



## REGION 5

CHICAGO, IL 60604

December 12, 2023

Kayla Peacock  
Corteva Michigan Responsible Care Leader  
Corteva Agriscience LLC  
3100 James Savage Road  
Midland, Michigan 48642

Dear Kayla Peacock:

The U.S. Environmental Protection Agency has received and reviewed Corteva Michigan's request to determine the applicability of 40 C.F.R. Part 63 Subparts F, G, H, MMM, and FFFF and 40 C.F.R. Part 60 Subpart VVa to the proposed installation of a distillation process at Corteva's Midland, Michigan operations. Based on the information provided by Corteva and for the reasons provided in this letter, EPA has determined that the proposed distillation process would be subject to 40 C.F.R. Part 60 Subpart VVa and to either 40 C.F.R. Part 63 Subparts MMM or FFFF. EPA also determines that the proposed distillation process would not be subject to the requirements of 40 C.F.R. Part 63 Subparts F and G. 40 C.F.R. Part 63 Subpart H may apply if other part 63 requirements reference Subpart H.

### **Corteva's Request**

On August 15, 2023, Corteva requested a determination of the applicability of 40 C.F.R. Part 63 Subpart F, G, and H and 40 C.F.R. Part 60 Subpart VVa to a proposed distillation process. On September 21, 2023, Corteva revised its request by providing additional information relevant to the proposed installation and operation of a distillation process and adding to its request a determination of the applicability of 40 C.F.R. Part 63 Subparts MMM and FFFF. Corteva further supplemented its request by submitting additional information on November 6, and November 19, 2023.

Corteva's Midland, Michigan site (Corteva Midland) operates pursuant to a Title V permit issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE). According to Corteva Midland's most recent Title V permit<sup>1</sup>, Corteva Midland currently operates EU12b, a 2,4-D phenoxy herbicide manufacturing plant consisting of reactors, distillation and fractionation columns, separators, storage tanks, silos, and related equipment. EU12b is located within Corteva Midland's 948 Building.

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<sup>1</sup> Michigan Renewable Operating Permit (ROP) MI-ROP-P1028-2022c.

In its September 21, 2023, letter, Corteva explains that EU12b utilizes a specific raw material, referred to as “Raw Material A” in this letter. In its November 19, 2023, letter, Corteva identifies Raw Material A but has claimed its identity as confidential business information (CBI). To protect the confidentiality of this information claimed as CBI, we refer to the specific raw material referenced in Corteva’s request as Raw Material A. Raw Material A is produced off-site and is purchased from an external supplier at 70-80% purity with the remaining component of the purchased material consisting of water. Once purchased, Raw Material A is brought on-site to Corteva Midland by tank trucks or rail cars. Raw Material A is then unloaded and stored in six storage tanks within another of Corteva Midland’s buildings known as the 941 Building. These six storage tanks, dedicated to EU12b, feed EU12b via piping.

Corteva Midland has determined that the EU12b process would benefit from a higher purity Raw Material A. At a higher purity, the yield of the EU12b process would increase and the formation of an unwanted byproduct due to the presence of excess water would decrease. However, Corteva explains that Raw Material A is not readily available for purchase at a higher purity due to flowability and concerns related to transportation equipment.

Since a higher purity Raw Material A is not available for purchase, Corteva instead intends to construct and operate a new distillation process to remove water from Raw Material A, resulting in Corteva’s desired higher purity feed material. Corteva states that the proposed distillation process will be in Corteva Midland’s 941 Building. If the distillation process is constructed, Corteva intends to continue purchasing Raw Material A at 70-80% purity. Raw Material A will then be unloaded into four of the six existing storage tanks in the 941 Building. The four storage tanks will feed 70-80% pure Raw Material A into a new distillation process. The new distillation process will remove water from Raw Material A, resulting in 99% purity Raw Material A. The 99% pure Raw Material A will then be piped into the remaining two of the six existing storage tanks. The two storage tanks holding 99% pure Raw Material A will then feed EU12b directly.

### **Regulatory Background**

*40 C.F.R. Part 63 Subparts F, G, and H (HON).*

40 C.F.R. Part 63 Subpart F is the National Emission Standards for Organic Hazardous Air Pollutants (NESHAP) from the Synthetic Organic Chemical Manufacturing Industry (SOCMI). In addition to establishing provisions applicable to SOCMI, this NESHAP provides some applicability provisions, definitions, and other general provisions that are applicable to 40 C.F.R. Part 63 Subparts F, G, and H. 40 C.F.R. Part 63 Subparts F, G, and H will collectively be referred to as the HON in this letter. HON applicability provisions are found at 40 C.F.R. Section 63.100.

*40 C.F.R. Part 63 Subpart MMM (PAIP MACT).*

40 C.F.R. Part 63 Subpart MMM is the NESHAP for Pesticide Active Ingredient Production. This NESHAP applies to the facility-wide collection of pesticide active ingredient manufacturing process units that process, use, or produce hazardous air pollutants (HAP) at major sources of HAPs. PAIP MACT applicability provisions are found at 40 C.F.R. Section 63.1360.

*40 C.F.R. Part 63 Subpart FFFF (MON).*

40 C.F.R. Part 63 Subpart FFFF is the NESHAP for Miscellaneous Organic Chemical Manufacturing. This NESHAP is commonly referred to as the miscellaneous organic NESHAP, or MON. The MON establishes national emission standards for miscellaneous organic chemical manufacturing. MON applicability provisions are found at 40 C.F.R. Section 63.2435.

*40 C.F.R. Part 60 Subpart VVa (NSPS VVa).*

40 C.F.R. Part 60 Subpart VVa is the Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006. NSPS VVa establishes provisions applicable to equipment within a process unit at SOCMII affected facilities. NSPS VVa applicability provisions are found at 40 C.F.R. Section 60.480a.

**Analysis (HON)**

HON applicability is determined through the requirements specified in 40 C.F.R. Section 63.100. Pursuant to 40 C.F.R. Section 63.100(a), the applicability provisions specified within 40 C.F.R. Section 63.100 are generally applicable to each of 40 C.F.R. Part 63 Subpart F, G, and H within the HON. 40 C.F.R. Section 63.100(b) states that the provisions of the HON apply to chemical manufacturing process units that meet all the criteria specified in 40 C.F.R. Section 63.100(b)(1) – (b)(3).

While 40 C.F.R. Section 63.100 establishes general applicability requirements for the HON, additional applicability requirements are specified within 40 C.F.R. Part 63 Subparts G and H. For 40 C.F.R. Part 63 Subpart G, 40 C.F.R. Section 63.110(a) states that the subpart applies to all process vents, storage vessels, transfer racks, wastewater streams, and in-process equipment subject to 40 C.F.R. Section 63.149 within a source subject to 40 C.F.R. Part 63 Subpart F. 40 C.F.R. Part 63 Subpart H applies to certain equipment as specified within other 40 C.F.R. Part 63 subparts.

40 C.F.R. Section 63.101 defines “chemical manufacturing process unit” as

the equipment assembled and connected by pipes or ducts to process raw materials and to manufacture an intended product. A chemical manufacturing process unit consists of more than one unit operation. For the purpose of this subpart, chemical manufacturing process unit includes air oxidation reactors and their associated product separators and recovery devices; reactors and their associated product separators and recovery devices; distillation units and their associated distillate receivers and recovery devices; associated unit operations; associated recovery devices; and any feed, intermediate and product storage vessels, product transfer racks, and connected ducts and piping. A chemical manufacturing process unit includes pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, and control devices or systems. A chemical manufacturing process unit is identified by its primary product.

40 C.F.R. Section 63.101 defines a “unit operation” as

one or more pieces of equipment used to make a single change to the physical or chemical characteristics of one or more process streams. Unit operations include, but are not limited to, reactors, distillation units, extraction columns, absorbers, decanters, dryers, condensers, and filtration equipment.

40 C.F.R. Section 63.101 also defines a “distillation unit” as

a device or vessel in which one or more feed streams are separated into two or more exit streams, each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and the vapor phases by vaporization and condensation as they approach equilibrium within the distillation unit. Distillation unit includes the distillate receiver, reboiler, and any associated vacuum pump or steam jet.

40 C.F.R. Section 63.101 defines a “distillate receiver” as the overhead receivers, overhead accumulators, reflux drums, and condenser(s) including ejector-condenser(s) associated with a distillation unit.

According to Corteva’s proposed distillation process flow diagram, the distillation process will have one feed stream consisting of 70%-80% pure Raw Material A. The proposed distillation process will have three exit streams: a 99%-pure Raw Material A stream, a condensate stream, and a waste stream. Separation will occur in a distillation column. The proposed distillation process will include distillate receivers such as an accumulator and condensers. Other components included in the proposed distillation process includes the reboiler and steam jets. As a result, the proposed distillation process would be considered a distillation unit as defined at 40 C.F.R. Section 63.101. A distillation unit is a unit operation as defined at 40 C.F.R. Section 63.101.

In its request, Corteva explains that four storage tanks will be used to store Raw Material A as purchased. Two storage tanks will be used to store Raw Material A once it has been purified by the proposed distillation process. As a result, the storage tanks are not themselves being used to make a single change to the physical or chemical characteristics of Raw Material A in either its purchased or purified form. Since no physical or chemical change occurs to Raw Material A in the storage tanks, the storage tanks are not considered to be a unit operation.

In order to be considered a chemical manufacturing process unit, more than one unit operation must be used to produce an intended product. The proposed distillation unit is the only unit operation being added to Corteva Midland. On its own, the proposed distillation unit is not a chemical manufacturing process unit. Pursuant to 40 C.F.R. Section 63.100(b), the proposed distillation process is not subject to the HON because it is not a chemical manufacturing process unit.

Corteva explains in its request that EU12b will utilize the purified Raw Material A from the distillation process. For applicability purposes, we consider the proposed distillation process and EU12b to be a chemical manufacturing process unit. By definition, chemical manufacturing process units are identified by its primary product. Since EU12b produces 2,4-D, the proposed chemical manufacturing

process unit produces 2,4-D. 2,4-D is a chemical that is not listed in either 40 C.F.R. Part 63 Subpart F Table 1 or 40 C.F.R. Section 63.100(b)(1)(ii). Pursuant to 40 C.F.R. Section 63.100(b)(1), the chemical manufacturing process unit consisting of the proposed distillation process and EU12b is not subject to 40 C.F.R. Part 63 Subpart F because 2,4-D is not listed in either 40 C.F.R. Part 63 Subpart F Table 1 or 40 C.F.R. Section 63.100(b)(1)(ii). Further, pursuant to 40 C.F.R. Section 63.110(a), the proposed distillation process is not subject to 40 C.F.R. Part 63 Subpart G since 40 C.F.R. Part 63 Subpart F does not apply.

40 C.F.R. Part 63 Subpart H does not apply to the extent that either Part 63 Subpart F or G references Subpart H. However, 40 C.F.R. Part 63 Subpart H may apply to the extent that it is referenced by other part 63 requirements as specified at 40 C.F.R. Section 63.160(a).

We recognize that Corteva requested clarification regarding whether purchasing and purifying a chemical would be considered manufacturing a product under the HON. However, this applicability determination does not depend on whether Raw Chemical A is manufactured or not. Instead, our determination is based on the proposed distillation process on its own not being a chemical manufacturing process unit. Also, the combination of the proposed distillation process and EU12b does not produce, as a primary product, a chemical that is listed in 40 C.F.R. Section 63.100(b)(1).

#### **Analysis (PAIP MACT)**

40 C.F.R. Section 63.1360(a) states that the affected source subject to 40 C.F.R. Part 63 Subpart MMM is the facility-wide collection of pesticide active ingredient manufacturing process units (PAI process units) that process, use, or produce HAP, and are located at a plant site that is a major source of HAPs. Corteva states that Raw Material A is not a pesticide active ingredient (PAI) or integral intermediate as defined at 40 C.F.R. Section 63.1361.

40 C.F.R. Section 63.1361 defines “pesticide active ingredient” as

any material that is an active ingredient within the meaning of FIFRA section 2(a); that is used to produce an insecticide, herbicide, or fungicide end use pesticide product; that consists of one or more organic compounds; and that must be labeled in accordance with 40 CFR part 156 for transfer, sale, or distribution. These materials are typically described by North American Industrial Classification System (NAICS) Codes 325199 and 32532 (i.e., previously known as Standard Industrial Classification System Codes 2869 and 2879). These materials are identified by product classification codes 01, 21, 02, 04, 44, 07, 08, and 16 in block 19 on the 1999 version of EPA form 3540–16, the Pesticides Report for Pesticide-Producing Establishments. The materials represented by these codes are: insecticides; insecticide-fungicides; fungicides; herbicides; herbicide-fungicides; plant regulators; defoliant, desiccants; or multi-use active ingredients.

Corteva claims that Raw Material A is not a PAI since it is not listed as an active ingredient in any of the final pesticide products it produces. For the purpose of this determination, we assume that Corteva’s representation is accurate.

40 C.F.R. Section 63.1361 defines an “intermediate” as an organic compound that is manufactured in a process and that is further processed or modified in one or more additional steps to ultimately produce a PAI. The April 10, 2002, preamble to the rulemaking amending the PAIP MACT<sup>2</sup> provides further insight into the definition of intermediates under the PAIP MACT. Prior to the promulgation of the amended PAIP MACT on September 20, 2002<sup>3</sup>, intermediates were considered only to be those organic compounds that were produced by chemical synthesis. As revised, the PAIP MACT considers that intermediates may be produced by a series of extractions that may more properly be considered individual processes, particularly if the material that does not ultimately get processed into a PAI is also a useful intended product<sup>4</sup>. As a result, the definition of intermediate under the PAIP MACT intends to include organic materials that are further processed or modified to ultimately produce a PAI regardless of whether the raw material is purchased.

As described in Corteva’s request, Raw Material A will be purchased at 70-80% purity and processed within the proposed distillation process to produce Raw Material A at 99% purity. The 99% pure Raw Material A will ultimately be used in EU12b to produce 2,4-D, a PAI. Since Raw Material A will be purified before being used in EU12b, Raw Material A would be considered an intermediate as defined at 40 C.F.R. Section 63.1361.

40 C.F.R. Section 63.1361 defines “integral intermediate” as

an intermediate for which 50 percent or more of the annual production is used in on-site production of any PAI(s) and that is not stored before being used in the production of another integral intermediate or the PAI(s). For the purposes of this definition, an intermediate is stored if it is discharged to a storage vessel and at least one of the following conditions is met: the processing equipment that discharges to the storage vessel is shutdown before the processing equipment that withdraws from the storage vessel is started up; during an annual period, the material must be stored in the vessel for at least 30 days before being used to make a PAI; or the processing equipment that discharges to the storage vessel is located in a separate building (or processing area) of the plant than the processing equipment that uses material from the storage vessel as a feedstock, and control equipment is not shared by the two processing areas. Any process unit that produces an intermediate and is subject to [40 C.F.R. Part 63 Subpart F] is not an integral intermediate.

Corteva explains that purified Raw Material A will only be used as a feedstock for EU12b. Purified Raw Material A will be produced in a proposed distillation process in Building 941. As mentioned above, EU12b is in Corteva Midland’s 948 Building. Before being used in EU12b, purified Raw Material A will be stored in storage tanks located in Corteva Midland’s 941 Building. According to Corteva Midland’s most recent Title V permit, EU12b is controlled by caustic scrubber system VS-1011 and T-1011, afterburner FG963THROX, and a carbon adsorber system near the 948 Building. The 941 Building processes are controlled by water scrubber SK-4010 and baghouse FL-4900. Corteva states that the buildings that will contain the proposed distillation process and containing EU12b will not share control

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<sup>2</sup> 67 Fed. Reg. 17492 (April 10, 2002).

<sup>3</sup> 67 Fed. Reg. 59336 (September 20, 2002).

<sup>4</sup> 67 Fed. Reg. 17492, 17502 Section II.C.2.

equipment. Since the proposed distillation process producing purified Raw Material A and EU12b are in separate buildings at the plant and the buildings do not share control equipment, purified Raw Material A is stored as defined within the definition of integral intermediate. Since it is stored before use, purified Raw Material A is not an integral intermediate.

40 C.F.R. Section 63.1361 defines a PAI process unit to be a process unit that is used to produce a material that is primarily used as a PAI or integral intermediate. Since purified Raw Material A is neither a PAI nor an integral intermediate, the distillation process would not be considered a PAI process unit.

40 C.F.R. Section 63.1360(g) specifies that an owner or operator may elect to designate production of any intermediate that does not meet the definition of integral intermediate as a PAI process unit subject to 40 C.F.R. Part 63 Subpart MMM. Pursuant to 40 C.F.R. Section 63.1360(g), Corteva may elect to designate the proposed distillation process as a PAI process unit since the distillation process will produce purified Raw Material A as an intermediate. If Corteva designates the proposed distillation process as a PAI process unit, any storage vessel containing purified Raw Material A must be assigned to a PAI process unit according to the procedures in 40 C.F.R. Section 63.1360(f).

### **Analysis (MON)**

MON applicability is determined by the requirements set forth at 40 C.F.R. Section 63.2435. 40 C.F.R. Section 63.2435(a) states that the MON is applicable to any miscellaneous organic chemical manufacturing process unit (MCPU) that is located at, or is a part of, a major source of HAPs.

40 C.F.R. Section 63.2550 defines “miscellaneous organic chemical manufacturing process” as

all equipment which collectively function to produce a product or isolated intermediate that are materials described in § 63.2435(b). For the purposes of this subpart, process includes any, all or a combination of reaction, recovery, separation, purification, or other activity, operation, manufacture, or treatment which are used to produce a product or isolated intermediate. A process is also defined by the following:

- (1) Routine cleaning operations conducted as part of batch operations are considered part of the process;
- (2) Each nondedicated solvent recovery operation is considered a single process;
- (3) Each nondedicated formulation operation is considered a single process that is used to formulate numerous materials and/or products;
- (4) Quality assurance/quality control laboratories are not considered part of any process; and
- (5) Ancillary activities are not considered a process or part of any process.

(6) The end of a process that produces a solid material is either up to and including the dryer or extruder, or for a polymer production process without a dryer or extruder, it is up to and including the die plate or solid-state reactor, except in two cases. If the dryer, extruder, die plate, or solid-state reactor is followed by an operation that is designed and operated to remove HAP solvent or residual HAP monomer from the solid, then the solvent removal operation is the last step in the process. If the dried solid is diluted or mixed with a HAP-based solvent, then the solvent removal operation is the last step in the process.

40 C.F.R. Section 63.2550 defines “isolated intermediate” as

a product of a process that is stored before subsequent processing. An isolated intermediate is usually a product of a chemical synthesis, fermentation, or biological extraction process. Storage of an isolated intermediate marks the end of a process. Storage occurs at any time the intermediate is placed in equipment used solely for storage. The storage equipment is part of the MCPU that produces the isolated intermediate and is not assigned as specified in § 63.2435(d).

As described by Corteva, the proposed distillation process will purify Raw Material A to 99% purity. Once purified, purified Raw Material A will be stored in storage tanks before being subsequently processed by EU12b. As stated within the definition of miscellaneous organic chemical manufacturing process at 40 C.F.R. Section 63.2550, a process for the purpose of the MON includes purification. The definition does not distinguish between whether the feedstock is purchased or produced on site. Since Raw Material A will be stored before use, Raw Material A is an isolated intermediate.

As specified at 40 C.F.R. Section 63.2435(b)(1)(ii), a process unit is an MCPU if it produces an organic chemical classified using the 1997 version of the North American Industry Classification System (NAICS) code 325, except as provided in 40 C.F.R. Section 63.2435(c)(5). NAICS code 325 is the identifier for the chemical manufacturing industry. Raw Material A is produced within the chemical manufacturing industry but is not produced at any of the establishments listed in the NAICS codes specified within 40 C.F.R. Section 63.2435(c)(5). Since purified Raw Material A is considered an isolated intermediate and is an organic chemical classified using the 1997 NAICS code 325, the proposed distillation process would be considered a MCPU.

40 C.F.R. Section 63.2435(b) sets out further criteria for applicability. This requirement specifies

(1) The MCPU produces material or family of materials that is described in (b)(1)(i), (ii), (iii), (iv), or (v) of this section.

(i) An organic chemical(s) classified using the 1987 version of SIC code 282, 283, 284, 285, 286, 287, 289, or 386, except as provided in paragraph (c)(5) of this section.

(ii) An organic chemical(s) classified using the 1997 version of NAICS code 325, except as provided in paragraph (c)(5) of this section.



(iii) Quaternary ammonium compounds and ammonium sulfate produced with caprolactam.

(iv) Hydrazine.

(v) Organic solvents classified in any of the SIC or NAICS codes listed in paragraph (b)(1)(i) or (ii) of this section that are recovered using nondedicated solvent recovery operations.

(2) The MCPU processes, uses, or generates any of the organic HAP listed in section 112(b) of the CAA or hydrogen halide and halogen HAP, as defined in Section 63.2550.

(3) The MCPU is not an affected source or part of an affected source under another subpart of this part 63, except for process vents from batch operations within a chemical manufacturing process unit (CMPU), as identified in Section 63.100(j)(4). For this situation, the MCPU is the same as the CMPU as defined in Section 63.100, and you are subject only to the requirements for batch process vents in this subpart.

As previously determined, Raw Material A is classified in NAICS code 325, meeting the criterion established at 40 C.F.R. Section 63.2435(b)(1).

The proposed distillation process will process Raw Material A, an organic HAP listed in Section 112(b) of the CAA. Since the proposed distillation process will process and generate an organic HAP listed in Section 112(b) of the CAA, the proposed distillation process meets the criterion established at 40 C.F.R. Section 63.2435(b)(2).

40 C.F.R. Section 63.2435(b)(3) requires that the MCPU not be an affected source or part of an affected source under another 40 C.F.R. Part 63 subpart. As determined previously, the proposed distillation process is not subject to 40 C.F.R. Part 63 Subpart F. Furthermore, Corteva states in its request that the proposed distillation process is not a batch process, which EPA accepts based on Corteva's representation. Pursuant to 40 C.F.R. Section 63.1360(g), Corteva may instead elect to designate the proposed distillation process as a PAI process unit, an affected source under the PAIP MACT. If designated as a PAI process unit subject to the PAIP MACT, then the MON would not apply.

### **Analysis (NSPS VVa)**

40 C.F.R. Section 60.480a(a) states that the provisions of NSPS VVa apply to affected facilities in the synthetic organic chemicals manufacturing industry. 40 C.F.R. Section 60.481a defines the synthetic organic chemicals manufacturing industry as the industry that produces, as intermediates or final products, one or more of the chemicals listed in 40 C.F.R. Section 60.489.

NSPS VVa amended 40 C.F.R. Part 60 Subpart VV (NSPS VV) on November 16, 2007. As described in the preamble to the final rule promulgating NSPS VVa, the final amendments to NSPS VV provided additional compliance options, clarified ambiguous provisions, and made technical corrections<sup>5</sup> but did

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<sup>5</sup> 72 Fed. Reg. 64862 (November 16, 2007).

not change the affected facility subject to either NSPS VV or NSPS VVa. The preamble to NSPS VV explains that equipment within a process unit is the affected facility for determining applicability of the standards. Process units used to produce chemicals covered by the standards may involve chemical synthesis, biological synthesis, other processing, or physical operations, such as separation<sup>6</sup>. NSPS VV, and by extension NSPS VVa, regulates physical operations within the synthetic organic chemical manufacturing industry.

Pursuant to 40 C.F.R. Section 60.480a(a)(2), the group of all equipment within a process unit is an affected facility. "Process unit", as defined at 40 C.F.R. Section 60.481a, means in relevant part the components assembled and connected by pipes or ducts to process raw materials and to produce, as intermediate or final products, one or more of the chemicals listed in 40 C.F.R. Section 60.489.

Corteva explains that it intends to purchase, purify via distillation, and use Raw Material A in EU12b. Raw Material A is one of the chemicals listed in 40 C.F.R. Section 60.489. Since the distillation process will produce purified Raw Material A, the distillation process would itself be considered a process unit as defined at 40 C.F.R. Section 60.481a. Since Raw Material A is produced within the SOCM and since the distillation process is a process unit that will manufacture as an intermediate purified Raw Material A, the proposed distillation process would be an affected facility subject to NSPS VVa pursuant to 40 C.F.R. Section 60.480a(a).

Applicability determination control number 9700112 dated June 19, 1997, determined that purchased solvents recovered in a solvent recovery operation does not produce the solvents, thus making NSPS VV not applicable in that case. We acknowledge this prior determination. However, the solvent recovery process described in that determination differs from the proposed distillation process described in Corteva's request. Particularly, Corteva's request states that the proposed distillation is not a solvent recovery process. Since the proposed distillation process is not a solvent recovery process, the prior determination does not apply to Corteva's request.

### **Applicability Determination**

Based on the information provided by Corteva, EPA has determined that 40 C.F.R. Part 63 Subparts F and G do not apply since the proposed distillation process would not be a CMPIU manufacturing a chemical specified at 40 C.F.R. Section 63.100(b)(1). 40 C.F.R. Part 63 Subpart H may apply if other part 63 requirements reference Subpart H. Pursuant to 40 C.F.R. Section 63.1360(g), Corteva may elect to designate the proposed distillation process as a PAI process unit subject to 40 C.F.R. Part 63 Subpart MMM. If Corteva does not designate the proposed distillation process a PAI process unit, then the proposed distillation process would be an affected source subject to 40 C.F.R. Part 63 Subpart FFFF. EPA has also determined that the proposed distillation process is an affected facility subject to 40 C.F.R. Part 60 Subpart VVa since the proposed distillation process will produce a purified product.

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<sup>6</sup> 48 Fed. Reg. 48328 (October 18, 1983).

We have coordinated this determination with the Office of Enforcement and Compliance Assurance and the Office of Air Quality Planning and Standards. This applicability determination is made in reliance on the accuracy of the information provided to EPA by Corteva and does not relieve Corteva of the responsibility for complying fully with all applicable federal, state, and local laws, regulations, and permits. If you have any further questions, please contact Michael Langman of my staff at (312) 886-6867.

Sincerely,

**Aburano,  
Douglas**

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Aburano, Douglas  
Date: 2023.12.12  
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Douglas Aburano  
Manager  
Air Programs Branch

cc: Brad Myott, Field Operations Manager  
Michigan Department of Environment, Great Lakes, and Energy

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