

permission to use alternative test methods or alternative monitoring requirements in place of any of the EPA testing methods, performance specifications, or procedures.

#### *J. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). The final rule will be effective on December 19, 2003.

#### **List of Subjects in 40 CFR Part 63**

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Recordkeeping and reporting requirements.

Dated: August 25, 2003.

**Marianne Lamont Horinko,**  
*Acting Administrator.*

■ For the reasons stated in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

#### **PART 63—[AMENDED]**

■ 1. The authority citation for part 63 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

■ 2. Part 63 is amended by adding subpart IIIII to read as follows:

#### **Subpart IIIII—National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants**

Sec.

##### **What This Subpart Covers**

- 63.8180 What is the purpose of this subpart?
- 63.8182 Am I subject to this subpart?
- 63.8184 What parts of my plant does this subpart cover?
- 63.8186 When do I have to comply with this subpart?

##### **Emission Limitations and Work Practice Standards**

- 63.8190 What emission limitations must I meet?
- 63.8192 What work practice standards must I meet?

##### **Operation and Maintenance Requirements**

- 63.8222 What are my operation and maintenance requirements?

##### **General Compliance Requirements**

- 63.8226 What are my general requirements for complying with this subpart?

##### **Initial Compliance Requirements**

- 63.8230 By what date must I conduct performance tests or other initial compliance demonstrations?
- 63.8232 What test methods and other procedures must I use to demonstrate initial compliance with the emission limits?
- 63.8234 What equations and procedures must I use for the initial compliance demonstration?
- 63.8236 How do I demonstrate initial compliance with the emission limitations and work practice standards?

##### **Continuous Compliance Requirements**

- 63.8240 What are my monitoring requirements?
- 63.8242 What are the installation, operation, and maintenance requirements for my continuous monitoring systems?
- 63.8243 What equations and procedures must I use to demonstrate continuous compliance?
- 63.8244 How do I monitor and collect data to demonstrate continuous compliance?
- 63.8246 How do I demonstrate continuous compliance with the emission limitations and work practice standards?
- 63.8248 What other requirements must I meet?

##### **Notifications, Reports, and Records**

- 63.8252 What notifications must I submit and when?
- 63.8254 What reports must I submit and when?
- 63.8256 What records must I keep?
- 63.8258 In what form and how long must I keep my records?

##### **Other Requirements and Information**

- 63.8262 What parts of the General Provisions apply to me?
- 63.8264 Who implements and enforces this subpart?
- 63.8266 What definitions apply to this subpart?

##### **Tables to Subpart IIIII of Part 63**

- Table 1 to Subpart IIIII of Part 63—Work Practice Standards—Design, Operation, and Maintenance Requirements
- Table 2 to Subpart IIIII of Part 63—Work Practice Standards—Required Inspections
- Table 3 to Subpart IIIII of Part 63—Work Practice Standards—Required Actions for Liquid Mercury Spills and Accumulations and Hydrogen and Mercury Vapor Leaks

Table 4 to Subpart IIIII of Part 63—Work Practice Standards—Requirements for Mercury Liquid Collection

Table 5 to Subpart IIIII of Part 63—Required Elements of Floor-Level Mercury Vapor Measurement and Cell Room Monitoring Plans

Table 6 to Subpart IIIII of Part 63—Examples of Techniques for Equipment Problem Identification, Leak Detection and Mercury Vapor Measurements

Table 7 to Subpart IIIII of Part 63—Required Elements of Washdown Plans

Table 8 to Subpart IIIII of Part 63—Requirements for Cell Room Monitoring Program

Table 9 to Subpart IIIII of Part 63—Required Records for Work Practice Standards

Table 10 to Subpart IIIII of Part 63—Applicability of General Provisions to Subpart IIIII

#### **What This Subpart Covers**

##### **§ 63.8180 What is the purpose of this subpart?**

This subpart establishes national emission standards for hazardous air pollutants (NESHAP) for affected sources of mercury emissions at mercury cell chlor-alkali plants. This subpart also establishes requirements to demonstrate initial and continuous compliance with all applicable emission limitations and work practice standards in this subpart.

##### **§ 63.8182 Am I subject to this subpart?**

(a) You are subject to this subpart if you own or operate a mercury cell chlor-alkali plant.

(b) You are required to obtain a title V permit, whether your affected source is a part of a major source of hazardous air pollutant (HAP) emissions or a part of an area source of HAP emissions. A major source of HAP is a source that emits or has the potential to emit any single HAP at a rate of 10 tons or more per year or any combination of HAP at a rate of 25 tons or more per year. An area source of HAP is a source that has the potential to emit HAP but is not a major source. Nothing in this subpart revises how affected sources are aggregated for purposes of determining whether an affected source is a part of an area, nonmajor, or major source under any provisions of the Clean Air Act (CAA) or EPA's regulations. For information on aggregating affected sources to determine what is a source under title V, see the definition of major source in 40 CFR 70.2, 71.2 and 63.2.

(c) Beginning on December 19, 2006, the provisions of subpart E of 40 CFR part 61 that apply to mercury chlor-alkali plants, which are listed in paragraphs (c)(1) through (3) of this section, are no longer applicable.

- (1) § 61.52(a);
- (2) § 61.53(b) and (c); and