

performance evaluation procedures and calibration criteria, ongoing operation and maintenance procedures, ongoing data assurance procedures, and ongoing recordkeeping and reporting procedures. It must also address how other parameters (e.g., flow rate) needed to calculate the mass of mercury emissions from each emission point are to be monitored. If periodic weekly monitoring is the selected compliance method, the owner or operator is required to conduct tests on a weekly basis using either an EPA Reference Method (101, 101A, or 102) or an alternative method that has been validated using Method 301, 40 CFR part 63, appendix A. If the final control device is not a nonregenerable carbon adsorber, in addition to periodic testing, the final rule contains requirements for the continuous monitoring of control device-specific parameters.

To demonstrate continuous compliance, the final rule requires the owner or operator to reduce mercury emissions to 52-week averages and to maintain the 52-week average below 0.076 g Hg/Mg Cl₂ for plants with end box ventilation systems, or 0.033 g Hg/Mg Cl₂ for plants without end box ventilation systems. For mercury thermal recovery units, the owner or operator is required to determine daily average mercury emissions and maintain the daily average below 23 mg/dscm for each oven type vent or 4 mg/dscm for each non-oven type vent. The final rule requires the owner or operator to collect emissions data using either a continuous mercury emissions monitor, or by collecting weekly samples using periodic monitoring. If the periodic monitoring option is used and the final control device is not a nonregenerable carbon adsorber, the owner or operator is required to also monitor specific control device parameters and compare to the maximum or minimum monitoring values developed during the performance test. Continuous compliance is achieved if the monitoring values remain either below the maximum monitoring value, or above the minimum monitoring value, as appropriate.

I. How Are Initial and Continuous Compliance With the Work Practice Standards To Be Demonstrated?

The final rule requires compliance with the work practice standards within 3 years from December 19, 2003.

The final rule contains specific recordkeeping requirements related to the work practice standards. These include records of when inspections were conducted, problems identified, and actions taken to correct problems.

Continuous compliance with work practice standards will be demonstrated by maintaining these required records.

Initial compliance with the washdown plan will be demonstrated by submission of the plan by the owner or operator and certification that they operate according to, or will operate according to, the plan. Continuous compliance with the plan will be demonstrated by maintaining related records. Records will also be required to demonstrate compliance with the cell room monitoring program.

J. What Are the Notification and Reporting Requirements?

The final rule requires that owners or operators submit Initial Notifications, Notifications of Intent to conduct a performance test, Notification of Compliance Status (NOCS), and compliance reports.

For the Initial Notification, we are requiring that each owner or operator notify us that their plant is subject to the NESHAP for mercury cell chlor-alkali plants, and that they provide other basic information about the plant. For existing sources, this notification would need to be submitted no later than April 19, 2004.

For the Notification of Intent report, we are requiring that each owner or operator notify us in writing of the intent to conduct a performance test at least 60 days before the performance test is scheduled to begin.

The NOCS for the work practice standards will be due 30 days after the compliance date for existing sources. In this notification, the owner or operator will need to certify that the work practice standards are being or will be met. Furthermore, we are requiring that the washdown plan be submitted as part of this notification, and that the owner or operator certify that they operate or will operate according to the plan.

For the emission limits where a performance test is required to demonstrate initial compliance (that is, the emission limits for by-product hydrogen streams and end box ventilation system vents and the mercury thermal recovery unit vent limits), the tests will have to be conducted no later than the compliance date, and the NOCS will be due 60 days after the completion of the performance test. The site-specific monitoring plan addressing the use of mercury continuous emission monitors for vents must be submitted as part of this notification.

Compliance reporting is required semiannually, with the first report due within the first 6 months after initial compliance.

K. What Are the Recordkeeping Requirements?

Records required by the final rule related to by-product hydrogen streams, end box ventilation system vents, and mercury thermal recovery unit vents include the following: Performance test results, records showing the establishment of the applicable mercury concentration operating limits (including records of the mercury concentration monitoring conducted during the performance tests), records of the continuous mercury concentration monitoring data, records of the daily average elemental mercury concentration values, and records associated with site-specific monitoring plans.

With regard to the work practice standards, the final rule requires that records be maintained to document when each required inspection was conducted and the results of each inspection. Records noting equipment problems (such as end box cover stoppers not securely in place or mercury in an open container not covered by an aqueous liquid) identified during a required inspection, and the corrective action taken would also be required. If equipment that is leaking mercury liquid or hydrogen/mercury vapor is identified during a required inspection or at any other time, the final rule requires records of when the leak was identified and when it was repaired. Similarly, if a mercury spill or accumulation is identified at any time, the final rule requires records of when the spill or accumulation was found and when it was cleaned up.

A copy of the current version of the washdown plan would need to be kept on-site and be available for inspection. Records of when washdowns were conducted would be required.

The final rule requires that copies of each notification and report that is submitted to comply with the final rule be kept and maintained for 5 years, the first 2 of which must be on-site.

IV. Summary of Major Comments and Responses

This section includes discussion of significant comments on the proposed rule. For a complete summary of all the comments received on the proposed rule and our responses to them, refer to the "Background Information Document for Promulgation of National Emissions Standards for Hazardous Air Pollutant (NESHAP): Mercury Emissions From Mercury Cell Chlor-Alkali Plants" EPA-453/R-03-012 (hereafter called the "response to comments document") in Docket OAR-2002-0017 or A-2000-32.