SUPPORTING STATEMENT

FOR

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR MERCURY CELL CHLOR-ALKALI PLANTS (40 CFR 40 CFR part 63, subpart IIIII)

U.S. ENVIRONMENTAL PROTECTION AGENCY

SECTOR POLICIES AND PROGRAMS DIVISION

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PART A OF THE SUPPORTING STATEMENT

1. IDENTIFICATION OF THE INFORMATION COLLECTION

a. Title and Number of the Information Collection

"NESHAP for Mercury Cell Chlor-Alkali Plants." This information collection request (ICR) has been assigned OMB Control Number 2060-0542 and EPA ICR Number 2046.04

b. Short Characterization

This ICR is prepared for a U.S. Environmental Protection Agency (EPA) rulemaking developed under authority of section 112 of the Clean Air Act (CAA). The proposed rulemaking would amend title 40, chapter I, part 63, subpart IIIII, National Emission Standards for Hazardous Air Pollutants from Mercury Cell Chlor-Alkali Plants, of the Code of Federal Regulations (CFR). Hereafter, this subpart is referred to as the "Mercury Cell Chlor-Alkali NESHAP." The current Mercury Cell Chlor-Alkali NESHAP includes standards for major and area sources of hazardous air pollutants (HAP). The proposed amendments are in response to a petition to reconsider several aspects of the rule from the Natural Resources Defense Council (NRDC) and impact the requirements for cell room fugitive mercury emissions by requiring work practice standards for the cell room and require instrumental monitory of cell room fugitive emissions. A major source of HAP is one that has the potential to emit, considering controls (in place under a federally enforceable agreement), 10 tons or more of any one HAP or 25 tons or more of total HAP per year; an area source is one with a potential to emit less than this. Respondents are owners or operators of processes and operations of affected sources in the mercury cell chlor-alkali source category. All existing sources must be in compliance with the requirements of the proposed amendments rule by six months after the effective date of the amended final rule if the facility was previously complying with the cell room monitoring program provisions and two years if the facility was complying with the work practice standards. All new sources would have to be in compliance with the requirements of the revised rule on the date of startup or the effective date of the amended final rule, whichever is later.

This ICR is for major and area sources of HAP emissions in the mercury cell chlor-alkali subcategory of the chlorine production source category. This ICR is based on 5 existing mercury cell chlor-alkali plants in the United States which were considered to be a part of the

mercury cell chlor-alkali plant source category for regulatory development and would be required to comply with the mercury cell chlor-alkali NESHAP within 6 months or 2 years of the effective date (promulgation date). It is believed that no new mercury cell chlor-alkali plant will be constructed an assertion which is strengthened by the fact that no new plants have been constructed in the United States in over 30 years. Future demand for chlor-alkali production is anticipated to be met using other chlor-alkali cell types which do not result in mercury emissions. Therefore, no new or reconstructed plants were considered in this ICR.

The period considered in this ICR and throughout this supporting statement is the first three years following promulgation of the amended mercury cell chlor-alkali NESHAP. The total monitoring, inspecting, reporting, and recordkeeping (MIRR) costs for existing sources during the first three years after promulgation are estimated to be $970 thousand. Of the estimated total MIRR costs, $790 thousand is labor dollars for the first three years and $180 thousand is capital and operation and maintenance (O&M) for the first three years. The annual costs for each of the first three years after promulgation are not expected to be equal and are expected to differ from costs in subsequent years, because some existing sources will be required to be in compliance within 6 months of the effective date of the final amendments and some will be required to be in compliance with the final rule 2 years after the promulgation date. See section 6 for more details on cost estimates.

2. NEED FOR AND USE OF THE COLLECTION

a. Need/Authority for the Collection

We have been directed by section 112 of the CAA to regulate the emissions of HAP from stationary sources. Section 112(c)(1) of the CAA requires us to list categories and subcategories of major and area sources of HAP and to establish NESHAP for the listed source categories and subcategories. The chlorine production source category contains major sources of HAP emissions and is included on our list of categories scheduled for regulation. In addition, section 112(c)(6) requires us to list source categories and subcategories assuring that sources accounting for not less than 90 percent of the aggregate emissions of each of seven specific pollutants (including mercury) are subject to standards under section 112(d) of the CAA. Chlor-alkali production was among the categories of sources identified under 112(c)(6) to achieve the

90 percent emission reduction goal for mercury. While this category was titled as "chlor-alkali production," the only sources of mercury emissions are mercury cell chlor-alkali plants. However, the mercury cell chlor-alkali subcategory was not officially "listed" under 112(c)(6) because the chlorine production source category was already listed under 112(c)(1) and would be subject to 112(d)(2) standards via that chlorine production source category listing.

The HAP identified as being emitted from mercury cell chlor-alkali sources are mercury, chlorine, and hydrogen chlorine (HCl). We are using our authority under section 112(d)(4) of the CAA to not regulate chlorine and HCl emissions from mercury cell chlor-alkali sources. Therefore, the only HAP being regulated by the final amended rule is mercury.

Section 112(d) requires us to promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of HAP listed pursuant to section 112(c). Section 112(d)(2) specifies that emission standards promulgated under the section shall require the maximum degree of reductions in emissions of the HAP subject to section 112 that are deemed achievable (the maximum achievable control technology, or MACT) taking into consideration the cost of achieving the emission reduction, any non-air quality health and environmental impacts, and energy requirements. Section 112(d)(4) provides for consideration of health thresholds with an ample margin of safety. Certain other sections of section 112 require the EPA, in addition to technology-based standards, to evaluate risk to public health and the environment in determining whether other control measures are appropriate.

Section 114 of the CAA gives us authority to collect data and information necessary to enforce standards established under section 112 of the CAA. Certain records and reports are necessary to enable the Administrator to (1) identify existing and new emission sources subject to the mercury cell chlor-alkali NESHAP, and (2) ensure that the requirements specified for an affected source subject to the mercury cell chlor-alkali NESHAP, which are based on maximum achievable control technology (MACT), are being achieved.

b. Use/Users of the Data

The information will be used by the EPA's enforcement personnel to: (1) identify existing or new source HAP emission points subject to the mercury cell chlor-alkali NESHAP; (2) ensure that MACT is being properly applied; (3) ensure that the control equipment and are

being properly operated and maintained on a continuous basis; and (4) ensure that work practices are being properly performed.

In addition, records and reports are necessary to enable us to identify the facilities that may not be in compliance with the mercury cell chlor-alkali NESHAP. Based on the reported information, we can decide which facilities should be inspected and what records or processes should be inspected at these facilities. The records that facilities maintain indicate to us whether facility personnel are operating and maintaining emission control devices and control methodologies properly.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

a. Nonduplication

A search of our existing standard and ongoing ICRs revealed some overlap in information gathering efforts between the mercury cell chlor-alkali NESHAP and a federal rule. We originally promulgated the "National Emission Standard for Mercury" on April 6, 1973 (See 40 CFR part 61, subpart E, §61.50 et. seq.).[1] This standard (hereafter referred to as the part 61 NESHAP) limits mercury emissions from mercury chlor-alkali plants as well as mercury ore processing facilities and sludge incineration and drying plants. Since the final mercury cell chlor-alkali NESHAP, including many of the MIRR requirements, is more stringent than the part 61 NESHAP, upon the compliance date of the final mercury cell chlor-alkali NESHAP, mercury cell chlor-alkali plants would neither have any obligation nor any ability to comply with the part 61 NESHAP instead of the part 63 provisions. Therefore, there would effectively be no duplication of information-gathering efforts among our existing standards and ongoing ICRs.

Certain control system performance test reports required by the proposed amendments to the mercury cell chlor-alkali NESHAP may duplicate information also required by a State air regulatory agency. In such cases, a copy of the test report submitted to the State agency could be provided to EPA to meet requirements in the final revised mercury cell chlor-alkali NESHAP.

1This regulatory program was originally set forth at 38 FR 8826, April 6, 1973; and amended at: 40 FR 48302, October 14, 1975; 47 FR 24704, June 8, 1982; 49 FR 35770, September 12, 1984; 50 FR 46294, November 7, 1985; 52 FR 8726, March 19, 1987; and, 53 FR 36972, September 23, 1988.

b. Public Notice Required Prior to ICR Submission to OMB

Because this is a rule-related ICR, it is not necessary to solicit public comments prior to submittal of this ICR to OMB. However, a 60-day public comment period will be provided after promulgation of the final amendments to the mercury cell chlor-alkali NESHAP in the Federal Register, during which all affected parties will be given the opportunity to comment on the proposed amendments to the mercury cell chlor-alkali NESHAP. All comments that are received will be considered and some changes in response to the comments may be reflected in the final amendments to the mercury cell chlor-alkali NESHAP.

c. Consultations

OMB regulations require periodic consultation with respondents and data users such as members of industry as well as State and local governments. We consulted with representatives of the four companies operating mercury cell chlor-alkali plants throughout the mercury cell chlor-alkali NESHAP development process (Olin Corporation; PPG Industries, Incorporated; ASHTA Chemicals, Incorporated; and ERCO Worldwide USA Inc.).

A 60-day public comment period will be provided after proposal, during which all affected parties will be given the opportunity to comment on the proposed amendments to the mercury cell chlor-alkali NESHAP. All comments will be considered, and some may be reflected in the development of the final amendments.

d. Effects of Less Frequent Collection

If the relevant information were collected less frequently, the EPA would not be reasonably assured that a source is in compliance with the mercury cell chlor-alkali NESHAP. In addition, the EPA's authority to take administrative action would be reduced significantly.

Section 113(d) of the CAA limits the assessment of administrative penalties to violations which occur no more than 12 months before initiation of the administrative proceeding. Since administrative proceedings are less costly and require use of fewer resources than judicial proceedings, both the EPA and the regulated community benefit from preservation of the EPA's administrative powers.

e. General Guidelines

The mercury cell chlor-alkali NESHAP requires that facility owners or operators retain records for a period of five years, which exceeds the three year retention period contained in the guidelines in 5 CFR 1320.6. The five year retention period is consistent with the provisions of the General Provisions of 40 CFR part 63, and with the five year records retention requirement in the operating permit program under title V of the CAA. All subsequent guidelines have been followed and do not violate any of the Paperwork Reduction Act guidelines contained in 5 CFR 1320.6.

f. Confidentiality

All information submitted to the EPA for which a claim of confidentiality is made will be safeguarded according to the EPA policies set forth in title 40, chapter 1, part 2, subpart B, Confidentiality of Business Information. See 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 3999, September 8, 1978; 43 FR 42251, September 28, 1978; and 44 FR 17674, March 23, 1979. Even where the EPA has determined that data received in response to an ICR is eligible for confidential treatment under 40 CFR part 2, subpart B, the EPA may nonetheless disclose the information if it is "relevant in any proceeding" under the statute [42 U.S.C. '7414 (C); 40 CFR 2.301 (g)]. The information collection complies with the Privacy Act of 1974 and Office of Management and Budget (OMB) Circular 108.

g. Sensitive Questions

Information to be reported consists of emission data and other information that are not of a sensitive nature. No sensitive personal or proprietary data are being collected.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

a. Respondents/SIC and NAICS Codes

Respondents are owners or operators of all existing and new mercury emitting affected sources in the mercury cell chlor-alkali subcategory of the chlorine production source category. The source category and affected sources regulated by the mercury cell chlor-alkali NESHAP are classified in the four-digit Standard Industrial Classification (SIC) Codes 2812, "Alkalis and Chlorine." The corresponding North American Industrial Classification System (NAICS) code is 325181, “Alkalis and Chlorine Manufacturing.” A total of five existing mercury cell chlor-alkali plants in five States (Georgia, Ohio, Louisiana, Tennessee, and Wisconsin) were

considered to be part of the source category for regulatory development. Because no growth is expected in the industry, no new or reconstructed plants were considered as respondents.

b. Information Requested

The proposed amendments are based on work practices and emission monitoring to reduce HAP emissions. In order to demonstrate continuous compliance with the standards, facilities must implement a work practice program as well as a continuous monitoring program for fugitives.

i. Data items, including recordkeeping requirements

The mercury cell chlor-alkali NESHAP requires the owner or operator to submit certain reports and maintain certain records as specified in the NESHAP, and in the General Provisions (40 CFR 63 subpart A). These activities are listed in Attachment 1. All reports must be submitted to the respondent's State agency, if it has an approved title V permit program implementation authority, or to the appropriate EPA Regional Office. Records must be retained for 5 years and must be maintained on-site, or readily accessible from on-site through a computer or other means, for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record. Records may be kept offsite for the remaining 3 years but must be made readily available upon request.

ii. Respondent Activities

The activities that would be performed by respondents to meet the MIRR requirements of the mercury cell chlor-alkali NESHAP for each of the first 3 years following promulgation of the final amendments are presented in Tables 1a through 1c. The respondent activities are also listed in Attachment 1.

This ICR assumes that all sources subject to the rule will read the rule and four plants will submit a revised work practice notification of compliance status. It was also assumed that all five plants will revise their site-specific work practice and continuous monitoring plans. In the second year, this ICR assumes that the remaining plant will submit the revised notification of compliance status. In the second year this ICR assumes that all of the five facilities will, as appropriate, install monitoring equipment, and complete other reporting and recordkeeping activities.

5. THE INFORMATION COLLECTED--AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

a. Agency Activities

A list of the EPA's activities for each of the first three years after promulgation is provided in Tables 3a through 3c, which are introduced in section 6(c). Table 4 summarizes the EPA's estimated labor hours and cost over the first three years after promulgation. The Agency's activities conducted in connection with the acquisition, analysis, storage, and distributed of the required information include: (1) observing performance tests, (2) reviewing notifications and reports required to be submitted by industry, (3) conducting on-site inspections as necessary, (4) inputting, analyzing, and maintaining data in the Aerometric Information Retrieval System (AIRS) Facility Subsystem (AFS) database, (5) auditing facility records, and (6) conducting enforcement actions.

b. Collection Methodology and Management

Information contained in the one-time only reports will be entered into the Aerometric Information Retrieval System (AIRS) Facility Subsystem (AFS) that is maintained and operated by the EPA's Office of Air Quality Planning and Standards (OAQPS). Data obtained during periodic visits by EPA personnel from records maintained by the respondents will be tabulated and published for internal EPA use in compliance and enforcement programs.

c. Small Entity Flexibility

Minimizing the information collection burden for all sizes of organizations is a continuing effort on the EPA's part. We have reduced the recordkeeping and reporting requirements to include only the information needed by the EPA to determine compliance with the mercury cell chlor-alkali NESHAP.

By definition, a small business is any business that is independently owned and operated and not dominant in its field as defined by the Small Business Administration (SBA) regulations under Section 3 of the Small Business Act. For the mercury cell chlor-alkali industry, a small business is defined by the number of employees, and the small business threshold is 1,000 or fewer employees (65 FR 53533).

One of the four firms operating the five mercury cell chlor-alkali plants in the United States is considered a small entity. However, the proposed amendments to the mercury cell chlor-alkali NESHAP are not expected to have significant economic impact on small entities, and small business considerations would not apply.

d. Collection Schedule

Collection of data will begin after promulgation of the mercury cell chlor-alkali NESHAP amendments in the Federal Register. The schedule for reports that are required by the amended mercury cell chlor-alkali NESHAP and the General Provisions is detailed below.

A revised work practices notification of compliance status is to be submitted 60 days following the compliance date of the regulation. Plants are required to continue submitting periodic reports on a semiannual basis, no later than 30 days after the end of each six-month reporting period. Plants must report actions taken during startup, shutdown, and malfunction (SSM) events not consistent with the SSM plan within two working days and submit a letter within seven working days after the end of the event.

6. ESTIMATING BURDEN AND COST OF THE COLLECTION

a. Estimating Respondent Burden

The annual burden for respondent activities includes labor cost, capital/startup cost, and O&M cost. EPA's estimates of total burden for respondents for each of the first three years after promulgation of the amendments to the mercury cell chlor-alkali NESHAP are presented in Tables 1a through 1d.

b. Estimating Respondent Costs

i. Estimating labor costs

The estimates of total technical labor hours per year per source and the number of activities per respondent per year listed in each of Tables 1a through 1d are based upon experience with similar information collection requirements in other standards development efforts and the number of emission points in each source. Activities that are one-time-only activities are identified as such in the tables.

The estimated costs of the activities listed in Tables 1a through 1d were based on data from the U.S. Bureau of Labor Statistics' (BLS) Internet web site

(http://www.bls.gov/oes/current/naics4_325100.htm), May 2006 National Industry-Specific Occupational Employment and Wage Estimates (Accessed May 2, 2008). Labor costs were divided into the following three categories: (1) technical, (2) managerial, and (3) clerical. Managerial and clerical labor hours were calculated as 5 and 10 percent, respectively, of each technical labor hour requirement. In addition, the labor rates were increased by 34.4 percent to account for fringe benefits, according to the BLS (http://www.bls.gov/news.release/pdf/ecec.pdf, Table 6). In addition, these values were multiplied by a factor of 1.1 to account for overhead costs. Therefore, the labor costs were estimated to be $122.52 per hour for managerial ($43.41 base labor rate), $69.52 per hour for technical ($24.63 base labor rate), and $14.56 per hour for clerical ($19.70 base labor rate).

ii. Estimating capital/startup and operation and maintenance (O&M) costs

Capital cost was estimated for the acquisition and installation of a mercury monitoring system to measure mercury vapors in each cell room. The total estimated installed capital cost of a cell room mercury monitoring system is $120,000. This value was multiplied by a capital recovery factor of 0.1098, using an interest rate of 7 percent and an estimated equipment life of 15 years, to obtain an annualized capital cost of $13,000.

The total annual estimated O&M costs were calculated based on (1) operation and maintenance costs for monitoring equipment, (2) the estimated postage costs for responses associated with the provisions of the mercury cell chlor-alkali NESHAP, and (3) contracting costs for the performance test that some sources would use to demonstrate compliance with this standard. The annual O&M cost for operating the monitoring equipment is estimated to be $12,000 per CMS. Postage costs are for submittal to regulatory agencies of notifications and reports required by the rule. The postage rates ($4.80 per one-pound package by Priority Mail and $0.42 per one-ounce First Class letter) were based on data from the U.S. Postal Service Internet website (http://www.usps.com), accessed May 16, 2008. The per-facility cost of performance test contracting is estimated, based on information provided by test contractors, to be $12,000. See Table 2 for O&M cost information.

c. Estimating the EPA's Burden and Cost

Because the information collection requirements were developed as an incidental part of mercury cell chlor-alkali NESHAP, no costs can be attributed to the development of the information collection requirements. Because recordkeeping and reporting requirements on the part of the respondents are required under section 112 of the CAA, no operational costs will be incurred by the Federal government. Publication and distribution of the information are part of the AFS operated and maintained by the EPA's OAQPS, with the result that no Federal costs can be directly attributed to the ICR. Examination of records to be maintained by the respondents will occur incidentally as part of the periodic inspection of sources that is part of the EPA's overall compliance and enforcement program and, therefore, is not attributable to the ICR.

The only costs that the Federal government will incur are user costs associated with analyzing the reported information, observing performance tests (it is assumed that EPA will observe 10 percent of the performance tests conducted), conducting inspections, and conducting enforcement actions, as presented in Tables 3a through 3c. Labor rates and associated costs are based on the 2008 General Schedule (GS) base salary data from the U.S. Office of Personnel Management Internet website (http://www.opm.gov/oca/08ables/pdf/gs_h.pdf), accessed May 16, 2008. We estimated hourly labor costs of $59.63 per hour (GS-13, Step 5; $37.27 x 1.6) for management, $44.24 per hour (GS-12, Step 1; $27.65 x 1.6) for technical, and $23.94 per hour (GS-6, Step 3; $14.96 x 1.6) for administrative. Labor rates include an additional 60 percent for overhead expenses, the standard government benefits multiplication factor. The federal burden and cost are summarized in Table 4.

d. Estimating the Respondent Universe and Total Burden and Costs

To calculate the total burden for respondents, the number of respondents (the respondent universe) to complete each activity was estimated. The burden for each activity was calculated by multiplying the per-respondent burden per activity by the number of respondents.

The respondent universe varies among the activities listed in Tables 1a through 1c, because not all respondents must complete each activity each year. The total burden and costs are summarized in Table 2.

e. Bottom Line Burden Hours and Costs

i. Respondent tally

The bottom line respondent burden hours and costs are summarized in Table 2. The estimated total nationwide burden resulting from the amendments to the mercury cell chlor-alkali NESHAP is an estimated 11,388 total labor hours and $971,496 ($791,328 in labor costs and $180,168 in capital and O&M costs). The total estimated annual labor hours are 3,796 hours and the total estimated annual costs are $323,832 ($263,776 in labor costs and $60,056 in capital and O&M costs).

ii. The EPA tally

The bottom line Federal government burden hours and costs that would result from the amendments to the mercury cell chlor-alkali NESHAP are presented in Tables 3a through 3c. Estimated hours and costs in the first three years after promulgation are 529 total labor hours and $22,823. The estimated annual cost to the federal ~~goverment~~government is $7,608. Table 4 summarizes the Federal government burden hours and costs for the mercury cell chlor-alkali NESHAP over the first three years after promulgation of the amendments.

iii. Variations in the annual bottom line

Variation in the annual bottom line for this regulation may occur over the first three years following promulgation of the amendments to this rule because: (1) certain one-time activities would typically occur prior to the source=s compliance date and (2) it is not until the end of the third year following promulgation that all sources must be in compliance and will be subject to recurring recordkeeping and reporting requirements.

f. Reasons for Change in Burden

The changes in burden for this ICR are a result of new proposed amendments. The proposed amendments are in response to a petition to reconsider several aspects of the rule from the Natural Resources Defense Council (NRDC) and impact the requirements for cell room fugitive mercury emissions by requiring work practice standards for the cell room and require instrumental monitory of cell room fugitive emissions.

g. Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 612 hours per response. 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 purpose 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 respond to a collection of information; search existing 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.

PART B OF THE SUPPORTING STATEMENT

Not applicable. No sampling or other methods are used to select respondents because all owners and operators of facilities subject to the mercury cell chlor-alkali NESHAP are required to collect information.

Table 1a. Nationwide Industry Burden for Existing Sources (First Year)
Proposed Amendments to NESHAP for Mercury Cell Chlor-Alkali Plants

	Hours and Costs Per Respondent							Total Hours and Costs			
Reporting and Recordkeeping Requirements	A Technical hours per occurence @ $69.52	B Management hours per occurence (Ax0.05) @ $122.52	C Clerical hours per occurence (Ax0.1) @ $41.09	D Annual occurences	E Annual person hours	F Labor Cost/Year	G O & M Cost(a)	H Total number of respondents	I Total Hours/Year (E x H)	J Total Labor Cost (F x H)	K Total annual cost (F+G) x H
1. Reporting requirements											
a. Read rule and instructions (b)	8.0	0.4	0.8	1	9.2	$638	$0	5	46.0	$3,190	$3,190
b. Gather information (b)	8.0	0.4	0.8	1	9.2	$638	$0	5	46.0	$3,190	$3,190
c. Write reports											
i. Initial notification (b)	2.0	0.1	0.2	1	2.3	$160	$0.42	0	0.0	$0	$0
ii. Notification of intent to conduct perf. test (b,c)	2.0	0.1	0.2	1	2.3	$160	$0.42	0	0.0	$0	$0
iii. Notification of date of CMS perf. evaluation (b,c)	2.0	0.1	0.2	1	2.3	$160	$0.42	0	0.0	$0	$0
iv. Notification of compliance status (b,d)	16.0	0.8	1.6	1	18.4	$1,276	$4.80	4	73.6	$5,104	$5,123
v. First periodic report (b)	16.0	0.8	1.6	1	18.4	$1,276	$4.80	0	0.0	$0	$0
vi. Subsequent periodic reports (d)	16.0	0.8	1.6	2	36.8	$2,552	$9.60	5	184.0	$12,760	$12,808
vii. Startup, shutdown, malfunction reports (e)	4.0	0.2	0.4	10	46.0	$3,190	$48.00	0	0.0	$0	$0
2. Recordkeeping requirements											
a. Read instructions (b)	16.0	0.8	1.6	1	18.4	$1,276	$0	5	92.0	$6,380	$6,380
b. Prepare site-specific plans (b)											
i. Add-on controls	16.0	0.8	1.6	1	18.4	$1,276	$0	0	0.0	$0	$0
ii. Washdown plan	16.0	0.8	1.6	1	18.4	$1,276	$0	0	0.0	$0	$0
iii. Cell room monitoring plan	16.0	0.8	1.6	1	18.4	$1,276	$0	1	18.4	$1,276	$1,276
c. Implement activities											
i. Performance test (b,c)	4.0	0.2	0.4	1	4.6	$319	$12,000	0	0.0	$0	$0
ii. Control equipment inspection & repair (c)	10.0	0.5	1.0	1	11.5	$798	$0	5	57.5	$3,988	$3,988
iii. Operate and maintain CMS	8.0	0.4	0.8	1	9.2	$638	$12,000	5	46.0	$3,190	$63,190
d. Develop record system											
i. Startup/shutdown/malfunction plan (b,c)	35.0	1.8	3.5	1	40.3	$2,791	$0	0	0.0	$0	$0
ii. Control equipment (b,c)	35.0	1.8	3.5	1	40.3	$2,791	$0	0	0.0	$0	$0
iii. Work practices (b)	35.0	1.8	3.5	1	40.3	$2,791	$0	4	161.0	$11,165	$11,165
e. Time to record information											
i. Control device performance (b,c)	6.0	0.3	0.6	1	6.9	$479	$0	0	0.0	$0	$0
ii. Control equipment testing (b,c)	1.0	0.1	0.1	2	2.3	$160	$0	0	0.0	$0	$0
iii. Control equipment inspection (c)	1.0	0.1	0.1	2	2.3	$160	$0	5	11.5	$798	$798
iv. CMS measurements (c)	1.0	0.1	0.1	1	1.2	$80	$0	5	5.8	$399	$399
v. Work Practices											
Washdown	0.1	0.0	0.0	350	29.2	$2,028	$0	5	145.8	$10,138	$10,138
Weekly Certification	1.0	0.0	0.0	52	52.0	$3,615	$0	5	260.0	$18,074	$18,074
Mass of virgin mercury	0.3	0.0	0.0	4	1.0	$70	$0	5	5.0	$348	$348
vi. Cell room monitoring program											
Action levels	8.0	0.4	0.8	2	18.4	$1,276	$0	5	92.0	$6,380	$6,380
Twice daily activities (f)	0.75	0.0	0.0	120	90.0	$6,256	$0	5	450.0	$31,282	$31,282
Daily activities (f)	1.25	0.0	0.0	365	456.3	$31,717	$0	5	2,281.3	$158,583	$158,583
f. Time to train personnel (b)	8.0	0.4	0.8	1	9.2	$638	$0	5	46.0	$3,190	$3,190
g. Store, file, and maintain records	8.0	0.4	0.8	1	9.2	$638	$0		0.0	$0	$0
h. Retrieve records/reports	8.0	0.4	0.8	1	9.2	$638	$0	5	46.0	$3,190	$3,190
Total	309.3	15.3	30.6		1051.6				4,067.8	$282,624	$342,691

Notes:
a-Includes operation and maintenance of monitoring equipment along with postage costs and contractor fees for performance tests.
b-A one-time activity to each facility.
c-Vent streams only
d-Facilities are required to submit a revised work practice NOCS
e-Only necessary if actions taken during startup, shutdown, or malfunction (SSM) do not follow the SSM plan.
f-Only occurs during development of action level

Table 1b. Nationwide Industry Burden for Existing Sources (Second Year)
Proposed Amendments to NESHAP for Mercury Cell Chlor-Alkali Plants

	Hours and Costs Per Respondent							Total Hours and Costs			
Reporting and Recordkeeping Requirements	A Technical hours per occurence @ $69.52	B Management hours per occurence (Ax0.05) @ $122.52	C Clerical hours per occurence (Ax0.1) @ $41.09	D Annual occurences	E Annual person hours	F Labor Cost/Year	G O & M Cost (a)	H Total number of respondents	I Total Hours/Year (E x H)	J Total Labor Cost (F x H)	K Total annual cost (F+G) x H
1. Reporting requirements											
a. Read rule and instructions (b)	8.0	0.4	0.8	1	9.2	$638	$0	0	0.0	$0	$0
b. Gather information (b)	8.0	0.4	0.8	1	9.2	$638	$0	0	0.0	$0	$0
c. Write reports											
i. Initial notification (b)	2.0	0.1	0.2	1	2.3	$160	$0.42	0	0.0	$0	$0
ii. Notification of intent to conduct perf. test (b,c)	2.0	0.1	0.2	1	2.3	$160	$0.42	0	0.0	$0	$0
iii. Notification of date of CMS perf. evaluation (b,c)	2.0	0.1	0.2	1	2.3	$160	$0.42	0	0.0	$0	$0
iv. Notification of compliance status (b,d)	16.0	0.8	1.6	1	18.4	$1,276	$4.80	1	18.4	$1,276	$1,281
v. First periodic report (b)	16.0	0.8	1.6	1	18.4	$1,276	$4.80	0	0.0	$0	$0
vi. Subsequent periodic reports (d)	16.0	0.8	1.6	2	36.8	$2,552	$9.60	5	184.0	$12,760	$12,808
vii. Startup, shutdown, malfunction reports (e)	4.0	0.2	0.4	10	46.0	$3,190	$48.00	0	0.0	$0	$0
2. Recordkeeping requirements											
a. Read instructions (b)	16.0	0.8	1.6	1	18.4	$1,276	$0	0	0.0	$0	$0
b. Prepare site-specific plans (b)											
i. Add-on controls	16.0	0.8	1.6	1	18.4	$1,276	$0	0	0.0	$0	$0
ii. Washdown plan	16.0	0.8	1.6	1	18.4	$1,276	$0	0	0.0	$0	$0
iii. Cell room monitoring plan	16.0	0.8	1.6	1	18.4	$1,276	$0	0	0.0	$0	$0
c. Implement activities											
i. Performance test (b,c)	4.0	0.2	0.4	1	4.6	$319	$0	0	0.0	$0	$0
ii. Control equipment inspection & repair (c)	10.0	0.5	1.0	1	11.5	$798	$0	5	57.5	$3,988	$3,988
iii. Operate and maintain CMS	8.0	0.4	0.8	1	9.2	$638	$12,000	5	46.0	$3,190	$63,190
d. Develop record system											
i. Startup/shutdown/malfunction plan (b,c)	35.0	1.8	3.5	1	40.3	$2,791	$0	0	0.0	$0	$0
ii. Control equipment (b,c)	35.0	1.8	3.5	1	40.3	$2,791	$0	0	0.0	$0	$0
iii. Work practices (b)	35.0	1.8	3.5	1	40.3	$2,791	$0	1	40.3	$2,791	$2,791
e. Time to record information											
i. Control device performance (b,c)	6.0	0.3	0.6	1	6.9	$479	$0	0	0.0	$0	$0
ii. Control equipment testing (b,c)	1.0	0.1	0.1	2	2.3	$160	$0	0	0.0	$0	$0
iii. Control equipment inspection (c)	1.0	0.1	0.1	2	2.3	$160	$0	5	11.5	$798	$798
iv. CMS measurements (c)	1.0	0.1	0.1	1	1.2	$80	$0	5	5.8	$399	$399
v. Work Practices											
Washdown	0.1	0.0	0.0	350	29.2	$2,028	$0	5	145.8	$10,138	$10,138
Weekly Certification	1.0	0.0	0.0	52	52.0	$3,615	$0	5	260.0	$18,074	$18,074
Mass of virgin mercury	0.3	0.0	0.0	4	1.0	$70	$0	5	5.0	$348	$348
vi. Cell room monitoring program											
Action levels	8.0	0.4	0.8	2	18.4	$1,276	$0	5	92.0	$6,380	$6,380
Twice daily activities (f)	0.75	0.0	0.0	120	90.0	$6,256	$0	5	450.0	$31,282	$31,282
Daily activities (f)	1.25	0.0	0.0	365	456.3	$31,717	$0	5	2,281.3	$158,583	$158,583
f. Time to train personnel (b)	8.0	0.4	0.8	1	9.2	$638	$0	0	0.0	$0	$0
g. Store, file, and maintain records	8.0	0.4	0.8	1	9.2	$638	$0	5	46.0	$3,190	$3,190
h. Retrieve records/reports	8.0	0.4	0.8	1	9.2	$638	$0	5	46.0	$3,190	$3,190
Total	309.3	15.3	30.6		1051.6				3,689.5	$256,386	$316,439

Notes:
a-Includes operation and maintenance of monitoring equipment along with postage costs and contractor fees for performance tests.
b-A one-time activity for each facility.
c-Vent streams only
d-Facilities are required to submit a revised work practice NOCS
e-Only necessary if actions taken during startup, shutdown, or malfunction (SSM) do not follow the SSM plan.
f- Only occurs during development of action level

Table 1c. Nationwide Industry Burden for Existing Sources (Third Year)
Proposed Amendments to NESHAP for Mercury Cell Chlor-Alkali Plants

	Hours and Costs Per Respondent							Total Hours and Costs			
Reporting and Recordkeeping Requirements	A Technical hours per occurence @ $69.52	B Management hours per occurence (Ax0.05) @ $122.52	C Clerical hours per occurence (Ax0.1) @ $41.09	D Annual occurences	E Annual person hours	F Labor Cost/Year	G O & M Cost (a)	H Total number of respondents	I Total Hours/Year (E x H)	J Total Labor Cost (F x H)	K Total annual cost (F+G) x H
1. Reporting requirements											
a. Read rule and instructions (b)	8.0	0.4	0.8	1	9.2	$638	$0	0	0.0	$0	$0
b. Gather information (b)	8.0	0.4	0.8	1	9.2	$638	$0	0	0.0	$0	$0
c. Write reports											
i. Initial notification (b)	2.0	0.1	0.2	1	2.3	$160	$0.42	0	0.0	$0	$0
ii. Notification of intent to conduct perf. test (b,c)	2.0	0.1	0.2	1	2.3	$160	$0.42	0	0.0	$0	$0
iii. Notification of date of CMS perf. evaluation (b,c)	2.0	0.1	0.2	1	2.3	$160	$0.42	0	0.0	$0	$0
iv. Notification of compliance status (b,d)	16.0	0.8	1.6	1	18.4	$1,276	$4.80	0	0.0	$0	$0
v. First periodic report (b)	16.0	0.8	1.6	1	18.4	$1,276	$4.80	0	0.0	$0	$0
vi. Subsequent periodic reports (d)	16.0	0.8	1.6	2	36.8	$2,552	$9.60	5	184.0	$12,760	$12,808
vii. Startup, shutdown, malfunction reports (e)	4.0	0.2	0.4	10	46.0	$3,190	$48.00	0	0.0	$0	$0
2. Recordkeeping requirements											
a. Read instructions (b)	16.0	0.8	1.6	1	18.4	$1,276	$0	0	0.0	$0	$0
b. Prepare site-specific plans (b)											
i. Add-on controls	16.0	0.8	1.6	1	18.4	$1,276	$0	0	0.0	$0	$0
ii. Washdown plan	16.0	0.8	1.6	1	18.4	$1,276	$0	0	0.0	$0	$0
iii. Cell room monitoring plan	16.0	0.8	1.6	1	18.4	$1,276	$0	0	0.0	$0	$0
c. Implement activities											
i. Performance test (b,c)	4.0	0.2	0.4	1	4.6	$319	$12,000	0	0.0	$0	$0
ii. Control equipment inspection & repair (c)	10.0	0.5	1.0	1	11.5	$798	$0	5	57.5	$3,988	$3,988
iii. Operate and maintain CMS	8.0	0.4	0.8	1	9.2	$638	$12,000	5	46.0	$3,190	$63,190
d. Develop record system											
i. Startup/shutdown/malfunction plan (b,c)	35.0	1.8	3.5	1	40.3	$2,791	$0	0	0.0	$0	$0
ii. Control equipment (b,c)	35.0	1.8	3.5	1	40.3	$2,791	$0	0	0.0	$0	$0
iii. Work practices (b)	35.0	1.8	3.5	1	40.3	$2,791	$0	0	0.0	$0	$0
e. Time to record information											
i. Control device performance (b,c)	6.0	0.3	0.6	1	6.9	$479	$0	0	0.0	$0	$0
ii. Control equipment testing (b,c)	1.0	0.1	0.1	2	2.3	$160	$0	0	0.0	$0	$0
iii. Control equipment inspection (c)	1.0	0.1	0.1	2	2.3	$160	$0	5	11.5	$798	$798
iv. CMS measurements (c)	1.0	0.1	0.1	1	1.2	$80	$0	5	5.8	$399	$399
v. Work Practices											
Washdown	0.1	0.0	0.0	350	29.2	$2,028	$0	5	145.8	$10,138	$10,138
Weekly Certification	1.0	0.0	0.0	52	52.0	$3,615	$0	5	260.0	$18,074	$18,074
Mass of virgin mercury	0.3	0.0	0.0	4	1.0	$70	$0	5	5.0	$348	$348
vi. Cell room monitoring program											
Action levels	8.0	0.4	0.8	2	18.4	$1,276	$0	5	92.0	$6,380	$6,380
Twice daily activities (f)	0.75	0.0	0.0	120	90.0	$6,256	$0	5	450.0	$31,282	$31,282
Daily activities (f)	1.25	0.0	0.0	365	456.3	$31,717	$0	5	2,281.3	$158,583	$158,583
f. Time to train personnel (b)	8.0	0.4	0.8	1	9.2	$638	$0	0	0.0	$0	$0
g. Store, file, and maintain records	8.0	0.4	0.8	1	9.2	$638	$0	5	46.0	$3,190	$3,190
h. Retrieve records/reports	8.0	0.4	0.8	1	9.2	$638	$0	5	46.0	$3,190	$3,190
Total	309.3	15.3	30.6		1051.6				3,630.8	$252,318	$312,366

Notes:
a-Includes operation and maintenance of monitoring equipment along with postage costs and contractor fees for performance tests.
b-A one-time activity for each facility.
c-Vent streams only
d-Facilities are required to submit a revised work practice NOCS
e-Only necessary if actions taken during startup, shutdown, or malfunction (SSM) do not follow the SSM plan.
f- Only occurs during development of action level

Table 2. Summary of Respondent Burden
Proposed Amendments to NESHAP for Mercury Cell Chlor-Alkali Plants

	Year 1	Year 2	Year 3	Three-year total	Annual average
Labor Hours					
Existing Sources					
Reporting	350	202	184	736	245
Recordkeeping	3,718	3,487	3,447	10,652	3,551
New Sources					
Reporting	0	0	0	0	0
Recordkeeping	0	0	0	0	0
Total	4,068	3,689	3,631	11,388	3,796
Labor Dollars					
Existing Sources	$282,624	$256,386	$252,318	$791,328	$263,776
New Sources	$0	$0	$0	$0	$0
Total	$282,624	$256,386	$252,318	$791,328	$263,776
Capital and O&M					
Existing Sources					
Reporting	$67	$53	$48	$168	$56
Recordkeeping	$60,000	$60,000	$60,000	$180,000	$60,000
New Sources					
Reporting	$0	$0	$0	$0	$0
Recordkeeping	$0	$0	$0	$0	$0
Total	$60,067	$60,053	$60,048	$180,168	$60,056
Total Cost	$342,691	$316,439	$312,366	$971,496	$323,832

Table 3a. Annual Burden for the Federal Government to Implement for Existing Area Sources (First Year)
Proposed Amendments to NESHAP for Mercury Cell Chlor-Alkali Plants

Burden item	A Technical hours per occurence	B Occurences per year	C Technical hours per year (A x B) @ $44.24	D Management hours per year (C x 0.05) @ $59.630	E Clerical hours per year (C x 0.1) @ $23.94	F Total cost per year
1. Review reports/notifications						
a. Initial notification (a)	4	0	0	0	0	$0
b. Notification of intent to conduct perf. test (a)	4	0	0	0	0	$0
c. Notification of date of CMS perf. evaluation (a)	4	0	0	0	0	$0
d. Notification of compliance status (a,c)	32	4	128	6.4	12.8	$6,351
e. Periodic reports	12	10	120	6	12	$5,954
f. Startup, shutdown, malfunction reports (b)	2	0	0	0	0	$0
2. Observe performance tests	16	0	0	0	0	$0
		Total	248	12.4	24.8	$12,305

Notes:
(a) A one-time activity for each facility.
(b) Only necessary if actions taken during startup, shutdown, or malfunction (SSM) do not follow the SSM plan.
(c) Facilities are required to submit a revised work practice NOCS

Table 3b. Annual Burden for the Federal Government to Implement for Existing Area Sources (Second Year)
Proposed Amendments to NESHAP for Mercury Cell Chlor-Alkali Plants

Burden item	A Technical hours per occurence	B Occurences per year	C Technical hours per year (A x B) @ $44.24	D Management hours per year (C x 0.05) @ $59.630	E Clerical hours per year (C x 0.1) @ $23.94	F Total cost per year
1. Review reports/notifications						
a. Initial notification (a)	4	0	0	0	0	$0
b. Notification of intent to conduct perf. test (a)	4	0	0	0	0	$0
c. Notification of date of CMS perf. evaluation (a)	4	0	0	0	0	$0
d. Notification of compliance status (a,c)	32	1	32	1.6	3.2	$1,588
e. Periodic reports	12	10	120	6	12	$5,954
f. Startup, shutdown, malfunction reports (b)	2	0	0	0	0	$0
2. Observe performance tests	16	0	0	0	0	$0
		Total	152	7.6	15.2	$7,542

Notes:
(a) A one-time activity for each facility.
(b) Only necessary if actions taken during startup, shutdown, or malfunction (SSM) do not follow the SSM plan.
(c) Facilities are required to submit a revised work practice NOCS

Table 3c. Annual Burden for the Federal Government to Implement for Existing Area Sources (Third Year)
Proposed Amendments to NESHAP for Mercury Cell Chlor-Alkali Plants

Burden item	A Technical hours per occurence	B Occurences per year	C Technical hours per year (A x B) @ $44.24	D Management hours per year (C x 0.05) @ $59.630	E Clerical hours per year (C x 0.1) @ $23.94	F Total cost per year
1. Review reports/notifications						
a. Initial notification (a)	4	0	0	0	0	$0
b. Notification of intent to conduct perf. test (a)	4	0	0	0	0	$0
c. Notification of date of CMS perf. evaluation (a)	4	0	0	0	0	$0
d. Notification of compliance status (a,c)	32	0	0	0	0	$0
e. Periodic reports	12	5	60	3	6	$2,977
f. Startup, shutdown, malfunction reports (b)	2	0	0	0	0	$0
2. Observe performance tests	16	0	0	0	0	$0
		Total	60	3	6	$2,977

Notes:
(a) A one-time activity for each facility.
(b) Only necessary if actions taken during startup, shutdown, or malfunction (SSM) do not follow the SSM plan.
(c) Facilities are required to submit a revised work practice NOCS

Table 4. Summary of Federal Burden
Proposed Amendments to NESHAP for Mercury Cell Chlor-Alkali Plants

Year after promulgation	Labor Hours			Dollars		
	Existing Sources	New Sources	Total	Existing Sources	New Sources	Total
Year 1	285	0	285	$12,305	$0	$12,305
Year 2	175	0	175	$7,542	$0	$7,542
Year 3	69	0	69	$2,977	$0	$2,977
Three-year total	529	0	529	$22,823	$0	$22,823
Annual average	176	0	176	$7,608	$0	$7,608

Attachment 1
Source Data and Information Requirements

Table 1-1. Reporting Requirements

Reporting Requirement	40 CFR Part 63	Due Date
Initial notification[a]	'63.8252(b)	April 19, 2004
Notification of date of CMS performance evaluation[d]	63.8(e), (f)	60 days before evaluation (or with initial notification)
Notification of intent to conduct a performance test[d]	63.8252(d)	60 days before test
Notification of compliance status	63.8252(e)	30 days after completion of initial compliance demonstration or 60 days following the completion of the performance test
Revised work practice notification of compliance status	63.8252(f)	60 days after the compliance date
Subsequent action level determinations	63.8252(g)	30 days after completion of data collection
Periodic reports	63.8254(a)	1st report: 30 days after the end of the first reporting period Subsequent reports: 60 days after end of 6-month reporting period
Startup, shutdown and malfunction reports[c,d]	63.8254(c)	Within 2 working days after commencing actions not consistent with the SSM plan, followed by a letter within 7 days.

[a] Applies to existing sources only.
[c] Only applies if actions taken during startup, shutdown, or malfunction are not consistent with the startup, shutdown or malfunction plan.
[d] Only applies to vent streams.

Table 1-2. Recordkeeping Requirements

Recordkeeping Requirement	**40 CFR Part 63**
5-year retention of records	'63.8258
Copies of notifications and reports and supporting documentation	63.10(b)(2)(xiv)
Records of performance tests, other compliance demonstrations, and performance evaluations	63.10(b)(2)(vii)-(ix)
Records relating to byproduct hydrogen stream and end box ventilation system vent emission limitations and mercury thermal recovery unit vent emission limitations	63.8256(b)
Records related to CMS	63.10(b)(2)(vi), (x), and (xi); 63.10(c)
Records of chlorine production	63.8256(b)(6)
Records associated with work practice standards	63.8256(c) & (e)
Records associated with periodic monitoring option	63.8256(d)

Table 1-3. Respondent Activities

Respondent Activities	40 CFR Part 63
Read instructions	
Gather relevant information	
Write the notifications and reports listed in Table 1-1 above	
Develop a startup, shutdown, and malfunction plan	'63.8226(b)
Conduct a performance test for each control device[a]	'63.8232(a)
CMS Inspections	63.8242
Develop, acquire, install, and utilize technology for the purpose of processing, maintaining, disclosing, and providing information (record systems) [b]	
Record the information listed in Table 1-2 above	
Train personnel to be able to respond to a collection of information[d]	
Transmit or otherwise disclose information	

[a] One-time activities.