

monitoring program was seriously flawed and should be deleted from the final rule. The commenters noted that periodic monitoring done in various areas of the cell room (as currently practiced to ensure compliance with Occupational Health & Safety Administration (OSHA) permissible exposure limits) was an appropriate substitute. Several commenters stated that they would not be opposed to the continuous mercury monitoring program if the technology were field demonstrated.

In contrast, one commenter, which submitted comments after the close of the comment period, "enthusiastically" supported the proposed cell room monitoring program. Nonetheless, the commenter felt that it was unwise for the EPA to allow each owner/operator to set his/her own cell room action level.

Some commenters stated that cell room monitoring is redundant to the housekeeping requirements, and that the work practices required in Tables 1–5 to the proposed rule allow for sufficient opportunity to quickly detect abnormal sources of mercury emissions. Another commenter stated that the final rule should either require continuous monitoring or detailed work practice standards but not both. The commenter argued that cell room designs vary greatly. Given this variability, the commenter urged EPA to enable facilities to select the appropriate compliance strategy for individual circumstances.

Response: With regard to technical feasibility, a cell room mercury monitoring system was tested in 2000 at a mercury cell facility in Augusta, Georgia, that demonstrated that the monitoring technology can be effectively installed and operated in mercury cell chlor-alkali plant cell rooms, and this technology, along with other measures, can be an effective mechanism to identify leaking equipment and other problems that result in fugitive mercury emissions from the cell room.

We acknowledge that this success, which occurred in a limited and very controlled situation for a short time period, does not necessarily prove that similar monitoring at every mercury cell room would prove to be an effective long-term method to reduce mercury fugitive emissions. In fact, the design and operation of the Augusta facility probably represented the optimum circumstances for a mercury cell room monitoring program to be successful. We are aware that cell room designs vary greatly and recognize that the design affects the location and number of monitors necessary to accurately

monitor each individual cell room. In addition, depending on the design of the roof, it may be possible that installation of monitors that adequately monitor mercury concentration would not even be possible.

Even with these limitations, a well designed and implemented cell room monitoring program can effectively reduce mercury fugitive emissions on a long-term basis. Therefore, we included this concept in the final rule.

However, we do agree with the commenters that a comprehensive continuous cell room monitoring program should be sufficient to reduce fugitive mercury emissions from the cell room without imposing the overlapping requirements of the detailed work practices. Therefore, we have concluded that it is appropriate to allow facilities to implement the continuous cell room monitoring program as an alternative to, and not in addition to, the work practice requirements. In the final rule, facilities are given the option to implement the cell room continuous monitoring program in lieu of the work practice requirements. We do, however, feel there is a need to outline more specifically the elements that must be included in the cell room monitoring program to ensure that it provides at least the same level of control as the work practices and cell room monitoring program would have provided together. Therefore, there are more prescriptive requirements in the final rule for the cell room monitoring plan option. The final rule dictates how the action level is to be established, what measures must be followed when the action level is exceeded, and what records must be kept.

Although the continuous cell room monitoring provisions are optional, some mercury monitoring to detect elevated mercury levels in the cell room is appropriate. Therefore, we have included a periodic monitoring program to be performed throughout the cell room as a substitute for continuous monitoring. The final rule contains a floor-level periodic monitoring program as part of the work practice standards.

F. What Issues Were Raised Regarding the Monitoring and Continuous Compliance Requirements?

Comment: Three commenters questioned EPA's intent in establishing emission limitations based on the initial performance test. These commenters felt that the proposed standards amounted to changing the emission limit based on the emissions observed during the performance test which amounted to ignoring the emission limit established through the rulemaking process. Two of

the commenters stated that the amount of mercury emissions measured during the initial compliance performance test should be used only to verify compliance with the MACT standards, and not to establish new emission limits. The commenters were concerned that the emission limits would become floating limits based on the most recent performance test, as opposed to being MACT standards.

The commenters indicated that variations around the concentrations, above and below, measured during the performance test can be expected. Treatment systems employed to obtain compliance (e.g., carbon) would be expected to show some slight deterioration after a period of operation. Therefore, a performance test conducted just after a carbon change would result in an unrealistically low operating limit. Finally, the commenters were concerned that different facilities would have different operating limits, depending on variables like the type of control equipment installed, the operating conditions on the day of the emission test (i.e., mercury volatility changes significantly with temperature), and other factors. One commenter was concerned that, given the wide variability in emission constituents, operators would not be able to assure that their facilities will consistently emit within the limits established during an ideally controlled initial performance test.

Two of the commenters acknowledged that other MACT standards require the gathering of data for surrogate parameters (e.g., scrubber liquor pH, scrubber liquor flow) when direct measurement of a control parameter is not required or feasible. These surrogate parameters are used to establish performance requirements for the control device. The commenters went on to say that in cases where performance requirements were based on surrogate parameters were established during the performance test, the emission limitation was not modified to reflect the actual emissions experience during the test. However, the commenters stated that they felt that this is exactly what is required under the proposed rule.

One of the commenters argued that EPA's required installation of instruments directly in the vent stream to continuously monitor actual concentration of mercury and, therefore, actual mercury emissions, means that there is no need to rely on operating parameters which have been calculated for only one set of conditions.

One commenter was concerned about the cost-benefits of continuous