

subject to the D/F limit even without manufacturing a chlorinated organic. If the unit utilizes a chlorinated substance to control reactor rates (*i.e.*, a reactant as specified in § 63.100(b)(2)) during the production of its non-chlorinated substance, some chlorinated material is likely to be conveyed to the unit's Group 1 process vent control device system, which would then "contain" a chlorinated compound and thus, be subject to the D/F limit. One potential example is the production of methylene diphenyl diisocyanate (MDI), which is produced through a condensation reaction of aniline and formaldehyde in the presence of an acid catalyst (hydrochloric acid).

VI's review of EPA's modeling data set and the 2017 National Emissions Inventory (NEI) database identified several additional facilities that could be subject to the HON limit. A spreadsheet documenting VI's analysis of the facilities EPA identified from these data sets as having chlorinated emissions and subject to the HON is included as **Exhibit A**. VI filtered each of these facilities based on their chlorinated emissions and then cross checked the result against EPA's list of HON and P&R I and II facilities. VI contends that when performing this type of analysis, the number of facilities and CMPUs can be correctly identified.²¹

Using EPA's 2017 NEI database and sorting for chlorinated organics, chlorine, and hydrochloric acid emissions and then cross referencing to EPA's list of HON & P&R I&II facilities, the VI identified 25 facilities with 46 CMPUs whose process vents might be subject to the HON.²² Given the likely number of CMPUs, 12% of the source category required use of significantly more than the two CMPUs EPA did use to calculate the D/F limit.²³

Notwithstanding its view that there were "at least" 34 CMPUs, Agency limit calculations never contemplated a higher number. As such, the Agency did not provide adequate notice or a meaningful opportunity to examine this data and offer comment. Even if the lack of notice could be shown to be inconsequential, a significant increase from EPA's estimate of CMPUs likely subject to the D/F limits bolsters VI's argument that basing the D/F limit on 2 sources does not meet the requirements of 112(d)(3)(A).

²¹ This simple statement illustrates the lack of time during the comment period to raise this objection. VI and its consultants needed to expend significant time to identify the correct number of facilities and CMPUs. We reviewed dozens of permits, permit applications, compliance reporting documentation, and other sources to determine whether the identified facilities contained chlorinated HON units. Often, applicability was unclear, and VI or its consultants needed to reach out to facilities to better understand whether the HON applied.

²² See Tab Fac. *WCI Organics (ALL4 Rev)*, **Exhibit A** Review of Facilities with Cl Emissions.xlsx. VI identified additional facilities that are potentially subject, but a close review of their documentation indicates that the potentially chlorinated streams are all considered Group 2 and use recovery devices to maintain a high TRE value. Although facilities will no longer be able to comply with the TRE concept, it is not clear whether these streams have more than 1 lb/hr of organic HAP. Out of an abundance of caution, VI does not include these facilities in its count of 46.

²³ *New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry*, 88 Fed. Reg. 25,080, 25,161 (Apr. 25, 2023); see also, *Dioxins and Furans MACT Floor in the SOGMI Source Category for Processes Subject to HON and Processes Subject to Group I and Group II Polymers and Resins NESHAPs*, Docket ID No. EPA-HQ-OAR-2022-0730-0084 at p. 8.