead, the EPA believes that it has discretion to consider a range of health effects endpoints and exposure criteria in making the requisite finding of a threat of adverse effects to health or the environment. In making area source listing determinations, the EPA strives to provide maximum feasible protection against risks to health from HAP's by: (1) Protecting the greatest number of persons possible to an individual lifetime cancer risk level of no higher than approximately 1 in 1 million and (2) limiting to no more than 1 in 10,000 the estimated cancer risk to the hypothetical maximum exposed individual. The estimated cancer risks presented by area source smelters are consistent with those supporting similar EPA decisions to regulate other categories of area sources and with the EPA's strategy to implement section 112 (57 FR 31576, July 16, 1992).

Exposure to lead compounds is also a concern. It is estimated that 250 individuals in the vicinity of area source smelters are exposed to ambient lead levels above the national ambient air quality standard (NAAQS) for lead of 1.5 micrograms per cubic meter (µg/m<sup>3</sup>).