

To demonstrate continuous compliance with the emission and operating limits, you would also need daily records of the quantity, type, and origin of each fuel burned and hours of operation of the affected source. If you are complying with the chlorine or total selected metals fuel input option, you must keep records of the calculations supporting your determination of the chlorine and total selected metals content in the fuel.

K. How Did EPA Determine Compliance Times for the Proposed Rule?

Section 112 of the CAA specifies the dates by which affected sources must comply with the emission standards. New or reconstructed units must be in compliance with the proposed rule immediately upon startup or [DATE THE FINAL RULE IS PUBLISHED IN THE FEDERAL REGISTER], whichever is later. Existing sources are allowed 3 years to comply with the final rule. This is the maximum period allowed by the CAA. We believe that 3 years for compliance is necessary to allow adequate time to design, install and test control systems that will be retrofitted onto existing boilers, as well as obtain permits for the use of add-on controls.

L. How Did EPA Determine the Required Records and Reports for the Proposed Rule?

You would be required to comply with the applicable requirements in the NESHAP General Provisions, subpart A of 40 CFR part 63, as described in Table 10 of the proposed subpart DDDDD. We evaluated the General Provisions requirements and included those we determined to be the minimum notification, recordkeeping, and reporting necessary to ensure compliance with, and effective enforcement of, the proposed rule.

We are also requiring that you keep daily records of the total fuel use by each affected source, subject to an emission limit or work practice standard, along with a description of the fuel, the total fuel usage amounts and units of measure, and information on the supplier and original source of the fuel. This information is necessary to ensure that the affected source is complying with the emission limits from the correct subcategory.

We are requiring additional recordkeeping if you choose to comply with the chlorine, mercury or total selected metals fuel input option. You will need to keep records of the calculations and supporting information used to develop the chlorine, mercury, or total selected metals fuel input operating limit.

M. How Does the Proposed Rule Affect Permits?

The CAA requires that sources subject to the proposed rule be operated pursuant to a permit issued under EPA-approved State operating permit program. The operating permit programs are developed under title V of the CAA and the implementing regulations under 40 CFR parts 70 and 71. If you are operating in the first 3 years of your operating permit, you will need to obtain a revised permit to incorporate the proposed rule. If you are in the last 2 years of your operating permit, you will need to incorporate the proposed rule into the next renewal of your permit.

N. What Alternative Provisions Are Being Considered?

The EPA is considering a bubbling compliance alternative for determining compliance with the non-mercury metallic HAP, HCl, mercury, and PM standards for existing sources. The bubbling compliance alternative would allow owners and operators to set non-mercury metals, mercury, HCl, and PM emissions limits for each existing boiler or process heater in the same subcategory such that if these limits are met, the total emissions from all existing boilers or process heaters in the subcategory are less than or equal to a subcategory specific bubble limit. The subcategory specific bubble limit would be the proposed emissions limits for non-mercury metallic HAP, mercury, HCl, and PM.

The bubbling compliance alternative would not be applicable to new sources and could only be used between boilers and process heaters in the same subcategory. For example, bubbling between a solid fuel-fired boiler greater than 10 million Btu/hour could only be conducted with other solid fuel-fired boilers or process heaters with heat input capacities greater than 10 million Btu/hour. Also, owners or owners of existing sources subject to the Industrial Boiler New Source Performance Standards (NSPS) (40 CFR part 60, subparts Db and Dc) would be required to continue to meet the PM emission standard of that NSPS regardless of whether they are complying with the bubbling alternative or not (because the NSPS is a separate regulatory requirement which remains in place).

Owners or operators that would choose to comply with the HAP metals, mercury, HCl, or PM standards using the bubbling compliance alternative would be required to submit HAP metals, mercury, HCl, and/or PM emissions limits to the Administrator

for approval for each existing source included in the bubbling compliance alternative. Before emissions limits would be approved, the owner or operator would need to submit documentation demonstrating that if the emissions limits for each source (e.g., each boiler or heater) are met, the entire group of sources within the bubbling compliance alternative would be in compliance with the subcategory-wide allowable non-mercury metallic HAP, mercury, HCl, and PM emission levels. Once approved by the Administrator, the non-mercury metallic HAP, mercury, HCl, and PM emissions levels would be incorporated into the operating permit for the source. Thereafter, the owner and operator of the facility would demonstrate compliance with the standards by demonstrating that each boiler or process heater included in the bubbling compliance alternative emits less than or equal to the approved non-mercury metallic HAP, mercury, HCl, and PM emissions limits for that source.

The EPA is considering this bubbling compliance alternative as part of the EPA's general policy of encouraging the use of flexible compliance approaches where they can be properly monitored and enforced. Emissions averaging can provide sources the flexibility to comply in the least costly manner while still maintaining regulation that is workable and enforceable. However, to implement this alternative, the final rule will need to define the affected source more broadly to include all the existing boilers and process heaters for each subcategory located at the same facility. Therefore, EPA is soliciting comments on the bubbling compliance alternative, whether EPA should specify this bubbling compliance alternative in the final rule, and whether new units added to an existing affected source should be included as part of, and applicable to, the existing source bubble limit. Comments should include information on the potential cost savings a facility could expect from implementation of the bubbling compliance provision, along with supporting documentation for this estimated cost saving.

IV. Impacts of the Proposed Rule

A. What Are the Air Impacts?

Table 2 of this preamble illustrates, for each subcategory, the emissions reductions achieved by the proposed rule (i.e., the difference in emissions between a boiler or process heater controlled to the floor level of control and boilers or process heaters at the current baseline) for new and existing sources. Nationwide emissions of