

assessing the impact on small entities of any rule subject to the notice-and-comment rulemaking requirements. Because this action is exempt from such requirements, as described above, it is not subject to RFA.

**G. Submission to Congress and the General Accounting Office**

Under 5 U.S.C. of the APA, 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), EPA submitted, by the date of publication of this rule, 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 General Accounting Office. This rule is not a "major rule" as defined by 5 U.S.C. 804(2), as amended.

**H. Paperwork Reduction Act**

This action does not contain any information collection requirements which require OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

**I. Judicial Review**

Under CAA section 307(b)(1), a petition to review today's action may be filed in the Court of Appeals for the District of Columbia within 60 days of June 22, 1999.

Dated: June 14, 1999.

**Carol M. Browner,**  
Administrator.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[IL-64-2-5807; FRL-6344-5]

RIN 2060-AE41

**National Emission Standards for Hazardous Air Pollutants for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This action promulgates national emission standards for hazardous air pollutants (NESHAP) for hydrochloric acid process steel pickling facilities and hydrochloric acid regeneration plants pursuant to section 112 of the Clean Air Act (Act). Major source facilities subject to the rule emit hydrochloric acid (HCl), a hazardous air

pollutant (HAP). Chronic exposure to HCl has been reported to cause gastritis, chronic bronchitis, dermatitis, and photosensitization. Acute inhalation exposure to HCl may cause hoarseness, inflammation and ulceration of the respiratory tract, chest pain, and pulmonary edema. Hydrochloric acid regeneration plants also emit chlorine (Cl<sub>2</sub>), which is also a HAP. Acute exposure to high levels of Cl<sub>2</sub> results in chest pain, vomiting, toxic pneumonitis, pulmonary edema, and death. At lower levels, Cl<sub>2</sub> is a potent irritant to the eyes, the upper respiratory tract, and lungs. The final rule provides public health protection by requiring new or existing pickling lines that use hydrochloric acid as the primary pickling solution, hydrochloric acid regeneration plants, and acid storage tanks to meet emission standards reflecting application of the maximum achievable control technology (MACT). Implementation of the rule is expected to reduce HAP emissions by more than 2,200 megagrams per year (Mg/yr) (2,500 tons per year (tpy) from current levels.

**EFFECTIVE DATE:** This final rule is effective on June 22, 1999. See the **SUPPLEMENTARY INFORMATION** section concerning judicial review.

**ADDRESSES:** Docket. Docket A-95-43, containing the information considered by the EPA in development of the final rule, is available for public inspection between 8 a.m. and 5:30 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (6102), 401 M Street SW, Washington, DC 20460; telephone: (202) 260-7548. The docket is located at the above address in Room M-1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Jim Maysilles, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-3265, facsimile number (919) 541-5600, electronic mail address, "maysilles.jim@epa.gov".

**SUPPLEMENTARY INFORMATION:**

**Regulated Entities.**

Entities potentially regulated by this action are those that emit or have the potential to emit HAP listed in section 112(b) of the Act. Regulated categories and entities include:

Category	Examples of regulated entities
Industry .....	HCl steel pickling plants and acid regeneration plants (SIC 3312, 3315, and 3317).
Federal government ..	Not affected.
State/local/tribal government.	Not affected.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities of which EPA is aware that could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine if your facility is regulated by this action, you should carefully examine the applicability criteria in section III.A of this document and in § 63.1155 of the final rule. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** SECTION.

**Judicial Review**

The NESHAP for Steel Pickling Facilities—HCl Process was proposed on September 18, 1997 (62 FR 49051); this action announces EPA's final decisions on this rule. Under section 307(b)(1) of the Act, judicial review of this final rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this final rule. Under section 307(b)(2) of the Act, the requirements established by today's final rule may not be challenged later in any civil or criminal proceeding brought by EPA to enforce these requirements.

**Technology Transfer Network**

In addition to being available in the docket, an electronic copy of today's document, which includes the regulatory text, is available through the TTN at the UATW. Following promulgation, a copy of the rule will be posted at the TTN's policy and guidance page for newly proposed or promulgated rules (<http://www.epa.gov/ttn/oarpg/t3pfpr.html>). The TTN facilitates the exchange of information in various areas of air pollution control, such as technology. If more information on the TTN is needed, call the TTN HELP line at (919) 541-5384.

**Background Information Document**

A background information document (BID) for the promulgated standards containing a summary of all the public

comments made on the proposed rule and the EPA's response to those comments is available in the docket for this rulemaking. The BID also is available from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone (919) 541-2777; or from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, telephone (703) 487-4650. Please refer to "National Emission Standards for Hazardous Air Pollutants for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants—Background Information for Promulgated Standards," (EPA-453/R-98-010b). The BID is posted on the Technology Transfer Network (TTN) at the Unified Air Toxics Website (UATW) ([http://www.epa.gov/ttn/uatw/7\\_10yrstds.html](http://www.epa.gov/ttn/uatw/7_10yrstds.html)).

## Outline

The following outline is provided to aid in reading this preamble to the final rule:

- I. Statutory Authority
- II. Background
- III. Summary
  - A. Summary of Final Rule and Changes Since Proposal
    - 1. Applicability
    - 2. Definitions
    - 3. Emission Standards
    - 4. Operational and Equipment Standards
    - 5. Compliance Dates
    - 6. Maintenance Requirements
    - 7. Performance Testing and Test Methods
    - 8. Monitoring Requirements
    - 9. Notification, Reporting, and Recordkeeping Requirements
    - 10. Delegation of Authority
    - 11. Display of OMB Control Numbers
  - B. Summary of Impacts
- IV. Summary of Major Public Comments and Responses
  - A. Applicability
  - B. Definitions
  - C. Emission Standards
    - 1. Pickling Lines
    - 2. Hydrochloric Acid Regeneration Plants
    - 3. Acid Storage Vessels
    - 4. Assessment of HCl as a Threshold Pollutant Under Section 112(d)(4)
  - D. Compliance Dates and Maintenance Requirements
  - E. Performance Testing and Test Methods
  - F. Monitoring Requirements
  - G. Recordkeeping Requirements
- V. Administrative Requirements
  - A. Docket
  - B. Executive Order 12866: Regulatory Planning Review
  - C. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
  - D. Executive Order 12875: Enhancing the Intergovernmental Partnerships
  - E. Unfunded Mandates Reform Act
  - F. Regulatory Flexibility Act
  - G. Submission to Congress and the General Accounting Office

- H. Paperwork Reduction Act
- I. National Technology Transfer and Advancement Act
- J. Pollution Prevention Act
- K. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments

## I. Statutory Authority

The statutory authority for this rule is provided by sections 101, 112, 114, 116, and 301 of the Clean Air Act, as amended; 42 U.S.C., 7401, 7412, 7414, 7416, and 7601.

## II. Background

Section 112(c) of the Act requires the EPA to list each category of major and area sources, as appropriate, emitting one or more of the HAP listed in section 112(b) of the Act. On July 16, 1992 (57 FR 31576), the EPA published a list of major and area sources for which NESHAP are to be promulgated, followed by a schedule for promulgation of those standards (58 FR 63941, December 3, 1993). "Steel Pickling—HCl Process" is included on the list of major sources for which EPA must establish national emission standards. The term "major source" means a source emitting 10 tpy or more of any one HAP or 25 tpy or more of any combination of HAP.

The EPA proposed national emission standards for this source category on September 18, 1997 (62 FR 49052). The proposed rule, BID, and other materials containing information used in developing the proposed rule were made available for review and comment. A 60-day comment period from September 18, 1997 to November 17, 1997, was provided to accept written comments from the public. The opportunity for a public hearing was provided to allow interested people to present oral comments on the rulemaking. However, the EPA did not receive a request for a public hearing, so a public hearing was not held.

The EPA received a total of 15 comments on the proposed standards from industry, trade associations, States and representative associations, vendors, and engineering firms. A copy of each comment letter is available for public inspection in Docket No. A-95-43. The EPA held followup discussions with various commenters to clarify specific issues raised in their written comments that were submitted to the Agency during the comment period. Copies of correspondence and other information exchanged between the EPA and the commenters during the post-comment period are available for inspection in the docket.

All of the comments received were reviewed and carefully considered by

the EPA. Changes to the rule were made based on public comments where EPA determined it to be appropriate. The final rule and changes made since proposal are summarized in section III of this document; a summary of responses to major comments is included in section IV. Additional discussion of the EPA's responses to public comments is presented in the BID for the final rule.

## III. Summary

### A. Summary of Final Rule and Changes Since Proposal

#### 1. Applicability

Several changes were made to the applicability provisions of the proposed rule to clarify the regulated source category and affected sources. As proposed, the regulated source category includes steel pickling facilities and acid regeneration plants. Thus, the regulated source category may consist of a stand-alone steel pickling facility or acid regeneration plant that is a major source of HAP or a steel pickling facility and/or acid regeneration plant that is part of a major source of HAP. The title of the final rule has been changed to include acid regeneration plants as part of the source category. This change is made to clarify that the regulation applies to hydrochloric acid regeneration plants, which is not apparent in the original title.

A steel pickling facility is a facility with a collection of equipment and tanks configured for the pickling process, including immersion, drain, and rinse tanks. A steel pickling facility may have one or more pickling lines. Conditions that distinguish pickling from other operations such as cleaning or surface activation are now defined such that each new or existing pickling line (batch or continuous process) using an acid solution in any tank in which hydrochloric acid is at a concentration of 6 percent by weight or greater and has a temperature of 100° F or greater is subject to the rule. For the purposes of the rule, steel pickling is limited to hydrochloric acid pickling of carbon steels, which contain approximately 2 percent or less carbon, 1.65 percent or less manganese, 0.6 percent or less silicon, and 0.6 percent or less copper.

An acid regeneration plant includes the collection of equipment and processes configured to reconstitute fresh hydrochloric acid pickling solution from spent pickle liquor using a thermal treatment process. A new or existing plant that regenerates only pickling solution other than HCl is not subject to the rule.

The rule is not applicable to facilities that pickle only specialty steels. Specialty steel means a category of steel that includes silicon electrical, alloy, tool, and stainless steels. Specialty steels are pickled by a process that may include the use of hydrochloric acid but also includes the use of other acids, which may be mixed with hydrochloric acid in the same pickling bath or used in separate baths as part of a multiacid/multibath pickling sequence. The EPA will determine at a later date if the specialty steel pickling process should or should not be subject to the requirements of a rule that limits HCl emissions.

2. Definitions

The title acid regeneration plant is changed to hydrochloric acid regeneration plant to clarify the applicability of the rule.

The title acid storage tank is changed to hydrochloric acid storage vessel to clarify the applicability of the rule. The definition is changed to apply only to a stationary vessel, not a temporary or mobile vessel, that is used for the bulk containment of virgin or regenerated hydrochloric acid.

The term "vessel" rather than "tank" is used for containers used to store hydrochloric acid, in order to be consistent with terminology used in other subparts of this part to define containers that are used for chemical storage. Similarly, the term "tank" is used for containers that are integral parts of processes, such as acid baths used in pickling lines.

A definition of carbon steel is added to identify processes to which the rule applies.

The definition of closed-vent system is modified to state that emissions may be transported into any device that is capable of reducing or collecting

emissions, not necessarily a control device.

The definition *hydrochloric acid regeneration plant* production mode is added to assist in clarifying that the operating and monitoring requirements for hydrochloric acid regeneration plants apply only while the plant is operating in a manner to produce usable regenerated acid or iron oxide.

The definition of *responsible maintenance official* is added to identify a person who is designated to have signature authority for records and reports required under this rule.

The definition of *specialty steel* is added to identify similar processes to which the rule does not apply.

The final rule defines *steel pickling* to mean "the chemical removal of iron oxide mill scale that is formed on steel surfaces during hot rolling or hot forming of semi-finished steel products through contact with an aqueous solution of acid where such contact occurs prior to shaping or coating of the finished steel product. This definition does not include removal of light rust or scale from finished steel products or activation of the metal surface prior to plating or coating."

The definition of *steel pickling facility* is changed to refer only to facilities that conduct pickling.

Hydrochloric acid regeneration plants are discussed separately and also specifically identified in the title of the final rule as distinct entities.

3. Emission Standards

No changes were made regarding the technologies serving as the basis of the proposed standards. The emission control technology identified as achieving the MACT floor control level (wet scrubbing) is discussed in section VII.C of the preamble to the proposed rule (62 FR 49052, September 18, 1997).

The emission standards in §§ 63.1157 and 63.1158 of the proposed rule have

been revised. Sections 63.1157 and 63.1158 of the proposed rule included HCl emission standards for existing and new HCl pickling lines based on two options: An HCl emission rate corresponding to a minimum collection efficiency of the air pollution control device, or a maximum concentration of HCl in the exit gases. Based on public comment, EPA revised the level of the standards from that proposed for pickling lines and acid regeneration plants. The final standards are shown in Table 1.

The final standards retain the alternative to the Cl<sub>2</sub> concentration standard for existing acid regeneration plants that allows the owner or operator to request approval for a source-specific standard based on the maximum design temperature and minimum excess air that allows production of iron oxide of acceptable quality. The owner or operator must establish the source-specific Cl<sub>2</sub> standard using procedures specified in the final rule.

The provision in the proposed rule that owners or operators of new or reconstructed hydrochloric acid regeneration plants to request approval for a source specific Cl<sub>2</sub> concentration standard is removed. Upon reconsideration, this provision is not consistent with the statutory requirement that all new sources are to achieve the new source MACT numerical limit. The expectation is that owners and operators are to design and construct new sources capable of meeting the standard.

For pickling lines, the concentration option has been placed ahead of the collection efficiency option to reflect the expectation that the concentration option will be the one most likely exercised. The intent to make either option equally acceptable has not changed.

TABLE 1.—EMISSION STANDARDS FOR AFFECTED SOURCES

Affected source	Emission standard
Pickling line: Existing	HCl concentration in air pollution control device or process exhaust gas no more than 18 parts per million by volume (ppmv) or Air pollution control device minimum HCl collection efficiency of 97%.
New	HCl concentration in air pollution control device or process exhaust gas no more than 6 ppmv for continuous lines and 18 ppmv for batch lines or Air pollution control device minimum HCl collection efficiency of 99% for continuous lines and 97% for batch lines.
Hydrochloric acid regeneration plant: Existing	HCl concentration in air pollution control device or process exhaust gas no more than 25 ppmv and Cl <sub>2</sub> concentration in air pollution control device or process exhaust gas no more than either 6 ppmv or a source-specific maximum concentration limit.
New	HCl concentration in air pollution control device or process exhaust gas no more than 12 ppmv and Cl <sub>2</sub> concentration in air pollution control device or process exhaust gas no more than 6 ppmv.

TABLE 1.—EMISSION STANDARDS FOR AFFECTED SOURCES—Continued

Affected source	Emission standard
Hydrochloric acid storage vessel: Existing and new	Cover and seal all openings and route emissions to air pollution control device or alternative control system and Use enclosed line or local fume capture system vented to air pollution control device or alternative control system at each point where acid is exposed to atmosphere.

One change was made to the requirements for new or existing acid storage vessels to clarify that a forced ventilation add-on air pollution control device is not the only method allowed for emissions control. The final rule requires that the owner or operator cover and seal all openings on each vessel and route emissions through a closed-vent system to an air pollution control device or alternative device that is capable of reducing or collecting emissions. Acid loading and unloading must still be performed either through enclosed lines or with a local fume capture system, ventilated through an air pollution control device or alternative control device, at each point where the acid is exposed to the atmosphere.

#### 4. Operational and Equipment Standards

A new section on operational and equipment standards has been added. The requirement to operate hydrochloric acid regeneration plants in a manner consistent with good air pollution control practices is highlighted in this new section to define those practices and emphasize their importance. The owner or operator of an acid regeneration plant must operate each affected source at all times while in production mode in a manner that minimizes that proportion of excess air fed to the process and maximizes the process offgas temperature consistent with producing usable regenerated acid or iron oxide.

The standards for hydrochloric acid storage vessels have been moved to this new section to reflect the fact that these standards are equipment standards, not numerical emission limits.

#### 5. Compliance Dates

No changes to the proposed compliance dates have been made in the final rule. Under § 63.1160 of the final rule, compliance for existing sources must be achieved no later than June 22, 2001. The owner or operator of a new or reconstructed source that commences construction or reconstruction after September 18, 1997, must achieve compliance by June 22, 1999, or upon startup, whichever is later. As provided

under section 112(i)(3)(B) of the Act, the owner or operator may request that the Administrator or applicable permitting authority in a State with an approved permit program grant an extension for 1 additional year if necessary to install controls.

#### 6. Maintenance Requirements

The owner or operator must develop and implement a written operation and maintenance plan for each emission control device that is consistent with good maintenance practices. For a wet scrubber emission control device, the written plan must, at a minimum, include the actions described in § 63.1160(b)(2)(i) through § 63.1160(b)(2)(iv)(E) of the final rule. The plan is no longer required to be submitted to the applicable permitting authority, but it is required to be incorporated by reference into the source's title V permit.

An additional maintenance requirement is to monitor and record the pressure drop across the scrubber once per shift to identify changes that may indicate a need for maintenance.

If corrective action is required, the owner or operator is allowed 1 working day in which to initiate procedures to correct the problem. Initiation of procedures is defined to be completion of the first applicable step or item in the maintenance plan. Required repairs must be completed as soon as practicable.

Under the proposed rule, a record of each maintenance inspection was required to be signed by a responsible plant official. Under the final rule, the signature authority is assigned to a responsible maintenance official, defined as a person designated by the owner or operator as having authority to sign records and reports required under this rule.

Maintenance rules regarding initiation of corrective action within 1 working day, timely repair, and signing of maintenance records by a responsible maintenance official also apply to hydrochloric acid regeneration plants.

#### 7. Performance Testing and Test Methods

Changes made to the performance test requirements include adding provisions for new wet scrubber operating parameters and deleting the requirement to establish compliant values for pressure drop and scrubber effluent acidity.

Following approval of the site-specific test plan, the owner or operator must conduct an initial performance test for each process or control device to demonstrate compliance with the applicable emission standard. If the owner operator chooses to comply with the collection efficiency standard for a new or existing pickling line, the performance test must measure the mass flows of HCl at the inlet and outlet of the air pollution control device. Inlet and outlet measurements must be performed simultaneously. If the owner or operator chooses to comply with the HCl concentration standard for a new or existing pickling line or is demonstrating compliance with the HCl and Cl<sub>2</sub> concentration standards for a new or existing acid regeneration plant, the performance test must measure the concentration of HCl and, for hydrochloric acid regeneration plants, Cl<sub>2</sub> in the gases exiting the process or the air pollution control device. Compliance with the applicable standards is determined by either the average of three consecutive sampling runs or the average of any three of four consecutive runs. Each run must be conducted under conditions representative of normal process operations. Sampling point locations must be determined according to EPA Method 1, and stack gas conditions must be determined, as appropriate, according to EPA Methods 2, 3, and 4 in 40 CFR part 60, appendix A. An exception to Method 1 is made in that no traverse point shall be within one inch of the stack or duct wall. The final rule requires EPA Method 26A to determine compliance with the HCl and total chloride emission limits. As allowed by § 63.7(f) of the NESHAP general provisions in 40 CFR part 63, subpart A, the owner or operator may use equivalent alternative test methods

subject to approval by the Administrator. The EPA does not delegate authority for this determination.

If a wet scrubber is the air pollution control device, the owner or operator must monitor the makeup water flow rate and, for scrubbers that operate with recirculation, the recirculation water flow rate during each run to establish site-specific operating parameter values for the minimum makeup water flow rate and the minimum recirculation water flow rate. For an acid regeneration plant, the owner or operator must also monitor the process offgas temperature and a suite of parameters necessary to determine the proportion of excess air fed to the process to establish site-specific operating parameter values for the minimum process offgas temperature and the maximum proportion of excess air. The proportion of excess air is determined by a combination of total air flow rate, fuel flow rate, spent pickle liquor addition rate, and amount of iron in the spent pickle liquor or by any other combination of parameters approved by the Administrator. Compliant operating parameter values are determined as the averages of the values recorded during any of the runs for which results are used to establish the emission concentration or collection efficiency. Alternative compliant operating parameter values may be established based on multiple performance tests. The final rule clarifies that the owner or operator may reestablish operating parameter values for wet scrubbers and acid regeneration plants as part of any performance test (or tests) conducted after the initial performance test.

#### 8. Monitoring Requirements

The proposed monitoring requirements for wet scrubbers were revised to require monitoring of the makeup water flow rate and recirculation water flow rate. Alternative monitoring requirements may be developed subject to approval by the Administrator. Requirements for monitoring the scrubber pressure drop (as a monitoring parameter) and effluent acidity are eliminated. The requirement for installation and operation of continuous emission monitoring systems (CEMS) if excursions of the control device operating parameters occur more frequently than six times during any 6-month reporting period is deleted. Commenters on the proposed rule pointed out that the use of CEMS for this application has not been demonstrated; manufacturers have cautioned that using such devices in acidic conditions with water droplets

present would interfere with the test methodology and be corrosive to the testing apparatus.

The requirement for periodic performance tests also is revised. The final rule requires that the owner or operator conduct performance tests for each air pollution control device either annually or on an alternative schedule that is approved by the permitting authority, but no less frequently than every 2½ years or twice per title V permit term.

If a wet scrubber is used as the control device for a pickling line or acid regeneration plant, the owner or operator must install, operate, and maintain devices to measure continuously and record at least once per shift the makeup water flow rate and the recirculation water flow rate while the scrubber is operating. The final rule requires operation of the scrubber such that neither the makeup water flow rate nor the recirculation water flow rate are less than values established during the performance test (or tests). If an excursion occurs (i.e., either operating parameter is less than the allowed value), the owner or operator must initiate procedures to correct the problem within 1 working day of detection of the excursion.

The owner or operator of an acid regeneration plant also must install, operate, and maintain a device to measure continuously and record at least once per shift the process offgas temperature and devices to measure the parameters from which proportion of excess air is determined. The final rule requires that excess air must be determined and recorded at least once per shift instead of at least once every 8 hours while the plant is in production mode, which is in accordance with the original intent of the rule.

The proposed rule inadvertently stated that exceedances of scrubber operating parameters were violations of the emission limit. The intention was to state that exceedances of acid regeneration plant operating parameters were violations of the emission limit. This requirement has been changed so that exceedances of scrubber operating parameters only require initiation of corrective action according to the maintenance plan, and exceedances of acid regeneration plant operating parameters are not violations of the emission limit but instead are violations of the operational standard.

Each monitoring device for scrubbers and acid regeneration plants must be certified by the manufacturer to be accurate to within ±5 percent and be calibrated in accordance with the

manufacturer's instructions, but not less frequently than once per year.

Monitoring requirements for acid storage vessels are revised. The definition of closed-vent system now includes provisions to transport emissions back into any device that is capable of reducing or collecting the emissions. Under the final rule, the owner or operator must make semiannual instead of monthly inspections of each vessel to ensure proper operation of the closed-vent system and either the air pollution control device or enclosed loading and unloading line, whichever is applicable. Commenters to the proposed rule pointed out that semiannual inspections would be more consistent with other rules that have similar monitoring requirements.

#### 9. Notification, Reporting, and Recordkeeping Requirements

Only minor changes needed to clarify and accommodate changes in the final rule were made to the proposed notification, reporting, and recordkeeping requirements. Requirements pertaining to CEMS were deleted in the final rule because these monitoring systems are no longer required.

The final notification requirements include, under § 63.9 (b) through (h) of subpart A, one-time notifications of applicability, intent to construct or reconstruct (including anticipated startup date and actual startup date), date of performance test, compliance extension requests, special compliance obligations, and compliance status. The final rule requires that the notification of compliance status include identification of the selected emission limits and the full test report documenting the results of initial performance tests (including all data and calculations used to establish operating parameter values or ranges).

Recordkeeping requirements are established in § 63.10(b) of the general provisions. In addition to these requirements, the standard requires plants to maintain records of information needed to determine compliance. All records must be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. The records for the most recent 2 years must be retained onsite; records for the remaining 3 years may be retained offsite but still must be readily available for review. The files may be retained on microfilm, on microfiche, on a computer, or on computer or magnetic disks.

The final rule incorporates the general recordkeeping requirements in § 63.10(b) of the NESHAP general provisions in 40 CFR part 63, subpart A and requirements for subpart CCC records. The final rule requires records of scrubber makeup water flow rate and recirculation water flow rate, acid regeneration plant process offgas temperature and parameters from which proportion of excess air is determined, manufacturer certification that monitoring devices are accurate to within  $\pm 5$  percent, and monitoring device calibrations. The owner or operator also must maintain a current copy of the operation and maintenance plan (with any revisions) and records of each maintenance inspection, repair, replacement, or other corrective action (whether for maintenance or an excursion).

Minor revisions in wording were made to retain consistency with the wording of the general provisions to part 63 (subpart A). Referring to the section numbers that apply to the final rule, the following paragraphs were amended: § 63.1164(c), § 63.1164(c)(1), § 63.1165(a)(1), and § 63.1165(a)(2). These revisions do not change the substance or the intent of the rule.

#### 10. Delegation of Authority

The proposed rule specified that authority for approval of an alternative test method and alternative nonopacity emission standards would be retained by the Administrator and not transferred to a State. Authority for approval of monitoring parameters for hydrochloric acid regeneration plants and alternative monitoring requirements for wet scrubbers is also retained by the Administrator because these parameters are fundamental to effective monitoring and cannot be delegated. The Administrator will also retain authority to waive recordkeeping requirements. Authority to approve an alternative performance testing schedule is delegated to the States.

#### 11. Display of OMB Control Numbers

The EPA also is amending the table of currently approved information collection request (ICR) control numbers issued by the Office of Management and Budget (OMB) for various regulations. This separate amendment updates the table to accurately display those information requirements contained in the NESHAP. This display of the OMB control number and its subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

The ICR was previously subject to public notice and comment prior to OMB approval. As a result, EPA finds there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

#### B. Summary of Impacts

The final standards will reduce nationwide emissions of HAP from steel pickling facilities using the HCl process by 2,200 Mg/yr (2,500 tpy), a 76 percent reduction from current levels. The EPA estimates that 70 steel pickling facilities will be subject to the rule. This estimate excludes any major source speciality steel pickling facilities pending the outcome of a new rulemaking to determine the applicability of the rule to this pickling process.

No significant adverse secondary air, water, or solid waste impacts are anticipated. The amount of water discharged from wet scrubbers would increase by approximately 300,000 cubic meters per year over current levels. The volume of sludge generated by additional control may increase by up to 1,300 Mg/yr (1,400 tpy). Energy use for additional emission control systems is expected to increase by about 6.5 million kilowatt hours per year over current levels.

Nationwide capital costs of the final standards are estimated at \$20 million, with annual costs for testing and monitoring of about \$1.9 million. The economic impacts are all well below one percent of the cost of production of the steel product and result in no significant adverse impacts on the industry or small entities. No plant closures, regional impacts, or significant employment losses are expected. The economic impact of the rule on the industry as a whole is minor. Additional information on the impacts of the rule is included in the BID.

#### IV. Summary of Major Public Comments and Responses

The EPA received 15 comment letters on the proposed NESHAP for Steel Pickling Facilities—HCl Process. A copy of each comment letter is available for public inspection in the docket for the rulemaking (Docket No. A-95-43; see the ADDRESSES section of this preamble for information on inspecting the docket). The EPA has had followup discussions with commenters regarding specific issues initially raised in their written comments. Copies of correspondence and other information exchanged between the EPA and the

commenters during the post-comment period are available for public inspection in the docket for the rulemaking.

The EPA reviewed and carefully considered all comments received. The EPA made changes to the rule where appropriate. A summary of responses to major comments received on the proposed rule is presented below. Additional discussion of the EPA's responses to public comments is presented in the BID.

#### A. Applicability

*Comment:* Four commenters requested clarification to show that the rule applies only to facilities that are major sources for HAP, not to facilities that are major sources for criteria pollutants or area sources for HAP.

*Response:* A revision to § 63.1155 has been made to show the indicated applicability.

*Comment:* Four commenters requested clarification of the 50-percent HCl criterion proposed as the concentration above which pickling lines were to be subject to the rule. One of the commenters also requested that a *de minimis* HCl concentration be established that excludes rinse tanks.

*Response:* The EPA has decided to clarify the applicability of the rule by establishing *de minimis* temperature and acid concentration values and is using information cited in the "Metals Handbook, Ninth Edition, Volume 5: Surface Cleaning, Finishing, and Coating," published by the American Society for Metals, which gives temperature and acid concentration ranges for batch and continuous pickling operations using hydrochloric acid (page 69). The lowest hydrochloric acid concentration cited is 6 percent, the lowest temperature is 100 °F. The EPA believes that these values are reasonable *de minimis* values and their establishment constitutes a realistic option to the proposed 50-percent HCl criterion. Most, if not all, rinse tanks would have conditions below these values and would therefore be excluded from the rule.

*Comment:* Two commenters requested the EPA to address the use of different types of acids in pickling processes. Both noted that the EPA possesses no information on HCl control requirements for processes that use HCl in combination with other acids and cannot verify that data on HCl only operations apply to these processes.

*Response:* The intent of the rule was to address carbon steel pickling by hydrochloric acid. After the comment period, the EPA received information from operators of two specialty steel

pickling facilities indicating that technology that is effective in collecting emissions from hydrochloric acid pickling of carbon steel may not be as effective in collecting emissions from operations in which specialty steel, such as stainless or electrical steel, is pickled, typically using other acids such as sulfuric acid in combination with hydrochloric acid. The EPA has consequently decided that the standards developed for carbon steel pickling cannot be applied to specialty steel pickling and therefore has clarified the rule to limit its applicability to carbon steel pickling. Definitions for carbon steel and specialty steel have been added to § 63.1156 as part of this clarification. These definitions are taken from the publication "Everything You Always Wanted to Know About Steel—A Glossary of Terms and Concepts," edited by M. G. Applebaum, Salomon Brothers Inc., Chicago, 1997. The facility description in § 63.1155 has been changed to "\* \* \* facilities that pickle carbon steel using hydrochloric acid solution that contains 6 percent or more by weight HCl and is at a temperature of 100 °F or higher."

The EPA will determine at a later date if the specialty steel industry should be regulated under this part of the CFR and, if so, whether it will be regulated by amending subpart CCC or under a separate subpart.

*Comment:* Two commenters recommended that small mobile vessels, which would be expected to produce minimal emissions, not be subject to the rule.

*Response:* The EPA agrees that small mobile vessels should be excluded from the rule. The definition of acid storage vessel is modified to read "\* \* \* a stationary vessel used for the bulk containment of virgin or regenerated hydrochloric acid."

*Comment:* One commenter believes that the proposed rule will require reconstruction of existing scrubber systems, forcing the process to become subject to new source rules. The definition of reconstructed source should be eliminated.

*Response:* Changes or additions to air pollution control devices do not constitute reconstruction of the source and are not included in the changes that would make a facility or process subject to reconstruction and modification requirements.

#### B. Definitions

*Comment:* As discussed under applicability, changes were recommended that required definitions for carbon steel and specialty steel.

*Response:* The following definition of carbon steel is added to the rule:

"Carbon steel means steel that contains approximately 2 percent or less carbon, 1.65 percent or less manganese, 0.6 percent or less silicon, and 0.6 percent or less copper."

The following definition of specialty steel is also added to the rule:

"Specialty steel means a category of steel that includes silicon electrical, alloy, tool, and stainless steels."

*Comment:* Two commenters requested to clarify the definition of control devices for acid storage vessels to avoid the possible interpretation that emissions would have to be routed to a control device of the type used to control pickling or acid regeneration emissions.

*Response:* The intent of the proposed rule was to allow any device that reduces HCl emissions to the atmosphere. For clarification, the definition of closed-vent systems was changed to include "\* \* \* any device that is capable of reducing or collecting emissions."

*Comment:* One commenter recommended that reports required by this rule should only require certification by an inspector who has intimate knowledge of the system and not necessarily by a "responsible official" as defined in subpart A, § 63.2.

*Response:* The EPA agrees and is allowing facilities to designate a "responsible maintenance official" to have signature authority. This official is defined as "\* \* \* a person designated by the owner or operator as having authority to sign records and reports required under this rule."

*Comment:* Five commenters believe that the proposed definition of steel pickling is too broad and have requested the EPA to clearly distinguish between pickling and other operations, and have offered suggestions for modifying the definition of pickling.

*Response:* The EPA agrees that the definition of steel pickling should be crafted to avoid misinterpretation. The commenters' suggestions are incorporated to the extent considered appropriate. The definition of steel pickling, with changes underlined, is modified to mean "\* \* \* the chemical removal of iron oxide mill scale that is formed on steel surfaces during hot rolling or hot forming of semi-finished steel products through contact with an aqueous solution of acid where such contact occurs prior to shaping or coating of the finished steel product. This definition does not include removal of light rust or scale from finished steel products or activation of

the metal surface prior to plating or coating."

*Comment:* One commenter believes that rinse tanks should be excluded from the definitions of batch and continuous pickling lines. The rule implies that an air pollution control device would be required for these tanks.

*Response:* The rule is meant to include all ventilated tanks that are part of a steel pickling process to which the rule applies, which may include some rinse tanks. The rule does not require installation of ventilation systems not previously installed.

#### C. Emission Standards

##### 1. Pickling Lines

*Comment:* Five commenters stated that the EPA did not base the standards on the best performing 12 percent of sources. The language in the Act directs the EPA to derive numerical limits for new sources from the best performing scrubbers for a given option, but EPA used this approach in deriving existing source standards. The EPA only considered 10 of the 152 existing continuous pickling lines (7 percent), then used only four of the ten available data sets and determined the concentration limit from only two data sets. The EPA has not justified not using all data sets. The averages of all ten tests, 29.3 ppmv and 97.3 percent, are more representative of the actual variation in the test data which could be expected for properly controlled sources and should be the basis for the limits.

*Response:* As explained in the preamble to the proposed rule, the EPA based the MACT floor on technology. In determining MACT, the EPA considered alternative approaches for establishing the MACT floor; these include (1) information on State regulations and/or permit conditions, (2) source test data that characterize actual emissions discharged by sources, and (3) use of a technology floor and an accompanying demonstrated achievable emission level that accounts for process and air pollution control device variability. No Federal air emission standards currently apply to steel pickling or acid regeneration sources, and existing State standards cannot be directly related to the requirements of this rule. Applicable test data are only available from 10 of 152 continuous pickling lines. These data points are too few to establish 12 percent MACT floors based on actual releases. By comparison with the limited utility of State regulations and source test data, a substantial body of information is available on the types, configurations, and operating conditions

of air pollution control devices applied across the industry. The EPA therefore used the technology floor approach to establishing MACT for pickling lines. Details of this approach are discussed in the preamble to the proposed rule.

The characteristics of the scrubbers constituting the existing source and new source levels of control were determined by evaluating the results of emission tests conducted on units currently employed in the industry. Data from pickling lines controlled by devices of these descriptions were used to represent the capabilities of MACT for this application. The EPA determined the standards from these data, as discussed in the comments and responses below.

*Comment:* Two commenters stated that the standards are unnecessarily stringent in that they do not reflect what long term performance is achievable on a continuous basis considering natural process and control device variations. One commenter submitted data showing a wide variation in HCl emissions over a 3-year period from one facility using the same control technology where no known malfunctions occurred to cause the variation. Data from this facility consisted of nine tests, with average measured HCl concentrations ranging from 0.4 to 178 ppmv. This commenter also stated that data presented in the EPA BID also illustrate a wide variation in HCl emissions between and within facilities. Using a statistical argument based on standard deviations in data, the standard should be at least 15 ppmv for new sources and 35.8 ppmv for existing sources, according to this commenter. One commenter believes that inaccuracies of the sampling methods do not permit setting an emission standard as low as that proposed.

*Response:* The EPA is not required to use a specific statistical procedure in arriving at values for emission standards. The commenter's facility's nine tests are comprised of seven tests for which all data points, including individual sampling runs, are within a 13 ppmv concentration limit. The remaining two tests have averages that are about 19 and 37 times the average of the other seven tests. The EPA believes these two tests cannot be the result of normal air pollution control device operation during normal process operation.

Regarding accuracy of sampling, this issue is discussed in section E below. The EPA believes that the test method is sufficiently accurate for the proposed emission standards for new and existing facilities.

Relative to the broad issues of stringency and achievability of the proposed standards, the EPA agrees with the commenters in that the data used to determine the numerical limits are sparse and that variations in operations and in test results should be considered. The numerical limit determination was therefore reexamined. The EPA conducted a thorough review of the scrubber design and source test data base used to develop the pickling standard. Details of this review are given in the BID. Data from all tests, including those with only one or two sampling runs, were examined primarily in regard to variability in individual test run results. The data were considered separately for new and existing source MACT.

Performance of the scrubbers used as the basis for new source MACT was considered on the basis of long term performance and variability in individual sampling runs. All three scrubbers served continuous pickling lines. The average outlet HCl concentrations were 1.6, 2.1, and 7.7 ppmv, with corresponding average HCl collection efficiencies of 99.5, 99.96, and 99.0 percent, respectively. Thus, on the basis of average performance, all three scrubbers meet the proposed new source standard for collection efficiency of 99 percent, and two meet the proposed new source standard for outlet concentration of 3 ppmv. The worst results of individual sampling runs for these scrubbers were HCl outlet concentrations of 5.9, 3.5, and 7.7 ppmv, with worst results for HCl collection efficiencies of 97.6, 99.94, and 99.0 percent, respectively. On this basis, two scrubbers meet the proposed collection efficiency standard but no scrubber meets the proposed concentration standard. To accommodate the uncertainty in sampling, particularly in determining outlet concentration at these low levels, the EPA decided to consider a new source standard for outlet concentration that could be met by the new source MACT scrubbers that did not meet the collection efficiency standard. This concentration is 6 ppmv HCl, which is 5.9 rounded up to the nearest whole number. Based on the worst individual sampling run results, all three scrubbers meet at least one of the two alternative standards; one scrubber meets both the concentration standard of 6 ppmv and the collection efficiency standard of 99 percent, one meets the concentration standard, and one meets the collection efficiency standard. New source standards of 6 ppmv maximum outlet concentration and 99 percent minimum

collection efficiency are therefore promulgated for continuous pickling lines.

Performance of the scrubbers used for the basis of existing source MACT for continuous pickling lines was also considered on the basis of individual sampling runs. As discussed in the preamble to the proposed rule, the concentration and collection efficiency standards were derived from the scrubbers that were the better performers in each respect. Three units produced outlet HCl concentrations of 1.7, 8.0, and 13 on the averages, 2.7, 15, and 18 ppmv for the worst runs; all the others produced HCl outlet concentrations of 42 ppmv or higher on the averages, 70 ppmv or higher for the worst runs. The concentration standard was therefore determined to be 18 ppmv HCl from the performance of these three scrubbers. On the basis of HCl collection efficiency, the seven scrubbers used as the basis for existing source MACT performed with average efficiencies of 98.1, 97.8, 97.5, 97.0, 96.8, 94.7, and 92.7 percent. Worst run efficiencies were 97.5, 96.8, 96.7, 96.6, 95.9, 94.1, and 92.1 percent. With efficiencies rounded off to the nearest percent, four of the seven scrubbers would meet a standard of 97 percent. Of the remaining three scrubbers, one is a marginal performer and two poor performers by comparison with the first four. The HCl collection efficiency standard of 97 percent was determined from the performance of the best four scrubbers. Five of the seven scrubbers meet at least one of the alternative standards.

*Comment:* Two commenters questioned the rationale of using data from the best performing scrubbers to establish separate collection efficiency and concentration limits because each owner or operator would have two options. The logic ignores the statistical ability of scrubbers to comply with the proposed standard continuously and the very basis for proposing alternative standards in the first instance. The EPA "proposed alternative standards out of the recognition that facilities with high HCl inlet concentrations could not meet the low HCl outlet concentration standard, and vice versa. Deriving the MACT standards from the best scrubbers for each option disregards the fact that the MACT floor is supposed to represent the average of the best 12 percent and those facilities that have HCl inlet concentrations too low to comply with the proposed collection efficiency impossible and too high to comply with the proposed 10 ppmv standard."

*Response:* The EPA disagrees with the commenters. The commenter's logic

expressed above is itself not clear. The fact that the standard is not based on a statistical average has been discussed previously. The assumption of the final standards is that at least some devices will not be able to meet both options but all would be able to meet one or the other. Therefore the numerical limits for each option were developed separately.

*Comment:* Two commenters stated that the EPA has not sufficiently justified its MACT determination for batch pickling lines. The rulemaking record contains no data specific to batch pickling. Batch pickling lines are significantly different from continuous lines in terms of design, operation, air capture rates, inlet concentrations, hood design, product handling, and volume throughput rates. In light of these differences, the absence of test data from batch lines, and limited data from continuous lines, it may not be appropriate for EPA to simply borrow and apply its MACT determination for continuous lines to batch operations.

If EPA promulgates this rule prior to supporting its MACT determination, batch picklers will be in the position of not knowing if they can meet the standards until they have spent the money to install or upgrade their pollution control equipment. The EPA would be prudent to delay implementation of the proposed rule until it can demonstrate, based on batch pickling-specific data, that the proposed standards do in fact constitute MACT.

*Response:* The commenters state that there are significant differences between batch and continuous pickling lines but do not give details nor any indication of how air pollution control requirements are different. The commenters do not express any technical considerations that have not already been addressed. Differences in fume capture systems between batch and continuous operations, for example, are discussed in detail in chapter 4 of the proposal BID. However, the effectiveness of the air pollution control system is based on the characteristics of the gas stream, not the capture system. According to scrubber manufacturers and designers, scrubber design considerations are the same for both types of operations. The major difference between batch and continuous operations is that the HCl concentration in batch line offgases varies during different phases of the operating cycle. For example, the concentration can increase when steel is raised out of the tank and allowed to drain before it is rinsed. Scrubbers can be designed on the basis of the maximum concentration experienced.

Regarding the ability of batch operations to meet the same standards

as continuous operations, the EPA notes the view expressed by two commenters, one with extensive relevant experience, that the proposed standards are reasonable and can be attained with available control equipment. These comments are presented in the BID.

After the comment period, the EPA received emission data from a batch pickling operation in which the outlet gas was sampled in three runs of 1 hour each; HCl concentrations were 5.1, 4.2, and 3.6 ppmv. The only other information available for batch operations is from a test at another facility in which only one sampling run, of 1 hour duration, was conducted on the scrubber outlet. A concentration of 6.3 ppmv HCl was measured. Results of these two tests give some indication that HCl emission control for these processes at levels achieved for continuous pickling lines is possible.

Based on these considerations, the EPA believes that control of batch pickling lines at the level of existing source standards is achievable. However, the EPA agrees with the commenters to the extent that control of batch lines at the new source standard level is less certain. Because no clear limitation for new batch pickling lines could be determined from the available information, particularly in considering the variation in operating conditions and ventilation system design, the rule is revised to make the new source standard for batch pickling the same as the existing source standard.

## 2. Hydrochloric Acid Regeneration Plants

*Comment:* One commenter disagreed that sufficient source test data were available to provide a basis for the MACT floor. The EPA evaluated five measured scrubber outlet concentration values, then noted that one value was far out of line with the others and did not consider this value in establishing the floor. No attempt to review the next appropriate value was made by EPA. Constructing a fifth data point in lieu of actual data has no technical or regulatory basis under section 112 of the Act. The EPA should have used another facility's actual test data or conducted additional tests to establish a fifth point.

A second commenter observed that the MACT floor on which EPA bases its standard is not representative of single stage water scrubbing. Caustic scrubbing technology, contrary to EPA's belief, has been shown to be more effective in reducing HCl emissions than scrubbing with unneutralized water. The EPA notes in the proposed rule that no single stage scrubber has demonstrated the capability of meeting the proposed

existing source standard of 8 ppmv HCl. The EPA should consider the cost impacts to the industry for waste water treatment and sludge disposal if the standard is to be based on caustic scrubbing.

A third commenter provided additional data from the two acid plants that use two stage scrubbing. Details are presented in the BID. The data include outlet concentration data for the first stage water scrubbers. These data are from tests conducted on both plants in April 1994, March 1996, and November 1996. All tests except for two consisted of three sampling runs of 3 hours each using EPA Method 26A; the remaining two tests consisted of two sampling runs. Average HCl concentrations in the first stage water scrubber outlet gas for one plant vary between 5.6 and 20 ppmv, with the highest concentration measured for an individual run of 25 ppmv; average HCl concentrations for the other plant vary between 11.2 and 23 ppmv, with the highest concentration measured for an individual run of 31 ppmv.

*Response:* The EPA agrees with the first commenter in that the method used to determine the proposed floor was not appropriate, specifically, the manufacturing of a fifth data point in lieu of having actual data followed by averaging. Furthermore, the EPA agrees with the suggestion of the second commenter that the proposed existing source standard of 8 ppmv HCl is not demonstrated to be achievable with single stage water scrubbing, the predominant control technology used in the industry.

The floor has therefore been reexamined on the basis of the median of the best five controlled sources on a technology basis. The best two controlled sources employ either two stage acid recovery or two stage scrubbing, with neutralized water used in the last scrubbing stages in both cases. The third best controlled source employs single stage scrubbing with unneutralized water; this technology is also used by all of the remaining sources in this subcategory. The final standard for existing sources is therefore developed based on the performance of single stage water scrubbing, which addresses the main concern of the second commenter.

With the inclusion of the above information, long term data from two acid regeneration plants are now available. Data from the plant for which the measured HCl concentration was 16 ppmv were still restricted to the one test, which consisted of two sampling

runs with measured HCl concentrations of 15.6 and 15.8 ppmv. The final data point available was 137 ppmv HCl, which is so far out of line with the other data that the plant tested could not be considered well controlled; data from this plant could therefore not be used to establish an emission standard.

In order to determine a numerical concentration standard from all of the available information, process and control system variability over time were taken into account by considering HCl concentration averages and also values for individual sampling runs. On the basis of average outlet concentrations, it seems clear that the first three plants meet a limit of 25 ppmv HCl. Considering all 19 individual runs from the three plants, except for one run of 31 ppmv, all others are 25 ppmv or less. A maximum outlet concentration of 25 ppmv HCl therefore seems reasonable for a standard based on single stage water scrubbing.

Regarding the new source standard for HCl, the additional data discussed above include outlet concentration data from second stage scrubbers that use neutralized water. Data are from four tests conducted between March 1993 and March 1996. In all tests, three sampling runs of 2 or 3 hours were made using Method 26A. Results of the first tests average 49 and 19.6 ppmv HCl; these results are much higher than those from the more recent three tests and apparently do not reflect current operations. Results of the last three tests are average HCl concentrations ranging from 0.9 to 11.1 ppmv, with results of individual runs ranging up to 11.9 ppmv.

The only other HCl concentration data that have not already been discussed are from the plant that employs two-stage acid recovery plus a venturi scrubber that uses neutralized water. Results from only one test are available; the average HCl outlet concentration was 1.0 ppmv.

Considering the capability of a scrubber to meet a long-term standard, results from the first two plants seem more meaningful. These plants clearly meet an outlet concentration HCl standard of 12 ppmv over the most recent three tests based on individual runs. A new source maximum outlet concentration standard of 12 ppmv HCl therefore has been reasonably demonstrated. Consequently, the final standard is a maximum outlet HCl concentration of 25 ppmv for existing sources, 12 ppmv for new sources.

*Comment:* Two commenters stated that EPA did not demonstrate that its standards for existing and new sources

are based on a sustainable level of performance. One commenter stated that there is a wide variation in HCl emissions at different times using the same control technology. This commenter provided additional data at EPA's request to support the statement. Average emissions range from 31 to 470 ppmv and results of individual tests range from 26 to 542 ppmv HCl, with, according to the commenter, no obvious anomalies in the acid regeneration data. The EPA's data illustrate that there is a wide variation between and within facilities. The standard deviation for all data from which EPA determined its standard is 7.2 ppmv, which is far out of range of the proposed limit.

*Response:* By comparison with data from other facilities, the plant from which the data provided by the above commenter were taken cannot be well controlled in EPA's opinion, particularly considering the extreme range in values between the lowest and highest measurements. Data from this facility are not relevant in determining a standard based on the best performing plants. The issue of sustainable performance is addressed in the previous comment and response.

*Comment:* Two commenters state that the Cl<sub>2</sub> limit should be based on five sources instead of three. The small sample size probably does not reflect variability at each source. The 4 ppmv limit has not been shown to be continuously achievable. One commenter states that the existing source emission limits should be determined from the average of five facilities plus two standard deviations; the standard should be at least 74.3 ppmv. For new sources, the standard should be 60 ppmv based on two standard deviations from the mean of EPA's data. The other commenter did not recommend specific standards but provided additional data at EPA's request.

*Response:* As discussed under the HCl numerical standard, the standards for hydrochloric acid regeneration plants are being revised. The existing source standard is based on technology, which is single stage water scrubbing. As in the case of the HCl standard, the Cl<sub>2</sub> numerical standard was reconsidered based on the body of data available for this technology.

The data provided by the second commenter included results of the three tests discussed above, conducted between April 1994 and November 1996, of outlet Cl<sub>2</sub> concentrations from first stage water scrubbers. Average Cl<sub>2</sub> concentrations are between 0.4 and 5.1 ppmv with the exception of a measurement of 9.9 ppmv from one test

conducted in 1994. Results of the more recent tests on this plant were 0.4 ppmv in each case. Excluding this one test, which is assumed to be not representative of current operations, average Cl<sub>2</sub> concentrations range from 0.4 to 5.1 ppmv. Results of all 13 individual runs, except for one value of 7.3 ppmv, range from 0.3 to 5.6 ppmv.

In addition to the data discussed above, Cl<sub>2</sub> outlet concentration data from other facilities are 3.3 and 60 ppmv, each based on one test. The 60 ppmv value is so far out of line with the others that it cannot be considered representative of effective operation and therefore cannot be used in determining the standard.

Considering all of the data, it appears that a limit of 6 ppmv Cl<sub>2</sub> can be met by these operations, considering the variability in measurements (except for the one nonrepresentative value); only one sampling run gives a higher result (7.3 ppmv). The concentration standard for Cl<sub>2</sub> is therefore revised to 6 ppmv for existing sources.

Regarding the standard for new sources, the EPA is required to set the standard according to the capabilities of the best controlled facility. The additional data discussed above included results of the four tests conducted between March 1993 and March 1996 on the outlets of second stage scrubbers that use neutralized water. Results are similar to those for the first stage water scrubbers. Average Cl<sub>2</sub> concentrations range from 0.4 to 5.3 ppmv, with results of individual runs ranging from 0.1 to 7.1 ppmv. An individual plant cannot be identified that provides better performance than existing source MACT. The new source standard for Cl<sub>2</sub> is therefore the same as the existing source standard, 6 ppmv.

*Comment:* One commenter supported the optional Cl<sub>2</sub> standard to be established for each source.

*Response:* The optional standard is retained for existing sources but removed for new sources, as discussed above.

### 3. Acid Storage Vessels

*Comment:* Two commenters believe EPA should clarify that "control devices" for storage vessels are not a specific control technology, and that facilities can use any method that is demonstrated to minimize emissions to the atmosphere (e.g., bubbling through a drum or small vessel of caustic solution or water).

*Response:* The EPA agrees with this commenter. No specific control device is required for storage vessels. The definition of closed-vent system is reworded to make the EPA's intention

clear. Examples of devices that might be used include systems that bubble emissions through a small tank of water or caustic without the aid of a fan. However, larger facilities may find it advantageous to route emissions from storage vessels or an acid regeneration plant to a pickling line scrubber or to build a separate scrubber system for control.

#### 4. Assessment of HCl as a Threshold Pollutant Under Section 112(d)(4)

*Comment:* After the close of the comment period on the proposal, EPA received a letter from a trade association requesting that the Agency assess HCl emissions from steel pickling under section 112(d)(4) of the Act, to determine whether Federal controls on these emissions were necessary, based upon relevant exposure and ecological assessments and a determination in an earlier EPA **Federal Register** notice that HCl was a "health threshold pollutant."

*Response:* As requested by the commenter, EPA is currently conducting an assessment of HCl emissions from steel pickling operations to determine first whether the Agency would be justified in invoking its section 112(d)(4) authority for steel pickling, and second whether EPA believes it is appropriate to do so, if justified. The EPA does not have adequate information at this time to support development of a standard for the steel pickling source category that may be less stringent than the "floor"-based standard in today's final rule.

Possessing insufficient information at this time to make a decision for the steel pickling source category pursuant to section 112(d)(4) authority, and recognizing that the authority bestowed by Congress is fully discretionary, EPA believes that it is reasonable to finalize today's standard while continuing to conduct an assessment of HCl emissions from steel pickling operations under section 112(d)(4). Absent such information, EPA believes that there is ample reason to regulate HCl emissions from steel pickling operations at the levels of today's standard, as discussed more fully in the remainder of this preamble.

#### D. Compliance Dates and Maintenance Requirements

*Comment:* One commenter stated that the required maintenance activities should be guidelines and not requirements. They do not further the rule (beyond required monitoring) to limit emissions and assure compliance with the limits.

*Response:* Operational and maintenance requirements are necessary

to help ensure that emission control equipment continues to operate at a level consistent with its operation at the time of compliance testing and are enforceable independently of emissions limitations. The EPA's statement of these requirements is in 40 CFR 63.6(e)(1)(iii), Operation and Maintenance Requirements.

*Comment:* Three commenters stated the following. The EPA's maintenance plan should not establish specific elements of the required maintenance plan, i.e., following manufacturer's recommended maintenance, cleaning scrubber internals and mist eliminators at intervals sufficient to prevent fouling, having set intervals for inspecting system components to identify, repair, or replace as needed. Two of the commenters recommend that EPA amend proposed § 63.1159 by eliminating the requirement that maintenance plans must include the elements set forth at § 63.1159(b)(2)(i)-(iv); these elements should be included only as potential elements that may be included in the plan. Another commenter believes that the operation and maintenance plan should not require strict adherence to the manufacturer's operating manual. Many manufacturer's manuals contain steps that are determined not be necessary and/or that only the manufacturer's proprietary products should be used. The EPA should change the wording to, for example, "substantially include" the elements set forth in the manufacturer's operating manual.

*Response:* The EPA has reviewed the proposed maintenance plan requirements and decided that revisions are appropriate. Manufacturer's instructions for older equipment may require materials no longer available. Manufacturers may no longer be in business so that required parts or materials cannot be purchased except by substitution from a source other than the original manufacturer. Therefore, the EPA has revised the rule so that it no longer requires adherence to the manufacturer's manual. The facility must write an operation and maintenance plan that is consistent with good maintenance practices and includes, at a minimum, the list of items described in the rule. The EPA believes that inclusion of these items is reasonable. Additionally, pressure drop must be monitored once per shift as a means of discovering scrubber operational anomalies that may require maintenance. No specific pressure drop deviation limit is required, but the monitoring records are required to be kept along with the recycle and makeup water flow rates.

*Comment:* Three commenters stated that the operation and maintenance plan should not be part of the source's title V operating permit. Plan approval places a substantial burden on permitting authorities. The details of these plans are frequently changed as operational problems are addressed. Such a requirement could cause administrative nightmares if a source is required to go through the title V permit modification process every time it modifies a plan, especially during the early stages of the rule. Approval of plans by informal action would encourage timely revision.

*Response:* The rule requires the plan to be incorporated into the permit only by reference and no longer requires it to be submitted to the permitting authority.

*Comment:* One commenter believes the requirement that the "responsible plant official" sign records of inspections is overly burdensome. The requirement is acceptable if "responsible plant official" means that an employee delegated the responsibility by the "responsible official" must sign.

*Response:* The EPA agrees with the commenter and has added the definition "responsible maintenance official," who is a person having signature authority for signing reports required under the rule.

*Comment:* One commenter states that the requirement to initiate repairs within 1 day is excessive and unworkable. It is unclear what "initiate corrective action" means. In some cases, corrective action may require engineering analysis to determine the source of the problem and effective corrective action. If this provision is retained, the commenter recommends that it be written as a requirement that repairs begin promptly and provide a "safe harbor" that repairs commenced within 1 day are considered to be prompt.

Two commenters state that the proposed requirement that maintenance plans be implemented within 1 working day is too stringent. There may be situations when initiating the plan within 24 hours would be impractical or impossible. In some cases, a facility may have to rely on an outside contractor to conduct necessary action. Instead of establishing a time-specific deadline, the EPA should provide that "facilities must initiate corrective action as soon as practically possible, but no later than 3 working days."

One commenter states that the requirement for corrective action within 1 day of detection of an operating problem with a control device is neither

reasonable or in keeping with the notification and repair requirements of other NESHAP rules. The commenter recommends that the requirement be changed to include a first attempt at repair within 5 working days of detection.

*Response:* The EPA believes that it is reasonable to expect operators to initiate procedures toward corrective action within 1 day and complete repairs or maintenance as soon as practicable. Initiation of procedures may consist of notification of a contractor or service group that corrective action is necessary. The rule is revised to clarify that the procedures to be initiated are the actions that are specified in the maintenance plan.

#### E. Performance Testing and Test Methods

*Comment:* One commenter stated that establishment of site specific scrubber operating parameters as a measure of compliance without first establishing the relationship between the parameters and the emissions in question is not appropriate. The EPA has made no attempt to establish any relationship between the proposed mandated parameters and actual emissions. This information was not evaluated during the MACT development; therefore, site specific parameters should not become mandated compliance parameters.

*Response:* Without implementation of continuous emissions monitoring systems, monitoring of relevant operating parameters in combination with routine and preventative maintenance is essential to enhanced compliance assurance. The requirement for operating parameter monitoring is retained in the rule.

*Comment:* One commenter stated that in setting parameter operating limits, the full range of values observed during a compliance test should be used, not the average. Because an average is being established, at least one of the tests must necessarily be above the average if all three tests are not identical. Another commenter believes that owners and operators should be able to establish compliant operating parameters using individual runs from compliance tests and not be restricted to multiple tests. Using multiple runs during a test will greatly diminish costs and repetitive sampling without substantially diminishing the assurance of compliance.

*Response:* The EPA agrees that some flexibility in establishing operating parameter compliant values is appropriate. The rule is revised to allow an average parameter value measured during any of the runs used to

demonstrate compliance to be used as the compliant value rather than the average value measured over the entire testing period.

*Comment:* Two commenters believe operators should have the option of conducting compliance demonstration tests as needed to show appropriate ranges of scrubber parameters. Establishment of parameters should not be limited to the initial performance test.

*Response:* The rule allows facilities to conduct multiple performance tests to establish alternative compliant operating parameter values and to reestablish compliant values during any performance test conducted after the initial performance test.

*Comment:* Two commenters expressed concerns that actions such as installing a more effective capture system or adding a mist eliminator would result in increased pressure drop and hence a violation of the standard.

*Response:* This issue is no longer a concern because the monitoring parameters have been changed. Pressure drop is now monitored only to detect potential problems with the scrubber.

*Comment:* Two commenters had the following statement. Method 26A is not validated for steel pickling, only for municipal waste incinerators (MWI). The MWI have higher temperatures, less moisture (and no liquid droplets), and no ferric chloride content, which could interfere with test results. The EPA's tests also show variations of as much as 700 percent for the same pickling line. Test bias may have resulted in an improperly low standard. Inexplicable negative biases are reported in an EPA municipal waste incinerator validation report for Method 26A. These biases are such that validation for pickling sources is required.

The practical level of quantification (PLQ) for Method 26A has not been established for pickling sources, and should be developed using Method 301. Also, ferric chloride might cause a positive bias for the HCl measurements. One facility believes that conditions encountered with HCl pickling tests include high humidity in the gas stream, extremely high solubility of HCl gas in water, condensation in the gas stream, refluxing in the stack, and the use of stack tip entrainment eliminators. These conditions lead to several measurement problems, all of which tend to bias results toward improperly high HCl concentration because of enriched droplet capture in the sampling probe or maldistribution of HCl with regard to sampling probe location. Sampling data show six cases in which the range of measured maximum concentrations

varies from 1.3 to 9.3 times the minimum concentration for heated pickling lines or acid regeneration plants. They recommend that the testing protocol include provisions for testing control devices (including stack-tip mist eliminators) and allow for discard of test results more than 50 percent above the average.

*Response:* The comments do not bring up any technical concerns regarding measurements at pickling or acid regeneration sites. A well designed and conscientiously run field validation of Method 26A specifically at these source categories would not likely uncover any evidence that there is a problem in this application. The EPA knows from its studies that the method is capable of measuring to fractional ppmv levels. Review of data from a 1997 study at a light-weight aggregate kiln burning hazardous waste provides a minimum detection limit estimate of about 0.04 ppmv. The EPA estimated the method precision (reported as the standard deviation of individual runs) to be 0.42 ppmv at 3 ppmv. This value would lead to the precision estimate of the mean of a 3 run test of 0.24 ppmv. If water droplets are routinely present, then the method has to be followed carefully to avoid gathering poor quality data. The EPA has not knowingly field validated the method in the presence of water droplets, but isokinetic sampling is the accepted way to address this problem.

The commenters contended that EPA provides no justification to the preamble statement "EPA considers the method is equally valid for measuring emissions for pickling and acid regeneration sources." They go on to say that HCl pickling emissions are generally 100 to 200 °F and contain water droplets. The presence of water droplets increases the potential for negative bias.

The EPA responds that the method is validated at a municipal waste combustor (MWC) where the sample matrix is a more severe test of the method in terms of potential chemical interferents, and the stack is at a higher temperature. The higher stack temperature at MWCs is a more severe test of the method in that the probe and filter temperatures are less than the stack temperature, which, in theory, could lead to condensation of HCl in the probe. An effective control system would be expected to include a mist eliminator, thus minimizing the potential for excessive water droplet effect. In addition, the test method has provisions to overcome the potential negative bias encountered if water droplets are present.

One commenter also commented on the MWC validation being done with

midjet impingers rather than the large impingers. The EPA report No. 600/3-89/064 concludes that there is an inexplicable negative bias compared to those using midjet impingers. The most likely cause of the low bias at low (3 to 4 ppmv) concentrations is absorption of HCl on alkaline particulate matter collected on the filter. This condition is not expected at steel pickling plants and, hence, field validation would not be of value.

The commenter also stated that proper field validation of Method 26A would provide the true PLQ that would take into account the normal variations resulting solely from the test procedures. Determining the actual PLQ of Method 26A on HCl pickling emissions is essential to ensure that the final NESHAP limitations are not set lower than the level that can be consistently quantified by the required testing. The recommendation already discussed in this comment should also apply to HCl regeneration plants since the limit of 3 ppmv HCl is at the lower limit of the range tested.

The EPA notes that the commenter provided the Method 301 definition of PLQ. There is general agreement that the intent of the Method 301 calculation procedure of 10 times the standard deviation should use the standard deviation at or near the limit of detection. (The actual Method 301 language adds “\* \* \* at the blank level.”) The EPA believes the commenter cites an erroneous conclusion from a Rigo and Rigo Associates, Incorporated, document, that a recent quad-train study at an MWC had a PLQ of at least 125 ppmv at 7 percent oxygen for Method 26A. The study was done in a concentration range of 105 to 636 ppmv at 7 percent oxygen, instead of near the acceptable blank limit of the method. These conditions lead to an inflated standard deviation estimate and a subsequent over estimate of the PLQ. Draft results from a 1997 EPA study using a quad-train arrangement at a light-weight aggregate kiln where the actual (uncorrected for dilution) stack concentration of HCl ranged from 0.22 to 1.29 ppmv (more closely approaching the theoretical lower limit of the method) results in an estimated method standard deviation of 0.12 ppmv at zero. The EPA used these data to extrapolate an estimated method standard deviation of 0.42 ppmv at 3 ppmv as described above. This value compares favorably with the original MWC validation report's estimate of standard deviations of 0.24 ppmv and 0.49 ppmv at concentration of 3.9 ppmv and 15.3 ppmv, respectively.

Regarding positive bias caused by ferric chloride, it would have to have a significant vapor pressure at the filter temperature to pass through the Teflon matte filter in the test equipment. This is not the case.

The EPA believes the test method is appropriate for steel pickling and acid regeneration operations and will continue to require its use (or an approved substitute) for the standard. However, in order to reduce the possibility of collecting water droplets from the stack walls that may be present because of refluxing in the stack or high humidity, the EPA believes that Reference Method 1 should be modified for this application to specify that no sampling point be closer to the stack wall than one inch.

*Comment:* One commenter states that ammonia is commonly used as a precipitating agent in waste HCl, resulting in ammonium chloride formation. The commenter believes that some ammonium chloride will be decomposed in the acid regeneration plant roaster, but significant amounts may exit in the waste gas and will be recovered along with HCl in gas cleaning. The commenter is currently investigating the possibility of direct measurement of ammonium chloride in the acid plant scrubbers but does not at present have data to offer. The commenter understands that ammonium chloride can interfere in the measurement of HCl at low levels.

*Response:* Ammonium chloride is identified as a possible interferent in EPA Reference Method 26A that would be expected to appear as chloride ion and thus be measured as HCl. If an acid regeneration plant cannot meet the standard for HCl, it would have the option of demonstrating that ammonium chloride is present in the waste pickle liquor fed to the plant and seeking relief in the HCl emission limit on that basis. However, the need for relief seems unlikely. Ammonium chloride would not be expected to pass the filter that is required for this method at the filter temperature. Ammonium chloride decomposes from the solid state at 339 °C, which is far above the temperature of 248 °F (120 °C) used for sampling acid regeneration plant emissions.

#### F. Monitoring Requirements

*Comment:* Four commenters stated that excessive excursions of operating parameters should not trigger implementation of CEMS. In addition, seven commenters stated that the use of CEMS should not be required. No systems have been demonstrated to have the capability to accurately measure and record compliance for this application.

Commercially available systems for monitoring at the proposed levels are expensive, difficult to calibrate and maintain, and not reliable to the level of operation required. Manufacturers have cautioned that using such devices in an acidic application containing water droplets would interfere with the test methodology and be corrosive to the testing apparatus. Conditions of high humidity and acidity make it unlikely that an in situ sensor will ever work.

*Response:* After reviewing the comments, the EPA agrees that reliable operation of currently available CEMS cannot be assured for this application. At best, inordinately burdensome maintenance and operating procedures would be required. The CEMS requirement is therefore deleted.

*Comment:* Five commenters stated that pressure drop and acidity are not appropriate monitoring parameters. A relationship between these parameters and scrubber efficiency has not been demonstrated. Given the lack of variation of scrubbing efficiency between caustic solution and clear water, monitoring acidity is questionable. Also, the requirement to measure acidity is vague. Three commenters suggested that parameters other than pressure drop and acidity would be better indicators of scrubber performance. Scrubber water flow rate is a more valid indicator of efficient scrubbing. For packed bed scrubbers, better parameters are pressure drop, air flow rate, and water flow rate to the top of the packing. For plate scrubbers, pressure drop and visual observation provide assurance of correct operation. Other parameters suggested were fan amps and liquid conductivity.

*Response:* In considering all of these comments, the EPA concludes that scrubber makeup water and recycle water flow rates are better indicators of scrubber performance than pressure drop and acidity, on the basis that the mechanism for HCl collection is absorption in water, which can be done effectively even with slightly acidic water. The rule is revised, eliminating the requirements for monitoring scrubber pressure drop and scrubbing effluent acidity and replacing them with the requirements to monitor scrubber makeup water flow rate and, for scrubbers that operate with recirculation, recirculation water flow rate. Monitoring of pressure drop is moved from operational requirements to maintenance requirements. Pressure drop must be monitored as a means of discovering scrubber operational anomalies that may require maintenance. No specific pressure drop deviation limit is required, but the

monitoring records are required to be kept in addition to the recycle and makeup water flow rates. Flow rate increases large enough to cause flooding would be considered malfunctions.

*Comment:* Four commenters stated that facilities should be allowed to develop their own monitoring protocols. The EPA should set forth minimum monitoring requirements and allow facilities to develop site specific protocols that they can justify.

*Response:* Alternative monitoring options can be approved under § 63.8(b) of the general provisions to this part. This provision is clarified in the final rule.

*Comment:* Six commenters believe that monitoring of scrubbers should not be required during nonoperating periods such as stoppages for maintenance and repairs.

*Response:* Periods of stoppage for maintenance and repairs would be covered under the Startup, Shutdown, and Malfunction Plan (SSMP). The rule is revised to clarify that monitoring scrubber parameters is required only while the scrubber is operating. The rule is also revised to clarify that monitoring acid plant operations is required only while the plant is operating in production mode. Discussions with plant operators after proposal have revealed that plants often operate in modes that are designed, for example, to maintain temperature while acid and iron oxide production are temporarily suspended. These operations are conducted under conditions that are not predicted to produce byproduct chlorine.

*Comment:* Two commenters stated that storage vessel inspections should be changed from monthly to semiannually to be consistent with the requirement under other subpart L NESHAP rules. Inspection of control devices on storage vessels should be conducted at the same frequency as compliance testing on the scrubber.

*Response:* The reference is to subpart L of part 61, National Emission Standard for Benzene Emissions from Coke Byproduct Recovery Plants. The requirement in subpart L is to monitor connections and seals on each control system that recovers or destroys emissions from process vessels, tar storage tanks, and tar-intercepting sumps. The EPA believes that the requirements for this subpart should not be more stringent than those for rules with similar monitoring requirements and has revised the rule to require semiannual rather than monthly inspections.

*Comment:* Three commenters stated that annual stack testing is excessive

when coupled with parametric monitoring. One commenter recommended that stack testing only be required if the control device is out of range. The other commenters recommended testing no more frequently than every 2½ years or every 5 years.

*Response:* In lieu of continuous emissions monitoring or other means for determining continuous compliance, enhanced compliance assurance is established in this rule by monitoring of relevant operating parameters in combination with routine and preventive maintenance plus periodic performance testing. Annual testing is typically required in such situations. The EPA believes, however, that some flexibility can be allowed in view of the requirement to also monitor parameters. The rule is revised to allow facilities to conduct performance testing on an alternative schedule that is approved by the applicable permitting authority but no less frequently than every 2½ years or twice per title V permit term.

*Comment:* Four commenters stated that excursions of control device or acid plant operating parameters should not be considered violations. Out of range measurements should be treated as indicators of potential problems requiring further investigation or corrective action. A strong enough relationship between variations in pressure drop or acidity and HCl emissions has not been demonstrated.

*Response:* The proposed rule inadvertently stated that exceedances of scrubber operating parameters were violations of the emission limit. The intention was to state that exceedances of acid regeneration plant operating parameters were violations of the emission limit. The rule is revised to state that excursions of scrubber monitoring parameters only require corrective action as specified by the maintenance requirements and are not violations of the emission limit.

Regarding acid plant monitoring parameters, the EPA's policy is that linking excursions of operating parameters to violations of the emissions limit is preferred but is only defensible where a strong correlation between the parameters values and emissions can be demonstrated. The EPA reexamined the appropriateness of the linkage of acid regeneration plant operating parameters with emissions and agrees with the commenters that a strong enough correlation has not been demonstrated. The rule is revised so that excursions of acid regeneration plant operating parameters are a violation of the operational standard and not the emission limit.

#### H. Recordkeeping Requirements

*Comment:* One commenter believes that the requirement for maintaining startup and shutdown records is ambiguous, burdensome, and of no environmental benefit. No guidance is provided on what constitutes a startup or shutdown. If required, startup and shutdown should be defined to exclude the normal stopping and starting of the pickling line during its daily operation.

*Response:* The EPA disagrees that no environmental benefit is gained from keeping startup and shutdown records. These records can be used as an enforcement tool to ensure continued compliance with environmental rules or to show periods of inactivity when, for example, emissions would not be expected to occur.

The EPA agrees that maintaining records of normal daily interruptions in line operations is onerous if not routinely practiced. This is not the intent of the recordkeeping requirement. Each facility writes its own SSMP and therefore can provide specific definitions of normal startup and shutdown versus intermittent stops and starts characteristic of daily operation. However, as part of the SSMP, these definitions are subject to approval by the facility's permitting authority.

*Comment:* One commenter suggests that for the air pollution control device recordkeeping, startup and shutdown should be defined to include only "abnormal" cases, perhaps periods of a day or more.

*Response:* As described in the previous response, each facility writes its own SSMP and can define normal startup and shutdown.

#### V. Administrative Requirements

##### A. Docket

The docket is an organized file of information considered by the EPA in the development of a rulemaking. The docket is a dynamic file because information is added throughout the rulemaking development process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in case of judicial review. (See section 307(d)(7)(A) of the Act.) The official rulemaking record, including all public comments received on the proposed rule, is located at the address in the ADDRESSES section at the beginning of this document.

*B. Executive Order 12866: Regulatory Planning and Review*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must determine if a regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs, or the rights and obligation of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this final rule is not a "significant regulatory action" under the terms of the Executive Order and is therefore not subject to OMB review.

*C. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be "economically significant" as defined under Executive Order 12866 and (2) concerns the environmental health or safety risk that the EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the EPA must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonable feasible alternatives considered by the EPA.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This final rule is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined by Executive Order 12866, and it is based on technology performance and not on health or safety risks.

*D. Executive Order 12875: Enhancing the Intergovernmental Partnerships*

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments or the EPA consults with those governments. If the EPA complies by consulting, EPA must provide the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

In compliance with Executive Order 12875, the EPA involved State regulatory experts in the development of the rule. State and local governments and tribal governments are not directly affected by the rule, i.e., they are not required to purchase control systems to meet the requirements of the rule. However, State and local governments will be required to implement the rule; i.e., incorporate the rule into permits and enforce the rule. They will collect permit fees that will be used to offset the resource burden of implementing the rule. Comments were solicited from States and have been considered in the development of the final rule. No comments were received from any tribal government.

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

*E. Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub.L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final

rules with "Federal mandates" that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in developing EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. The EPA has determined that the total annualized nationwide cost of the final standard is approximately \$7.9 million per year, which is well under the \$100 million per year threshold. The only costs to State and local governments are those associated with implementing this standard through the permitting process, and those costs are recouped through permit fees. In addition, the EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments because it does not impose any enforceable duties on small governments; such governments own or operate no sources subject to these rules and therefore would not be required to purchase control systems to meet the requirements of the rule. Thus, today's rule is not subject to the requirements of sections 202 and 205 of UMRA.

#### F. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions whose jurisdictions are less than 50,000 people. This rule will not have a significant impact on a substantial number of small entities because it does not impact small entities whose jurisdictions cover less than 50,000 people. Only three of approximately 80 affected facilities in this industry meet the criteria for small businesses. Of these three, one company is expected to meet the standard and one company is projected to be a nonmajor source based on calculations using an emissions estimating model along with information supplied by the firm. It is not anticipated that these two facilities will be adversely impacted by the regulation. The remaining small company employs a scrubber that may meet the emission limitation. If this facility incurs emission control costs, the costs would likely relate to upgrading existing equipment or improving maintenance practices. Any regulatory impacts for this company are not expected to be significant.

#### G. Submission to Congress and the General Accounting Office

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 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 rule is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective June 22, 1999.

#### H. Paperwork Reduction Act

The information collection requirements in this rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection

Request (ICR) document has been prepared by EPA (ICR No. 1821.02) and a copy may be obtained from Sandy Farmer by mail at OP Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., SW; Washington, DC 20460, by email at farmer.sandy@epamail.epa.gov, or by calling (202) 260-2740. A copy may also be downloaded off the internet at <http://www.epa.gov/icr>. The information requirements are not effective until OMB approves them.

The information collection requirements include mandatory notifications, records, and reports required by the NESHAP general provisions (40 CFR part 63, subpart A). These information collection requirements are needed to confirm the compliance status of major sources, to identify any nonmajor sources not subject to the standards and any new or reconstructed sources subject to the standards, to confirm that emission control devices are being properly operated and maintained, and to ensure that the standards are being achieved. Based on the recorded and reported information, EPA can decide which plants, records, or processes should be inspected. These recordkeeping and reporting requirements are specifically authorized by section 114 of the Act (42 U.S.C. 7414). All information submitted to the EPA for which a claim of confidentiality is made will be safeguarded according to EPA policies in 40 CFR part 2, subpart B. (See 41 FR 36902, September 1, 1976; 43 FR 39999, September 28, 1978; 43 FR 42251, September 28, 1978; and 44 FR 17674, March 23, 1979.)

The annual public reporting and recordkeeping burden for collecting this information (averaged over the first 3 years after the effective date of the rule) is estimated to total 23,190 hours based on a total of 70 likely respondents over that period (23.3 per year) at 995 hours per respondent per year. The total annualized cost is estimated to be \$1,850,000 per year, with a capital and startup cost of \$8,200 per year and an operation and maintenance cost of \$7,500 per year (excluding labor hours included in the previous total).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing

and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

#### I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) directs all Federal agencies to use voluntary consensus standards instead of government-unique standards in their regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling and analytical procedures, business practices, etc.) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the National Fire Protection Association (NFPA), and the Society of Automotive Engineers (SAE). The NTTAA requires Federal agencies like the EPA to provide Congress, through OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards.

This action does not involve the proposal of any new technical standards. It does, however, incorporate by reference existing technical standards. Incorporated are EPA Reference test methods 1 through 4 and 26A, as codified under 40 CFR part 60, appendix A. Consequently, the EPA searched for voluntary consensus standards that might be applicable. The search was conducted through the National Standards System Network (NSSN), an automated service provided by the American National Standards Institute (ANSI) for identifying available national and international standards. The search identified no applicable equivalent standards. Therefore, the final rule relies solely on use of the government-unique technical standards cited above for determining compliance.

As part of a larger effort, the EPA is undertaking a project to cross-reference existing voluntary consensus standards on testing, sampling, and analysis with current and future EPA test methods. When completed, this project will assist the EPA in identifying potentially-applicable voluntary consensus standards that can then be evaluated for equivalency and applicability in determining compliance with future regulations.

#### J. Pollution Prevention Act

"Pollution prevention" means source reduction as defined under the Pollution Prevention Act of 1990 (e.g., equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control), and other practices that reduce or eliminate the creation of pollutants through increased efficiency in the use of raw materials, energy, water, or other resources, or protection of natural resources by conservation.

The steel pickling industry employs pollution prevention techniques through regeneration of spent pickle liquor. The 10 acid regeneration plants operating in 1991 recovered about 40 percent of the pickling acid requirements for the industry in that year. Without the savings provided by the use of regenerated acid, additional costs would be incurred for treatment or disposal of waste pickle liquor (K062) that are otherwise avoided. The final rule encourages use of acid regeneration by providing simplified and cost effective compliance requirements.

The final rule also encourages pollution prevention through improved maintenance of air pollution control devices. Proper operation maintenance of control systems results in more effective emissions control.

#### K. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments

Under Executive Order 13084, the EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance cost incurred by the tribal governments or the EPA consults with those governments. If the EPA complies by consulting, the EPA must provide to the Office of Management and Budget, in a

separately identified section of the preamble to the rule, a description of the extent of the EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires the EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. No steel pickling facilities are owned or operated by Indian by tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

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

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements, Steel pickling.

Dated: May 12, 1999.

**Carol M. Browner,**  
Administrator.

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

#### PART 63—[AMENDED]

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

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

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

#### Subpart CCC—National Emission Standards for Hazardous Air Pollutants for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants

Sec.

- 63.1155 Applicability.
- 63.1156 Definitions.
- 63.1157 Emission standards for existing sources.
- 63.1158 Emission standards for new or reconstructed sources.
- 63.1159 Operational and equipment requirements for existing, new, or reconstructed sources.
- 63.1160 Compliance dates and maintenance requirements.
- 63.1161 Performance testing and test methods.
- 63.1162 Monitoring requirements.
- 63.1163 Notification requirements.

- 63.1164 Reporting requirements.
  - 63.1165 Recordkeeping requirements.
  - 63.1166 Delegation of authority.
  - 63.1167–63.1174 [Reserved]
- Table 1 to Subpart CCC—Applicability of General Provisions (40 CFR part 63, subpart A) to subpart CCC

#### Subpart CCC—National Emission Standards for Hazardous Air Pollutants for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants

##### § 63.1155 Applicability.

(a) The provisions of this subpart apply to the following facilities and plants that are major sources for hazardous air pollutants (HAP) or are parts of facilities that are major sources for HAP:

(1) All new and existing steel pickling facilities that pickle carbon steel using hydrochloric acid solution that contains 6 percent or more by weight HCl and is at a temperature of 100 °F or higher; and

(2) All new and existing hydrochloric acid regeneration plants.

(3) The provisions of this subpart do not apply to facilities that pickle carbon steel without using hydrochloric acid, to facilities that pickle only specialty steel, or to acid regeneration plants that regenerate only acids other than hydrochloric acid.

(b) For the purposes of implementing this subpart, the affected sources at a facility or plant subject to this subpart are as follows: Continuous and batch pickling lines, hydrochloric acid regeneration plants, and hydrochloric acid storage vessels.

(c) Table 1 to this subpart specifies the provisions of this part 63, subpart A that apply and those that do not apply to owners and operators of steel pickling facilities and hydrochloric acid regeneration plants subject to this subpart.

##### § 63.1156 Definitions.

Terms used in this subpart are defined in the Clean Air Act, in subpart A of this part, or in this section as follows:

**Batch pickling line** means the collection of equipment and tanks configured for pickling metal in any form but usually in discrete shapes where the material is lowered in batches into a bath of acid solution, allowed to remain until the scale is dissolved, then removed from the solution, drained, and rinsed by spraying or immersion in one or more rinse tanks to remove residual acid.

**Carbon steel** means steel that contains approximately 2 percent or less carbon, 1.65 percent or less manganese, 0.6

percent or less silicon, and 0.6 percent or less copper.

*Closed-vent system* means a system that is not open to the atmosphere and that is composed of piping, ductwork, connections, and, if necessary, flow-inducing devices that transport emissions from a process unit or piece of equipment (e.g., pumps, pressure relief devices, sampling connections, open-ended valves or lines, connectors, and instrumentation systems) back into a closed system or into any device that is capable of reducing or collecting emissions.

*Continuous pickling line* means the collection of equipment and tanks configured for pickling metal strip, rod, wire, tube, or pipe that is passed through an acid solution in a continuous or nearly continuous manner and rinsed in another tank or series of tanks to remove residual acid. This definition includes continuous spray towers.

*Hydrochloric acid regeneration plant* means the collection of equipment and processes configured to reconstitute fresh hydrochloric acid pickling solution from spent pickle liquor using a thermal treatment process.

*Hydrochloric acid regeneration plant production mode* means operation under conditions that result in production of usable regenerated acid or iron oxide.

*Hydrochloric acid storage vessel* means a stationary vessel used for the bulk containment of virgin or regenerated hydrochloric acid.

*Responsible maintenance official* means a person designated by the owner or operator as having the knowledge and the authority to sign records and reports required under this rule.

*Specialty steel* means a category of steel that includes silicon electrical, alloy, tool, and stainless steels.

*Spray tower* means an enclosed vertical tower in which acid pickling solution is sprayed onto moving steel strip in multiple vertical passes.

*Steel pickling* means the chemical removal of iron oxide mill scale that is formed on steel surfaces during hot rolling or hot forming of semi-finished steel products through contact with an aqueous solution of acid where such contact occurs prior to shaping or coating of the finished steel product. This definition does not include removal of light rust or scale from finished steel products or activation of the metal surface prior to plating or coating.

*Steel pickling facility* means any facility that operates one or more batch or continuous steel pickling lines.

**§ 63.1157 Emission standards for existing sources.**

(a) *Pickling lines.* No owner or operator of an existing affected continuous or batch pickling line at a steel pickling facility shall cause or allow to be discharged into the atmosphere from the affected pickling line:

(1) Any gases that contain HCl in a concentration in excess of 18 parts per million by volume (ppmv); or

(2) HCl at a mass emission rate that corresponds to a collection efficiency of less than 97 percent.

(b) *Hydrochloric acid regeneration plants.* (1) No owner or operator of an existing affected plant shall cause or allow to be discharged into the atmosphere from the affected plant any gases that contain HCl in a concentration greater than 25 ppmv.

(2) In addition to the requirement of paragraph (b)(1) of this section, no owner or operator of an existing affected plant shall cause or allow to be discharged into the atmosphere from the affected plant any gases that contain chlorine (Cl<sub>2</sub>) in a concentration in excess of either 6 ppmv or an alternative source-specific maximum concentration. The source-specific maximum concentration standard shall be established according to § 63.1161(c)(2) of this subpart.

**§ 63.1158 Emission standards for new or reconstructed sources.**

(a) *Pickling lines.*—(1) *Continuous pickling lines.* No owner or operator of a new or reconstructed affected continuous pickling line at a steel pickling facility shall cause or allow to be discharged into the atmosphere from the affected pickling line:

(i) Any gases that contain HCl in a concentration in excess of 6 ppmv; or

(ii) HCl at a mass emission rate that corresponds to a collection efficiency of less than 99 percent.

(2) *Batch pickling lines.* No owner or operator of a new or reconstructed affected batch pickling line at a steel pickling facility shall cause or allow to be discharged into the atmosphere from the affected pickling line:

(i) Any gases that contain HCl in a concentration in excess of 18 ppmv; or

(ii) HCl at a mass emission rate that corresponds to a collection efficiency of less than 97 percent.

(b) *Hydrochloric acid regeneration plants.* (1) No owner or operator of a new or reconstructed affected plant shall cause or allow to be discharged into the atmosphere from the affected plant any gases that contain HCl in a concentration greater than 12 ppmv.

(2) In addition to the requirement of paragraph (b)(1) of this section, no

owner or operator of a new or reconstructed affected plant shall cause or allow to be discharged into the atmosphere from the affected plant any gases that contain Cl<sub>2</sub> in a concentration in excess of 6 ppmv.

**§ 63.1159 Operational and equipment standards for existing, new, or reconstructed sources.**

(a) *Hydrochloric acid regeneration plant.* The owner or operator of an affected plant must operate the affected plant at all times while in production mode in a manner that minimizes the proportion of excess air fed to the process and maximizes the process offgas temperature consistent with producing usable regenerated acid or iron oxide.

(b) *Hydrochloric acid storage vessels.* The owner or operator of an affected vessel shall provide and operate, except during loading and unloading of acid, a closed-vent system for each vessel. Loading and unloading shall be conducted either through enclosed lines or each point where the acid is exposed to the atmosphere shall be equipped with a local fume capture system, ventilated through an air pollution control device.

**§ 63.1160 Compliance dates and maintenance requirements.**

(a) *Compliance dates.* (1) The owner or operator of an affected existing steel pickling facility and/or hydrochloric acid regeneration plant subject to this subpart shall achieve initial compliance with the requirements of this subpart no later than June 22, 2001.

(2) The owner or operator of a new or reconstructed steel pickling facility and/or hydrochloric acid regeneration plant subject to this subpart that commences construction or reconstruction after September 18, 1997, shall achieve compliance with the requirements of this subpart immediately upon startup of operations or by June 22, 1999, whichever is later.

(b) *Maintenance requirements.* (1) The owner or operator of an affected source shall comply with the operation and maintenance requirements prescribed under § 63.6(e) of subpart A of this part.

(2) In addition to the requirements specified in paragraph (b)(1) of this section, the owner or operator shall prepare an operation and maintenance plan for each emission control device to be implemented no later than the compliance date. The plan shall be incorporated by reference into the source's title V permit. All such plans must be consistent with good maintenance practices and, for a scrubber emission control device, must at a minimum:

(i) Require monitoring and recording the pressure drop across the scrubber once per shift while the scrubber is operating in order to identify changes that may indicate a need for maintenance;

(ii) Require the manufacturer's recommended maintenance at the recommended intervals on fresh solvent pumps, recirculating pumps, discharge pumps, and other liquid pumps, in addition to exhaust system and scrubber fans and motors associated with those pumps and fans;

(iii) Require cleaning of the scrubber internals and mist eliminators at intervals sufficient to prevent buildup of solids or other fouling;

(iv) Require an inspection of each scrubber at intervals of no less than 3 months with:

(A) Cleaning or replacement of any plugged spray nozzles or other liquid delivery devices;

(B) Repair or replacement of missing, misaligned, or damaged baffles, trays, or other internal components;

(C) Repair or replacement of droplet eliminator elements as needed;

(D) Repair or replacement of heat exchanger elements used to control the temperature of fluids entering or leaving the scrubber; and

(E) Adjustment of damper settings for consistency with the required air flow.

(v) If the scrubber is not equipped with a viewport or access hatch allowing visual inspection, alternate means of inspection approved by the Administrator may be used.

(vi) The owner or operator shall initiate procedures for corrective action within 1 working day of detection of an operating problem and complete all corrective actions as soon as practicable. Procedures to be initiated are the applicable actions that are specified in the maintenance plan. Failure to initiate or provide appropriate repair, replacement, or other corrective action is a violation of the maintenance requirement of this subpart.

(vii) The owner or operator shall maintain a record of each inspection, including each item identified in paragraph (b)(2)(iv) of this section, that is signed by the responsible maintenance official and that shows the date of each inspection, the problem identified, a description of the repair, replacement, or other corrective action taken, and the date of the repair, replacement, or other corrective action taken.

(3) The owner or operator of each hydrochloric acid regeneration plant shall develop and implement a written maintenance program. The program shall require:

(i) Performance of the manufacturer's recommended maintenance at the recommended intervals on all required systems and components;

(ii) Initiation of procedures for appropriate and timely repair, replacement, or other corrective action within 1 working day of detection; and

(iii) Maintenance of a daily record, signed by a responsible maintenance official, showing the date of each inspection for each requirement, the problems found, a description of the repair, replacement, or other action taken, and the date of repair or replacement.

**§ 63.1161 Performance testing and test methods.**

(a) *Demonstration of compliance.* The owner or operator shall conduct an initial performance test for each process or emission control device to determine and demonstrate compliance with the applicable emission limitation according to the requirements in § 63.7 of subpart A of this part and in this section.

(1) Following approval of the site-specific test plan, the owner or operator shall conduct a performance test for each process or control device to either measure simultaneously the mass flows of HCl at the inlet and the outlet of the control device (to determine compliance with the applicable collection efficiency standard) or measure the concentration of HCl (and Cl<sub>2</sub> for hydrochloric acid regeneration plants) in gases exiting the process or the emission control device (to determine compliance with the applicable emission concentration standard).

(2) Compliance with the applicable concentration standard or collection efficiency standard shall be determined by the average of three consecutive runs or by the average of any three of four consecutive runs. Each run shall be conducted under conditions representative of normal process operations.

(3) Compliance is achieved if either the average collection efficiency as determined by the HCl mass flows at the control device inlet and outlet is greater than or equal to the applicable collection efficiency standard, or the average measured concentration of HCl or Cl<sub>2</sub> exiting the process or the emission control device is less than or equal to the applicable emission concentration standard.

(b) *Establishment of scrubber operating parameters.* During the performance test for each emission control device, the owner or operator using a wet scrubber to achieve compliance shall establish site-specific

operating parameter values for the minimum scrubber makeup water flow rate and, for scrubbers that operate with recirculation, the minimum recirculation water flow rate. During the emission test, each operating parameter must be monitored continuously and recorded with sufficient frequency to establish a representative average value for that parameter, but no less frequently than once every 15 minutes. The owner or operator shall determine the operating parameter monitoring values as the averages of the values recorded during any of the runs for which results are used to establish the emission concentration or collection efficiency per paragraph (a)(2) of this section. An owner or operator may conduct multiple performance tests to establish alternative compliant operating parameter values. Also, an owner or operator may reestablish compliant operating parameter values as part of any performance test that is conducted subsequent to the initial test or tests.

(c) *Establishment of hydrochloric acid regeneration plant operating parameters.* (1) During the performance test for hydrochloric acid regeneration plants, the owner or operator shall establish site-specific operating parameter values for the minimum process offgas temperature and the maximum proportion of excess air fed to the process as described in § 63.1162(b)(1) of this subpart. During the emission test, each operating parameter must be monitored and recorded with sufficient frequency to establish a representative average value for that parameter, but no less frequently than once every 15 minutes for parameters that are monitored continuously. Amount of iron in the spent pickle liquor shall be determined for each run by sampling the liquor every 15 minutes and analyzing a composite of the samples. The owner or operator shall determine the compliant monitoring values as the averages of the values recorded during any of the runs for which results are used to establish the emission concentration per paragraph (a)(2) of this section. An owner or operator may conduct multiple performance tests to establish alternative compliant operating parameter values. Also, an owner or operator may reestablish compliant operating parameter values as part of any performance test that is conducted subsequent to the initial test or tests.

(2) During this performance test, the owner or operator of an existing affected plant may establish an alternative concentration standard if the owner or operator can demonstrate to the

Administrator's satisfaction that the plant cannot meet a concentration limitation for  $\text{Cl}_2$  of 6 ppmv when operated within its design parameters. The alternative concentration standard shall be established through performance testing while the plant is operated at maximum design temperature and with the minimum proportion of excess air that allows production of iron oxide of acceptable quality while measuring the  $\text{Cl}_2$  concentration in the process exhaust gas. The measured concentration shall be the concentration standard for that plant.

(d) *Test methods.* (1) The following test methods in appendix A of 40 CFR part 60 shall be used to determine compliance under § 63.1157(a), § 63.1157(b), § 63.1158(a), and § 63.1158(b) of this subpart:

(i) Method 1, to determine the number and location of sampling points, with the exception that no traverse point shall be within one inch of the stack or duct wall;

(ii) Method 2, to determine gas velocity and volumetric flow rate;

(iii) Method 3, to determine the molecular weight of the stack gas;

(iv) Method 4, to determine the moisture content of the stack gas; and

(v) Method 26A, "Determination of Hydrogen Halide and Halogen Emissions from Stationary Sources—Isokinetic Method," to determine the HCl mass flows at the inlet and outlet of a control device or the concentration of HCl discharged to the atmosphere, and also to determine the concentration of  $\text{Cl}_2$  discharged to the atmosphere from acid regeneration plants. If compliance with a collection efficiency standard is being demonstrated, inlet and outlet measurements shall be performed simultaneously. The minimum sampling time for each run shall be 60 minutes and the minimum sample volume 0.85 dry standard cubic meters (30 dry standard cubic feet). The concentrations of HCl and  $\text{Cl}_2$  shall be calculated for each run as follows:

$C_{\text{HCl}}(\text{ppmv}) = 0.659 C_{\text{HCl}}(\text{mg/dscm})$ ,  
and  $C_{\text{Cl}_2}(\text{ppmv}) = 0.339 C_{\text{Cl}_2}(\text{mg/dscm})$ ,  
where C(ppmv) is concentration in ppmv and C(mg/dscm) is concentration in milligrams per dry standard cubic meter as calculated by the procedure given in Method 26A.

(2) The owner or operator may use equivalent alternative measurement methods approved by the Administrator.

#### § 63.1162 Monitoring requirements.

(a) The owner or operator of a new, reconstructed, or existing steel pickling

facility or acid regeneration plant subject to this subpart shall:

(1) Conduct performance tests to measure the HCl mass flows at the control device inlet and outlet or the concentration of HCl exiting the control device according to the procedures described in § 63.1161 of this subpart. Performance tests shall be conducted either annually or according to an alternative schedule that is approved by the applicable permitting authority, but no less frequently than every 2½ years or twice per title V permit term. If any performance test shows that the HCl emission limitation is being exceeded, then the owner or operator is in violation of the emission limit.

(2) In addition to conducting performance tests, if a wet scrubber is used as the emission control device, install, operate, and maintain systems for the measurement and recording of the scrubber makeup water flow rate and, if required, recirculation water flow rate. These flow rates must be monitored continuously and recorded at least once per shift while the scrubber is operating. Operation of the wet scrubber with excursions of scrubber makeup water flow rate and recirculation water flow rate less than the minimum values established during the performance test or tests will require initiation of corrective action as specified by the maintenance requirements in § 63.1160(b)(2) of this subpart.

(3) If an emission control device other than a wet scrubber is used, install, operate, and maintain systems for the measurement and recording of the appropriate operating parameters.

(4) Failure to record each of the operating parameters listed in paragraph (a)(2) of this section is a violation of the monitoring requirements of this subpart.

(5) Each monitoring device shall be certified by the manufacturer to be accurate to within 5 percent and shall be calibrated in accordance with the manufacturer's instructions but not less frequently than once per year.

(6) The owner or operator may develop and implement alternative monitoring requirements subject to approval by the Administrator.

(b) The owner or operator of a new, reconstructed, or existing acid regeneration plant subject to this subpart shall also install, operate, and maintain systems for the measurement and recording of the:

(1) Process offgas temperature, which shall be monitored continuously and recorded at least once every shift while the facility is operating in production mode; and

(2) Parameters from which proportion of excess air is determined. Proportion of excess air shall be determined by a combination of total air flow rate, fuel flow rate, spent pickle liquor addition rate, and amount of iron in the spent pickle liquor, or by any other combination of parameters approved by the Administrator in accordance with § 63.8(f) of subpart A of this part. Proportion of excess air shall be determined and recorded at least once every shift while the plant is operating in production mode.

(3) Each monitoring device must be certified by the manufacturer to be accurate to within 5 percent and must be calibrated in accordance with the manufacturer's instructions but not less frequently than once per year.

(4) Operation of the plant with the process offgas temperature lower than the value established during performance testing or with the proportion of excess air greater than the value established during performance testing is a violation of the operational standard specified in § 63.1159(a) of this subpart.

(c) The owner or operator of an affected hydrochloric acid storage vessel shall inspect each vessel semiannually to determine that the closed-vent system and either the air pollution control device or the enclosed loading and unloading line, whichever is applicable, are installed and operating when required.

#### § 63.1163 Notification requirements.

(a) *Initial notifications.* As required by § 63.9(b) of subpart A of this part, the owner or operator shall submit the following written notifications to the Administrator:

(1) The owner or operator of an area source that subsequently becomes subject to the requirements of the standard shall provide notification to the applicable permitting authority as required by § 63.9(b)(1) of subpart A of this part.

(2) As required by § 63.9(b)(2) of subpart A of this part, the owner or operator of an affected source that has an initial startup before June 22, 1999, shall notify the Administrator that the source is subject to the requirements of the standard. The notification shall be submitted not later than October 20, 1999 (or within 120 calendar days after the source becomes subject to this standard), and shall contain the information specified in §§ 63.9(b)(2)(i) through 63.9(b)(2)(v) of subpart A of this part.

(3) As required by § 63.9(b)(3) of subpart A of this part, the owner or operator of a new or reconstructed

affected source, or a source that has been reconstructed such that it is an affected source, that has an initial startup after the effective date and for which an application for approval of construction or reconstruction is not required under § 63.5(d) of subpart A of this part, shall notify the Administrator in writing that the source is subject to the standards no later than 120 days after initial startup. The notification shall contain the information specified in §§ 63.9(b)(2)(i) through 63.9(b)(2)(v) of subpart A of this part, delivered or postmarked with the notification required in § 63.9(b)(5) of subpart A of this part.

(4) As required by § 63.9(b)(4) of subpart A of this part, the owner or operator of a new or reconstructed major affected source that has an initial startup after June 22, 1999, and for which an application for approval of construction or reconstruction is required under § 63.5(d) of subpart A of this part shall provide the information specified in §§ 63.9(b)(4)(i) through 63.9(b)(4)(v) of subpart A of this part.

(5) As required by § 63.9(b)(5) of subpart A of this part, the owner or operator who, after June 22, 1999, intends to construct a new affected source or reconstruct an affected source subject to this standard, or reconstruct a source such that it becomes an affected source subject to this standard, shall notify the Administrator, in writing, of the intended construction or reconstruction.

(b) *Request for extension of compliance.* As required by § 63.9(c) of subpart A of this part, if the owner or operator of an affected source cannot comply with this standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with § 63.6(i)(5) of subpart A of this part, he/she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in §§ 63.6(i)(4) through 63.6(i)(6) of subpart A of this part.

(c) *Notification that source is subject to special compliance requirements.* As required by § 63.9(d) of subpart A of this part, an owner or operator of a new source that is subject to special compliance requirements as specified in §§ 63.6(b)(3) and 63.6(b)(4) of subpart A of this part shall notify the Administrator of his/her compliance obligations not later than the notification dates established in § 63.9(b) of subpart A of this part for new sources that are not subject to the special provisions.

(d) *Notification of performance test.* As required by § 63.9(e) of subpart A of this part, the owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin, to allow the Administrator to review and approve the site-specific test plan required under § 63.7(c) of subpart A of this part and, if requested by the Administrator, to have an observer present during the test.

(e) *Notification of compliance status.* The owner or operator of an affected source shall submit a notification of compliance status as required by § 63.9(h) of subpart A of this part when the source becomes subject to this standard.

#### § 63.1164 Reporting requirements.

(a) *Reporting results of performance tests.* As required by § 63.10(d)(2) of subpart A of this part, the owner or operator of an affected source shall report the results of any performance test as part of the notification of compliance status required in § 63.1163 of this subpart.

(b) *Progress reports.* The owner or operator of an affected source who is required to submit progress reports under § 63.6(i) of subpart A of this part shall submit such reports to the Administrator (or the State with an approved permit program) by the dates specified in the written extension of compliance.

(c) *Periodic startup, shutdown, and malfunction reports.* Section 63.6(e) of subpart A of this part requires the owner or operator of an affected source to operate and maintain each affected emission source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the level required by the standard at all times, including during any period of startup, shutdown, or malfunction. Malfunctions must be corrected as soon as practicable after their occurrence in accordance with the startup, shutdown, and malfunction plan.

(1) *Plan.* As required by § 63.6(e)(3) of subpart A of this part, the owner or operator shall develop and implement a written startup, shutdown, and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, or malfunction, and a program of corrective action for malfunctioning process and air pollution control equipment used to comply with the relevant standard.

(2) *Reports.* As required by § 63.10(d)(5)(i) of subpart A of this part, if actions taken by an owner or operator during a startup, shutdown, or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the startup, shutdown, and malfunction plan, the owner or operator shall state such information in a semiannual report. The report, to be certified by the owner or operator or other responsible official, shall be submitted semiannually and delivered or postmarked by the 30th day following the end of each calendar half; and

(3) *Immediate Reports.* Any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures in the startup, shutdown, and malfunction plan, the owner or operator shall comply with all requirements of § 63.10(d)(5)(ii) of subpart A of this part.

#### § 63.1165 Recordkeeping requirements.

(a) *General recordkeeping requirements.* As required by § 63.10(b)(2) of subpart A of this part, the owner or operator shall maintain records for 5 years from the date of each record of:

(1) The occurrence and duration of each startup, shutdown, or malfunction of operation (i.e., process equipment);

(2) The occurrence and duration of each malfunction of the air pollution control equipment;

(3) All maintenance performed on the air pollution control equipment;

(4) Actions taken during periods of startup, shutdown, and malfunction and the dates of such actions (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) when these actions are different from the procedures specified in the startup, shutdown, and malfunction plan;

(5) All information necessary to demonstrate conformance with the startup, shutdown, and malfunction plan when all actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. This information can be recorded in a checklist or similar form (see § 63.10(b)(2)(v) of subpart A of this part);

(6) All required measurements needed to demonstrate compliance with the standard and to support data that the source is required to report, including, but not limited to, performance test measurements (including initial and any subsequent performance tests) and measurements as may be necessary to determine the conditions of the initial test or subsequent tests;

(7) All results of initial or subsequent performance tests;

(8) If the owner or operator has been granted a waiver from recordkeeping or reporting requirements under § 63.10(f) of subpart A of this part, any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements;

(9) If the owner or operator has been granted a waiver from the initial performance test under § 63.7(h) of subpart A of this part, a copy of the full request and the Administrator's approval or disapproval;

(10) All documentation supporting initial notifications and notifications of compliance status required by § 63.9 of subpart A of this part; and

(11) Records of any applicability determination, including supporting analyses.

(b) *Subpart CCC records.* (1) In addition to the general records required by paragraph (a) of this section, the owner or operator shall maintain

records for 5 years from the date of each record of:

(i) Scrubber makeup water flow rate and recirculation water flow rate if a wet scrubber is used;

(ii) Calibration and manufacturer certification that monitoring devices are accurate to within 5 percent; and

(iii) Each maintenance inspection and repair, replacement, or other corrective action.

(2) The owner or operator of an acid regeneration plant shall also maintain records for 5 years from the date of each record of process offgas temperature and parameters that determine proportion of excess air.

(3) The owner or operator shall keep the written operation and maintenance plan on record after it is developed to be made available for inspection, upon request, by the Administrator for the life of the affected source or until the source is no longer subject to the provisions of this subpart. In addition, if the operation and maintenance plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the plan on record to be made available for inspection by the Administrator for a period of 5 years after each revision to the plan.

(c) *Recent records.* General records and subpart CCC records for the most recent 2 years of operation must be maintained on site. Records for the previous 3 years may be maintained off site.

**§ 63.1166 Delegation of authority.**

(a) In delegating implementation and enforcement authority to a State under 40 CFR part 63, subpart E, the following authorities shall be retained by the Administrator and not transferred to a State:

(1) Approval of alternative emission standards for existing, new, and reconstructed pickling lines, hydrochloric acid regeneration plants, and hydrochloric acid storage vessels to those standards specified in §§ 63.1157 and 63.1158 of this subpart;

(2) Approval of alternative measurement methods for HCl and Cl<sub>2</sub> to those specified in § 63.1161(d)(1) of this subpart;

(3) Approval of alternative monitoring requirements to those specified in §§ 63.1162(a)(2) through 63.1162(a)(5) and 63.1162(b)(1) through 63.1162(b)(3) of this subpart; and

(4) Waiver of recordkeeping requirements specified in § 63.1165 of this subpart.

(b) The following authorities shall be delegated to a State: All other authorities, including approval of an alternative schedule for conducting performance tests to the requirement specified in § 63.1162(a)(1) of this subpart.

**§§ 63.1167—63.1174 [Reserved]**

TABLE 1 TO SUBPART CCC.—APPLICABILITY OF GENERAL PROVISIONS (40 CFR PART 63, SUBPART A) TO SUBPART CCC

Reference	Applies to Subpart CCC	Explanation
63.1–63.5 .....	Yes.	Subpart CCC does not contain an opacity or visible emission standard.
63.6 (a)–(g) .....	Yes.	
63.6 (h) .....	No .....	
63.6 (i)–(j) .....	Yes.	Subpart CCC does not contain an opacity or visible emission standard.
63.7–63.9 .....	Yes.	
63.10 (a)–(c) .....	Yes.	
63.10 (d) (1)–(2) .....	Yes.	Subpart CCC does not contain an opacity or visible emission standard.
63.10 (d)(3) .....	No .....	
63.10 (d) (4)–(5) .....	Yes.	Subpart CCC does not require the use of flares.
63.10 (e)–(f) .....	Yes.	
63.11 .....	No .....	
63.12–63.15 .....	Yes.	