authority that additional time is needed to install or modify emission control equipment.

(c) If you start up a new affected source on or before December 28, 2007, you must achieve compliance with the applicable provisions of this subpart by no later than December 28, 2007.

(d) If you start up a new affected source after December 28, 2007, you must achieve compliance with the applicable provisions of this subpart upon startup of your affected source.

STANDARDS AND COMPLIANCE REQUIREMENTS

§ 63.10685 What are the requirements for the control of contaminants from scrap?

(a) Chlorinated plastics, lead, and free organic liquids. For metallic scrap utilized in the EAF at your facility, you must comply with the requirements in either paragraph (a)(1) or (2) of this section. You may have certain scrap at your facility subject to paragraph (a)(1) of this section and other scrap subject to paragraph (a)(2) of this section provided the scrap remains segregated until charge make-up.

(1) Pollution prevention plan. For the production of steel other than leaded steel, you must prepare and implement a pollution prevention plan for metallic scrap selection and inspection to minimize the amount of chlorinated plastics, lead, and free organic liquids that is charged to the furnace. For the production of leaded steel, you must prepare and implement a pollution prevention plan for scrap selection and inspection to minimize the amount of chlorinated plastics and free organic liquids in the scrap that is charged to the furnace. You must submit the scrap pollution prevention plan to the permitting authority for approval. You must operate according to the plan as submitted during the review and approval process, operate according to the approved plan at all times after approval, and address any deficiency identified by the permitting authority within 60 days following disapproval of a plan. You may request approval to revise the plan and may operate according to the revised plan unless and until the revision is disapproved by the permitting authority. You must keep a copy of the plan onsite, and you must provide training on the plan’s requirements to all plant personnel with materials acquisition or inspection duties. Each plan must include the information in paragraphs (a)(1)(i) through (iii) of this section:

(i) Specifications that scrap materials must be depleted (to the extent practicable) of undrained used oil filters, chlorinated plastics, and free organic liquids at the time of charging to the furnace.

(ii) Procedures for determining if the requirements and specifications in paragraph (a)(1) of this section are met (such as visual inspection or periodic audits of scrap providers) and procedures for taking corrective actions with vendors whose shipments are not within specifications.

(iii) Procedures for determining if the requirements of paragraph (a)(1) of this section do not apply to the routine recycling of baghouse bags or other internal process or maintenance materials in the furnace. These exempted materials must be identified in the pollution prevention plan.

(2) Restricted metallic scrap. For the production of steel other than leaded steel, you must not charge to a furnace metallic scrap that contains scrap from motor vehicle bodies, engine blocks, oil filters, oily turnings, machine shop borings, transformers or capacitors containing polychlorinated biphenyls, lead-containing components, chlorinated plastics, or free organic liquids. For the production of leaded steel, you must not charge to the furnace metallic scrap that contains scrap from motor vehicle bodies, engine blocks, oil filters, oily turnings, machine shop borings, transformers or capacitors containing polychlorinated biphenyls, chlorinated plastics, or free organic liquids. This restriction does not apply to any post-consumer engine blocks, post-consumer oil filters, or oily turnings that are processed or cleaned to the extent practicable such that the materials do not include lead.
components, chlorinated plastics, or free organic liquids. This restriction
does not apply to motor vehicle scrap
that is charged to recover the chrom-
mium or nickel content if you meet the
requirements in paragraph (b)(3) of this
section.

(b) Mercury requirements. For scrap
containing motor vehicle scrap, you
must procure the scrap pursuant to one
of the compliance options in para-
grahs (b)(1), (2), or (3) of this section
for each scrap provider, contract, or
shipment. For scrap that does not con-
tain motor vehicle scrap, you must
procure the scrap pursuant to the re-
quirements in paragraph (b)(4) of this
section for each scrap provider, con-
tract, or shipment. You may have one
scrap provider, contract, or shipment
subject to one compliance provision
and others subject to another compli-
ance provision.

(1) Site-specific plan for mercury
switches. You must comply with the re-
quirements in paragraphs (b)(1)(i)
through (v) of this section.

(i) You must include a requirement
in your scrap specifications for re-
moval of mercury switches from vehi-
cle bodies used to make the scrap.

(ii) You must prepare and operate ac-
cording to a plan demonstrating how
your facility will implement the scrap
specification in paragraph (b)(1)(i) of
this section for removal of mercury
switches. You must submit the plan to
the permitting authority for approval.
You must operate according to this
plan as submitted during the review
and approval process, operate accord-
ing to the approved plan at all times
after approval, and address any defi-
ciency identified by the permitting au-
thority within 60 days following dis-
approval of a plan. You may request
approval to revise the plan and may op-
erate according to the revised plan un-
less and until the revision is dis-
approved by the permitting authority.

The permitting authority may change
the approval status of the plan upon 90-
days written notice based upon the
semiannual compliance report or other
information. The plan must include:

(A) A means of communicating to
scrap purchasers and scrap providers
the need to obtain or provide motor ve-
icle scrap from which mercury switch-
es have been removed and the need to
ensure the proper management of the
mercury switches removed from that
scrap as required under the rules im-
plementing subtitle C of the Resource
Conservation and Recovery Act
(RCRA) (40 CFR parts 261 through 265
and 268). The plan must include docu-
mentation of direction to appropriate
staff to communicate to suppliers
throughout the scrap supply chain the
need to promote the removal of mer-
cury switches from end-of-life vehicles.
Upon the request of the permitting au-
thority, you must provide examples of
materials that are used for outreach to
suppliers, such as letters, contract lan-
guage, policies for purchasing agents,
and scrap inspection protocols;

(B) Provisions for obtaining assur-
ance from scrap providers that motor
vehicle scrap provided to the facility
meet the scrap specification;

(C) Provisions for periodic inspec-
tions or other means of corroboration
to ensure that scrap providers and dis-
mantlers are implementing appropriate
steps to minimize the presence of mer-
cury switches in motor vehicle scrap
and that the mercury switches re-
moved are being properly managed, in-
cluding the minimum frequency such
means of corroboration will be imple-
mented; and

(D) Provisions for taking corrective
actions (i.e., actions resulting in scrap
providers removing a higher percent-
age of mercury switches or other mer-
cury-containing components) if needed,
based on the results of procedures im-
plemented in paragraph (b)(1)(ii)(C) of
this section).

(iii) You must require each motor ve-
hicle scrap provider to provide an esti-
mate of the number of mercury switch-
es removed from motor vehicle scrap
sent to your facility during the pre-
vious year and the basis for the esti-
mate. The permitting authority may
request documentation or additional
information at any time.

(iv) You must establish a goal for
each scrap provider to remove at least
80 percent of the mercury switches. Al-
though a site-specific plan approved
under paragraph (b)(1) of this section
may require only the removal of con-
venience light switch mechanisms, the
permitting authority will credit all
(v) For each scrap provider, you must submit semiannual progress reports to the permitting authority that provide the number of mercury switches removed or the weight of mercury recovered from the switches, the estimated number of vehicles processed, an estimate of the percent of mercury switches removed, and certification that the removed mercury switches were recycled at RCRA-permitted facilities or otherwise properly managed pursuant to RCRA subtitle C regulations referenced in paragraph (b)(1)(ii)(A) of this section. This information can be submitted in aggregated form and does not have to be submitted for each scrap provider, contract, or shipment. The permitting authority may change the approval status of a site-specific plan following 90-days notice based on the progress reports or other information.

(2) Option for approved mercury programs. You must certify in your notification of compliance status that you participate in and purchase motor vehicle scrap only from scrap providers who participate in a program for removal of mercury switches that has been approved by the Administrator based on the criteria in paragraphs (b)(2)(i) through (iii) of this section. If you purchase motor vehicle scrap from a broker, you must certify that all scrap received from that broker was obtained from other scrap providers who participate in a program for the removal of mercury switches that has been approved by the Administrator based on the criteria in paragraphs (b)(2)(i) through (iii) of this section. The National Vehicle Mercury Switch Recovery Program and the Vehicle Switch Recovery Program mandated by Maine State law are EPA-approved programs under paragraph (b)(2) of this section unless and until the Administrator disapproves the program (in part or in whole) under paragraph (b)(2)(iii) of this section.

(i) The program includes outreach that informs the dismantlers of the need for removal of mercury switches and provides training and guidance for removing mercury switches;

(ii) The program has a goal to remove at least 80 percent of mercury switches from the motor vehicle scrap the scrap provider processes. Although a program approved under paragraph (b)(2) of this section may require only the removal of convenience light switch mechanisms, the Administrator will credit all documented and verifiable mercury-containing components removed from motor vehicle scrap (such as sensors in anti-locking brake systems, security systems, active ride control, and other applications) when evaluating progress towards the 80 percent goal; and

(iii) The program sponsor agrees to submit progress reports to the Administrator no less frequently than once every year that provide the number of mercury switches removed or the weight of mercury recovered from the switches, the estimated number of vehicles processed, an estimate of the percent of mercury switches recovered, and certification that the recovered mercury switches were recycled at facilities with permits as required under the rules implementing subtitle C of RCRA (40 CFR parts 261 through 265 and 268). The progress reports must be based on a database that includes data for each program participant; however, data may be aggregated at the State level for progress reports that will be publicly available. The Administrator may change the approval status of a program or portion of a program (e.g., at the State level) following 90-days notice based on the progress reports or on other information.

(iv) You must develop and maintain onsite a plan demonstrating the manner through which your facility is participating in the EPA-approved program.

(A) The plan must include facility-specific implementation elements, corporate-wide policies, and/or efforts coordinated by a trade association as appropriate for each facility.

(B) You must provide in the plan documentation of direction to appropriate staff to communicate to suppliers throughout the scrap supply chain the
need to promote the removal of mercury switches from end-of-life vehicles. Upon the request of the permitting authority, you must provide examples of materials that are used for outreach to suppliers, such as letters, contract language, policies for purchasing agents, and scrap inspection protocols.

(C) You must conduct periodic inspections or provide other means of corroboration to ensure that scrap providers are aware of the need for and are implementing appropriate steps to minimize the presence of mercury in scrap from end-of-life vehicles.

(3) Option for specialty metal scrap. You must certify in your notification of compliance status that the only materials from motor vehicles in the scrap are materials recovered for their specialty alloy (including, but not limited to, chromium, nickel, molybdenum, or other alloys) content (such as certain exhaust systems) and, based on the nature of the scrap and purchase specifications, that the type of scrap is not reasonably expected to contain mercury switches.

(4) Scrap that does not contain motor vehicle scrap. For scrap not subject to the requirements in paragraphs (b)(1) through (3) of this section, you must certify in your notification of compliance status and maintain records of documentation that this scrap does not contain motor vehicle scrap.

(c) Recordkeeping and reporting requirements. In addition to the records required by §63.10, you must keep records to demonstrate compliance with the requirements for your pollution prevention plan in paragraph (a)(1) of this section and/or for the use of only restricted scrap in paragraph (a)(2) of this section and for mercury in paragraphs (b)(1) through (3) of this section as applicable. You must keep records documenting compliance with paragraph (b)(4) of this section for scrap that does not contain motor vehicle scrap.

(1) If you are subject to the requirements for a site-specific plan for mercury under paragraph (b)(1) of this section, you must:

(i) Maintain records of the number of mercury switches removed or the weight of mercury recovered from the switches and properly managed, the estimated number of vehicles processed, and an estimate of the percent of mercury switches recovered; and

(ii) Submit semiannual reports of the number of mercury switches removed or the weight of mercury recovered from the switches and properly managed, the estimated number of vehicles processed, an estimate of the percent of mercury switches recovered, and a certification that the recovered mercury switches were recycled at RCRA-permitted facilities. The semiannual reports must include a certification that you have conducted inspections or taken other means of corroboration as required under paragraph (b)(1)(ii)(C) of this section. You may include this information in the semiannual compliance reports required under paragraph (c)(3) of this section.

(2) If you are subject to the option for approved mercury programs under paragraph (b)(2) of this section, you must maintain records identifying each scrap provider and documenting the scrap provider’s participation in an approved mercury switch removal program. If you purchase motor vehicle scrap from a broker, you must maintain records identifying each broker and documentation that all scrap provided by the broker was obtained from other scrap providers who participate in an approved mercury switch removal program.

(3) You must submit semiannual compliance reports to the Administrator for the control of contaminants from scrap according to the requirements in §63.10(e). The report must clearly identify any deviation from the requirements in paragraphs (a) and (b) of this section and the corrective action taken. You must identify which compliance option in paragraph (b) of this section applies to each scrap provider, contract, or shipment.

§63.10686 What are the requirements for electric arc furnaces and argon-oxygen decarburization vessels?

(a) You must install, operate, and maintain a capture system that collects the emissions from each EAF (including charging, melting, and tapping operations) and argon-oxygen