State of Ohio Environmental Protection Agency

Street Address:
Lazarus Gov. Center
122 S. Front Street
Columbus, OH 43215

TELE: (614) 644-3020 **FAX:** (614) 644-2329

Mailing Address:
Lazarus Gov. Center
P.O. Box 1049
Columbus, OH 43216-1049

RE: FINAL PERMIT TO INSTALL MODIFICATION **CERTIFIED MAIL**

JEFFERSON COUNTY
Application No: 06-08020
Fac ID: 0641050002

	TOXIC REVIEW
	PSD
Y	SYNTHETIC MINOR
	CEMS
DDDDD	MACT
Db	NSPS
	NESHAPS
Y	NETTING
	MAJOR NON-ATTAINMENT
Y	MODELING SUBMITTED
	GASOLINE DISPENSING FACILITY

DATE: 8/1/2006

Cardinal Power Plant
Patrick Dal Porto
1 Riverside Plaza
Columbus, OH 43215

Enclosed Please find a modification to the Ohio EPA Permit To Install referenced above which will modify the terms and conditions.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of $70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

Sincerely,

Michael W. Ahern

Michael W. Ahern, Manager
Permit Issuance and Data Management Section
Division of Air Pollution Control

CC: **USEPA** **SEDO**

FINAL ADMINISTRATIVE MODIFICATION OF PERMIT TO INSTALL 06-08020

Application Number: 06-08020

Facility ID: 0641050002

Permit Fee: **$0**

Name of Facility: Cardinal Power Plant

Person to Contact: Patrick Dal Porto

Address: 1 Riverside Plaza
Columbus, OH 43215

Location of proposed air contaminant source(s) [emissions unit(s)]:
306 County Road 7E
Brilliant, **Ohio**

Description of proposed emissions unit(s):
Administrative Modification to correct terms in PTI 06-08020 issued final on 07/13/2006.

The above named entity is hereby granted a modification to the permit to install described above pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this modification does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source(s) of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans included in the application, the above described source(s) of pollutants will be granted the necessary operating permits.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Joseph P. Koncelik

Director

Part I - GENERAL TERMS AND CONDITIONS

A. State and Federally Enforceable Permit-To-Install General Terms and Conditions

1. Monitoring and Related Recordkeeping and Reporting Requirements

a. Except as may otherwise be provided in the terms and conditions for a specific emissions unit, the permittee shall maintain records that include the following, where applicable, for any required monitoring under this permit:

i. The date, place (as defined in the permit), and time of sampling or measurements.

ii. The date(s) analyses were performed.

iii. The company or entity that performed the analyses.

iv. The analytical techniques or methods used.

v. The results of such analyses.

vi. The operating conditions existing at the time of sampling or measurement.

b. Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of five years from the date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records may be maintained in computerized form.

c. Except as may otherwise be provided in the terms and conditions for a specific emissions unit, the permittee shall submit required reports in the following manner:

i. Reports of any required monitoring and/or recordkeeping of federally enforceable information shall be submitted to the appropriate Ohio EPA District Office or local air agency.

ii. Quarterly written reports of (i) any deviations from federally enforceable emission limitations, operational restrictions, and control device operating parameter limitations, excluding deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06, that have been detected by the testing, monitoring and recordkeeping requirements specified in this permit, (ii) the probable cause of such deviations, and (iii) any corrective actions or preventive measures taken, shall be made to the appropriate Ohio EPA District Office or local air agency. The written

reports shall be submitted (i.e., postmarked) quarterly, by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. See B.9 below if no deviations occurred during the quarter.

iii. Written reports, which identify any deviations from the federally enforceable monitoring, recordkeeping, and reporting requirements contained in this permit shall be submitted (i.e., postmarked) to the appropriate Ohio EPA District Office or local air agency every six months, by January 31 and July 31 of each year for the previous six calendar months. If no deviations occurred during a six-month period, the permittee shall submit a semi-annual report, which states that no deviations occurred during that period.

iv. If this permit is for an emissions unit located at a Title V facility, then each written report shall be signed by a responsible official certifying that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.

d. The permittee shall report actual emissions pursuant to OAC Chapter 3745-78 for the purpose of collecting Air Pollution Control Fees.

2. Scheduled Maintenance/Malfunction Reporting

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. The malfunction, i.e., upset, of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio EPA District Office or local air agency in accordance with paragraph (B) of OAC rule 3745-15-06. (The definition of an upset condition shall be the same as that used in OAC rule 3745-15-06(B)(1) for a malfunction.) The verbal and written reports shall be submitted pursuant to OAC rule 3745-15-06**.**

Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emission unit(s) that is (are) served by such control system(s).

3. Risk Management Plans

If the permittee is required to develop and register a risk management plan pursuant to section 112(r) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. ("Act"), the permittee shall comply with the requirement to register such a plan.

4. Title IV Provisions

If the permittee is subject to the requirements of 40 CFR Part 72 concerning acid rain, the permittee shall ensure that any affected emissions unit complies with those requirements. Emissions exceeding any allowances that are lawfully held under Title IV of the Act, or any regulations adopted thereunder, are prohibited.

5. Severability Clause

A determination that any term or condition of this permit is invalid shall not invalidate the force or effect of any other term or condition thereof, except to the extent that any other term or condition depends in whole or in part for its operation or implementation upon the term or condition declared invalid.

6. General Requirements

a. The permittee must comply with all terms and conditions of this permit. Any noncompliance with the federally enforceable terms and conditions of this permit constitutes a violation of the Act, and is grounds for enforcement action or for permit revocation, revocation and re-issuance, or modification

b. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the federally enforceable terms and conditions of this permit.

c. This permit may be modified, revoked, or revoked and reissued, for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or revocation, or of a notification of planned changes or anticipated noncompliance does not stay any term and condition of this permit.

d. This permit does not convey any property rights of any sort, or any exclusive privilege.

e. The permittee shall furnish to the Director of the Ohio EPA, or an authorized representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine whether cause exists for modifying or revoking this permit or to determine compliance with this permit. Upon request, the permittee shall also furnish to the Director or an authorized representative of the Director, copies of records required to be kept by this permit. For information claimed to be confidential in the submittal to the Director, if the Administrator of the U.S. EPA requests such information, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

7. Fees

The permittee shall pay fees to the Director of the Ohio EPA in accordance with ORC section 3745.11 and OAC Chapter 3745-78. The permittee shall pay all applicable permit-to-install fees within 30 days after the issuance of any permit-to-install. The permittee shall pay all applicable permit-to-operate fees within thirty days of the issuance of the invoice.

8. Federal and State Enforceability

Only those terms and conditions designated in this permit as federally enforceable, that are required under the Act, or any its applicable requirements, including relevant provisions designed to limit the potential to emit of a source, are enforceable by the Administrator of the U.S. EPA and the State and by citizens (to the extent allowed by section 304 of the Act) under the Act. All other terms and conditions of this permit shall not be federally enforceable and shall be enforceable under State law only.

9. Compliance Requirements

a. Any document (including reports) required to be submitted and required by a federally applicable requirement in this permit shall include a certification by a responsible official that, based on information and belief formed after reasonable inquiry, the statements in the document are true, accurate, and complete.

b. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Director of the Ohio EPA or an authorized representative of the Director to:

i. At reasonable times, enter upon the permittee's premises where a source is located or the emissions-related activity is conducted, or where records must be kept under the conditions of this permit.

ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, subject to the protection from disclosure to the public of confidential information consistent with ORC section 3704.08.

iii. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit.

iv. As authorized by the Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit and applicable requirements.

c. The permittee shall submit progress reports to the appropriate Ohio EPA District Office or local air agency concerning any schedule of compliance for meeting an applicable requirement. Progress reports shall be submitted semiannually, or more frequently if specified in the applicable requirement or by the Director of the Ohio EPA. Progress reports shall contain the following:

i. Dates for achieving the activities, milestones, or compliance required in any schedule of compliance, and dates when such activities, milestones, or compliance were achieved.

ii. An explanation of why any dates in any schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

10. Permit-To-Operate Application

a. If the permittee is required to apply for a Title V permit pursuant to OAC Chapter 3745-77, the permittee shall submit a complete Title V permit application or a complete Title V permit modification application within twelve (12) months after commencing operation of the emissions units covered by this permit. However, if the proposed new or modified source(s) would be prohibited by the terms and conditions of an existing Title V permit, a Title V permit modification must be obtained before the operation of such new or modified source(s) pursuant to OAC rule 3745-77-04(D) and OAC rule 3745-77-08(C)(3)(d).

b. If the permittee is required to apply for permit(s) pursuant to OAC Chapter 3745-35, the source(s) identified in this permit is (are) permitted to operate for a period of up to one year from the date the source(s) commenced operation. Permission to operate is granted only if the facility complies with all requirements contained in this permit and all applicable air pollution laws, regulations, and policies. Pursuant to OAC Chapter 3745-35, the permittee shall submit a complete operating permit application within ninety (90) days after commencing operation of the source(s) covered by this permit.

11. Best Available Technology

As specified in OAC Rule 3745-31-05, all new sources must employ Best Available Technology (BAT). Compliance with the terms and conditions of this permit will fulfill this requirement.

12. Air Pollution Nuisance

The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07.

13. Permit-To-Install

A permit-to-install must be obtained pursuant to OAC Chapter 3745-31 prior to "installation" of "any air contaminant source" as defined in OAC rule 3745-31-01, or "modification", as defined in OAC rule 3745-31-01, of any emissions unit included in this permit.

B. State Only Enforceable Permit-To-Install General Terms and Conditions

1. Compliance Requirements

The emissions unit(s) identified in this Permit shall remain in full compliance with all applicable State laws and regulations and the terms and conditions of this permit.

2. Reporting Requirements

The permittee shall submit required reports in the following manner:

a. Reports of any required monitoring and/or recordkeeping of state-only enforceable information shall be submitted to the appropriate Ohio EPA District Office or local air agency.

b. Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (a) any deviations (excursions) from state-only required emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in this permit, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA District Office or local air agency. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted (i.e., postmarked) quarterly, by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)

3. Permit Transfers

Any transferee of this permit shall assume the responsibilities of the prior permit holder. The appropriate Ohio EPA District Office or local air agency must be notified in writing of any transfer of this permit.

4. Authorization To Install or Modify

If applicable, authorization to install or modify any new or existing emissions unit included in this permit shall terminate within eighteen months of the effective date of the permit if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification. This deadline may be extended by up to 12 months if application is made to the Director within a reasonable time before the termination date and the party shows good cause for any such extension.

5. Construction of New Sources(s)

This permit does not constitute an assurance that the proposed source will operate in compliance with all Ohio laws and regulations. This permit does not constitute expressed or implied assurance that the proposed facility has been constructed in accordance with the application and terms and conditions of this permit. The action of beginning and/or completing construction prior to obtaining the Director's approval constitutes a violation of OAC rule 3745-31-02. Furthermore, issuance of this permit does not constitute an assurance that the proposed source will operate in compliance with all Ohio laws and regulations. Issuance of this permit is not to be construed as a waiver of any rights that the Ohio Environmental Protection Agency (or other persons) may have against the applicant for starting construction prior to the effective date of the permit. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed facilities cannot meet the requirements of this permit or cannot meet applicable standards.

6. Public Disclosure

The facility is hereby notified that this permit, and all agency records concerning the operation of this permitted source, are subject to public disclosure in accordance with OAC rule 3745-49-03.

7. Applicability

This Permit to Install is applicable only to the emissions unit(s) identified in the Permit To Install. Separate application must be made to the Director for the installation or modification of any other emissions unit(s).

8. Construction Compliance Certification

If applicable, the applicant shall provide Ohio EPA with a written certification (see enclosed form if applicable) that the facility has been constructed in accordance with the permit-to-install application and the terms and conditions of the permit-to-install. The certification shall be provided to Ohio EPA upon completion of construction but prior to startup of the source.

9. Additional Reporting Requirements When There Are No Deviations of Federally Enforceable Emission Limitations, Operational Restrictions, or Control Device Operating Parameter Limitations (See Section A of This Permit)

If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly (i.e., postmarked), by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters.

C. Permit-To-Install Summary of Allowable Emissions

The following information summarizes the total allowable emissions, by pollutant, based on the individual allowable emissions of each air contaminant source identified in this permit.

SUMMARY (for informational purposes only)
TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS

Pollutant	Tons Per Year
Particulate	5.72 Tons Per Year
PM10	2.11 Tons Per Year
Carbon Monoxide	89.18 Tons Per Year
Nitrogen Oxides	42.87 Tons Per Year (Net emissions increase is 39.82 Tons Per Year)
Sulfur Dioxide	14.86 Tons Per Year

Part II - FACILITY SPECIFIC TERMS AND CONDITIONS

A. State and Federally Enforceable Permit To Install Facility Specific Terms and Conditions

1. 40 CFR Part 63, Subpart A—General Provisions

40 CFR 63.1 Applicability.

40 CFR 63.1(a)
(a) General.

40 CFR 63.1(a)(1)
(1) Terms used throughout this part are defined in §63.2 or in the Clean Air Act (Act) as amended in 1990, except that individual subparts of this part may include specific definitions in addition to or that supersede definitions in §63.2.

40 CFR 63.1(a)(2)
(2) This part contains national emission standards for hazardous air pollutants (NESHAP) established pursuant to section 112 of the Act as amended November 15, 1990. These standards regulate specific categories of stationary sources that emit (or have the potential to emit) one or more hazardous air pollutants listed in this part pursuant to section 112(b) of the Act. This section explains the applicability of such standards to sources affected by them. The standards in this part are independent of NESHAP contained in 40 CFR part 61. The NESHAP in part 61 promulgated by signature of the Administrator before November 15, 1990 (i.e., the date of enactment of the Clean Air Act Amendments of 1990) remain in effect until they are amended, if appropriate, and added to this part.

40 CFR 63.1(a)(3)
(3) No emission standard or other requirement established under this part shall be interpreted, construed, or applied to diminish or replace the requirements of a more stringent emission limitation or other applicable requirement established by the Administrator pursuant to other authority of the Act (section 111, part C or D or any other authority of this Act), or a standard issued under State authority. The Administrator may specify in a specific standard under this part that facilities subject to other provisions under the Act need only comply with the provisions of that standard.

40 CFR 63.1(a)(4)(i)
(4) (i) Each relevant standard in this part 63 must identify explicitly whether each provision in this subpart A is or is not included in such relevant standard.

40 CFR 63.1(a)(4)(ii)
(ii) If a relevant part 63 standard incorporates the requirements of 40 CFR part 60, part 61 or other part 63 standards, the relevant part 63 standard must

identify explicitly the applicability of each corresponding part 60, part 61, or other part 63 subpart A (General) provision.

40 CFR 63.1(a)(4)(iii)

(iii) The General Provisions in this subpart A do not apply to regulations developed pursuant to section 112(r) of the amended Act, unless otherwise specified in those regulations.

40 CFR 63.1(a)(5)

(5) [Reserved]

40 CFR 63.1(a)(6)

(6) To obtain the most current list of categories of sources to be regulated under section 112 of the Act, or to obtain the most recent regulation promulgation schedule established pursuant to section 112(e) of the Act, contact the Office of the Director, Emission Standards Division, Office of Air Quality Planning and Standards, U.S. EPA (MD-13), Research Triangle Park, North Carolina 27711.

40 CFR 63.1(a)(7)

(7) [Reserved]

40 CFR 63.1(a)(8)

(8) [Reserved]

40 CFR 63.1(a)(9)

(9) [Reserved]

40 CFR 63.1(a)(10)

(10) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word "calendar" is absent, unless otherwise specified in an applicable requirement.

40 CFR 63.1(a)(11)

(11) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, test plan, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery agreed to by the permitting authority, is acceptable.

40 CFR 63.1(a)(12)
(12) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in §63.9(i).

40 CFR 63.1(a)(13)
(13) [Removed]

40 CFR 63.1(a)(14)
(14) [Removed]

40 CFR 63.1(b)
(b) Initial applicability determination for this part.

40 CFR 63.1(b)(1)
(1) The provisions of this part apply to the owner or operator of any stationary source that—

40 CFR 63.1(b)(1)(i)
(i) Emits or has the potential to emit any hazardous air pollutant listed in or pursuant to section 112(b) of the Act; and

40 CFR 63.1(b)(1)(ii)
(ii) Is subject to any standard, limitation, prohibition, or other federally enforceable requirement established pursuant to this part.

40 CFR 63.1(b)(2)
(2) [Reserved]

40 CFR 63.1(b)(3)
(3) An owner or operator of a stationary source who is in the relevant source category and who determines that the source is not subject to a relevant standard or other requirement established under this part must keep a record as specified in §63.10(b)(3).

40 CFR 63.1(c)
(c) Applicability of this part after a relevant standard has been set under this part.

40 CFR 63.1(c)(1)
(1) If a relevant standard has been established under this part, the owner or operator of an affected source must comply with the provisions of that standard and of this subpart as provided in paragraph (a)(4)of this section.

40 CFR 63.1(c)(2)

(2) Except as provided in §63.10(b)(3), if a relevant standard has been established under this part, the owner or operator of an affected source may be required to obtain a title V permit from a permitting authority in the State in which the source is located. Emission standards promulgated in this part for area sources pursuant to section 112(c)(3) of the Act will specify whether—

40 CFR 63.1(c)(2)(i)

(i) States will have the option to exclude area sources affected by that standard from the requirement to obtain a title V permit (i.e., the standard will exempt the category of area sources altogether from the permitting requirement);

40 CFR 63.1(c)(2)(ii)

(ii) States will have the option to defer permitting of area sources in that category until the Administrator takes rulemaking action to determine applicability of the permitting requirements; or

40 CFR 63.1(c)(2)(iii)

(iii) If a standard fails to specify what the permitting requirements will be for area sources affected by such a standard, then area sources that are subject to the standard will be subject to the requirement to obtain a title V permit without any deferral.

40 CFR 63.1(c)(3)

(3) [Reserved]

40 CFR 63.1(c)(4)

(4) [Reserved]

40 CFR 63.1(c)(5)

(5) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source that is subject to the emission standard or other requirement, such source also shall be subject to the notification requirements of this subpart.

40 CFR 63.1(d)

(d) [Reserved]

40 CFR 63.1(e)

(e) If the Administrator promulgates an emission standard under section 112(d) or (h) of the Act that is applicable to a source subject to an emission limitation by permit established under section 112(j) of the Act, and the requirements under the section 112(j) emission limitation are substantially as effective as the promulgated emission standard, the owner or operator may request the permitting authority to revise the source's title V permit to

reflect that the emission limitation in the permit satisfies the requirements of the promulgated emission standard. The process by which the permitting authority determines whether the section 112(j) emission limitation is substantially as effective as the promulgated emission standard must include, consistent with part 70 or 71 of this chapter, the opportunity for full public, EPA, and affected State review (including the opportunity for EPA's objection) prior to the permit revision being finalized. A negative determination by the permitting authority constitutes final action for purposes of review and appeal under the applicable title V operating permit program.

40 CFR 63.2 Definitions.

The terms used in this part are defined in the Act or in this section as follows:

Act means the Clean Air Act (42 U.S.C. 7401 et seq., as amended by Pub. L. 101-549, 104 Stat. 2399).

Actual emissions is defined in subpart D of this part for the purpose of granting a compliance extension for an early reduction of hazardous air pollutants.

Administrator means the Administrator of the United States Environmental Protection Agency or his or her authorized representative (e.g., a State that has been delegated the authority to implement the provisions of this part).

Affected source, for the purposes of this part, means the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory for which a section 112(d) standard or other relevant standard is established pursuant to section 112 of the Act. Each relevant standard will define the "affected source," as defined in this paragraph unless a different definition is warranted based on a published justification as to why this definition would result in significant administrative, practical, or implementation problems and why the different definition would resolve those problems. The term "affected source," as used in this part, is separate and distinct from any other use of that term in EPA regulations such as those implementing title IV of the Act. Affected source may be defined differently for part 63 than affected facility and stationary source in parts 60 and 61, respectively. This definition of "affected source," and the procedures for adopting an alternative definition of "affected source," shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002.

Alternative emission limitation means conditions established pursuant to sections 112(i)(5) or 112(i)(6) of the Act by the Administrator or by a State with an approved permit program.

Alternative emission standard means an alternative means of emission limitation that, after notice and opportunity for public comment, has been demonstrated by an owner or operator to the Administrator's satisfaction to achieve a reduction in emissions of any air pollutant at least equivalent to the reduction in emissions of such pollutant achieved under a relevant design, equipment, work practice, or operational emission standard, or combination thereof, established under this part pursuant to section 112(h) of the Act.

Alternative test method means any method of sampling and analyzing for an air pollutant that is not a test method in stated to the Administrator's satisfaction, using Method 301 in Appendix A of this part, to produce results adequate for the Administrator's determination that it may be used in place of a test method specified in this part.

Approved permit program means a State permit program approved by the Administrator as meeting the requirements of part 70 of this chapter or a Federal permit program established in this chapter pursuant to title V of the Act (42 U.S.C. 7661).

Area source means any stationary source of hazardous air pollutants that is not a major source as defined in this part.

Commenced means, with respect to construction or reconstruction of an affected source, that an owner or operator has undertaken a continuous program of construction or reconstruction or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or reconstruction.
Compliance date means the date by which an affected source is required to be in compliance with a relevant standard, limitation, prohibition, or any federally enforceable requirement established by the Administrator (or a State with an approved permit program) pursuant to section 112 of the Act.

Compliance plan [Removed]

Compliance schedule means:

(1) In the case of an affected source that is in compliance with all applicable requirements established under this part, a statement that the source will continue to comply with such requirements; or

(2) In the case of an affected source that is required to comply with applicable requirements by a future date, a statement that the source will meet such requirements on a timely basis and, if required by an applicable requirement, a detailed schedule of the dates by which each step toward compliance will be reached; or

(3) In the case of an affected source not in compliance with all applicable requirements established under this part, a schedule of remedial measures, including an enforceable sequence of actions or operations with milestones and a schedule for the submission of certified progress reports, where applicable, leading to compliance with a relevant standard, limitation, prohibition, or any federally enforceable requirement established pursuant to section 112 of the Act for which the affected source is not in compliance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

Construction means the on-site fabrication, erection, or installation of an affected source. Construction does not include the removal of all equipment comprising an affected source from an existing location and reinstallation of such equipment at a new location. The owner or operator of an existing affected source that is relocated may elect not to reinstall minor ancillary equipment including, but not limited to, piping, ductwork, and valves. However, removal and reinstallation of an affected source will be construed as reconstruction if it satisfies the criteria for reconstruction as defined in this section. The costs of replacing minor ancillary equipment must be considered in determining whether the existing affected source is reconstructed.

Continuous emission monitoring system (CEMS) means the total equipment that may be required to meet the data acquisition and availability requirements of this part, used to sample, condition (if applicable), analyze, and provide a record of emissions.

Continuous monitoring system (CMS) is a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for demonstrating compliance with an applicable regulation on a continuous basis as defined by the regulation.

Continuous opacity monitoring system (COMS) means a continuous monitoring system that measures the opacity of emissions.

Continuous parameter monitoring system means the total equipment that may be required to meet the data acquisition and availability requirements of this part, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters.

Effective date means:

(1) With regard to an emission standard established under this part, the date of promulgation in the FEDERAL REGISTER of such standard; or

(2) With regard to an alternative emission limitation or equivalent emission limitation determined by the Administrator (or a State with an approved permit program), the date that the alternative emission limitation or equivalent emission limitation becomes effective according to the provisions of this part.

Emission standard means a national standard, limitation, prohibition, or other regulation promulgated in a subpart of this part pursuant to sections 112(d), 112(h), or 112(f) of the Act.

Emissions averaging is a way to comply with the emission limitations specified in a relevant standard, whereby an affected source, if allowed under a subpart of this part, may create emission credits by reducing emissions from specific points to a level below that required by the relevant standard, and those credits are used to offset emissions from points that are not controlled to the level required by the relevant standard.

EPA means the United States Environmental Protection Agency.

Equivalent emission limitation means any maximum achievable control technology emission limitation or requirements which are applicable to major source of hazardous air pollutants and are adopted by the Administrator (or a State with an approved permit program) on a case-by-case basis, pursuant to section 112(g) or (j) of the Act.

Excess emissions and continuous monitoring system performance report is a report that must be submitted periodically by an affected source in order to provide data on its compliance with relevant emission limits, operating parameters, and the performance of its continuous parameter monitoring systems.

Existing source means any affected source that is not a new source.

Federally enforceable means all limitations and conditions that are enforceable by the Administrator and citizens under the Act or that are enforceable under other statutes administered by the Administrator. Examples of federally enforceable limitations and conditions include, but are not limited to:

(1) Emission standards, alternative emission standards, alternative emission limitations, and equivalent emission limitations established pursuant to section 112 of the Act as amended in 1990;

(2) New source performance standards established pursuant to section 111 of the Act, and emission standards established pursuant to section 112 of the Act before it was amended in 1990;

(3) All terms and conditions in a title V permit, including any provisions that limit a source's potential to emit, unless expressly designated as not federally enforceable;

(4) Limitations and conditions that are part of an approved State Implementation Plan (SIP) or a Federal Implementation Plan (FIP);

(5) Limitations and conditions that are part of a Federal construction permit issued under 40 CFR 52.21 or any construction permit issued under regulations approved by the EPA in accordance with 40 CFR part 51;

(6) Limitations and conditions that are part of an operating permit where the permit and the permitting program pursuant to which it was issued meet all of the following criteria:

(i) The operating permit program has been submitted to and approved by EPA into a State implementation plan (SIP) under section 110 of the CAA;

(ii) The SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits and provides that permits which do not conform to the operating permit program requirements and the requirements of EPA's underlying regulations may be deemed not "federally enforceable" by EPA;

(iii) The operating permit program requires that all emission limitations, controls, and other requirements imposed by such permits will be at least as stringent as any other applicable limitations and requirements contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the SIP, or that are otherwise "federally enforceable";

(iv) The limitations, controls, and requirements in the permit in question are permanent, quantifiable, and otherwise enforceable as a practical matter; and

(v) The permit in question was issued only after adequate and timely notice and opportunity for comment for EPA and the public.

(7) Limitations and conditions in a State rule or program that has been approved by the EPA under subpart E of this part for the purposes of implementing and enforcing section 112; and

(8) Individual consent agreements that the EPA has legal authority to create.

Fixed capital cost means the capital needed to provide all the depreciable components of an existing source.

Fugitive emissions means those emissions from a stationary source that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Under section 112 of the Act, all fugitive emissions are to be considered in determining whether a stationary source is a major source.

Hazardous air pollutant means any air pollutant listed in or pursuant to section 112(b) of the Act.

Issuance of a part 70 permit will occur, if the State is the permitting authority, in accordance with the requirements of part 70 of this chapter and the applicable, approved State permit program. When the EPA is the permitting authority, issuance of a title V permit occurs immediately after the EPA takes final action on the final permit.

Lesser quantity [Removed]

Major source means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or

usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Monitoring means the collection and use of measurement data or other information to control the operation of a process or pollution control device or to verify a work practice standard relative to assuring compliance with applicable requirements. Monitoring is composed of four elements:

(1) Indicator(s) of performance—the parameter or parameters you measure or observe for demonstrating proper operation of the pollution control measures or compliance with the applicable emissions limitation or standard. Indicators of performance may include direct or predicted emissions measurements (including opacity), operational parametric values that correspond to process or control device (and capture system) efficiencies or emissions rates, and recorded findings of inspection of work practice activities, materials tracking, or design characteristics. Indicators may be expressed as a single maximum or minimum value, a function of process variables (for example, within a range of pressure drops), a particular operational or work practice status (for example, a damper position, completion of a waste recovery task, materials tracking), or an interdependency between two or among more than two variables.

(2) Measurement techniques—the means by which you gather and record information of or about the indicators of performance. The components of the measurement technique include the detector type, location and installation specifications, inspection procedures, and quality assurance and quality control measures. Examples of measurement techniques include continuous emission monitoring systems, continuous opacity monitoring systems, continuous parametric monitoring systems, and manual inspections that include making records of process conditions or work practices.

(3) Monitoring frequency—the number of times you obtain and record monitoring data over a specified time interval. Examples of monitoring frequencies include at least four points equally spaced for each hour for continuous emissions or parametric monitoring systems, at least every 10 seconds for continuous opacity monitoring systems, and at least once per operating day (or week, month, etc.) for work practice or design inspections.

(4) Averaging time—the period over which you average and use data to verify proper operation of the pollution control approach or compliance with the emissions limitation or standard. Examples of averaging time include a 3-hour average in units of the emissions limitation, a 30-day rolling average emissions value, a daily average of a control device operational parametric range, and an instantaneous alarm.

New affected source means the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory that is subject to a section 112(d) or other relevant standard for new sources. This definition of "new affected source," and the criteria to be utilized in implementing it, shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002. Each relevant standard will define the term "new affected source," which will be

the same as the "affected source" unless a different collection is warranted based on consideration of factors including:

(1) Emission reduction impacts of controlling individual sources versus groups of sources;

(2) Cost effectiveness of controlling individual equipment;

(3) Flexibility to accommodate common control strategies;

(4) Cost/benefits of emissions averaging;

(5) Incentives for pollution prevention;

(6) Feasibility and cost of controlling processes that share common equipment (e.g., product recovery devices);

(7) Feasibility and cost of monitoring; and

(8) Other relevant factors.

New source means any affected source the construction or reconstruction of which is commenced after the Administrator first proposes a relevant emission standard under this part establishing an emission standard applicable to such source.

One-hour period, unless otherwise defined in an applicable subpart, means any 60-minute period commencing on the hour.

Opacity means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background. For continuous opacity monitoring systems, opacity means the fraction of incident light that is attenuated by an optical medium.

Owner or operator means any person who owns, leases, operates, controls, or supervises a stationary source.

Part 70 permit [Removed]

Performance audit means a procedure to analyze blind samples, the content of which is known by the Administrator, simultaneously with the analysis of performance test samples in order to provide a measure of test data quality.

Performance evaluation means the conduct of relative accuracy testing, calibration error testing, and other measurements used in validating the continuous monitoring system data.

Performance test means the collection of data resulting from the execution of a test method (usually three emission test runs) used to demonstrate compliance with a relevant emission standard as specified in the performance test section of the relevant standard.

Permit modification means a change to a title V permit as defined in regulations codified in this chapter to implement title V of the Act (42 U.S.C. 7661).

Permit program means a comprehensive State operating permit system established pursuant to title V of the Act (42 U.S.C. 7661) and regulations codified in part 70 of this chapter and applicable State regulations, or a comprehensive Federal operating permit system established pursuant to title V of the Act and regulations codified in this chapter.

Permit revision means any permit modification or administrative permit amendment to a title V permit as defined in regulations codified in this chapter to implement title V of the Act (42 U.S.C. 7661).

Permitting authority means:

(1) The State air pollution control agency, local agency, other State agency, or other agency authorized by the Administrator to carry out a permit program under part 70 of this chapter; or

(2) The Administrator, in the case of EPA-implemented permit programs under title V of the Act (42 U.S.C. 7661).

Potential to emit means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

Reconstruction, unless otherwise defined in a relevant standard, means the replacement of components of an affected or a previously nonaffected source to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and

(2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

Regulation promulgation schedule means the schedule for the promulgation of emission standards under this part, established by the Administrator pursuant to section 112(e) of the Act and published in the FEDERAL REGISTER.

Relevant standard means:

(1) An emission standard;

(2) An alternative emission standard;

(3) An alternative emission limitation; or

(4) An equivalent emission limitation established pursuant to section 112 of the Act that applies to the collection of equipment, activities, or both regulated by such standard or limitation. A relevant standard may include or consist of a design, equipment, work practice, or operational requirement, or other measure, process, method, system, or technique (including prohibition of emissions) that the Administrator (or a State) establishes for new or existing sources to which such standard or limitation applies. Every relevant standard established pursuant to section 112 of the Act includes subpart A of this part, as provided by §63.1(a)(4), and all applicable appendices of this part or of other parts of this chapter that are referenced in that standard.

Responsible official means one of the following:

(1) For a corporation:

A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representative is approved in advance by the Administrator.

(2) For a partnership or sole proprietorship:

a general partner or the proprietor, respectively.

(3) For a municipality, State, Federal, or other public agency:

either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the EPA).

(4) For affected sources (as defined in this part) applying for or subject to a title V permit: "responsible official" shall have the same meaning as defined in part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever is applicable.

Run means one of a series of emission or other measurements needed to determine emissions for a representative operating period or cycle as specified in this part.

Shutdown means the cessation of operation of an affected source or portion of an affected source for any purpose.

Six-minute period means, with respect to opacity determinations, any one of the 10 equal parts of a 1-hour period.

Standard conditions means a temperature of 293 K (68˚F) and a pressure of 101.3 kilopascals (29.92 in. Hg).

Startup means the setting in operation of an affected source or portion of an affected source for any purpose.

State means all non-Federal authorities, including local agencies, interstate associations, and State-wide programs, that have delegated authority to implement:

(1) The provisions of this part and/or

(2) the permit program established under part 70 of this chapter. The term State shall have its conventional meaning where clear from the context.

Stationary source means any building, structure, facility, or installation which emits or may emit any air pollutant.

Test method means the validated procedure for sampling, preparing, and analyzing for an air pollutant specified in a relevant standard as the performance test procedure. The test method may include methods described in an appendix of this chapter, test methods incorporated by reference in this part, or methods validated for an application through procedures in Method 301 of Appendix A of this part.

Title V permit means any permit issued, renewed, or revised pursuant to Federal or State regulations established to implement title V of the Act (42 U.S.C. 7661). A title V permit issued by a State permitting authority is called a part 70 permit in this part.

Visible emission means the observation of an emission of opacity or optical density above the threshold of vision.

Working day means any day on which Federal Government offices (or State government offices for a State that has obtained delegation under section112(l)) are open for normal business.

Saturdays, Sundays, and official Federal (or where delegated, State) holidays are not working days.

40 CFR 63.3 Units and abbreviations.

Used in this part are abbreviations and symbols of units of measure. These are defined as follows:

40 CFR 63.3(a)
(a) System International (SI) units of measure:

A = ampere
g = gram
Hz = hertz
J = joule
˚K = degree Kelvin
kg = kilogram
l = liter
m = meter
m3 = cubic meter
mg = milligram = 10-3 gram
ml = milliliter = 10-3 liter
mm = millimeter = 10-3 meter
Mg = megagram = 106 gram = metric ton
MJ = megajoule
mol = mole
N = newton
ng = nanogram = 10-9 gram
nm = nanometer = 10-9 meter
Pa = pascal
s = second
V = volt
W = watt
V = ohm
g = microgram = 10-6 gram
l = microliter = 10-6 liter

40 CFR 63.3(b)
(b) Other units of measure:

Btu = British thermal unit
˚C = degree Celsius (centigrade)
cal = calorie
cfm = cubic feet per minute
cc = cubic centimeter
cu ft = cubic feet

d = day
dcf = dry cubic feet
dcm = dry cubic meter
dscf = dry cubic feet at standard conditions
dscm = dry cubic meter at standard conditions
eq = equivalent
˚F = degree Fahrenheit
ft = feet
ft2 = square feet
ft3 = cubic feet
gal = gallon
gr = grain
g-eq = gram equivalent
g-mole = gram mole
hr = hour
in. = inch
in. H2O = inches of water
K = 1,000
kcal = kilocalorie
lb = pound
lpm = liter per minute
meq = milliequivalent
min = minute
MW = molecular weight
oz = ounces
ppb = parts per billion
ppbw = parts per billion by weight
ppbv = parts per billion by volume
ppm = parts per million
ppmw = parts per million by weight
ppmv = parts per million by volume
psia = pounds per square inch absolute
psig = pounds per square inch gage
˚R = degree Rankine
scf = cubic feet at standard conditions
scfh = cubic feet at standard conditions per hour
scm = cubic meter at standard conditions
scmm = cubic meter at standard conditions per minute
sec = second
sq ft = square feet
std = at standard conditions
v/v = volume per volume
yd2 = square yards
yr = year

40 CFR 63.3(c)
(c) Miscellaneous:

act = actual
avg = average
I.D. = inside diameter
M = molar
N = normal
O.D. = outside diameter
% = percent

40 CFR 63.4 Prohibited activities and circumvention.

40 CFR 63.4(a)
(a) Prohibited activities.

40 CFR 63.4(a)(1)
(1) No owner or operator subject to the provisions of this part must operate any affected source in violation of the requirements of this part. Affected sources subject to and in compliance with either an extension of compliance or an exemption from compliance are not in violation of the requirements of this part. An extension of compliance can be granted by the Administrator under this part; by a State with an approved permit program; or by the President under section 112(i)(4) of the Act.

40 CFR 63.4(a)(2)
(2) No owner or operator subject to the provisions of this part shall fail to keep records, notify, report, or revise reports as required under this part.

40 CFR 63.4(a)(3)
(3) [Reserved]

40 CFR 63.4(a)(4)
(4) [Reserved]

40 CFR 63.4(a)(5)
(5) [Reserved]

40 CFR 63.4(b)
(b) Circumvention.

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard. Such concealment includes, but is not limited to—

40 CFR 63.4(b)(1)

(1) The use of diluents to achieve compliance with a relevant standard based on the concentration of a pollutant in the effluent discharged to the atmosphere;

40 CFR 63.4(b)(2)
(2) The use of gaseous diluents to achieve compliance with a relevant standard for visible emissions; and

40 CFR 63.4(b)(3)
(3) [Removed]

40 CFR 63.4(c)
(c) Fragmentation.

Fragmentation after November 15, 1990 which divides ownership of an operation, within the same facility among various owners where there is no real change in control, will not affect applicability. The owner and operator must not use fragmentation or phasing of reconstruction activities (i.e., intentionally dividing reconstruction into multiple parts for purposes of avoiding new source requirements) to avoid becoming subject to new source requirements.

40 CFR 63.5 Preconstruction review and notification requirements.

40 CFR 63.5(a)
(a) Applicability.

40 CFR 63.5(a)(1)
(1) This section implements the preconstruction review requirements of section 112(i)(1). After the effective date of a relevant standard, promulgated pursuant to section 112(d), (f), or (h) of the Act, under this part, the preconstruction review requirements in this section apply to the owner or operator of new affected sources and reconstructed affected sources that are major-emitting as specified in this section. New and reconstructed affected sources that commence construction or reconstruction before the effective date of a relevant standard are not subject to the preconstruction review requirements specified in paragraphs (b)(3), (d), and (e) of this section.

40 CFR 63.5(a)(2)
(2) This section includes notification requirements for new affected sources and reconstructed affected sources that are not major-emitting affected sources and that are or become subject to a relevant promulgated emission standard after the effective date of a relevant standard promulgated under this part.

40 CFR 63.5(b)
(b) Requirements for existing, newly constructed, and reconstructed affected sources.

40 CFR 63.5(b)(1)

(1) A new affected source for which construction commences after proposal of a relevant standard is subject to relevant standards for new affected sources, including compliance dates. An affected source for which reconstruction commences after proposal of a relevant standard is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

40 CFR 63.5(b)(2)
(2) [Reserved]

40 CFR 63.5(b)(3)
(3) After the effective date of any relevant standard promulgated by the Administrator under this part, no person may, without obtaining written approval in advance from the Administrator in accordance with the procedures specified in paragraphs (d) and (e) of this section, do any of the following:

40 CFR 63.5(b)(3)(i)
(i) Construct a new affected source that is major-emitting and subject to such standard;

40 CFR 63.5(b)(3)(ii)
(ii) Reconstruct an affected source that is major-emitting and subject to such standard; or

40 CFR 63.5(b)(3)(iii)
(iii) Reconstruct a major source such that the source becomes an affected source that is major-emitting and subject to the standard.

40 CFR 63.5(b)(4)
(4) After the effective date of any relevant standard promulgated by the Administrator under this part, an owner or operator who constructs a new affected source that is not major-emitting or reconstructs an affected source that is not major-emitting that is subject to such standard, or reconstructs a source such that the source becomes an affected source subject to the standard, must notify the Administrator of the intended construction or reconstruction. The notification must be submitted in accordance with the procedures in §63.9(b).

40 CFR 63.5(b)(5)
(5) [Reserved]

40 CFR 63.5(b)(6)
(6) After the effective date of any relevant standard promulgated by the Administrator under this part, equipment added (or a process change) to an affected source that is within the scope of the definition of affected source under the relevant standard must be considered part of the affected source and subject to all provisions of the relevant standard established for that affected source.

40 CFR 63.5(c)
(c) [Reserved]

40 CFR 63.5(d)
(d) Application for approval of construction or reconstruction. The provisions of this paragraph implement section 112(i)(1) of the Act.

40 CFR 63.5(d)(1)
(1) General application requirements.

40 CFR 63.5(d)(1)(i)
(i) An owner or operator who is subject to the requirements of paragraph (b)(3) of this section must submit to the Administrator an application for approval of the construction or reconstruction. The application must be submitted as soon as practicable before actual construction or reconstruction begins. The application for approval of construction or reconstruction may be used to fulfill the initial notification requirements of §63.9(b)(5). The owner or operator may submit the application for approval well in advance of the date actual construction or reconstruction begins in order to ensure a timely review by the Administrator and that the planned date to begin will not be delayed.

40 CFR 63.5(d)(1)(ii)
(ii) A separate application shall be submitted for each construction or reconstruction. Each application for approval of construction or reconstruction shall include at a minimum:

40 CFR 63.5(d)(1)(ii)(A)
(A) The applicant's name and address;

40 CFR 63.5(d)(1)(ii)(B)
(B) A notification of intention to construct a new major affected source or make any physical or operational change to a major affected source that may meet or has been determined to meet the criteria for a reconstruction, as defined in §63.2 or in the relevant standard;

40 CFR 63.5(d)(1)(ii)(C)
(C) The address (i.e., physical location) or proposed address of the source;

40 CFR 63.5(d)(1)(ii)(D)
(D) An identification of the relevant standard that is the basis of the application;

40 CFR 63.5(d)(1)(ii)(E)
(E) The expected date of the beginning of actual construction or reconstruction;

40 CFR 63.5(d)(1)(ii)(F)

(F) The expected completion date of the construction or reconstruction;

40 CFR 63.5(d)(1)(ii)(G)

(G) [Reserved]

40 CFR 63.5(d)(1)(ii)(H)

(H) The type and quantity of hazardous air pollutants emitted by the source, reported in units and averaging times and in accordance with the test methods specified in the relevant standard, or if actual emissions data are not yet available, an estimate of the type and quantity of hazardous air pollutants expected to be emitted by the source reported in units and averaging times specified in the relevant standard. The owner or operator may submit percent reduction information if a relevant standard is established in terms of percent reduction. However, operating parameters, such as flow rate, shall be included in the submission to the extent that they demonstrate performance and compliance; and

40 CFR 63.5(d)(1)(ii)(I)

(I) [Reserved]

40 CFR 63.5(d)(1)(ii)(J)

(J) Other information as specified in paragraphs (d)(2) and (d)(3) of this section.

40 CFR 63.5(d)(1)(iii)

(iii) An owner or operator who submits estimates or preliminary information in place of the actual emissions data and analysis required in paragraphs (d)(1)(ii)(H) and (d)(2) of this section shall submit the actual, measured emissions data and other correct information as soon as available but no later than with the notification of compliance status required in §63.9(h) [see §63.9(h)(5)].

40 CFR 63.5(d)(2)

(2) Application for approval of construction.

Each application for approval of construction must include, in addition to the information required in paragraph (d)(1)(ii) of this section, technical information describing the proposed nature, size, design, operating design capacity, and method of operation of the source, including an identification of each type of emission point for each type of hazardous air pollutant that is emitted (or could reasonably be anticipated to be emitted) and a description of the planned air pollution control system (equipment or method) for each emission point. The description of the equipment to be used for the control of emissions must include each control device for each hazardous air pollutant and the estimated control efficiency (percent) for

each control device. The description of the method to be used for the control of emissions must include an estimated control efficiency (percent) for that method. Such technical information must include calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations.

40 CFR 63.5(d)(3)

(3) Application for approval of reconstruction.

Each application for approval of reconstruction shall include, in addition to the information required in paragraph (d)(1)(ii) of this section—

40 CFR 63.5(d)(3)(i)

(i) A brief description of the affected source and the components that are to be replaced;

40 CFR 63.5(d)(3)(ii)

(ii) A description of present and proposed emission control systems (i.e., equipment or methods). The description of the equipment to be used for the control of emissions shall include each control device for each hazardous air pollutant and the estimated control efficiency (percent) for each control device. The description of the method to be used for the control of emissions shall include an estimated control efficiency (percent) for that method. Such technical information shall include calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations;

40 CFR 63.5(d)(3)(iii)

(iii) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new source;

40 CFR 63.5(d)(3)(iv)

(iv) The estimated life of the affected source after the replacements; and

40 CFR 63.5(d)(3)(v)

(v) A discussion of any economic or technical limitations the source may have in complying with relevant standards or other requirements after the proposed replacements. The discussion shall be sufficiently detailed to demonstrate to the Administrator's satisfaction that the technical or economic limitations affect the source's ability to comply with the relevant standard and how they do so.

40 CFR 63.5(d)(3)(vi)

(vi) If in the application for approval of reconstruction the owner or operator designates the affected source as a reconstructed source and declares that there are no economic or technical limitations to prevent the source from complying with all relevant standards or other requirements, the owner or

operator need not submit the information required in paragraphs (d)(3)(iii) through (d)(3)(v) of this section.

40 CFR 63.5(d)(4)
(4) Additional information.

The Administrator may request additional relevant information after the submittal of an application for approval of construction or reconstruction.

40 CFR 63.5(e)
(e) Approval of construction or reconstruction.

40 CFR 63.5(e)(1)(i)
(1) (i) If the Administrator determines that, if properly constructed, or reconstructed, and operated, a new or existing source for which an application under paragraph (d) of this section was submitted will not cause emissions in violation of the relevant standard(s) and any other federally enforceable requirements, the Administrator will approve the construction or reconstruction.

40 CFR 63.5(e)(1)(ii)
(ii) In addition, in the case of reconstruction, the Administrator's determination under this paragraph will be based on:

40 CFR 63.5(e)(1)(ii)(A)
(A) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new source;

40 CFR 63.5(e)(1)(ii)(B)
(B) The estimated life of the source after the replacements compared to the life of a comparable entirely new source;

40 CFR 63.5(e)(1)(ii)(C)
(C) The extent to which the components being replaced cause or contribute to the emissions from the source; and

40 CFR 63.5(e)(1)(ii)(D)
(D) Any economic or technical limitations on compliance with relevant standards that are inherent in the proposed replacements.

40 CFR 63.5(e)(2)(i)
(2) (i) The Administrator will notify the owner or operator in writing of approval or intention to deny approval of construction or reconstruction within 60 calendar days after receipt of sufficient information to evaluate an application submitted under paragraph (d) of this section. The 60-day approval or denial

period will begin after the owner or operator has been notified in writing that his/her application is complete. The Administrator will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted.

40 CFR 63.5(e)(2)(ii)

(ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 30 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

40 CFR 63.5(e)(3)

(3) Before denying any application for approval of construction or reconstruction, the Administrator will notify the applicant of the Administrator's intention to issue the denial together with—

40 CFR 63.5(e)(3)(i)

(i) Notice of the information and findings on which the intended denial is based; and

40 CFR 63.5(e)(3)(ii)

(ii) Notice of opportunity for the applicant to present, in writing, within 30 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator to enable further action on the application.

40 CFR 63.5(e)(4)

(4) A final determination to deny any application for approval will be in writing and will specify the grounds on which the denial is based. The final determination will be made within 60 calendar days of presentation of additional information or arguments (if the application is complete), or within 60 calendar days after the final date specified for presentation if no presentation is made.

40 CFR 63.5(e)(5)

(5) Neither the submission of an application for approval nor the Administrator's approval of construction or reconstruction shall—

40 CFR 63.5(e)(5)(i)

(i) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or

40 CFR 63.5(e)(5)(ii)
(ii) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

40 CFR 63.5(f)
(f) Approval of construction or reconstruction based on prior State preconstruction review.

40 CFR 63.5(f)(1)
(1) Preconstruction review procedures that a State utilizes for other purposes may also be utilized for purposes of this section if the procedures are substantially equivalent to those specified in this section. The Administrator will approve an application for construction or reconstruction specified in paragraphs (b)(3) and (d) of this section if the owner or operator of a new affected source or reconstructed affected source, who is subject to such requirement meets the following conditions:

40 CFR 63.5(f)(1)(i)
(i) The owner or operator of the new affected source or reconstructed affected source has undergone a preconstruction review and approval process in the State in which the source is (or would be) located and has received a federally enforceable construction permit that contains a finding that the source will meet the relevant promulgated emission standard, if the source is properly built and operated.

40 CFR 63.5(f)(1)(ii)
(ii) Provide a statement from the State or other evidence (such as State regulations) that it considered the factors specified in paragraph (e)(1) of this section.

40 CFR 63.5(f)(2)
(2) The owner or operator must submit to the Administrator the request for approval of construction or reconstruction under this paragraph (f)(2) no later than the application deadline specified in paragraph (d)(1) of this section (see also §63.9(b)(2)). The owner or operator must include in the request information sufficient for the Administrator's determination. The Administrator will evaluate the owner or operator's request in accordance with the procedures specified in paragraph (e) of this section. The Administrator may request additional relevant information after the submittal of a request for approval of construction or reconstruction under this paragraph (f)(2).

40 CFR 63.6 Compliance with standards and maintenance requirements.

40 CFR 63.6(a)
(a) Applicability.

40 CFR 63.6(a)(1)

(1) The requirements in this section apply to the owner or operator of affected sources for which any relevant standard has been established pursuant to section 112 of the Act and the applicability of such requirements is set out in accordance with §63.1(a)(4) unless—

40 CFR 63.6(a)(1)(i)
(i) The Administrator (or a State with an approved permit program) has granted an extension of compliance consistent with paragraph (i) of this section; or

40 CFR 63.6(a)(1)(ii)
(ii) The President has granted an exemption from compliance with any relevant standard in accordance with section 112(i)(4) of the Act.

40 CFR 63.6(a)(2)
(2) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source, such source shall be subject to the relevant emission standard or other requirement.

40 CFR 63.6(b)
(b) Compliance dates for new and reconstructed affected sources.

40 CFR 63.6(b)(1)
(1) Except as specified in paragraphs (b)(3) and (4) of this section, the owner or operator of a new or reconstructed affected source for which construction or reconstruction commences after proposal of a relevant standard that has an initial startup before the effective date of a relevant standard established under this part pursuant to section 112(d), (f), or (h) of the Act must comply with such standard not later than the standard's effective date.

40 CFR 63.6(b)(2)
(2) Except as specified in paragraphs (b)(3) and (4) of this section, the owner or operator of a new or reconstructed affected source that has an initial startup after the effective date of a relevant standard established under this part pursuant to section 112(d), (f), or (h) of the Act must comply with such standard upon startup of the source.

40 CFR 63.6(b)(3)
(3) The owner or operator of an affected source for which construction or reconstruction is commenced after the proposal date of a relevant standard established under this part pursuant to sections 112(d), 112(f), or 112(h) of the Act but before the effective date (that is, promulgation) of such standard shall comply with the relevant emission standard not later than the date 3 years after the effective date if:

40 CFR 63.6(b)(3)(i)

(i) The promulgated standard (that is, the relevant standard) is more stringent than the proposed standard; for purposes of this paragraph, a finding that controls or compliance methods are "more stringent" must include control technologies or performance criteria and compliance or compliance assurance methods that are different but are substantially equivalent to those required by the promulgated rule, as determined by the Administrator (or his or her authorized representative); and

40 CFR 63.6(b)(3)(ii)

(ii) The owner or operator complies with the standard as proposed during the 3-year period immediately after the effective date.

40 CFR 63.6(b)(4)

(4) The owner or operator of an affected source for which construction or reconstruction is commenced after the proposal date of a relevant standard established pursuant to section 112(d) of the Act but before the proposal date of a relevant standard established pursuant to section 112(f) shall not be required to comply with the section 112(f) emission standard until the date 10 years after the date construction or reconstruction is commenced, except that, if the section 112(f) standard is promulgated more than 10 years after construction or reconstruction is commenced, the owner or operator must comply with the standard as provided in paragraphs (b)(1) and (2) of this section.

40 CFR 63.6(b)(5)

(5) The owner or operator of a new source that is subject to the compliance requirements of paragraph (b)(3) or (4) of this section must notify the Administrator in accordance with §63.9(d).

40 CFR 63.6(b)(6)

(6) [Reserved]

40 CFR 63.6(b)(7)

(7) When an area source becomes a major source by the addition of equipment or operations that meet the definition of new affected source in the relevant standard, the portion of the existing facility that is a new affected source must comply with all requirements of that standard applicable to new sources. The source owner or operator must comply with the relevant standard upon startup.

40 CFR 63.6(c)

(c) Compliance dates for existing sources.

40 CFR 63.6(c)(1)

(1) After the effective date of a relevant standard established under this part pursuant to section 112(d) or 112(h) of the Act, the owner or operator of an existing source shall comply with such standard by the compliance date established by the Administrator in the applicable subpart(s) of this part. Except as otherwise provided for in section 112 of the Act, in no case will the compliance date established for an existing source in an applicable subpart of this part exceed 3 years after the effective date of such standard.

40 CFR 63.6(c)(2)

(2) If an existing source is subject to a standard established under this part pursuant to section 112(f) of the Act, the owner or operator must comply with the standard by the date 90 days after the standard's effective date, or by the date specified in an extension granted to the source by the Administrator under paragraph (i)(4)(ii)of this section, whichever is later.

40 CFR 63.6(c)(3)

(3) [Reserved]

40 CFR 63.6(c)(4)

(4) [Reserved]

40 CFR 63.6(c)(5)

(5) Except as provided in paragraph (b)(7) of this section, the owner or operator of an area source that increases its emissions of (or its potential to emit) hazardous air pollutants such that the source becomes a major source shall be subject to relevant standards for existing sources. Such sources must comply by the date specified in the standards for existing area sources that become major sources. If no such compliance date is specified in the standards, the source shall have a period of time to comply with the relevant emission standard that is equivalent to the compliance period specified in the relevant standard for existing sources in existence at the time the standard becomes effective.

40 CFR 63.6(d)

(d) [Reserved]

40 CFR 63.6(e)

(e) Operation and maintenance requirements.

40 CFR 63.6(e)(1)(i)

(1) (i) At all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions to the levels required by the relevant standards, i.e., meet the emission standard or comply with the startup, shutdown, and

malfunction plan. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.

40 CFR 63.6(e)(1)(ii)

(ii) Malfunctions must be corrected as soon as practicable after their occurrence in accordance with the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section. To the extent that an unexpected event arises during a startup, shutdown, or malfunction, an owner or operator must comply by minimizing emissions during such a startup, shutdown, and malfunction event consistent with safety and good air pollution control practices.

40 CFR 63.6(e)(1)(iii)

(iii) Operation and maintenance requirements established pursuant to section 112 of the Act are enforceable independent of emissions limitations or other requirements in relevant standards.

40 CFR 63.6(e)(2)

(2) [Reserved]

40 CFR 63.6(e)(3)

(3) Startup, Shutdown, and Malfunction Plan.

40 CFR 63.6(e)(3)(i)

(i) The owner or operator of an affected source must 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, and malfunction; a program of corrective action for malfunctioning process; and air pollution control and monitoring equipment used to comply with the relevant standard. This plan must be developed by the owner or operator by the source's compliance date for that relevant standard. The purpose of the startup, shutdown, and malfunction plan is to—

40 CFR 63.6(e)(3)(i)(A)

(A) Ensure that, at all times, the owner or operator operate and maintain affected sources, including associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions to the levels required by the relevant standards;

40 CFR 63.6(e)(3)(i)(B)

(B) Ensure that owners or operators are prepared to correct malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of hazardous air pollutants; and

40 CFR 63.6(e)(3)(i)(C)

(C) Reduce the reporting burden associated with periods of startup, shutdown, and malfunction (including corrective action taken to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation).

40 CFR 63.6(e)(3)(ii)

(ii) During periods of startup, shutdown, and malfunction, the owner or operator of an affected source must operate and maintain such source (including associated air pollution control and monitoring equipment) in accordance with the procedures specified in the startup, shutdown, and malfunction plan developed under paragraph (e)(3)(i) of this section.

40 CFR 63.6(e)(3)(iii)

(iii) When actions taken by the owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) are consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator must keep records for that event which demonstrate that the procedures specified in the plan were followed. These records may take the form of a "checklist," or other effective form of recordkeeping that confirms conformance with the startup, shutdown, and malfunction plan for that event. In addition, the owner or operator must keep records of these events as specified in §63.10(b), including records of the occurrence and duration of each startup, shutdown, or malfunction of operation and each malfunction of the air pollution control and monitoring equipment. Furthermore, the owner or operator shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the affected source's startup, shutdown and malfunction plan in the semiannual (or more frequent) startup, shutdown, and malfunction report required in §63.10(d)(5).

40 CFR 63.6(e)(3)(iv)

(iv) If an action taken by the owner or operator during a startup, shutdown, or malfunction (including an action taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, and the source exceeds the relevant emission standard, then the owner or operator must record the actions taken for that event and must report such actions within 2 working days after commencing actions inconsistent with the plan, followed by a letter within 7 working days after the end of the event, in accordance with §63.10(d)(5)

(unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator).

40 CFR 63.6(e)(3)(v)

(v) The owner or operator must maintain at the affected source a current startup, shutdown, and malfunction plan and must make the plan available upon request for inspection and copying by the Administrator. In addition, if the startup, shutdown, and malfunction plan is subsequently revised as provided in paragraph (e)(3)(viii)of this section, the owner or operator must maintain at the affected source each previous (i.e., superseded) version of the startup, shutdown, and malfunction plan, and must make each such previous version available for inspection and copying by the Administrator for a period of 5 years after revision of the plan. If at any time after adoption of a startup, shutdown, and malfunction plan the affected source ceases operation or is otherwise no longer subject to the provisions of this part, the owner or operator must retain a copy of the most recent plan for 5 years from the date the source ceases operation or is no longer subject to this part and must make the plan available upon request for inspection and copying by the Administrator.

40 CFR 63.6(e)(3)(vi)

(vi) To satisfy the requirements of this section to develop a startup, shutdown, and malfunction plan, the owner or operator may use the affected source's standard operating procedures (SOP) manual, or an Occupational Safety and Health Administration (OSHA) or other plan, provided the alternative plans meet all the requirements of this section and are made available for inspection when requested by the Administrator.

40 CFR 63.6(e)(3)(vii)

(vii) Based on the results of a determination made under paragraph (e)(2) of this section, the Administrator may require that an owner or operator of an affected source make changes to the startup, shutdown, and malfunction plan for that source. The Administrator may require reasonable revisions to a startup, shutdown, and malfunction plan, if the Administrator finds that the plan:

40 CFR 63.6(e)(3)(vii)(A)

(A) Does not address a startup, shutdown, or malfunction event that has occurred;

40 CFR 63.6(e)(3)(vii)(B)

(B) Fails to provide for the operation of the source (including associated air pollution control and monitoring equipment) during a startup, shutdown, or malfunction event in a manner consistent with safety and good air pollution control practices for minimizing emissions to the levels required by the relevant standards;

40 CFR 63.6(e)(3)(vii)(C)

(C) Does not provide adequate procedures for correcting malfunctioning process and/or air pollution control and monitoring equipment as quickly as practicable; or

40 CFR 63.6(e)(3)(vii)(D)

(D) Includes an event that does not meet the definition of startup, shutdown, or malfunction listed in §63.2.

40 CFR 63.6(e)(3)(viii)

(viii) The owner or operator may periodically revise the startup, shutdown, and malfunction plan for the affected source as necessary to satisfy the requirements of this part or to reflect changes in equipment or procedures at the affected source. Unless the permitting authority provides otherwise, the owner or operator may make such revisions to the startup, shutdown, and malfunction plan without prior approval by the Administrator or the permitting authority. However, each such revision to a startup, shutdown, and malfunction plan must be reported in the semiannual report required by §63.10(d)(5). If the startup, shutdown, and malfunction plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the startup, shutdown, and malfunction plan at the time the owner or operator developed the plan, the owner or operator must revise the startup, shutdown, and malfunction plan within 45 days after the event to include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective action for similar malfunctions of process or air pollution control and monitoring equipment. In the event that the owner or operator makes any revision to the startup, shutdown, and malfunction plan which alters the scope of the activities at the source which are deemed to be a startup, shutdown, malfunction, or otherwise modifies the applicability of any emission limit, work practice requirement, or other requirement in a standard established under this part, the revised plan shall not take effect until after the owner or operator has provided a written notice describing the revision to the permitting authority.

40 CFR 63.6(e)(3)(ix)

(ix) The title V permit for an affected source must require that the owner or operator adopt a startup, shutdown, and malfunction plan which conforms to the provisions of this part, and that the owner or operator operate and maintain the source in accordance with the procedures specified in the current startup, shutdown, and malfunction plan. However, any revisions made to the startup, shutdown, and malfunction plan in accordance with the procedures established by this part shall not be deemed to constitute permit revisions under part 70 or part 71 of this chapter. Moreover, none of the procedures specified by the startup, shutdown, and malfunction plan for an

affected source shall be deemed to fall within the permit shield provision in section 504(f) of the Act.

40 CFR 63.6(f)
(f) Compliance with nonopacity emission standards—

40 CFR 63.6(f)(1)
(1) Applicability.

The non-opacity emission standards set forth in this part shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable subpart. If a startup, shutdown, or malfunction of one portion of an affected source does not affect the ability of particular emission points within other portions of the affected source to comply with the non-opacity emission standards set forth in this part, then that emission point must still be required to comply with the non-opacity emission standards and other applicable requirements.

40 CFR 63.6(f)(2)
(2) Methods for determining compliance.

40 CFR 63.6(f)(2)(i)
(i) The Administrator will determine compliance with nonopacity emission standards in this part based on the results of performance tests conducted according to the procedures in §63.7, unless otherwise specified in an applicable subpart of this part.

40 CFR 63.6(f)(2)(ii)
(ii) The Administrator will determine compliance with nonopacity emission standards in this part by evaluation of an owner or operator's conformance with operation and maintenance requirements, including the evaluation of monitoring data, as specified in §63.6(e) and applicable subparts of this part.

40 CFR 63.6(f)(2)(iii)
(iii) If an affected source conducts performance testing at startup to obtain an operating permit in the State in which the source is located, the results of such testing may be used to demonstrate compliance with a relevant standard if—

40 CFR 63.6(f)(2)(iii)(A)
(A) The performance test was conducted within a reasonable amount of time before an initial performance test is required to be conducted under the relevant standard;

40 CFR 63.6(f)(2)(iii)(B)
(B) The performance test was conducted under representative operating conditions for the source;

40 CFR 63.6(f)(2)(iii)(C)

(C) The performance test was conducted and the resulting data were reduced using EPA-approved test methods and procedures, as specified in §63.7(e) of this subpart; and

40 CFR 63.6(f)(2)(iii)(D)

(D) The performance test was appropriately quality-assured, as specified in §63.7(c).

40 CFR 63.6(f)(2)(iv)

(iv) The Administrator will determine compliance with design, equipment, work practice, or operational emission standards in this part by review of records, inspection of the source, and other procedures specified in applicable subparts of this part.

40 CFR 63.6(f)(2)(v)

(v) The Administrator will determine compliance with design, equipment, work practice, or operational emission standards in this part by evaluation of an owner or operator's conformance with operation and maintenance requirements, as specified in paragraph (e) of this section and applicable subparts of this part.

40 CFR 63.6(f)(3)

(3) Finding of compliance.

The Administrator will make a finding concerning an affected source's compliance with a non-opacity emission standard, as specified in paragraphs (f)(1) and (2) of this section, upon obtaining all the compliance information required by the relevant standard (including the written reports of performance test results, monitoring results, and other information, if applicable), and information available to the Administrator pursuant to paragraph (e)(1)(i) of this section.

40 CFR 63.6(g)

(g) Use of an alternative nonopacity emission standard.

40 CFR 63.6(g)(1)

(1) If, in the Administrator's judgment, an owner or operator of an affected source has established that an alternative means of emission limitation will achieve a reduction in emissions of a hazardous air pollutant from an affected source at least equivalent to the reduction in emissions of that pollutant from that source achieved under any design, equipment, work practice, or operational emission standard, or combination thereof, established under this part pursuant to section 112(h) of the Act, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative emission standard for purposes of compliance with the promulgated standard. Any FEDERAL REGISTER notice under this paragraph shall be published only after the public is notified and given the opportunity to comment.

Such notice will restrict the permission to the stationary source(s) or category(ies) of sources from which the alternative emission standard will achieve equivalent emission reductions. The Administrator will condition permission in such notice on requirements to assure the proper operation and maintenance of equipment and practices required for compliance with the alternative emission standard and other requirements, including appropriate quality assurance and quality control requirements, that are deemed necessary.

40 CFR 63.6(g)(2)

(2) An owner or operator requesting permission under this paragraph shall, unless otherwise specified in an applicable subpart, submit a proposed test plan or the results of testing and monitoring in accordance with §63.7 and §63.8, a description of the procedures followed in testing or monitoring, and a description of pertinent conditions during testing or monitoring. Any testing or monitoring conducted to request permission to use an alternative nonopacity emission standard shall be appropriately quality assured and quality controlled, as specified in §63.7 and §63.8.

40 CFR 63.6(g)(3)

(3) The Administrator may establish general procedures in an applicable subpart that accomplish the requirements of paragraphs (g)(1) and (g)(2) of this section.

40 CFR 63.6(h)

(h) Compliance with opacity and visible emission standards—

40 CFR 63.6(h)(1)

(1) Applicability.

The opacity and visible emission standards set forth in this part must apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable subpart. If a startup, shutdown, or malfunction of one portion of an affected source does not affect the ability of particular emission points within other portions of the affected source to comply with the opacity and visible emission standards set forth in this part, then that emission point shall still be required to comply with the opacity and visible emission standards and other applicable requirements.

40 CFR 63.6(h)(2)

(2) Methods for determining compliance.

40 CFR 63.6(h)(2)(i)

(i) The Administrator will determine compliance with opacity and visible emission standards in this part based on the results of the test method specified in an applicable subpart. Whenever a continuous opacity monitoring system (COMS) is required to be installed to determine compliance with numerical opacity emission standards in this part, compliance with opacity emission standards in this part shall be determined

by using the results from the COMS. Whenever an opacity emission test method is not specified, compliance with opacity emission standards in this part shall be determined by conducting observations in accordance with Test Method 9 in appendix A of part 60 of this chapter or the method specified in paragraph (h)(7)(ii) of this section. Whenever a visible emission test method is not specified, compliance with visible emission standards in this part shall be determined by conducting observations in accordance with Test Method 22 in appendix A of part 60 of this chapter.

40 CFR 63.6(h)(2)(ii)
(ii) [Reserved]

40 CFR 63.6(h)(2)(iii)
(iii) If an affected source undergoes opacity or visible emission testing at startup to obtain an operating permit in the State in which the source is located, the results of such testing may be used to demonstrate compliance with a relevant standard if—

40 CFR 63.6(h)(2)(iii)(A)
(A) The opacity or visible emission test was conducted within a reasonable amount of time before a performance test is required to be conducted under the relevant standard;

40 CFR 63.6(h)(2)(iii)(B)
(B) The opacity or visible emission test was conducted under representative operating conditions for the source;

40 CFR 63.6(h)(2)(iii)(C)
(C) The opacity or visible emission test was conducted and the resulting data were reduced using EPA-approved test methods and procedures, as specified in §63.7(e); and

40 CFR 63.6(h)(2)(iii)(D)
(D) The opacity or visible emission test was appropriately quality-assured, as specified in §63.7(c) of this section.

40 CFR 63.6(h)(3)
(3) [Reserved]

40 CFR 63.6(h)(4)
(4) Notification of opacity or visible emission observations. The owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting opacity or visible emission observations in accordance with §63.9(f), if such observations are required for the source by a relevant standard.

40 CFR 63.6(h)(5)

(5) Conduct of opacity or visible emission observations. When a relevant standard under this part includes an opacity or visible emission standard, the owner or operator of an affected source shall comply with the following:

40 CFR 63.6(h)(5)(i)

(i) For the purpose of demonstrating initial compliance, opacity or visible emission observations shall be conducted concurrently with the initial performance test required in §63.7 unless one of the following conditions applies:

40 CFR 63.6(h)(5)(i)(A)

(A) If no performance test under §63.7 is required, opacity or visible emission observations shall be conducted within 60 days after achieving the maximum production rate at which a new or reconstructed source will be operated, but not later than 120 days after initial startup of the source, or within 120 days after the effective date of the relevant standard in the case of new sources that start up before the standard's effective date. If no performance test under §63.7 is required, opacity or visible emission observations shall be conducted within 120 days after the compliance date for an existing or modified source; or

40 CFR 63.6(h)(5)(i)(B)

(B) If visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under §63.7, or within the time period specified in paragraph (h)(5)(i)(A) of this section, the source's owner or operator shall reschedule the opacity or visible emission observations as soon after the initial performance test, or time period, as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. The rescheduled opacity or visible emission observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under §63.7. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity or visible emission observations from being made concurrently with the initial performance test in accordance with procedures contained in Test Method 9 or Test Method 22 in Appendix A of part 60 of this chapter.

40 CFR 63.6(h)(5)(ii)

(ii) For the purpose of demonstrating initial compliance, the minimum total time of opacity observations shall be 3 hours (30 6-minute averages) for the performance test or other required set of observations (e.g., for fugitive-type emission sources subject only to an opacity emission standard).

40 CFR 63.6(h)(5)(iii)

(iii) The owner or operator of an affected source to which an opacity or visible emission standard in this part applies shall conduct opacity or visible emission observations in accordance with the provisions of this section, record the results of the evaluation of emissions, and report to the Administrator the opacity or visible emission results in accordance with the provisions of §63.10(d).

40 CFR 63.6(h)(5)(iv)

(iv) [Reserved]

40 CFR 63.6(h)(5)(v)

(v) Opacity readings of portions of plumes that contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity emission standards.

40 CFR 63.6(h)(6)

(6) Availability of records. The owner or operator of an affected source shall make available, upon request by the Administrator, such records that the Administrator deems necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification.

40 CFR 63.6(h)(7)

(7) Use of a continuous opacity monitoring system.

40 CFR 63.6(h)(7)(i)

(i) The owner or operator of an affected source required to use a continuous opacity monitoring system (COMS) shall record the monitoring data produced during a performance test required under §63.7 and shall furnish the Administrator a written report of the monitoring results in accordance with the provisions of §63.10(e)(4).

40 CFR 63.6(h)(7)(ii)

(ii) Whenever an opacity emission test method has not been specified in an applicable subpart, or an owner or operator of an affected source is required to conduct Test Method 9 observations (see Appendix A of part 60 of this chapter), the owner or operator may submit, for compliance purposes, COMS data results produced during any performance test required under §63.7 in lieu of Method 9 data. If the owner or operator elects to submit COMS data for compliance with the opacity emission standard, he or she shall notify the Administrator of that decision, in writing, simultaneously with the notification under §63.7(b) of the date the performance test is scheduled to begin. Once the owner or operator of an affected source has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent performance tests required under §63.7,

unless the owner or operator notifies the Administrator in writing to the contrary not later than with the notification under §63.7(b) of the date the subsequent performance test is scheduled to begin.

40 CFR 63.6(h)(7)(iii)

(iii) For the purposes of determining compliance with the opacity emission standard during a performance test required under §63.7 using COMS data, the COMS data shall be reduced to 6-minute averages over the duration of the mass emission performance test.

40 CFR 63.6(h)(7)(iv)

(iv) The owner or operator of an affected source using a COMS for compliance purposes is responsible for demonstrating that he/she has complied with the performance evaluation requirements of §63.8(e), that the COMS has been properly maintained, operated, and data quality-assured, as specified in §63.8(c) and §63.8(d), and that the resulting data have not been altered in any way.

40 CFR 63.6(h)(7)(v)

(v) Except as provided in paragraph (h)(7)(ii) of this section, the results of continuous monitoring by a COMS that indicate that the opacity at the time visual observations were made was not in excess of the emission standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the affected source proves that, at the time of the alleged violation, the instrument used was properly maintained, as specified in §63.8(c), and met Performance Specification 1 in Appendix B of part 60 of this chapter, and that the resulting data have not been altered in any way.

40 CFR 63.6(h)(8)

(8) Finding of compliance.

The Administrator will make a finding concerning an affected source's compliance with an opacity or visible emission standard upon obtaining all the compliance information required by the relevant standard (including the written reports of the results of the performance tests required by §63.7, the results of Test Method 9 or another required opacity or visible emission test method, the observer certification required by paragraph (h)(6) of this section, and the continuous opacity monitoring system results, whichever is/are applicable) and any information available to the Administrator needed to determine whether proper operation and maintenance practices are being used.

40 CFR 63.6(h)(9)

(9) Adjustment to an opacity emission standard.

40 CFR 63.6(h)(9)(i)

(i) If the Administrator finds under paragraph (h)(8) of this section that an affected source is in compliance with all relevant standards for which initial performance tests were conducted under §63.7, but during the time such performance tests were conducted fails to meet any relevant opacity emission standard, the owner or operator of such source may petition the Administrator to make appropriate adjustment to the opacity emission standard for the affected source. Until the Administrator notifies the owner or operator of the appropriate adjustment, the relevant opacity emission standard remains applicable.

40 CFR 63.6(h)(9)(ii)

(ii) The Administrator may grant such a petition upon a demonstration by the owner or operator that—

40 CFR 63.6(h)(9)(ii)(A)

(A) The affected source and its associated air pollution control equipment were operated and maintained in a manner to minimize the opacity of emissions during the performance tests;

40 CFR 63.6(h)(9)(ii)(B)

(B) The performance tests were performed under the conditions established by the Administrator; and

40 CFR 63.6(h)(9)(ii)(C)

(C) The affected source and its associated air pollution control equipment were incapable of being adjusted or operated to meet the relevant opacity emission standard.

40 CFR 63.6(h)(9)(iii)

(iii) The Administrator will establish an adjusted opacity emission standard for the affected source meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity emission standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity emission standard in the FEDERAL REGISTER.

40 CFR 63.6(h)(9)(iv)

(iv) After the Administrator promulgates an adjusted opacity emission standard for an affected source, the owner or operator of such source shall be subject to the new opacity emission standard, and the new opacity emission standard shall apply to such source during any subsequent performance tests.

40 CFR 63.6(i)
(i) Extension of compliance with emission standards.

40 CFR 63.6(i)(1)
(1) Until an extension of compliance has been granted by the Administrator (or a State with an approved permit program) under this paragraph, the owner or operator of an affected source subject to the requirements of this section shall comply with all applicable requirements of this part.

40 CFR 63.6(i)(2)
(2) Extension of compliance for early reductions and other reductions—

40 CFR 63.6(i)(2)(i)
(i) Early reductions.

Pursuant to section 112(i)(5) of the Act, if the owner or operator of an existing source demonstrates that the source has achieved a reduction in emissions of hazardous air pollutants in accordance with the provisions of subpart D of this part, the Administrator (or the State with an approved permit program) will grant the owner or operator an extension of compliance with specific requirements of this part, as specified in subpart D.

40 CFR 63.6(i)(2)(ii)
(ii) Other reductions.

Pursuant to section 112(i)(6) of the Act, if the owner or operator of an existing source has installed best available control technology (BACT) [as defined in section 169(3) of the Act] or technology required to meet a lowest achievable emission rate (LAER) (as defined in section 171 of the Act) prior to the promulgation of an emission standard in this part applicable to such source and the same pollutant (or stream of pollutants) controlled pursuant to the BACT or LAER installation, the Administrator will grant the owner or operator an extension of compliance with such emission standard that will apply until the date 5 years after the date on which such installation was achieved, as determined by the Administrator.

40 CFR 63.6(i)(3)
(3) Request for extension of compliance.

Paragraphs (i)(4) through (i)(7) of this section concern requests for an extension of compliance with a relevant standard under this part [except requests for an extension of compliance under paragraph (i)(2)(i) of this section will be handled through procedures specified in subpart D of this part].

40 CFR 63.6(i)(4)(i)(A)

(4) (i) (A) The owner or operator of an existing source who is unable to comply with a relevant standard established under this part pursuant to section 112(d) of the Act may request that the Administrator (or a State, when the State has an approved part 70 permit program and the source is required to obtain a part 70 permit under that program, or a State, when the State has been delegated the authority to implement and enforce the emission standard for that source) grant an extension allowing the source up to 1 additional year to comply with the standard, if such additional period is necessary for the installation of controls. An additional extension of up to 3 years may be added for mining waste operations, if the 1-year extension of compliance is insufficient to dry and cover mining waste in order to reduce emissions of any hazardous air pollutant. The owner or operator of an affected source who has requested an extension of compliance under this paragraph and who is otherwise required to obtain a title V permit shall apply for such permit or apply to have the source's title V permit revised to incorporate the conditions of the extension of compliance. The conditions of an extension of compliance granted under this paragraph will be incorporated into the affected source's title V permit according to the provisions of part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever are applicable.

40 CFR 63.6(i)(4)(i)(B)

(B) Any request under this paragraph for an extension of compliance with a relevant standard must be submitted in writing to the appropriate authority no later than 120 days prior to the affected source's compliance date (as specified in paragraphs (b) and (c) of this section), except as provided for in paragraph (i)(4)(i)(C) of this section. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the date of denial. Emission standards established under this part may specify alternative dates for the submittal of requests for an extension of compliance if alternatives are appropriate for the source categories affected by those standards.

40 CFR 63.6(i)(4)(i)(C)

(C) An owner or operator may submit a compliance extension request after the date specified in paragraph (i)(4)(i)(B)of this section provided the need for the compliance extension arose after that date, and before the otherwise applicable compliance date and the need arose due to circumstances beyond reasonable control of the owner or operator. This request must include, in addition to the information required in paragraph (i)(6)(i) of this section, a statement of the

reasons additional time is needed and the date when the owner or operator first learned of the problems. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the original compliance date.

40 CFR 63.6(i)(4)(ii)

(ii) The owner or operator of an existing source unable to comply with a relevant standard established under this part pursuant to section 112(f) of the Act may request that the Administrator grant an extension allowing the source up to 2 years after the standard's effective date to comply with the standard. The Administrator may grant such an extension if he/she finds that such additional period is necessary for the installation of controls and that steps will be taken during the period of the extension to assure that the health of persons will be protected from imminent endangerment. Any request for an extension of compliance with a relevant standard under this paragraph must be submitted in writing to the Administrator not later than 90 calendar days after the effective date of the relevant standard.

40 CFR 63.6(i)(5)

(5) The owner or operator of an existing source that has installed BACT or technology required to meet LAER [as specified in paragraph (i)(2)(ii) of this section] prior to the promulgation of a relevant emission standard in this part may request that the Administrator grant an extension allowing the source 5 years from the date on which such installation was achieved, as determined by the Administrator, to comply with the standard. Any request for an extension of compliance with a relevant standard under this paragraph shall be submitted in writing to the Administrator not later than 120 days after the promulgation date of the standard. The Administrator may grant such an extension if he or she finds that the installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.

40 CFR 63.6(i)(6)(i)

(6) (i) The request for a compliance extension under paragraph (i)(4) of this section shall include the following information:

40 CFR 63.6(i)(6)(i)(A)

(A) A description of the controls to be installed to comply with the standard;

40 CFR 63.6(i)(6)(i)(B)

(B) A compliance schedule, including the date by which each step toward compliance will be reached. At a minimum, the list of dates shall include:

40 CFR 63.6(i)(6)(i)(B)(1)
(1) The date by which on-site construction, installation of emission control equipment, or a process change is planned to be initiated; and

40 CFR 63.6(i)(6)(i)(B)(2)
(2) The date by which final compliance is to be achieved.

40 CFR 63.6(i)(6)(i)(B)(3)
(3) The date by which on-site construction, installation of emission control equipment, or a process change is to be completed; and

40 CFR 63.6(i)(6)(i)(B)(4)
(4) The date by which final compliance is to be achieved;

40 CFR 63.6(i)(6)(i)(C)
(C) [Reserved]

40 CFR 63.6(i)(6)(i)(D)
(D) [Reserved]

40 CFR 63.6(i)(6)(ii)
(ii) The request for a compliance extension under paragraph (i)(5) of this section shall include all information needed to demonstrate to the Administrator's satisfaction that the installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.

40 CFR 63.6(i)(7)
(7) Advice on requesting an extension of compliance may be obtained from the Administrator (or the State with an approved permit program).

40 CFR 63.6(i)(8)
(8) Approval of request for extension of compliance.

Paragraphs (i)(9) through (i)(14) of this section concern approval of an extension of compliance requested under paragraphs (i)(4) through (i)(6) of this section.

40 CFR 63.6(i)(9)
(9 Based on the information provided in any request made under paragraphs (i)(4) through (i)(6) of this section, or other information, the Administrator (or the State with an approved permit program) may grant an extension of compliance with an emission standard, as specified in paragraphs (i)(4) and (i)(5) of this section.

40 CFR 63.6(i)(10)
(10) The extension will be in writing and will—

40 CFR 63.6(i)(10)(i)
(i) Identify each affected source covered by the extension;

40 CFR 63.6(i)(10)(ii)
(ii) Specify the termination date of the extension;

40 CFR 63.6(i)(10)(iii)
(iii) Specify the dates by which steps toward compliance are to be taken, if appropriate;

40 CFR 63.6(i)(10)(iv)
(iv) Specify other applicable requirements to which the compliance extension applies (e.g., performance tests); and

40 CFR 63.6(i)(10)(v)(A)
(v) (A) Under paragraph (i)(4), specify any additional conditions that the Administrator (or the State) deems necessary to assure installation of the necessary controls and protection of the health of persons during the extension period; or

40 CFR 63.6(i)(10)(v)(B)
(B) Under paragraph (i)(5), specify any additional conditions that the Administrator deems necessary to assure the proper operation and maintenance of the installed controls during the extension period.

40 CFR 63.6(i)(11)
(11) The owner or operator of an existing source that has been granted an extension of compliance under paragraph (i)(10) of this section may be required to submit to the Administrator (or the State with an approved permit program) progress reports indicating whether the steps toward compliance outlined in the compliance schedule have been reached. The contents of the progress reports and the dates by which they shall be submitted will be specified in the written extension of compliance granted under paragraph (i)(10) of this section.

40 CFR 63.6(i)(12)(i)
(12) (i) The Administrator (or the State with an approved permit program) will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(i) or (i)(5) of this section. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application

and within 30 calendar days after receipt of any supplementary information that is submitted. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete.

40 CFR 63.6(i)(12)(ii)

(ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 30 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

40 CFR 63.6(i)(12)(iii)

(iii) Before denying any request for an extension of compliance, the Administrator (or the State with an approved permit program) will notify the owner or operator in writing of the Administrator's (or the State's) intention to issue the denial, together with—

40 CFR 63.6(i)(12)(iii)(A)

(A) Notice of the information and findings on which the intended denial is based; and

40 CFR 63.6(i)(12)(iii)(B)

(B) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator (or the State) before further action on the request.

40 CFR 63.6(i)(12)(iv)

(iv) The Administrator's final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 30 calendar days after presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.

40 CFR 63.6(i)(13)(i)

(13) (i) The Administrator will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(ii) of this section. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a

determination, within 15 calendar days after receipt of the original application and within 15 calendar days after receipt of any supplementary information that is submitted.

40 CFR 63.6(i)(13)(ii)

(ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 15 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

40 CFR 63.6(i)(13)(iii)

(iii) Before denying any request for an extension of compliance, the Administrator will notify the owner or operator in writing of the Administrator's intention to issue the denial, together with—

40 CFR 63.6(i)(13)(iii)(A)

(A) Notice of the information and findings on which the intended denial is based; and

40 CFR 63.6(i)(13)(iii)(B)

(B) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator before further action on the request.

40 CFR 63.6(i)(13)(iv)

(iv) A final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 30 calendar days after presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.

40 CFR 63.6(i)(14)

(14) The Administrator (or the State with an approved permit program) may terminate an extension of compliance at an earlier date than specified if any specification under paragraph (i)(10)(iii) or (iv) of this section is not met. Upon a determination to terminate, the Administrator will notify, in writing, the owner or operator of the Administrator's determination to terminate, together with:

40 CFR 63.6(i)(14)(i)

(i) Notice of the reason for termination; and

40 CFR 63.6(i)(14)(ii)

(ii) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the determination to terminate, additional information or arguments to the Administrator before further action on the termination.

40 CFR 63.6(i)(14)(iii)

(iii) A final determination to terminate an extension of compliance will be in writing and will set forth the specific grounds on which the termination is based. The final determination will be made within 30 calendar days after presentation of additional information or arguments, or within 30 calendar days after the final date specified for the presentation if no presentation is made.

40 CFR 63.6(i)(15)

(15) [Reserved]

40 CFR 63.6(i)(16)

(16) The granting of an extension under this section shall not abrogate the Administrator's authority under section 114 of the Act.

40 CFR 63.6(j)

(j) Exemption from compliance with emission standards.

The President may exempt any stationary source from compliance with any relevant standard established pursuant to section 112 of the Act for a period of not more than 2 years if the President determines that the technology to implement such standard is not available and that it is in the national security interests of the United States to do so. An exemption under this paragraph may be extended for 1 or more additional periods, each period not to exceed 2 years.

40 CFR 63.7 Performance testing requirements.

40 CFR 63.7(a)

(a) Applicability and performance test dates.

40 CFR 63.7(a)(1)

(1) The applicability of this section is set out in §63.1(a)(4).

40 CFR 63.7(a)(2)

(2) If required to do performance testing by a relevant standard, and unless a waiver of performance testing is obtained under this section or the conditions of paragraph (c)(3)(ii)(B) of this section apply, the owner or operator of the affected source must perform such tests within 180 days of the compliance date for such source.

40 CFR 63.7(a)(2)(i)-(viii)

(i)-(viii) [Reserved]

40 CFR 63.7(a)(2)(ix)

(ix) When an emission standard promulgated under this part is more stringent than the standard proposed [see §63.6(b)(3)], the owner or operator of a new or reconstructed source subject to that standard for which construction or reconstruction is commenced between the proposal and promulgation dates of the standard shall comply with performance testing requirements within 180 days after the standard's effective date, or within 180 days after startup of the source, whichever is later. If the promulgated standard is more stringent than the proposed standard, the owner or operator may choose to demonstrate compliance with either the proposed or the promulgated standard. If the owner or operator chooses to comply with the proposed standard initially, the owner or operator shall conduct a second performance test within 3 years and 180 days after the effective date of the standard, or after startup of the source, whichever is later, to demonstrate compliance with the promulgated standard.

40 CFR 63.7(a)(3)

(3) The Administrator may require an owner or operator to conduct performance tests at the affected source at any other time when the action is authorized by section 114 of the Act.

40 CFR 63.7(b)

(b) Notification of performance test.

40 CFR 63.7(b)(1)

(1) The owner or operator of an affected source must 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 initially scheduled to begin to allow the Administrator, upon request, to review an approve the site-specific test plan required under paragraph (c) of this section and to have an observer present during the test.

40 CFR 63.7(b)(2)

(2) In the event the owner or operator is unable to conduct the performance test on the date specified in the notification requirement specified in paragraph (b)(1) of this section due to unforeseeable circumstances beyond his or her control, the owner or operator must notify the Administrator as soon as practicable and without delay prior to the scheduled performance test date and specify the date when the performance test is rescheduled. This notification of delay in conducting the performance test shall not relieve the owner or operator of legal responsibility for compliance with any other applicable provisions of this part or with any other applicable Federal, State, or local requirement, nor will it prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

40 CFR 63.7(c)
(c) Quality assurance program.

40 CFR 63.7(c)(1)
(1) The results of the quality assurance program required in this paragraph will be considered by the Administrator when he/she determines the validity of a performance test.

40 CFR 63.7(c)(2)(i)
(2) (i) Submission of site-specific test plan. Before conducting a required performance test, the owner or operator of an affected source shall develop and, if requested by the Administrator, shall submit a site-specific test plan to the Administrator for approval. The test plan shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance (QA) program. Data quality objectives are the pretest expectations of precision, accuracy, and completeness of data.

40 CFR 63.7(c)(2)(ii)
(ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of test data precision; an example of internal QA is the sampling and analysis of replicate samples.

40 CFR 63.7(c)(2)(iii)
(iii) The external QA program shall include, at a minimum, application of plans for a test method performance audit (PA) during the performance test. The PA's consist of blind audit samples provided by the Administrator and analyzed during the performance test in order to provide a measure of test data bias. The external QA program may also include systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

40 CFR 63.7(c)(2)(iv)
(iv) The owner or operator of an affected source shall submit the site-specific test plan to the Administrator upon the Administrator's request at least 60 calendar days before the performance test is scheduled to take place, that is, simultaneously with the notification of intention to conduct a performance test required under paragraph (b) of this section, or on a mutually agreed upon date.

40 CFR 63.7(c)(2)(v)
(v) The Administrator may request additional relevant information after the submittal of a site-specific test plan.

40 CFR 63.7(c)(3)
(3) Approval of site-specific test plan.

40 CFR 63.7(c)(3)(i)
(i) The Administrator will notify the owner or operator of approval or intention to deny approval of the site-specific test plan (if review of the site-specific test plan is requested) within 30 calendar days after receipt of the original plan and within 30 calendar days after receipt of any supplementary information that is submitted under paragraph (c)(3)(i)(B) of this section. Before disapproving any site-specific test plan, the Administrator will notify the applicant of the Administrator's intention to disapprove the plan together with—

40 CFR 63.7(c)(3)(i)(A)
(A) Notice of the information and findings on which the intended disapproval is based; and

40 CFR 63.7(c)(3)(i)(B)
(B) Notice of opportunity for the owner or operator to present, within 30 calendar days after he/she is notified of the intended disapproval, additional information to the Administrator before final action on the plan.

40 CFR 63.7(c)(3)(ii)
(ii) In the event that the Administrator fails to approve or disapprove the site-specific test plan within the time period specified in paragraph (c)(3)(i) of this section, the following conditions shall apply:

40 CFR 63.7(c)(3)(ii)(A)
(A) If the owner or operator intends to demonstrate compliance using the test method(s) specified in the relevant standard or with only minor changes to those tests methods (see paragraph (e)(2)(i)of this section), the owner or operator must conduct the performance test within the time specified in this section using the specified method(s);

40 CFR 63.7(c)(3)(ii)(B)
(B) If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator is authorized to conduct the performance test using an alternative test method after the Administrator approves the use of the alternative method when the Administrator approves the site-specific test plan (if review of the site-specific test plan is requested) or after the alternative method is approved (see paragraph (f) of this section). However, the owner or operator is authorized to conduct the performance test using an alternative method in the absence of notification of approval 45 days after submission of the

site-specific test plan or request to use an alternative method. The owner or operator is authorized to conduct the performance test within 60 calendar days after he/she is authorized to demonstrate compliance using an alternative test method. Notwithstanding the requirements in the preceding three sentences, the owner or operator may proceed to conduct the performance test as required in this section (without the Administrator's prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alternative.

40 CFR 63.7(c)(3)(iii)

(iii) Neither the submission of a site-specific test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator's failure to approve or disapprove a plan in a timely manner shall—

40 CFR 63.7(c)(3)(iii)(A)

(A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or

40 CFR 63.7(c)(3)(iii)(B)

(B) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

40 CFR 63.7(c)(4)(i)

(4) (i) Performance test method audit program. The owner or operator must analyze performance audit (PA) samples during each performance test. The owner or operator must request performance audit materials 30 days prior to the test date. Audit materials including cylinder audit gases may be obtained by contacting the appropriate EPA Regional Office or the responsible enforcement authority.

40 CFR 63.7(c)(4)(ii)

(ii) The Administrator will have sole discretion to require any subsequent remedial actions of the owner or operator based on the PA results.

40 CFR 63.7(c)(4)(iii)

(iii) If the Administrator fails to provide required PA materials to an owner or operator of an affected source in time to analyze the PA samples during a performance test, the requirement to conduct a PA under this paragraph shall be waived for such source for that performance test. Waiver under this paragraph of the requirement to conduct a PA for a particular performance test does not constitute a waiver of the requirement to conduct a PA for future required performance tests.

40 CFR 63.7(d)

(d) Performance testing facilities. If required to do performance testing, the owner or operator of each new source and, at the request of the Administrator, the owner or operator of each existing source, shall provide performance testing facilities as follows:

40 CFR 63.7(d)(1)

(1) Sampling ports adequate for test methods applicable to such source. This includes:

40 CFR 63.7(d)(1)(i)

(i) Constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures; and

40 CFR 63.7(d)(1)(ii)

(ii) Providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures;

40 CFR 63.7(d)(2)

(2) Safe sampling platform(s);

40 CFR 63.7(d)(3)

(3) Safe access to sampling platform(s);

40 CFR 63.7(d)(4)

(4) Utilities for sampling and testing equipment; and

40 CFR 63.7(d)(5)

(5) Any other facilities that the Administrator deems necessary for safe and adequate testing of a source.

40 CFR 63.7(e)

(e) Conduct of performance tests.

40 CFR 63.7(e)(1)

(1) Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test, nor shall emissions in excess of the level of the relevant standard during periods of startup, shutdown, and malfunction be considered a violation of the relevant standard unless otherwise specified in the relevant standard or a determination of noncompliance is made under §63.6(e). Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

40 CFR 63.7(e)(2)

(2) Performance tests shall be conducted and data shall be reduced in accordance with the test methods and procedures set forth in this section, in each relevant standard, and, if required, in applicable appendices of parts 51, 60, 61 and 63 of this chapter unless the Administrator—

40 CFR 63.7(e)(2)(i)

(i) Specifies or approves, in specific cases, the use of a test method with minor changes in methodology (see definition in §63.90(a)). Such changes may be approved in conjunction with approval of the site-specific test plan (see paragraph (c) of this section); or

40 CFR 63.7(e)(2)(ii)

(ii) Approves the use of an intermediate or major change or alternative to a test method (see definitions in §63.90(a)), the results of which the Administrator has determined to be adequate for indicating whether a specific affected source is in compliance; or

40 CFR 63.7(e)(2)(iii)

(iii) Approves shorter sampling times or smaller sample volumes when necessitated by process variables or other factors; or

40 CFR 63.7(e)(2)(iv)

(iv) Waives the requirement for performance tests because the owner or operator of an affected source has demonstrated by other means to the Administrator's satisfaction that the affected source is in compliance with the relevant standard.

40 CFR 63.7(e)(3)

(3) Unless otherwise specified in a relevant standard or test method, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the relevant standard. For the purpose of determining compliance with a relevant standard, the arithmetic mean of the results of the three runs shall apply. Upon receiving approval from the Administrator, results of a test run may be replaced with results of an additional test run in the event that—

40 CFR 63.7(e)(3)(i)

(i) A sample is accidentally lost after the testing team leaves the site; or

40 CFR 63.7(e)(3)(ii)

(ii) Conditions occur in which one of the three runs must be discontinued because of forced shutdown; or

40 CFR 63.7(e)(3)(iii)

(iii) Extreme meteorological conditions occur; or

40 CFR 63.7(e)(3)(iv)
(iv) Other circumstances occur that are beyond the owner or operator's control.

40 CFR 63.7(e)(4)
(4) Nothing in paragraphs (e)(1) through (e)(3) of this section shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

40 CFR 63.7(f)
(f) Use of an alternative test method—

40 CFR 63.7(f)(1)
(1) General.

Until authorized to use an intermediate or major change or alternative to a test method, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

40 CFR 63.7(f)(2)
(2) The owner or operator of an affected source required to do performance testing by a relevant standard may use an alternative test method from that specified in the standard provided that the owner or operator—

40 CFR 63.7(f)(2)(i)
(i) Notifies the Administrator of his or her intention to use an alternative test method at least 60 days before the performance test is scheduled to begin;

40 CFR 63.7(f)(2)(ii)
(ii) Uses Method 301 in appendix A of this part to validate the alternative test method. This may include the use of specific procedures of Method 301 if use of such procedures are sufficient to validate the alternative test method; and

40 CFR 63.7(f)(2)(iii)
(iii) Submits the results of the Method 301 validation process along with the notification of intention and the justification for not using the specified test method. The owner or operator may submit the information required in this paragraph well in advance of the deadline specified in paragraph (f)(2)(i) of this section to ensure a timely review by the Administrator in order to meet the performance test date specified in this section or the relevant standard.

40 CFR 63.7(f)(3)
(3) The Administrator will determine whether the owner or operator's validation of the proposed alternative test method is adequate and issue an approval or disapproval of the alternative test method. If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant

standard, the owner or operator is authorized to conduct the performance test using an alternative test method after the Administrator approves the use of the alternative method. However, the owner or operator is authorized to conduct the performance test using an alternative method in the absence of notification of approval/disapproval 45 days after submission of the request to use an alternative method and the request satisfies the requirements in paragraph (f)(2)of this section. The owner or operator is authorized to conduct the performance test within 60 calendar days after he/she is authorized to demonstrate compliance using an alternative test method. Notwithstanding the requirements in the preceding three sentences, the owner or operator may proceed to conduct the performance test as required in this section (without the Administrator's prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alternative.

40 CFR 63.7(f)(4)

(4) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative test method for the purposes of demonstrating compliance with a relevant standard, the Administrator may require the use of a test method specified in a relevant standard.

40 CFR 63.7(f)(5)

(5) If the owner or operator uses an alternative test method for an affected source during a required performance test, the owner or operator of such source shall continue to use the alternative test method for subsequent performance tests at that affected source until he or she receives approval from the Administrator to use another test method as allowed under §63.7(f).

40 CFR 63.7(f)(6)

(6) Neither the validation and approval process nor the failure to validate an alternative test method shall abrogate the owner or operator's responsibility to comply with the requirements of this part.

40 CFR 63.7(g)

(g) Data analysis, recordkeeping, and reporting.

40 CFR 63.7(g)(1)

(1) Unless otherwise specified in a relevant standard or test method, or as otherwise approved by the Administrator in writing, results of a performance test shall include the analysis of samples, determination of emissions, and raw data. A performance test is "completed" when field sample collection is terminated. The owner or operator of an affected source shall report the results of the performance test to the Administrator before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator [see §63.9(i)]. The results of the performance test shall be submitted as part of the notification of compliance status required under §63.9(h). Before a title V permit has been issued to the owner or

operator of an affected source, the owner or operator shall send the results of the performance test to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the appropriate permitting authority.

40 CFR 63.7(g)(2)
(2) [Reserved]

40 CFR 63.7(g)(3)
(3) For a minimum of 5 years after a performance test is conducted, the owner or operator shall retain and make available, upon request, for inspection by the Administrator the records or results of such performance test and other data needed to determine emissions from an affected source.

40 CFR 63.7(h)
(h) Waiver of performance tests.

40 CFR 63.7(h)(1)
(1) Until a waiver of a performance testing requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

40 CFR 63.7(h)(2)
(2) Individual performance tests may be waived upon written application to the Administrator if, in the Administrator's judgment, the source is meeting the relevant standard(s) on a continuous basis, or the source is being operated under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

40 CFR 63.7(h)(3)
(3) Request to waive a performance test.

40 CFR 63.7(h)(3)(i)
(i) If a request is made for an extension of compliance under §63.6(i), the application for a waiver of an initial performance test shall accompany the information required for the request for an extension of compliance. If no extension of compliance is requested or if the owner or operator has requested an extension of compliance and the Administrator is still considering that request, the application for a waiver of an initial performance test shall be submitted at least 60 days before the performance test if the site-specific test plan under paragraph (c) of this section is not submitted.

40 CFR 63.7(h)(3)(ii)
(ii) If an application for a waiver of a subsequent performance test is made, the application may accompany any required compliance progress report, compliance status report, or excess emissions and continuous monitoring

system performance report [such as those required under §63.6(i), §63.9(h), and §63.10(e) or specified in a relevant standard or in the source's title V permit], but it shall be submitted at least 60 days before the performance test if the site-specific test plan required under paragraph (c) of this section is not submitted.

40 CFR 63.7(h)(3)(iii)
(iii) Any application for a waiver of a performance test shall include information justifying the owner or operator's request for a waiver, such as the technical or economic infeasibility, or the impracticality, of the affected source performing the required test.

40 CFR 63.7(h)(4)
(4) Approval of request to waive performance test.

The Administrator will approve or deny a request for a waiver of a performance test made under paragraph (h)(3) of this section when he/she—

40 CFR 63.7(h)(4)(i)
(i) Approves or denies an extension of compliance under §63.6(i)(8); or

40 CFR 63.7(h)(4)(ii)
(ii) Approves or disapproves a site-specific test plan under §63.7(c)(3); or

40 CFR 63.7(h)(4)(iii)
(iii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

40 CFR 63.7(h)(4)(iv)
(iv) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

40 CFR 63.7(h)(5)
(5) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

40 CFR 63.8 Monitoring requirements.

40 CFR 63.8(a)
(a) Applicability.

40 CFR 63.8(a)(1)
(1) The applicability of this section is set out in §63.1(a)(4).

40 CFR 63.8(a)(2)
(2) For the purposes of this part, all CMS required under relevant standards shall be subject to the provisions of this section upon promulgation of performance specifications for CMS as specified in the relevant standard or otherwise by the Administrator.

40 CFR 63.8(a)(3)
(3) [Reserved]

40 CFR 63.8(a)(4)
(4) Additional monitoring requirements for control devices used to comply with provisions in relevant standards of this part are specified in §63.11.

40 CFR 63.8(b)
(b) Conduct of monitoring.

40 CFR 63.8(b)(1)
(1) Monitoring shall be conducted as set forth in this section and the relevant standard(s) unless the Administrator—

40 CFR 63.8(b)(1)(i)
(i) Specifies or approves the use of minor changes in methodology for the specified monitoring requirements and procedures (see §63.90(a) for definition); or

40 CFR 63.8(b)(1)(ii)
(ii) Approves the use of an intermediate or major change or alternative to any monitoring requirements or procedures (see §63.90(a) for definition).

40 CFR 63.8(b)(1)(iii)
(iii) Owners or operators with flares subject to §63.11(b) are not subject to the requirements of this section unless otherwise specified in the relevant standard.

40 CFR 63.8(b)(2)(i)
(2) (i) When the emissions from two or more affected sources are combined before being released to the atmosphere, the owner or operator may install an applicable CMS for each emission stream or for the combined emissions streams, provided the monitoring is sufficient to demonstrate compliance with the relevant standard.

40 CFR 63.8(b)(2)(ii)
(ii) If the relevant standard is a mass emission standard and the emissions from one affected source are released to the atmosphere through more than one point, the owner or operator must install an applicable CMS at each emission point unless the installation of fewer systems is—

40 CFR 63.8(b)(2)(ii)(A)
(A) Approved by the Administrator; or

40 CFR 63.8(b)(2)(ii)(B)
(B) Provided for in a relevant standard (e.g., instead of requiring that a CMS be installed at each emission point before the effluents from those points are channeled to a common control device, the standard specifies that only one CMS is required to be installed at the vent of the control device).

40 CFR 63.8(b)(3)
(3) When more than one CMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CMS. However, when one CMS is used as a backup to another CMS, the owner or operator shall report the results from the CMS used to meet the monitoring requirements of this part. If both such CMS are used during a particular reporting period to meet the monitoring requirements of this part, then the owner or operator shall report the results from each CMS for the relevant compliance period.

40 CFR 63.8(c)
(c) Operation and maintenance of continuous monitoring systems.

40 CFR 63.8(c)(1)
(1) The owner or operator of an affected source shall maintain and operate each CMS as specified in this section, or in a relevant standard, and in a manner consistent with good air pollution control practices.

40 CFR 63.8(c)(1)(i)
(i) The owner or operator of an affected source must maintain and operate each CMS as specified in §63.6(e)(1).

40 CFR 63.8(c)(1)(ii)
(ii) The owner or operator must keep the necessary parts for routine repairs of the affected CMS equipment readily available.

40 CFR 63.8(c)(1)(iii)
(iii) The owner or operator of an affected source must develop and implement a written startup, shutdown, and malfunction plan for CMS as specified in §63.6(e)(3).

40 CFR 63.8(c)(2)(i)
(2) (i) All CMS must be installed such that representative measures of emissions or process parameters from the affected source are obtained. In addition, CEMS must be located according to procedures contained in the applicable performance specification(s).

40 CFR 63.8(c)(2)(ii)

(ii) Unless the individual subpart states otherwise, the owner or operator must ensure the read out (that portion of the CMS that provides a visual display or record), or other indication of operation, from any CMS required for compliance with the emission standard is readily accessible on site for operational control or inspection by the operator of the equipment.

40 CFR 63.8(c)(3)

(3) All CMS shall be installed, operational, and the data verified as specified in the relevant standard either prior to or in conjunction with conducting performance tests under §63.7. Verification of operational status shall, at a minimum, include completion of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system.

40 CFR 63.8(c)(4)

(4) Except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all CMS, including COMS and CEMS, shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

40 CFR 63.8(c)(4)(i)

(i) All COMS shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

40 CFR 63.8(c)(4)(ii)

(ii) All CEMS for measuring emissions other than opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

40 CFR 63.8(c)(5)

(5) Unless otherwise approved by the Administrator, minimum procedures for COMS shall include a method for producing a simulated zero opacity condition and an upscale (high-level) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of all the analyzer's internal optical surfaces and all electronic circuitry, including the lamp and photodetector assembly normally used in the measurement of opacity.

40 CFR 63.8(c)(6)

(6) The owner or operator of a CMS that is not a CPMS, which is installed in accordance with the provisions of this part and the applicable CMS performance specification(s), must check the zero (low-level) and high-level calibration drifts at least once daily in accordance with the written procedure specified in the performance evaluation plan developed under paragraphs (e)(3)(i) and (ii) of this section. The zero (low-level) and high-level calibration drifts must be adjusted, at

a minimum, whenever the 24-hour zero (low-level) drift exceeds two times the limits of the applicable performance specification(s) specified in the relevant standard. The system shall allow the amount of excess zero (low-level) and high-level drift measured at the 24-hour interval checks to be recorded and quantified whenever specified. For COMS, all optical and instrumental surfaces exposed to the effluent gases must be cleaned prior to performing the zero (low-level) and high-level drift adjustments; the optical surfaces and instrumental surfaces must be cleaned when the cumulative automatic zero compensation, if applicable, exceeds 4 percent opacity. The CPMS must be calibrated prior to use for the purposes of complying with this section. The CPMS must be checked daily for indication that the system is responding. If the CPMS system includes an internal system check, results must be recorded and checked daily for proper operation.

40 CFR 63.8(c)(7)(i)

(7) (i) A CMS is out of control if—

40 CFR 63.8(c)(7)(i)(A)

(A) The zero (low-level), mid-level (if applicable), or high-level calibration drift (CD) exceeds two times the applicable CD specification in the applicable performance specification or in the relevant standard; or

40 CFR 63.8(c)(7)(i)(B)

(B) The CMS fails a performance test audit (e.g., cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit; or

40 CFR 63.8(c)(7)(i)(C)

(C) The COMS CD exceeds two times the limit in the applicable performance specification in the relevant standard.

40 CFR 63.8(c)(7)(ii)

(ii) When the CMS is out of control, the owner or operator of the affected source shall take the necessary corrective action and shall repeat all necessary tests which indicate that the system is out of control. The owner or operator shall take corrective action and conduct retesting until the performance requirements are below the applicable limits. The beginning of the out-of-control period is the hour the owner or operator conducts a performance check (e.g., calibration drift) that indicates an exceedance of the performance requirements established under this part. The end of the out-of-control period is the hour following the completion of corrective action and successful demonstration that the system is within the allowable limits. During the period the CMS is out of control, recorded data shall not be used in data averages and calculations, or to meet any data availability requirement established under this part.

40 CFR 63.8(c)(8)

(8) The owner or operator of a CMS that is out of control as defined in paragraph (c)(7) of this section shall submit all information concerning out-of-control periods, including start and end dates and hours and descriptions of corrective actions taken, in the excess emissions and continuous monitoring system performance report required in §63.10(e)(3).

40 CFR 63.8(d)

(d) Quality control program.

40 CFR 63.8(d)(1)

(1) The results of the quality control program required in this paragraph will be considered by the Administrator when he/she determines the validity of monitoring data.

40 CFR 63.8(d)(2)

(2) The owner or operator of an affected source that is required to use a CMS and is subject to the monitoring requirements of this section and a relevant standard shall develop and implement a CMS quality control program. As part of the quality control program, the owner or operator shall develop and submit to the Administrator for approval upon request a site-specific performance evaluation test plan for the CMS performance evaluation required in paragraph (e)(3)(i) of this section, according to the procedures specified in paragraph (e). In addition, each quality control program shall include, at a minimum, a written protocol that describes procedures for each of the following operations:

40 CFR 63.8(d)(2)(i)

(i) Initial and any subsequent calibration of the CMS;

40 CFR 63.8(d)(2)(ii)

(ii) Determination and adjustment of the calibration drift of the CMS;

40 CFR 63.8(d)(2)(iii)

(iii) Preventive maintenance of the CMS, including spare parts inventory;

40 CFR 63.8(d)(2)(iv)

(iv) Data recording, calculations, and reporting;

40 CFR 63.8(d)(2)(v)

(v) Accuracy audit procedures, including sampling and analysis methods; and

40 CFR 63.8(d)(2)(vi)

(vi) Program of corrective action for a malfunctioning CMS.

40 CFR 63.8(d)(3)

(3) The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. Where relevant, e.g., program of corrective action for a malfunctioning CMS, these written procedures may be incorporated as part of the affected source's startup, shutdown, and malfunction plan to avoid duplication of planning and recordkeeping efforts.

40 CFR 63.8(e)

(e) Performance evaluation of continuous monitoring systems—

40 CFR 63.8(e)(1)

(1) General.

When required by a relevant standard, and at any other time the Administrator may require under section 114 of the Act, the owner or operator of an affected source being monitored shall conduct a performance evaluation of the CMS. Such performance evaluation shall be conducted according to the applicable specifications and procedures described in this section or in the relevant standard.

40 CFR 63.8(e)(2)

(2) Notification of performance evaluation.

The owner or operator shall notify the Administrator in writing of the date of the performance evaluation simultaneously with the notification of the performance test date required under §63.7(b) or at least 60 days prior to the date the performance evaluation is scheduled to begin if no performance test is required.

40 CFR 63.8(e)(3)(i)

(3) (i) Submission of site-specific performance evaluation test plan.

Before conducting a required CMS performance evaluation, the owner or operator of an affected source shall develop and submit a site-specific performance evaluation test plan to the Administrator for approval upon request. The performance evaluation test plan shall include the evaluation program objectives, an evaluation program summary, the performance evaluation schedule, data quality objectives, and both an internal and external QA program. Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data.

40 CFR 63.8(e)(3)(ii)

(ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of CMS performance. The external QA program shall include, at a minimum, systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

40 CFR 63.8(e)(3)(iii)

(iii) The owner or operator of an affected source shall submit the site-specific performance evaluation test plan to the Administrator (if requested) at least 60 days before the performance test or performance evaluation is scheduled to begin, or on a mutually agreed upon date, and review and approval of the performance evaluation test plan by the Administrator will occur with the review and approval of the site-specific test plan (if review of the site-specific test plan is requested).

40 CFR 63.8(e)(3)(iv)

(iv) The Administrator may request additional relevant information after the submittal of a site-specific performance evaluation test plan.

40 CFR 63.8(e)(3)(v)

(v) In the event that the Administrator fails to approve or disapprove the site-specific performance evaluation test plan within the time period specified in §63.7(c)(3), the following conditions shall apply:

40 CFR 63.8(e)(3)(v)(A)

(A) If the owner or operator intends to demonstrate compliance using the monitoring method(s) specified in the relevant standard, the owner or operator shall conduct the performance evaluation within the time specified in this subpart, using the specified method(s);

40 CFR 63.8(e)(3)(v)(B)

(B) If the owner or operator intends to demonstrate compliance by using an alternative to a monitoring method specified in the relevant standard, the owner or operator shall refrain from conducting the performance evaluation until the Administrator approves the use of the alternative method. If the Administrator does not approve the use of the alternative method within 30 days before the performance evaluation is scheduled to begin, the performance evaluation deadlines specified in paragraph (e)(4) of this section may be extended such that the owner or operator shall conduct the performance evaluation within 60 calendar days after the Administrator approves the use of the alternative method. Notwithstanding the requirements in the preceding two sentences, the owner or operator may proceed to conduct the performance

evaluation as required in this section (without the Administrator's prior approval of the site-specific performance evaluation test plan) if he/she subsequently chooses to use the specified monitoring method(s) instead of an alternative.

40 CFR 63.8(e)(3)(vi)

(vi) Neither the submission of a site-specific performance evaluation test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator' failure to approve or disapprove a plan in a timely manner shall—

40 CFR 63.8(e)(3)(vi)(A)

(A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or

40 CFR 63.8(e)(3)(vi)(B)

(B) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

40 CFR 63.8(e)(4)

(4) Conduct of performance evaluation and performance evaluation dates.

The owner or operator of an affected source shall conduct a performance evaluation of a required CMS during any performance test required under §63.7 in accordance with the applicable performance specification as specified in the relevant standard. Notwithstanding the requirement in the previous sentence, if the owner or operator of an affected source elects to submit COMS data for compliance with a relevant opacity emission standard as provided under §63.6(h)(7), he/she shall conduct a performance evaluation of the COMS as specified in the relevant standard, before the performance test required under §63.7 is conducted in time to submit the results of the performance evaluation as specified in paragraph (e)(5)(ii) of this section. If a performance test is not required, or the requirement for a performance test has been waived under §63.7(h), the owner or operator of an affected source shall conduct the performance evaluation not later than 180 days after the appropriate compliance date for the affected source, as specified in §63.7(a), or as otherwise specified in the relevant standard.

40 CFR 63.8(e)(5)

(5) Reporting performance evaluation results.

40 CFR 63.8(e)(5)(i)

(i) The owner or operator shall furnish the Administrator a copy of a written report of the results of the performance evaluation simultaneously with the results of the performance test required under §63.7 or within 60 days of completion of the performance evaluation if no test is required, unless

otherwise specified in a relevant standard. The Administrator may request that the owner or operator submit the raw data from a performance evaluation in the report of the performance evaluation results.

40 CFR 63.8(e)(5)(ii)

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation under this paragraph. The copies shall be provided at least 15 calendar days before the performance test required under §63.7 is conducted.

40 CFR 63.8(f)

(f) Use of an alternative monitoring method—

40 CFR 63.8(f)(1)

(1) General.

Until permission to use an alternative monitoring procedure (minor, intermediate, or major changes; see definition in §63.90(a)) has been granted by the Administrator under this paragraph (f)(1), the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

40 CFR 63.8(f)(2)

(2) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring methods or procedures of this part including, but not limited to, the following:

40 CFR 63.8(f)(2)(i)

(i) Alternative monitoring requirements when installation of a CMS specified by a relevant standard would not provide accurate measurements due to liquid water or other interferences caused by substances within the effluent gases;

40 CFR 63.8(f)(2)(ii)

(ii) Alternative monitoring requirements when the affected source is infrequently operated;

40 CFR 63.8(f)(2)(iii)

(iii) Alternative monitoring requirements to accommodate CEMS that require additional measurements to correct for stack moisture conditions;

40 CFR 63.8(f)(2)(iv)

(iv) Alternative locations for installing CMS when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements;

40 CFR 63.8(f)(2)(v)

(v) Alternate methods for converting pollutant concentration measurements to units of the relevant standard;

40 CFR 63.8(f)(2)(vi)

(vi) Alternate procedures for performing daily checks of zero (low-level) and high-level drift that do not involve use of high-level gases or test cells;

40 CFR 63.8(f)(2)(vii)

(vii) Alternatives to the American Society for Testing and Materials (ASTM) test methods or sampling procedures specified by any relevant standard;

40 CFR 63.8(f)(2)(viii)

(viii) Alternative CMS that do not meet the design or performance requirements in this part, but adequately demonstrate a definite and consistent relationship between their measurements and the measurements of opacity by a system complying with the requirements as specified in the relevant standard. The Administrator may require that such demonstration be performed for each affected source; or

40 CFR 63.8(f)(2)(ix)

(ix) Alternative monitoring requirements when the effluent from a single affected source or the combined effluent from two or more affected sources is released to the atmosphere through more than one point.

40 CFR 63.8(f)(3)

(3) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative monitoring method, requirement, or procedure, the Administrator may require the use of a method, requirement, or procedure specified in this section or in the relevant standard. If the results of the specified and alternative method, requirement, or procedure do not agree, the results obtained by the specified method, requirement, or procedure shall prevail.

40 CFR 63.8(f)(4)(i)

(4) (i) Request to use alternative monitoring procedure. An owner or operator who wishes to use an alternative monitoring procedure must submit an application to the Administrator as described in paragraph (f)(4)(ii) of this section. The application may be submitted at any time provided that the monitoring procedure is not the performance test method used to demonstrate compliance with a relevant standard or other requirement. If the alternative monitoring procedure will serve as the performance test method that is to be used to demonstrate compliance with a relevant standard, the application must be submitted at least 60 days before the performance evaluation is scheduled to begin and must meet the requirements for an alternative test method under §63.7(f).

40 CFR 63.8(f)(4)(ii)

(ii) The application must contain a description of the proposed alternative monitoring system which addresses the four elements contained in the definition of monitoring in §63.2 and a performance evaluation test plan, if required, as specified in paragraph (e)(3) of this section. In addition, the application must include information justifying the owner or operator's request for an alternative monitoring method, such as the technical or economic infeasibility, or the impracticality, of the affected source using the required method.

40 CFR 63.8(f)(4)(iii)

(iii) The owner or operator may submit the information required in this paragraph well in advance of the submittal dates specified in paragraph (f)(4)(i) above to ensure a timely review by the Administrator in order to meet the compliance demonstration date specified in this section or the relevant standard.

40 CFR 63.8(f)(4)(iv)

(iv) Application for minor changes to monitoring procedures, as specified in paragraph (b)(1) of this section, may be made in the site-specific performance evaluation plan.

40 CFR 63.8(f)(5)

(5) Approval of request to use alternative monitoring procedure.

40 CFR 63.8(f)(5)(i)

(i) The Administrator will notify the owner or operator of approval or intention to deny approval of the request to use an alternative monitoring method within 30 calendar days after receipt of the original request and within 30 calendar days after receipt of any supplementary information that is submitted. If a request for a minor change is made in conjunction with site-specific performance evaluation plan, then approval of the plan will constitute approval of the minor change. Before disapproving any request to use an alternative monitoring method, the Administrator will notify the applicant of the Administrator's intention to disapprove the request together with—

40 CFR 63.8(f)(5)(i)(A)

(A) Notice of the information and findings on which the intended disapproval is based; and

40 CFR 63.8(f)(5)(i)(B)

(B) Notice of opportunity for the owner or operator to present additional information to the Administrator before final action on the request. At the time the Administrator notifies the applicant of his or her intention to disapprove the request, the Administrator will specify how much

time the owner or operator will have after being notified of the intended disapproval to submit the additional information.

40 CFR 63.8(f)(5)(ii)

(ii) The Administrator may establish general procedures and criteria in a relevant standard to accomplish the requirements of paragraph (f)(5)(i) of this section.

40 CFR 63.8(f)(5)(iii)

(iii) If the Administrator approves the use of an alternative monitoring method for an affected source under paragraph (f)(5)(i) of this section, the owner or operator of such source shall continue to use the alternative monitoring method until he or she receives approval from the Administrator to use another monitoring method as allowed by §63.8(f).

40 CFR 63.8(f)(6)

(6) Alternative to the relative accuracy test.

An alternative to the relative accuracy test for CEMS specified in a relevant standard may be requested as follows:

40 CFR 63.8(f)(6)(i)

(i) Criteria for approval of alternative procedures.

An alternative to the test method for determining relative accuracy is available for affected sources with emission rates demonstrated to be less than 50 percent of the relevant standard. The owner or operator of an affected source may petition the Administrator under paragraph (f)(6)(ii) of this section to substitute the relative accuracy test in section 7 of Performance Specification 2 with the procedures in section 10 if the results of a performance test conducted according to the requirements in §63.7, or other tests performed following the criteria in §63.7, demonstrate that the emission rate of the pollutant of interest in the units of the relevant standard is less than 50 percent of the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the owner or operator may petition the Administrator to substitute the relative accuracy test with the procedures in section 10 of Performance Specification 2if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the CEMS is used continuously to determine compliance with the relevant standard.

40 CFR 63.8(f)(6)(ii)

(ii) Petition to use alternative to relative accuracy test.

The petition to use an alternative to the relative accuracy test shall include a detailed description of the procedures to be applied, the location and the

procedure for conducting the alternative, the concentration or response levels of the alternative relative accuracy materials, and the other equipment checks included in the alternative procedure(s). The Administrator will review the petition for completeness and applicability. The Administrator's determination to approve an alternative will depend on the intended use of the CEMS data and may require specifications more stringent than in Performance Specification 2.

40 CFR 63.8(f)(6)(iii)

(iii) Rescission of approval to use alternative to relative accuracy test.

The Administrator will review the permission to use an alternative to the CEMS relative accuracy test and may rescind such permission if the CEMS data from a successful completion of the alternative relative accuracy procedure indicate that the affected source's emissions are approaching the level of the relevant standard. The criterion for reviewing the permission is that the collection of CEMS data shows that emissions have exceeded 70 percent of the relevant standard for any averaging period, as specified in the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the criterion for reviewing the permission is that the collection of CEMS data shows that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for any averaging period, as specified in the relevant standard. The owner or operator of the affected source shall maintain records and determine the level of emissions relative to the criterion for permission to use an alternative for relative accuracy testing. If this criterion is exceeded, the owner or operator shall notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increased emissions. The Administrator will review the notification and may rescind permission to use an alternative and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in section 7 of Performance Specification 2.

40 CFR 63.8(g)

(g) Reduction of monitoring data.

40 CFR 63.8(g)(1)

(1) The owner or operator of each CMS must reduce the monitoring data as specified in paragraphs (g)(1) through (5)of this section.

40 CFR 63.8(g)(2)

(2) The owner or operator of each COMS shall reduce all data to 6-minute averages calculated from 36 or more data points equally spaced over each 6-minute period. Data from CEMS for measurement other than opacity, unless otherwise specified in the relevant standard, shall be reduced to 1-hour averages computed from four or more data points equally spaced over each 1-hour period, except during periods

when calibration, quality assurance, or maintenance activities pursuant to provisions of this part are being performed. During these periods, a valid hourly average shall consist of at least two data points with each representing a 15-minute period. Alternatively, an arithmetic or integrated 1-hour average of CEMS data may be used. Time periods for averaging are defined in §63.2.

40 CFR 63.8(g)(3)
(3) The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O2 or ng/J of pollutant).

40 CFR 63.8(g)(4)
(4) All emission data shall be converted into units of the relevant standard for reporting purposes using the conversion procedures specified in that standard. After conversion into units of the relevant standard, the data may be rounded to the same number of significant digits as used in that standard to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).

40 CFR 63.8(g)(5)
(5) Monitoring data recorded during periods of unavoidable CMS breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level adjustments must not be included in any data average computed under this part. For the owner or operator complying with the requirements of §63.10(b)(2)(vii)(A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

40 CFR 63.9 Notification requirements.

40 CFR 63.9(a)
(a) Applicability and general information.

40 CFR 63.9(a)(1)
(1) The applicability of this section is set out in §63.1(a)(4).

40 CFR 63.9(a)(2)
(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

40 CFR 63.9(a)(3)
(3) If any State requires a notice that contains all the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification.

40 CFR 63.9(a)(4)(i)

(4) (i) Before a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in §63.13).

40 CFR 63.9(a)(4)(ii)

(ii) After a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each notification submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any notifications at its discretion.

40 CFR 63.9(b)

(b) Initial notifications.

40 CFR 63.9(b)(1)(i)

(1) (i) The requirements of this paragraph apply to the owner or operator of an affected source when such source becomes subject to a relevant standard.

40 CFR 63.9(b)(1)(ii)

(ii) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source that is subject to the emission standard or other requirement, such source shall be subject to the notification requirements of this section.

40 CFR 63.9(b)(1)(iii)

(iii) Affected sources that are required under this paragraph to submit an initial notification may use the application for approval of construction or reconstruction under §63.5(d) of this subpart, if relevant, to fulfill the initial notification requirements of this paragraph.

40 CFR 63.9(b)(2)

(2) The owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under this part shall notify the Administrator in writing that the source is subject to the relevant standard. The notification, which shall be submitted not later than 120 calendar days after the effective date of the

relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information:

40 CFR 63.9(b)(2)(i)
(i) The name and address of the owner or operator;

40 CFR 63.9(b)(2)(ii)
(ii) The address (i.e., physical location) of the affected source;

40 CFR 63.9(b)(2)(iii)
(iii) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;

40 CFR 63.9(b)(2)(iv)
(iv) A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and

40 CFR 63.9(b)(2)(v)
(v) A statement of whether the affected source is a major source or an area source.

40 CFR 63.9(b)(3)
(3) [Reserved]

40 CFR 63.9(b)(4)
(4) The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under §63.5(d) must provide the following information in writing to the Administrator:

40 CFR 63.9(b)(4)(i)
(i) A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source with the application for approval of construction or reconstruction as specified in §63.5(d)(1)(i); and

40 CFR 63.9(b)(4)(ii)
(ii) [Reserved]

40 CFR 63.9(b)(4)(iii)
(iii) [Reserved]

40 CFR 63.9(b)(4)(iv)
(iv) [Reserved]

40 CFR 63.9(b)(4)(v)

(v) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

40 CFR 63.9(b)(5)

(5) The owner or operator of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required under §63.5(d) must provide the following information in writing to the Administrator:

40 CFR 63.9(b)(5)(i)

(i) A notification of intention to construct a new affected source, reconstruct an affected source, or reconstruct a source such that the source becomes an affected source, and

40 CFR 63.9(b)(5)(ii)

(ii) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

40 CFR 63.9(b)(5)(iii)

(iii) Unless the owner or operator has requested and received prior permission from the Administrator to submit less than the information in §63.5(d), the notification must include the information required on the application for approval of construction or reconstruction as specified in §63.5(d)(1)(i).

40 CFR 63.9(c)

(c) Request for extension of compliance.

If the owner or operator of an affected source cannot comply with a relevant 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 this subpart, 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).

40 CFR 63.9(d)

(d) Notification that source is subject to special compliance requirements.

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) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in paragraph (b) of this section for new sources that are not subject to the special provisions.

40 CFR 63.9(e)

(e) Notification of performance test.

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), if requested by the Administrator, and to have an observer present during the test.

40 CFR 63.9(f)

(f) Notification of opacity and visible emission observations.

The owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting the opacity or visible emission observations specified in §63.6(h)(5), if such observations are required for the source by a relevant standard. The notification shall be submitted with the notification of the performance test date, as specified in paragraph (e) of this section, or if no performance test is required or visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under §63.7, the owner or operator shall deliver or postmark the notification not less than 30 days before the opacity or visible emission observations are scheduled to take place.

40 CFR 63.9(g)

(g) Additional notification requirements for sources with continuous monitoring systems.

The owner or operator of an affected source required to use a CMS by a relevant standard shall furnish the Administrator written notification as follows:

40 CFR 63.9(g)(1)

(1) A notification of the date the CMS performance evaluation under §63.8(e) is scheduled to begin, submitted simultaneously with the notification of the performance test date required under §63.7(b). If no performance test is required, or if the requirement to conduct a performance test has been waived for an affected source under §63.7(h), the owner or operator shall notify the Administrator in writing of the date of the performance evaluation at least 60 calendar days before the evaluation is scheduled to begin;

40 CFR 63.9(g)(2)

(2) A notification that COMS data results will be used to determine compliance with the applicable opacity emission standard during a performance test required by §63.7 in lieu of Method 9or other opacity emissions test method data, as allowed by §63.6(h)(7)(ii), if compliance with an opacity emission standard is required for the source by a relevant standard. The notification shall be submitted at least 60 calendar days before the performance test is scheduled to begin; and

40 CFR 63.9(g)(3)

(3) A notification that the criterion necessary to continue use of an alternative to relative accuracy testing, as provided by §63.8(f)(6), has been exceeded. The notification shall be delivered or postmarked not later than 10 days after the occurrence of such exceedance, and it shall include a description of the nature and cause of the increased emissions.

40 CFR 63.9(h)
(h) Notification of compliance status.

40 CFR 63.9(h)(1)
(1) The requirements of paragraphs (h)(2) through (h)(4) of this section apply when an affected source becomes subject to a relevant standard.

40 CFR 63.9(h)(2)(i)
(2) (i) Before a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard. The notification shall list—

40 CFR 63.9(h)(2)(i)(A)
(A) The methods that were used to determine compliance;

40 CFR 63.9(h)(2)(i)(B)
(B) The results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted;

40 CFR 63.9(h)(2)(i)(C)
(C) The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;

40 CFR 63.9(h)(2)(i)(D)
(D) The type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard;

40 CFR 63.9(h)(2)(i)(E)
(E) If the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification);

40 CFR 63.9(h)(2)(i)(F)
(F) A description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and

40 CFR 63.9(h)(2)(i)(G)

(G) A statement by the owner or operator of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements.

40 CFR 63.9(h)(2)(ii)

(ii) The notification must be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity (or activities that have the same compliance date) specified in the relevant standard (unless a different reporting period is specified in the standard, in which case the letter must be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or visible emission observations.

40 CFR 63.9(h)(3)

(3) After a title V permit has been issued to the owner or operator of an affected source, the owner or operator of such source shall comply with all requirements for compliance status reports contained in the source's title V permit, including reports required under this part. After a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard.

40 CFR 63.9(h)(4)

(4) [Reserved]

40 CFR 63.9(h)(5)

(5) If an owner or operator of an affected source submits estimates or preliminary information in the application for approval of construction or reconstruction required in §63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of §63.5, the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section.

40 CFR 63.9(h)(6)

(6) Advice on a notification of compliance status may be obtained from the Administrator.

40 CFR 63.9(i)

(i) Adjustment to time periods or postmark deadlines for submittal and review of required communications.

40 CFR 63.9(i)(1)(i)

(1) (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (i)(2) and (i)(3) of this section, the owner or operator of an affected source remains strictly subject to the requirements of this part.

40 CFR 63.9(i)(1)(ii)

(ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

40 CFR 63.9(i)(2)

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

40 CFR 63.9(i)(3)

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

40 CFR 63.9(i)(4)

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

40 CFR 63.9(j)

(j) Change in information already provided.

Any change in the information already provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

40 CFR 63.10 Recordkeeping and reporting requirements.

40 CFR 63.10(a)
(a) Applicability and general information.

40 CFR 63.10(a)(1)
(1) The applicability of this section is set out in §63.1(a)(4).

40 CFR 63.10(a)(2)
(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

40 CFR 63.10(a)(3)
(3) If any State requires a report that contains all the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.

40 CFR 63.10(a)(4)(i)
(4) (i) Before a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in §63.13).

40 CFR 63.10(a)(4)(ii)
(ii) After a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each report submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any reports at its discretion.

40 CFR 63.10(a)(5)
(5) If an owner or operator of an affected source in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such source under this part, the owner or operator may change the dates by which periodic reports under this part shall be

submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. For each relevant standard established pursuant to section 112 of the Act, the allowance in the previous sentence applies in each State beginning 1 year after the affected source's compliance date for that standard. Procedures governing the implementation of this provision are specified in §63.9(i).

40 CFR 63.10(a)(6)

(6) If an owner or operator supervises one or more stationary sources affected by more than one standard established pursuant to section 112 of the Act, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required for each source shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the latest compliance date for any relevant standard established pursuant to section 112 of the Act for any such affected source(s). Procedures governing the implementation of this provision are specified in §63.9(i).

40 CFR 63.10(a)(7)

(7) If an owner or operator supervises one or more stationary sources affected by standards established pursuant to section 112 of the Act (as amended November 15, 1990) and standards set under part 60part 61 or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required by each relevant (i.e., applicable) standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the relevant section 112 standard, or 1 year after the stationary source is required to be in compliance with the applicable part 60 or part 61 standard, whichever is latest. Procedures governing the implementation of this provision are specified in §63.9(i).

40 CFR 63.10(b)

(b) General recordkeeping requirements.

40 CFR 63.10(b)(1)

(1) The owner or operator of an affected source subject to the provisions of this part shall maintain files of all information (including all reports and notifications) required by this part recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

40 CFR 63.10(b)(2)

(2) The owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of—

40 CFR 63.10(b)(2)(i)

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

40 CFR 63.10(b)(2)(ii)

(ii) The occurrence and duration of each malfunction of the required air pollution control and monitoring equipment;

40 CFR 63.10(b)(2)(iii)

(iii) All required maintenance performed on the air pollution control and monitoring equipment;

40 CFR 63.10(b)(2)(iv)

(iv) Actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) when such actions are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see §63.6(e)(3));

40 CFR 63.10(b)(2)(v)

(v) All information necessary to demonstrate conformance with the affected source's startup, shutdown, and malfunction plan (see §63.6(e)(3)) when all actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the startup, shutdown, and malfunction plan may be recorded using a "checklist," or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);

40 CFR 63.10(b)(2)(vi)

(vi) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);

40 CFR 63.10(b)(2)(vii)

(vii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);

40 CFR 63.10(b)(2)(vii)(A)

(A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii)of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

40 CFR 63.10(b)(2)(vii)(B)

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii)of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

40 CFR 63.10(b)(2)(vii)(C)

(C) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

40 CFR 63.10(b)(2)(viii)

(viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;

40 CFR 63.10(b)(2)(ix)

(ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;

40 CFR 63.10(b)(2)(x)

(x) All CMS calibration checks;

40 CFR 63.10(b)(2)(xi)
(xi) All adjustments and maintenance performed on CMS;

40 CFR 63.10(b)(2)(xii)
(xii) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under this part, if the source has been granted a waiver under paragraph (f) of this section;

40 CFR 63.10(b)(2)(xiii)
(xiii) All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under §63.8(f)(6); and

40 CFR 63.10(b)(2)(xiv)
(xiv) All documentation supporting initial notifications and notifications of compliance status under §63.9.

40 CFR 63.10(b)(3)
(3) Recordkeeping requirement for applicability determinations.

If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under this part) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any. The requirements to determine applicability of a standard under §63.1(b)(3) and to record the results of that determination under paragraph (b)(3) of this section shall not by themselves create an obligation for the owner or operator to obtain a title V permit.

40 CFR 63.10(c)
(c) Additional recordkeeping requirements for sources with continuous monitoring systems.

In addition to complying with the requirements specified in paragraphs (b)(1) and (b)(2) of this section, the owner or operator of an affected source required to install a CMS by a relevant standard shall maintain records for such source of—

40 CFR 63.10(c)(1)
(1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);

40 CFR 63.10(c)(2)
(2) [Reserved]

40 CFR 63.10(c)(3)
(3) [Reserved]

40 CFR 63.10(c)(4)
(4) [Reserved]

40 CFR 63.10(c)(5)
(5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;

40 CFR 63.10(c)(6)
(6) The date and time identifying each period during which the CMS was out of control, as defined in §63.8(c)(7);

40 CFR 63.10(c)(7)
(7) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during startups, shutdowns, and malfunctions of the affected source;

40 CFR 63.10(c)(8)
(8) The specific identification (i.e., the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;

40 CFR 63.10(c)(9)
(9) [Reserved]

40 CFR 63.10(c)(10)
(10) The nature and cause of any malfunction (if known);

40 CFR 63.10(c)(11)
(11) The corrective action taken or preventive measures adopted;

40 CFR 63.10(c)(12)

(12) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;

40 CFR 63.10(c)(13)

(13) The total process operating time during the reporting period; and

40 CFR 63.10(c)(14)

(14) All procedures that are part of a quality control program developed and implemented for CMS under §63.8(d).

40 CFR 63.10(c)(15)

(15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan specified in §63.6(e), provided that such plan and records adequately address the requirements of paragraphs (c)(10) through (c)(12).

40 CFR 63.10(d)

(d) General reporting requirements.

40 CFR 63.10(d)(1)

(1) Notwithstanding the requirements in this paragraph or paragraph (e) of this section, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).

40 CFR 63.10(d)(2)

(2) Reporting results of performance tests. Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under §63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under §63.9(h).

40 CFR 63.10(d)(3)

(3) Reporting results of opacity or visible emission observations. The owner or operator of an affected source required to conduct opacity or visible emission observations by a relevant standard shall report the opacity or visible emission results (produced

using Test Method 9 or Test Method 22, or an alternative to these test methods) along with the results of the performance test required under §63.7. If no performance test is required, or if visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the performance test required under §63.7, the owner or operator shall report the opacity or visible emission results before the close of business on the 30th day following the completion of the opacity or visible emission observations.

40 CFR 63.10(d)(4)

(4) Progress reports.

The owner or operator of an affected source who is required to submit progress reports as a condition of receiving an extension of compliance under §63.6(i) 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.

40 CFR 63.10(d)(5)

(5) (i) Periodic startup, shutdown, and malfunction reports.

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 source's startup, shutdown, and malfunction plan [see §63.6(e)(3)], the owner or operator shall state such information in a startup, shutdown, and malfunction report. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period, and they must include the number, duration, and a brief description of each startup, shutdown, or malfunction. The startup, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted to the Administrator semiannually (or on a more frequent basis if specified otherwise in a relevant standard or as established otherwise by the permitting authority in the source's title V permit). The startup, shutdown, and malfunction report shall be delivered or postmarked by the 30th day following the end of each calendar half (or other calendar reporting period, as appropriate). If the owner or operator is required to submit excess emissions and continuous monitoring system performance (or other periodic) reports under this part, the startup, shutdown, and malfunction reports required under this paragraph may be submitted simultaneously with the excess emissions and continuous monitoring system performance (or other) reports. If startup, shutdown, and malfunction reports are submitted with excess emissions and continuous monitoring system performance (or other periodic) reports, and the owner or operator receives approval to reduce the frequency of reporting for the latter under paragraph (e) of this section, the frequency of reporting for the startup, shutdown, and malfunction reports also may be reduced if the Administrator does not object to the intended change. The

procedures to implement the allowance in the preceding sentence shall be the same as the procedures specified in paragraph (e)(3) of this section.

40 CFR 63.10(d)(5)(ii)

(ii) Immediate startup, shutdown, and malfunction reports.

Notwithstanding the allowance to reduce the frequency of reporting for periodic startup, shutdown, and malfunction reports under paragraph (d)(5)(i) of this section, 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 specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall report the actions taken for that event within 2 working days after commencing actions inconsistent with the plan followed by a letter within 7 working days after the end of the event. The immediate report required under this paragraph shall consist of a telephone call (or facsimile [FAX] transmission) to the Administrator within 2 working days after commencing actions inconsistent with the plan, and it shall be followed by a letter, delivered or postmarked within 7 working days after the end of the event, that contains the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring exceedances are believed to have occurred. Notwithstanding the requirements of the previous sentence, after the effective date of an approved permit program in the State in which an affected source is located, the owner or operator may make alternative reporting arrangements, in advance, with the permitting authority in that State. Procedures governing the arrangement of alternative reporting requirements under this paragraph are specified in §63.9(i).

40 CFR 63.10(e)

(e) Additional reporting requirements for sources with continuous monitoring systems—

40 CFR 63.10(e)(1)

(1) General.

When more than one CEMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CEMS.

40 CFR 63.10(e)(2)

(2) Reporting results of continuous monitoring system performance evaluations.

40 CFR 63.10(e)(2)(i)

(i) The owner or operator of an affected source required to install a CMS by a relevant standard shall furnish the Administrator a copy of a written report of the results of the CMS performance evaluation, as required under §63.8(e), simultaneously with the results of the performance test required under §63.7, unless otherwise specified in the relevant standard.

40 CFR 63.10(e)(2)(ii)

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation conducted under §63.8(e). The copies shall be furnished at least 15 calendar days before the performance test required under §63.7 is conducted.

40 CFR 63.10(e)(3)

(3) Excess emissions and continuous monitoring system performance report and summary report.

40 CFR 63.10(e)(3)(i)

(i) Excess emissions and parameter monitoring exceedances are defined in relevant standards. The owner or operator of an affected source required to install a CMS by a relevant standard shall submit an excess emissions and continuous monitoring system performance report and/or a summary report to the Administrator semiannually, except when—

40 CFR 63.10(e)(3)(i)(A)

(A) More frequent reporting is specifically required by a relevant standard;

40 CFR 63.10(e)(3)(i)(B)

(B) The Administrator determines on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source; or

40 CFR 63.10(e)(3)(i)(C)

(C) [Reserved]

40 CFR 63.10(e)(3)(ii)

(ii) Request to reduce frequency of excess emissions and continuous monitoring system performance reports.

Notwithstanding the frequency of reporting requirements specified in paragraph (e)(3)(i) of this section, an owner or operator who is required by a relevant standard to submit excess emissions and continuous monitoring system performance (and summary) reports on a quarterly (or more frequent)

basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

40 CFR 63.10(e)(3)(ii)(A)

(A) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected source's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance with the relevant standard;

40 CFR 63.10(e)(3)(ii)(B)

(B) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the relevant standard; and

40 CFR 63.10(e)(3)(ii)(C)

(C) The Administrator does not object to a reduced frequency of reporting for the affected source, as provided in paragraph (e)(3)(iii) of this section.

40 CFR 63.10(e)(3)(iii)

(iii) The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports required to comply with a relevant standard may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the 5-year recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

40 CFR 63.10(e)(3)(iv)

(iv) As soon as CMS data indicate that the source is not in compliance with any emission limitation or operating parameter specified in the relevant standard, the frequency of reporting shall revert to the frequency specified in the relevant standard, and the owner or operator shall submit an excess emissions and continuous monitoring system performance (and summary) report for the noncomplying emission points at the next appropriate reporting

period following the noncomplying event. After demonstrating ongoing compliance with the relevant standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard, as provided for in paragraphs (e)(3)(ii)and (e)(3)(iii) of this section.

40 CFR 63.10(e)(3)(v)

(v) Content and submittal dates for excess emissions and monitoring system performance reports. All excess emissions and monitoring system performance reports and all summary reports, if required, shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. Written reports of excess emissions or exceedances of process or control system parameters shall include all the information required in paragraphs (c)(5) through (c)(13) of this section, in §63.8(c)(7) and §63.8(c)(8), and in the relevant standard, and they shall contain the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances of a parameter have occurred, or a CMS has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

40 CFR 63.10(e)(3)(vi)

(vi) Summary report.

As required under paragraphs (e)(3)(vii) and (e)(3)(viii) of this section, one summary report shall be submitted for the hazardous air pollutants monitored at each affected source (unless the relevant standard specifies that more than one summary report is required, e.g., one summary report for each hazardous air pollutant monitored). The summary report shall be entitled "Summary Report—Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance" and shall contain the following information:

40 CFR 63.10(e)(3)(vi)(A)

(A) The company name and address of the affected source;

40 CFR 63.10(e)(3)(vi)(B)

(B) An identification of each hazardous air pollutant monitored at the affected source;

40 CFR 63.10(e)(3)(vi)(C)

(C) The beginning and ending dates of the reporting period;

40 CFR 63.10(e)(3)(vi)(D)

(D) A brief description of the process units;

40 CFR 63.10(e)(3)(vi)(E)

(E) The emission and operating parameter limitations specified in the relevant standard(s);

40 CFR 63.10(e)(3)(vi)(F)

(F) The monitoring equipment manufacturer(s) and model number(s);

40 CFR 63.10(e)(3)(vi)(G)

(G) The date of the latest CMS certification or audit;

40 CFR 63.10(e)(3)(vi)(H)

(H) The total operating time of the affected source during the reporting period;

40 CFR 63.10(e)(3)(vi)(I)

(I) An emission data summary (or similar summary if the owner or operator monitors control system parameters), including the total duration of excess emissions during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes;

40 CFR 63.10(e)(3)(vi)(J)

(J) A CMS performance summary (or similar summary if the owner or operator monitors control system parameters), including the total CMS downtime during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of CMS downtime expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total CMS downtime during the reporting period into periods that are due to monitoring equipment malfunctions, nonmonitoring equipment malfunctions, quality assurance/quality control calibrations, other known causes, and other unknown causes;

40 CFR 63.10(e)(3)(vi)(K)

(K) A description of any changes in CMS, processes, or controls since the last reporting period;

40 CFR 63.10(e)(3)(vi)(L)

(L) The name, title, and signature of the responsible official who is certifying the accuracy of the report; and

40 CFR 63.10(e)(3)(vi)(M)
(M) The date of the report.

40 CFR 63.10(e)(3)(vii)
(vii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is less than 1 percent of the total operating time for the reporting period, and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report shall be submitted, and the full excess emissions and continuous monitoring system performance report need not be submitted unless required by the Administrator.

40 CFR 63.10(e)(3)(viii)
(viii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, both the summary report and the excess emissions and continuous monitoring system performance report shall be submitted.

40 CFR 63.10(e)(4)
(4) Reporting continuous opacity monitoring system data produced during a performance test.

The owner or operator of an affected source required to use a COMS shall record the monitoring data produced during a performance test required under §63.7 and shall furnish the Administrator a written report of the monitoring results. The report of COMS data shall be submitted simultaneously with the report of the performance test results required in paragraph (d)(2) of this section.

40 CFR 63.10(f)
(f) Waiver of recordkeeping or reporting requirements.

40 CFR 63.10(f)(1)
(1) Until a waiver of a recordkeeping or reporting requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

40 CFR 63.10(f)(2)
(2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

40 CFR 63.10(f)(3)

(3) If an application for a waiver of recordkeeping or reporting is made, the application shall accompany the request for an extension of compliance under §63.6(i), any required compliance progress report or compliance status report required under this part [such as under §63.6(i) and §63.9(h)] or in the source's title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.

40 CFR 63.10(f)(4)

(4) The Administrator will approve or deny a request for a waiver of recordkeeping or reporting requirements under this paragraph when he/she—

40 CFR 63.10(f)(4)(i)

(i) Approves or denies an extension of compliance; or

40 CFR 63.10(f)(4)(ii)

(ii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

40 CFR 63.10(f)(4)(iii)

(iii) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

40 CFR 63.10(f)(5)

(5) A waiver of any recordkeeping or reporting requirement granted under this paragraph may be conditioned on other recordkeeping or reporting requirements deemed necessary by the Administrator.

40 CFR 63.10(f)(6)

(6) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

40 CFR 63.11 Control device requirements.

40 CFR 63.11(a)

(a) Applicability.

The applicability of this section is set out in §63.1(a)(4).

40 CFR 63.11(b)

(b) Flares.

40 CFR 63.11(b)(1)

(1) Owners or operators using flares to comply with the provisions of this part shall monitor these control devices to assure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators using flares shall monitor these control devices.

40 CFR 63.11(b)(2)

(2) Flares shall be steam-assisted, air-assisted, or non-assisted.

40 CFR 63.11(b)(3)

(3) Flares shall be operated at all times when emissions may be vented to them.

40 CFR 63.11(b)(4)

(4) Flares shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Test Method 22 in Appendix A of part 60 of this chapter shall be used to determine the compliance of flares with the visible emission provisions of this part. The observation period is 2 hours and shall be used according to Method 22.

40 CFR 63.11(b)(5)

(5) Flares shall be operated with a flame present at all times. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

40 CFR 63.11(b)(6)

(6) An owner/operator has the choice of adhering to the heat content specifications in paragraph (b)(6)(ii) of this section, and the maximum tip velocity specifications in paragraph (b)(7) or (b)(8) of this section, or adhering to the requirements in paragraph (b)(6)(i) of this section.

40 CFR 63.11(b)(6)(i)(A)

(i) (A) Flares shall be used that have a diameter of 3 inches or greater, are nonassisted, have a hydrogen content of 8.0 percent (by volume) or greater, and are designed for and operated with an exit velocity less than 37.2 m/sec (122 ft/sec) and less than the velocity Vmax, as determined by the following equation:

$$V_{max} = (X_{H2} - K_1) * K_2$$

Where:

Vmax = Maximum permitted velocity, m/sec.
K1 = Constant, 6.0 volume-percent hydrogen.
K2 = Constant, 3.9(m/sec)/volume-percent hydrogen.
XH2 = The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing

and Materials (ASTM) Method D1946-77. (Incorporated by reference as specified in §63.14).

40 CFR 63.11(b)(6)(i)(B)

(B) The actual exit velocity of a flare shall be determined by the method specified in paragraph (b)(7)(i) of this section.

40 CFR 63.11(b)(6)(ii)

(ii) Flares shall be used only with the net heating value of the gas being combusted at 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted at 7.45 M/scm (200 Btu/scf) or greater if the flares is non-assisted. The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K\sum_{i=1}^{n} C_i H_i$$

Where:

HT = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25˚C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20˚C.

K = Constant, where the standard temperature for (g-mole/scm) is 20˚C.

Ci = Concentration of sample component i in ppmv on a wet basis, as measured for organics by Test Method 18 and measured for hydrogen and carbon monoxide by American Society for Testing and Materials (ASTM) D1946-77 or 90 (Reapproved 1994) (incorporated by reference as specified in §63.14).

Hi = Net heat of combustion of sample component i, kcal/g-mole at 25˚C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 or 88 or D4809-95 (incorporated by reference as specified in §63.14) if published values are not available or cannot be calculated.

n = Number of sample components.

40 CFR 63.11(b)(7)(i)

(7) (i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (b)(7)(ii) and (b)(7)(iii) of this section. The actual exit velocity of a flare shall be determined by dividing by the volumetric flow rate of gas

being combusted (in units of emission standard temperature and pressure), as determined by Test Methods 2, 2A, 2C, or 2D in Appendix A to 40 CFR part 60, of this chapter, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

40 CFR 63.11(b)(7)(ii)

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the method specified in paragraph (b)(7)(i) of this section, equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec), are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

40 CFR 63.11(b)(7)(iii)

(iii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the method specified in paragraph (b)(7)(i) of this section, less than the velocity Vmax, as determined by the method specified in this paragraph, but less than 122 m/sec (400 ft/sec) are allowed. The maximum permitted velocity, Vmax, for flares complying with this paragraph shall be determined by the following equation:

$$\text{Log10}(V_{max}) = (HT+28.8)/31.7$$

Where:

Vmax =	Maximum permitted velocity, m/sec.
28.8 =	Constant.
31.7 =	Constant.
HT =	The net heating value as determined in paragraph (b)(6) of this section.

40 CFR 63.11(b)(8)

(8) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity Vmax. The maximum permitted velocity, Vmax, for air-assisted flares shall be determined by the following equation:

$$V_{max} = 8.71 + 0.708(HT)$$

Where:

Vmax =	Maximum permitted velocity, m/sec.
8.71 =	Constant.
0.708 =	Constant.
HT =	The net heating value as determined in paragraph (b)(6)(ii) of this section.

40 CFR 63.12 State authority and delegations.

40 CFR 63.12(a)

(a) The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from—

40 CFR 63.12(a)(1)

(1) Adopting and enforcing any standard, limitation, prohibition, or other regulation applicable to an affected source subject to the requirements of this part, provided that such standard, limitation, prohibition, or regulation is not less stringent than any requirement applicable to such source established under this part;

40 CFR 63.12(a)(2)

(2) Requiring the owner or operator of an affected source to obtain permits, licenses, or approvals prior to initiating construction, reconstruction, modification, or operation of such source; or

40 CFR 63.12(a)(3)

(3) Requiring emission reductions in excess of those specified in subpart D of this part as a condition for granting the extension of compliance authorized by section 112(i)(5) of the Act.

40 CFR 63.12(b)(1)

(b) (1) section 112(l) of the Act directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce standards and other requirements pursuant to section 112 for stationary sources located in that State. Because of the unique nature of radioactive material, delegation of authority to implement and enforce standards that control radionuclides may require separate approval.

40 CFR 63.12(b)(2)

(2) Subpart E of this part establishes procedures consistent with section 112(l) for the approval of State rules or programs to implement and enforce applicable Federal rules promulgated under the authority of section 112. Subpart E also establishes procedures for the review and withdrawal of section 112 implementation and enforcement authorities granted through a section 112(l) approval.

40 CFR 63.12(c)

(c) All information required to be submitted to the EPA under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act, provided that each specific delegation may exempt sources from a certain Federal or State reporting requirement. The Administrator may permit all or some of the information to be submitted to the appropriate State agency only, instead of to the EPA and the State agency.

40 CFR 63.13 Addresses of State air pollution control agencies and EPA Regional Offices.

40 CFR 63.13(a)

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted to the appropriate Regional Office of the U.S. Environmental Protection Agency indicated in the following list of EPA Regional Offices.

EPA Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), Director, Air, Pesticides and Toxics Division, J.F.K. Federal Building, Boston, MA 02203-2211.

EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands), Director, Air and Waste Management Division, 26 Federal Plaza, New York, NY 10278.

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103.

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), Director, Air, Pesticides and Toxics, Management Division, 345 Courtland Street, NE., Atlanta, GA 30365.

EPA Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Director, Air and Radiation Division, 77 West Jackson Blvd., Chicago, IL 60604-3507.

EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Director, Air, Pesticides and Toxics, 1445 Ross Avenue, Dallas, TX 75202-2733.

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Toxics Division, 726 Minnesota Avenue, Kansas City, KS 66101.

EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Director, Air and Toxics Division, 999 18th Street, 1 Denver Place, Suite 500, Denver, CO 80202-2405.

EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Director, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

EPA Region X (Alaska, Idaho, Oregon, Washington), Director, Office of Air Quality, 1200 Sixth Avenue (OAQ-107), Seattle, WA 98101.

40 CFR 63.13(b)

(b) All information required to be submitted to the Administrator under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act. The owner or operator of an affected source may contact the appropriate EPA Regional Office for the mailing addresses for those States whose delegation requests have been approved.

40 CFR 63.13(c)

(c) If any State requires a submittal that contains all the information required in an application, notification, request, report, statement, or other communication required in this part, an owner or operator may send the appropriate Regional Office of the EPA a copy of that submittal to satisfy the requirements of this part for that communication.

40 CFR 63.14 Incorporations by reference.

40 CFR 63.14(a)

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the FEDERAL REGISTER. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the Office of the Federal Register, 800 North Capital Street, NW, suite 700, Washington, DC, at the Air and Radiation Docket and Information Center, U.S. EPA, 1200 Pennsylvania Ave., NW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina.

40 CFR 63.14(b)

(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.

40 CFR 63.14(b)(1)

(1) ASTM D523-89, Standard Test Method for Specular Gloss, IBR approved for §63.782.

40 CFR 63.14(b)(2)

(2) ASTM D1193-77, 91, Standard Specification for Reagent Water, IBR approved for Appendix A: Method 306, Sections 7.1.1 and 7.4.2.

40 CFR 63.14(b)(3)

(3) ASTM D1331-89, Standard Test Methods for Surface and Interfacial Tension of Solutions of Surface Active Agents, IBR approved for Appendix A: Method 306B, Sections 6.2, 11.1, and 12.2.2.

40 CFR 63.14(b)(4)

(4) ASTM D1475-90, Standard Test Method for Density of Paint, Varnish Lacquer, and Related Products, IBR approved for §63.788, Appendix A.

40 CFR 63.14(b)(5)

(5) ASTM D1946-77, 90, 94, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for §63.11(b)(6).

40 CFR 63.14(b)(6)

(6) ASTM D2369-93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved for §63.788, Appendix A.

40 CFR 63.14(b)(7)

(7) ASTM D2382-76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for §63.11(b)(6).

40 CFR 63.14(b)(8)

(8) ASTM D2879-83, 96, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved for §63.111 of Subpart G.

40 CFR 63.14(b)(9)

(9) ASTM D3257-93, Standard Test Methods for Aromatics in Mineral Spirits by Gas Chromatography, IBR approved for §63.786(b).

40 CFR 63.14(b)(10)

(10) ASTM 3695-88, Standard Test Method for Volatile Alcohols in Water by Direct Aqueous-Injection Gas Chromatography, IBR approved for §63.365(e)(1) of Subpart O.

40 CFR 63.14(b)(11)

(11) ASTM D3792-91, Standard Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for §63.788, Appendix A.

40 CFR 63.14(b)(12)

(12) ASTM D3912-80, Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for §63.782.

40 CFR 63.14(b)(13)

(13) ASTM D4017-90, 96a, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved for §63.788, Appendix A.

40 CFR 63.14(b)(14)

(14) ASTM D4082-89, Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants, IBR approved for §63.782.

40 CFR 63.14(b)(15)

(15) ASTM D4256-89, 94, Standard Test Method for Determination of the Decontaminability of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for §63.782.

40 CFR 63.14(b)(16)
(16) ASTM D4809-95, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), IBR approved for §63.11(b)(6).

40 CFR 63.14(b)(17)
(17) ASTM E180-93, Standard Practice for Determining the Precision of ASTM Methods for Analysis and Testing of Industrial Chemicals, IBR approved for §63.786(b).

40 CFR 63.14(b)(18)
(18) ASTM E260-91, 96, General Practice for Packed Column Gas Chromatography, IBR approved for §§63.750(b)(2) and 63.786(b)(5).

40 CFR 63.14(b)(19)
(19) [Reserved]

40 CFR 63.14(b)(20)
(20) [Reserved]

40 CFR 63.14(b)(21)
(21) ASTM D2099-00, Standard Test Method for Dynamic Water Resistance of Shoe Upper Leather by the Maeser Water Penetration Tester, IBR approved for §63.5350.

40 CFR 63.14(b)(24)
(24) ASTM D2697-86 (Reapproved 1998), Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings, IBR approved for §§63.4141(b)(1) and 63.5160(c).

40 CFR 63.14(b)(25)
(25) ASTM D6093-97, Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer, IBR approved for §§63.4141(b)(1) and 63.5160(c).

40 CFR 63.14(b)(26)
(26) ASTM D1475-98, Standard Test Method for Density of Liquid Coatings, Inks, and Related Products, IBR approved for §§63.4141(b)(3) and 63.4141(c).

40 CFR 63.14(b)(27)
(27) [Reserved]

40 CFR 63.14(b)(28)
(28) [Reserved]

40 CFR 63.14(b)(29)

(29) ASTM D6420-99, Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, IBR approved for §§63.5799 and 63.5850.

40 CFR 63.14(c)

(c) The materials listed below are available for purchase from the American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005.

40 CFR 63.14(c)(1)

(1) API Publication 2517, Evaporative Loss from External Floating-Roof Tanks, Third Edition, February 1989, IBR approved for §63.111 of subpart G of this part.

40 CFR 63.14(c)(2)

(2) API Publication 2518, Evaporative Loss from Fixed-roof Tanks, Second Edition, October 1991, IBR approved for §63.150(g)(3)(i)(C) of subpart G of this part.

40 CFR 63.14(d)

(d) State and Local Requirements.

The materials listed below are available at the Air and Radiation Docket and Information Center, U.S. EPA, 1200 Pennsylvania Ave., NW., Washington, DC.

40 CFR 63.14(d)(1)

(1) California Regulatory Requirements Applicable to the Air Toxics Program, January 5, 1999, IBR approved for §63.99(a)(5)(ii) of subpart E of this part.

40 CFR 63.14(d)(2)

(2) New Jersey's Toxic Catastrophe Prevention Act Program, (July 20, 1998), Incorporation By Reference approved for §63.99(a)(30)(i) of subpart E of this part.

40 CFR 63.14(d)(3)(i)

(3) (i) Letter of June 7, 1999 to the U.S. Environmental Protection Agency Region 3 from the Delaware Department of Natural Resources and Environmental Control requesting formal full delegation to take over primary responsibility for implementation and enforcement of the Chemical Accident Prevention Program under Section 112(r) of the Clean Air Act Amendments of 1990.

40 CFR 63.14(d)(3)(ii)

(ii) Delaware Department of Natural Resources and Environmental Control, Division of Air and Waste Management, Accidental Release Prevention Regulation, sections 1 through 5 and sections 7 through 14, effective January 11, 1999, IBR approved for §63.99(a)(8)(i) of subpart E of this part.

40 CFR 63.14(d)(3)(iii)

(iii) State of Delaware Regulations Governing the Control of Air Pollution (October 2000), IBR approved for §63.99(a)(8)(ii)-(v) of subpart E of this part.

40 CFR 63.14(d)(4)

(4) Massachusetts Regulations Applicable to Hazardous Air Pollutants (July 2002). Incorporation By Reference approved for §63.99(a)(21)(ii) of subpart E of this part.

40 CFR 63.14(e)

(e) The materials listed below are available for purchase from the National Institute of Standards and Technology, Springfield, VA 22161, (800) 553-6847.

40 CFR 63.14(e)(1)

(1) Handbook 44, Specification, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices 1998, IBR approved for §63.1303(e)(3).

40 CFR 63.14(e)(2)

(2) [Reserved]

40 CFR 63.14(f)

(f) The following material is available from the National Council of the Paper Industry for Air and Stream Improvement, Inc. (NCASI), P. O. Box 133318, Research Triangle Park, NC 27709-3318 or at http://www.ncasi.org: NCASI Method DI/MEOH-94.02, Methanol in Process Liquids GC/FID (Gas Chromatography/Flame Ionization Detection), August 1998, Methods Manual, NCASI, Research Triangle Park, NC, IBR approved for §63.457(c)(3)(ii) of subpart S of this part.

40 CFR 63.14(g)

(g) The materials listed below are available for purchase from AOAC International, Customer Services, Suite 400, 2200 Wilson Boulevard, Arlington, Virginia, 22201-3301, Telephone (703) 522-3032, Fax (703) 522-5468.

40 CFR 63.14(g)(1)

(1) AOAC Official Method 978.01 Phosphorus (Total) in Fertilizers, Automated Method, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

40 CFR 63.14(g)(2)

(2) AOAC Official Method 969.02 Phosphorus (Total) in Fertilizers, Alkalimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

40 CFR 63.14(g)(3)

(3) AOAC Official Method 962.02 Phosphorus (Total) in Fertilizers, Gravimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

40 CFR 63.14(g)(4)
(4) AOAC Official Method 957.02 Phosphorus (Total) in Fertilizers, Preparation of Sample Solution, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

40 CFR 63.14(g)(5)
(5) AOAC Official Method 929.01 Sampling of Solid Fertilizers, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

40 CFR 63.14(g)(6)
(6) AOAC Official Method 929.02 Preparation of Fertilizer Sample, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

40 CFR 63.14(g)(7)
(7) AOAC Official Method 958.01 Phosphorus (Total) in Fertilizers, Spectrophotometric Molybdovanadophosphate Method, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

40 CFR 63.14(h)
(h) The materials listed below are available for purchase from The Association of Florida Phosphate Chemists, P.O. Box 1645, Bartow, Florida, 33830, Book of Methods Used and Adopted By The Association of Florida Phosphate Chemists, Seventh Edition 1991, IBR.

40 CFR 63.14(h)(1)
(1) Section IX, Methods of Analysis for Phosphate Rock, No. 1 Preparation of Sample, IBR approved for §63.606(c)(3)(ii) and §63.626(c)(3)(ii).
40 CFR 63.14(h)(2)
(2) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus—P2O5 or Ca3(PO4)2, Method A-Volumetric Method, IBR approved for §63.606(c)(3)(ii) and §63.626(c)(3)(ii).

40 CFR 63.14(h)(3)
(3) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method B—Gravimetric Quimociac Method, IBR approved for §63.606(c)(3)(ii) and §63.626(c)(3)(ii).

40 CFR 63.14(h)(4)
(4) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method C—Spectrophotometric Method, IBR approved for §63.606(c)(3)(ii) and §63.626(c)(3)(ii).

40 CFR 63.14(h)(5)
(5) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method A—Volumetric Method, IBR approved for §63.606(c)(3)(ii), §63.626(c)(3)(ii), and §63.626(d)(3)(v).

40 CFR 63.14(h)(6)
(6) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method B—Gravimetric Quimociac Method, IBR approved for §63.606(c)(3)(ii), §63.626(c)(3)(ii), and §63.626(d)(3)(v).

40 CFR 63.14(h)(7)
(7) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method C—Spectrophotometric Method, IBR approved for §63.606(c)(3)(ii), §63.626(c)(3)(ii), and §63.626(d)(3)(v).

40 CFR 63.14(i)
(i) The following materials are available for purchase from at least one of the following addresses: ASME International, Orders/Inquiries, P.O. Box 2900, Fairfield, NJ 07007-2900; or Global Engineering Documents, Sales Department, 15 Inverness Way East, Englewood, CO 80112.

40 CFR 63.14(i)(1)
(1) ASME standard number QHO-1-1994, "Standard for the Qualification and Certification of Hazardous Waste Incinerator Operators," IBR approved for §63.1206(c)(6)(iii).

40 CFR 63.14(i)(2)
(2) ASME standard number QHO-1a-1996 Addenda to QHO-1-1994, "Standard for the Qualification and Certification of Hazardous Waste Incinerator Operators," IBR approved for §63.1206(c)(6)(iii).

40 CFR 63.14(i)(3)
(3) ANSI/ASME PTC 19.10-1981, "Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]," IBR approved for §§63.865(b), 63.3360(e)(1)(iii), 63.4166(a)(3), and 63.5160(d)(1)(iii).

40 CFR 63.14(j)
(j) [Removed]

40 CFR 63.15 Availability of information and confidentiality.

40 CFR 63.15(a)
(a) Availability of information.

40 CFR 63.15(a)(1)
(1) With the exception of information protected through part 2 of this chapter, all reports, records, and other information collected by the Administrator under this part are available to the public. In addition, a copy of each permit application, compliance plan (including the schedule of compliance), notification of compliance status,

excess emissions and continuous monitoring systems performance report, and title V permit is available to the public, consistent with protections recognized in section 503(e) of the Act.

40 CFR 63.15(a)(2)

(2) The availability to the public of information provided to or otherwise obtained by the Administrator under this part shall be governed by part 2 of this chapter.

40 CFR 63.15(b)

(b) Confidentiality.

40 CFR 63.15(b)(1)

(1) If an owner or operator is required to submit information entitled to protection from disclosure under section 114(c) of the Act, the owner or operator may submit such information separately. The requirements of section 114(c) shall apply to such information.

40 CFR 63.15(b)(2)

(2) The contents of a title V permit shall not be entitled to protection under section 114(c) of the Act; however, information submitted as part of an application for a title V permit may be entitled to protection from disclosure.

2. Subpart DDDDD--National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters

Sec.

What This Subpart Covers

63.7480 What is the purpose of this subpart?
63.7485 Am I subject to this subpart?
63.7490 What is the affected source of this subpart?
63.7491 Are any boilers or process heaters not subject to this subpart?
63.7495 When do I have to comply with this subpart?

Emission Limits and Work Practice Standards

63.7499 What are the subcategories of boilers and process heaters?
63.7500 What emission limits, work practice standards, and operating limits must I meet?

General Compliance Requirements

63.7505 What are my general requirements for complying with this subpart?

63.7506 Do any boilers or process heaters have limited requirements?
63.7507 What are the health-based compliance alternatives for the hydrogen chloride (HCl) and total selected metals (TSM) standards?

Testing, Fuel Analyses, and Initial Compliance Requirements

63.7510 What are my initial compliance requirements and by what date must I conduct them?
63.7515 When must I conduct subsequent performance tests or fuel analyses?
63.7520 What performance tests and procedures must I use?
63.7521 What fuel analyses and procedures must I use?
63.7522 Can I use emission averaging to comply with this subpart?
63.7525 What are my monitoring, installation, operation, and maintenance requirements?
63.7530 How do I demonstrate initial compliance with the emission limits and work practice standards?

Continuous Compliance Requirements

63.7535 How do I monitor and collect data to demonstrate continuous compliance?
63.7540 How do I demonstrate continuous compliance with the emission limits and work practice standards?
63.7541 How do I demonstrate continuous compliance under the emission averaging provision?

Notifications, Reports, and Records

63.7545 What notifications must I submit and when?
63.7550 What reports must I submit and when?
63.7555 What records must I keep?
63.7560 In what form and how long must I keep my records?

Other Requirements and Information

63.7565 What parts of the General Provisions apply to me?
63.7570 Who implements and enforces this subpart?
63.7575 What definitions apply to this subpart?

Tables to Subpart DDDDD of Part 63

Table 1 to Subpart DDDDD of Part 63--Emission Limits and Work Practice Standards
Table 2 to Subpart DDDDD of Part 63--Operating Limits for Boilers and Process Heaters With Particulate Matter Emission Limits

Table 3 to Subpart DDDDD of Part 63--Operating Limits for Boilers and Process Heaters With Mercury Emission Limits and Boilers and Process Heaters That Choose to Comply With the Alternative Total Selected Metals Emission Limits
Table 4 to Subpart DDDDD of Part 63--Operating Limits for Boilers and Process Heaters With Hydrogen Chloride Emission Limits
Table 5 to Subpart DDDDD of Part 63--Performance Testing Requirements
Table 6 to Subpart DDDDD of Part 63--Fuel Analysis Requirements
Table 7 to Subpart DDDDD of Part 63--Establishing Operating Limits
Table 8 to Subpart DDDDD of Part 63--Demonstrating Continuous Compliance
Table 9 to Subpart DDDDD of Part 63--Reporting Requirements
Table 10 to Subpart DDDDD of Part 63--Applicability of General Provisions to Subpart DDDDD

Appendix

Appendix A to Subpart DDDDD--Methodology and Criteria for Demonstrating Eligibility for the Health-Based Compliance Alternatives Specified for the Large Solid Fuel Subcategory

Subpart DDDDD--National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters

What This Subpart Covers

Sec. 63.7480 What is the purpose of this subpart?

This subpart establishes national emission limits and work practice standards for hazardous air pollutants (HAP) emitted from industrial, commercial, and institutional boilers and process heaters. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limits and work practice standards.

Sec. 63.7485 Am I subject to this subpart?

You are subject to this subpart if you own or operate an industrial, commercial, or institutional boiler or process heater as defined in Sec. 63.7575 that is located at, or is part of, a major source of HAP as defined in Sec. 63.2 or Sec. 63.761 (40 CFR part 63, subpart HH, National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities), except as specified in Sec. 63.7491.

Sec. 63.7490 What is the affected source of this subpart?

(a) This subpart applies to new, reconstructed, or existing affected sources as described in paragraphs (a)(1) and (2) of this section.
(1) The affected source of this subpart is the collection of all existing industrial, commercial, and institutional boilers and process heaters within a subcategory located at a major source as defined in Sec. 63.7575.
(2) The affected source of this subpart is each new or reconstructed industrial, commercial, or institutional boiler or

[[Page 55254]]

process heater located at a major source as defined in Sec. 63.7575.
(b) A boiler or process heater is new if you commence construction of the boiler or process heater after January 13, 2003, and you meet the applicability criteria at the time you commence construction.
(c) A boiler or process heater is reconstructed if you meet the reconstruction criteria as defined in Sec. 63.2, you commence reconstruction after January 13, 2003, and you meet the applicability criteria at the time you commence reconstruction.
(d) A boiler or process heater is existing if it is not new or reconstructed.

Sec. 63.7491 Are any boilers or process heaters not subject to this subpart?

The types of boilers and process heaters listed in paragraphs (a) through (o) of this section are not subject to this subpart.
(a) A municipal waste combustor covered by 40 CFR part 60, subpart AAAA, subpart BBBB, subpart Cb or subpart Eb.
(b) A hospital/medical/infectious waste incinerator covered by 40 CFR part 60, subpart Ce or subpart Ec.
(c) An electric utility steam generating unit that is a fossil fuel-fired combustion unit of more than 25 megawatts that serves a generator that produces electricity for sale. A fossil fuel-fired unit that cogenerates steam and electricity, and supplies more than one-third of its potential electric output capacity, and more than 25 megawatts electrical output to any utility power distribution system for sale is considered an electric utility steam generating unit.
(d) A boiler or process heater required to have a permit under section 3005 of the Solid Waste Disposal Act or covered by 40 CFR part 63, subpart EEE (e.g., hazardous waste boilers).
(e) A commercial and industrial solid waste incineration unit covered by 40 CFR part 60, subpart CCCC or subpart DDDD.

(f) A recovery boiler or furnace covered by 40 CFR part 63, subpart MM.
(g) A boiler or process heater that is used specifically for research and development. This does not include units that only provide heat or steam to a process at a research and development facility.
(h) A hot water heater as defined in this subpart.
(i) A refining kettle covered by 40 CFR part 63, subpart X.
(j) An ethylene cracking furnace covered by 40 CFR part 63, subpart YY.
(k) Blast furnace stoves as described in the EPA document, entitled National Emission Standards for Hazardous Air Pollutants (NESHAP) for Integrated Iron and Steel Plants--Background Information for Proposed Standards," (EPA-453/R-01-005).
(l) Any boiler and process heater specifically listed as an affected source in another standard(s) under 40 CFR part 63.
(m) Any boiler and process heater specifically listed as an affected source in another standard(s) established under section 129 of the Clean Air Act (CAA).
(n) Temporary boilers as defined in this subpart.
(o) Blast furnace gas fuel-fired boilers and process heaters as defined in this subpart.

Sec. 63.7495 When do I have to comply with this subpart?

(a) If you have a new or reconstructed boiler or process heater, you must comply with this subpart by November 12, 2004 or upon startup of your boiler or process heater, whichever is later.
(b) If you have an existing boiler or process heater, you must comply with this subpart no later than September 13, 2007.
(c) If you have an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP, paragraphs (c)(1) and (2) of this section apply to you.
(1) Any new or reconstructed boiler or process heater at the existing facility must be in compliance with this subpart upon startup.
(2) Any existing boiler or process heater at the existing facility must be in compliance with this subpart within 3 years after the facility becomes a major source.
(d) You must meet the notification requirements in Sec. 63.7545 according to the schedule in Sec. 63.7545 and in subpart A of this part. Some of the notifications must be submitted before you are required to comply with the emission limits and work practice standards in this subpart.

Emission Limits and Work Practice Standards

Sec. 63.7499 What are the subcategories of boilers and process heaters?

The subcategories of boilers and process heaters are large solid fuel, limited use solid fuel, small solid fuel, large liquid fuel, limited use liquid fuel, small liquid fuel, large gaseous fuel, limited use gaseous fuel, and small gaseous fuel. Each subcategory is defined in Sec. 63.7575.

Sec. 63.7500 What emission limits, work practice standards, and operating limits must I meet?

(a) You must meet the requirements in paragraphs (a)(1) and (2) of this section.
(1) You must meet each emission limit and work practice standard in Table 1 to this subpart that applies to your boiler or process heater, except as provided under Sec. 63.7507.
(2) You must meet each operating limit in Tables 2 through 4 to this subpart that applies to your boiler or process heater. If you use a control device or combination of control devices not covered in Tables 2 through 4 to this subpart, or you wish to establish and monitor an alternative operating limit and alternative monitoring parameters, you must apply to the United States Environmental Protection Agency (EPA) Administrator for approval of alternative monitoring under Sec. 63.8(f).
(b) As provided in Sec. 63.6(g), EPA may approve use of an alternative to the work practice standards in this section.

General Compliance Requirements

Sec. 63.7505 What are my general requirements for complying with this subpart?

(a) You must be in compliance with the emission limits (including operating limits) and the work practice standards in this subpart at all times, except during periods of startup, shutdown, and malfunction.
(b) You must always operate and maintain your affected source, including air pollution control and monitoring equipment, according to the provisions in Sec. 63.6(e)(1)(i).
(c) You can demonstrate compliance with any applicable emission limit using fuel analysis if the emission rate calculated according to Sec. 63.7530(d) is less than the applicable emission limit. Otherwise, you must demonstrate compliance using performance testing.
(d) If you demonstrate compliance with any applicable emission limit through performance testing, you must develop a site-specific monitoring plan according to the requirements in paragraphs (d)(1)

through (4) of this section. This requirement also applies to you if you petition the EPA Administrator for alternative monitoring parameters under Sec. 63.8(f).
(1) For each continuous monitoring system (CMS) required in this section, you must develop and submit to the EPA Administrator for approval a site-specific monitoring plan that addresses paragraphs (d)(1)(i) through (iii) of this section. You must submit this site-specific monitoring plan at least 60 days

[[Page 55255]]

before your initial performance evaluation of your CMS.
(i) Installation of the CMS sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of the exhaust emissions (e.g., on or downstream of the last control device);
(ii) Performance and equipment specifications for the sample interface, the pollutant concentration or parametric signal analyzer, and the data collection and reduction systems; and
(iii) Performance evaluation procedures and acceptance criteria (e.g., calibrations).
(2) In your site-specific monitoring plan, you must also address paragraphs (d)(2)(i) through (iii) of this section.
(i) Ongoing operation and maintenance procedures in accordance with the general requirements of Sec. 63.8(c)(1), (c)(3), and (c)(4)(ii);
(ii) Ongoing data quality assurance procedures in accordance with the general requirements of Sec. 63.8(d); and
(iii) Ongoing recordkeeping and reporting procedures in accordance with the general requirements of Sec. 63.10(c), (e)(1), and (e)(2)(i).
(3) You must conduct a performance evaluation of each CMS in accordance with your site-specific monitoring plan.
(4) You must operate and maintain the CMS in continuous operation according to the site-specific monitoring plan.
(e) If you have an applicable emission limit or work practice standard, you must develop and implement a written startup, shutdown, and malfunction plan (SSMP) according to the provisions in Sec. 63.6(e)(3).

Sec. 63.7506 Do any boilers or process heaters have limited requirements?

(a) New or reconstructed boilers and process heaters in the large liquid fuel subcategory or the limited use liquid fuel subcategory that burn only fossil fuels and other gases and do not burn any residual oil are subject to the emission limits and applicable work practice standards in Table 1 to this subpart. You are not required to conduct a

performance test to demonstrate compliance with the emission limits. You are not required to set and maintain operating limits to demonstrate continuous compliance with the emission limits. However, you must meet the requirements in paragraphs (a)(1) and (2) of this section and meet the CO work practice standard in Table 1 to this subpart.

(1) To demonstrate initial compliance, you must include a signed statement in the Notification of Compliance Status report required in Sec. 63.7545(e) that indicates you burn only liquid fossil fuels other than residual oils, either alone or in combination with gaseous fuels.

(2) To demonstrate continuous compliance with the applicable emission limits, you must also keep records that demonstrate that you burn only liquid fossil fuels other than residual oils, either alone or in combination with gaseous fuels. You must also include a signed statement in each semiannual compliance report required in Sec. 63.7550 that indicates you burned only liquid fossil fuels other than residual oils, either alone or in combination with gaseous fuels, during the reporting period.

(b) The affected boilers and process heaters listed in paragraphs (b)(1) through (3) of this section are subject to only the initial notification requirements in Sec. 63.9(b) (i.e., they are not subject to the emission limits, work practice standards, performance testing, monitoring, SSMP, site-specific monitoring plans, recordkeeping and reporting requirements of this subpart or any other requirements in subpart A of this part).

(1) Existing large and limited use gaseous fuel units.

(2) Existing large and limited use liquid fuel units.

(3) New or reconstructed small liquid fuel units that burn only gaseous fuels or distillate oil. New or reconstructed small liquid fuel boilers and process heaters that commence burning of any other type of liquid fuel must comply with all applicable requirements of this subpart and subpart A of this part upon startup of burning the other type of liquid fuel.

(c) The affected boilers and process heaters listed in paragraphs (c)(1) through (4) of this section are not subject to the initial notification requirements in Sec. 63.9(b) and are not subject to any requirements in this subpart or in subpart A of this part (i.e., they are not subject to the emission limits, work practice standards, performance testing, monitoring, SSM plans, site-specific monitoring plans, recordkeeping and reporting requirements of this subpart, or any other requirements in subpart A of this part.

(1) Existing small solid fuel boilers and process heaters.

(2) Existing small liquid fuel boilers and process heaters.

(3) Existing small gaseous fuel boilers and process heaters.

(4) New or reconstructed small gaseous fuel units.

Sec. 63.7507 What are the health-based compliance alternatives for the hydrogen chloride (HCl) and total selected metals (TSM) standards?

(a) As an alternative to the requirement for large solid fuel boilers located at a single facility to demonstrate compliance with the HCl emission limit in Table 1 to this subpart, you may demonstrate eligibility for the health-based compliance alternative for HCl emissions under the procedures prescribed in appendix A to this subpart.
(b) In lieu of complying with the TSM emission standards in Table 1 to this subpart based on the sum of emissions for the eight selected metals, you may demonstrate eligibility for complying with the TSM emission standards in Table 1 based on the sum of emissions for seven selected metals (by excluding manganese emissions from the summation of TSM emissions) under the procedures prescribed in appendix A to this subpart.

Testing, Fuel Analyses, and Initial Compliance Requirements

Sec. 63.7510 What are my initial compliance requirements and by what date must I conduct them?

(a) For affected sources that elect to demonstrate compliance with any of the emission limits of this subpart through performance testing, your initial compliance requirements include conducting performance tests according to Sec. 63.7520 and Table 5 to this subpart, conducting a fuel analysis for each type of fuel burned in your boiler or process heater according to Sec. 63.7521 and Table 6 to this subpart, establishing operating limits according to Sec. 63.7530 and Table 7 to this subpart, and conducting CMS performance evaluations according to Sec. 63.7525.
(b) For affected sources that elect to demonstrate compliance with the emission limits for HCl, mercury, or TSM through fuel analysis, your initial compliance requirement is to conduct a fuel analysis for each type of fuel burned in your boiler or process heater according to Sec. 63.7521 and Table 6 to this subpart and establish operating limits according to Sec. 63.7530 and Table 8 to this subpart.
(c) For affected sources that have an applicable work practice standard, your initial compliance requirements depend on the subcategory and rated capacity of your boiler or process heater. If your boiler or process heater is in any of the limited use subcategories or has a heat input capacity less than 100 MMBTU per hour, your initial compliance demonstration is conducting a performance test for carbon monoxide

[[Page 55256]]

according to Table 5 to this subpart. If your boiler or process heater is in any of the large subcategories and has a heat input capacity of 100 MMBTU per hour or greater, your initial compliance demonstration is conducting a performance evaluation of your continuous emission monitoring system for carbon monoxide according to Sec. 63.7525(a).
(d) For existing affected sources, you must demonstrate initial compliance no later than 180 days after the compliance date that is specified for your source in Sec. 63.7495 and according to the applicable provisions in Sec. 63.7(a)(2) as cited in Table 10 to this subpart.
(e) If your new or reconstructed affected source commenced construction or reconstruction between January 13, 2003 and November 12, 2004, you must demonstrate initial compliance with either the proposed emission limits and work practice standards or the promulgated emission limits and work practice standards no later than 180 days after November 12, 2004 or within 180 days after startup of the source, whichever is later, according to Sec. 63.7(a)(2)(ix).
(f) If your new or reconstructed affected source commenced construction or reconstruction between January 13, 2003, and November 12, 2004, and you chose to comply with the proposed emission limits and work practice standards when demonstrating initial compliance, you must conduct a second compliance demonstration for the promulgated emission limits and work practice standards within 3 years after November 12, 2004 or within 3 years after startup of the affected source, whichever is later.
(g) If your new or reconstructed affected source commences construction or reconstruction after November 12, 2004, you must demonstrate initial compliance with the promulgated emission limits and work practice standards no later than 180 days after startup of the source.

Sec. 63.7515 When must I conduct subsequent performance tests or fuel analyses?

(a) You must conduct all applicable performance tests according to Sec. 63.7520 on an annual basis, unless you follow the requirements listed in paragraphs (b) through (d) of this section. Annual performance tests must be completed between 10 and 12 months after the previous performance test, unless you follow the requirements listed in paragraphs (b) through (d) of this section.
(b) You can conduct performance tests less often for a given pollutant if your performance tests for the pollutant (particulate matter, HCl, mercury, or TSM) for at least 3 consecutive years show that you comply with the emission limit. In this case, you do not have

to conduct a performance test for that pollutant for the next 2 years. You must conduct a performance test during the third year and no more than 36 months after the previous performance test.
(c) If your boiler or process heater continues to meet the emission limit for particulate matter, HCl, mercury, or TSM, you may choose to conduct performance tests for these pollutants every third year, but each such performance test must be conducted no more than 36 months after the previous performance test.
(d) If a performance test shows noncompliance with an emission limit for particulate matter, HCl, mercury, or TSM, you must conduct annual performance tests for that pollutant until all performance tests over a consecutive 3-year period show compliance.
(e) If you have an applicable work practice standard for carbon monoxide and your boiler or process heater is in any of the limited use subcategories or has a heat input capacity less than 100 MMBTU per hour, you must conduct annual performance tests for carbon monoxide according to Sec. 63.7520. Each annual performance test must be conducted between 10 and 12 months after the previous performance test.
(f) You must conduct a fuel analysis according to Sec. 63.7521 for each type of fuel burned no later than 5 years after the previous fuel analysis for each fuel type. If you burn a new type of fuel, you must conduct a fuel analysis before burning the new type of fuel in your boiler or process heater. You must still meet all applicable continuous compliance requirements in Sec. 63.7540.
(g) You must report the results of performance tests and fuel analyses within 60 days after the completion of the performance tests or fuel analyses. This report should also verify that the operating limits for your affected source have not changed or provide documentation of revised operating parameters established according to Sec. 63.7530 and Table 7 to this subpart, as applicable. The reports for all subsequent performance tests and fuel analyses should include all applicable information required in Sec. 63.7550.

Sec. 63.7520 What performance tests and procedures must I use?

(a) You must conduct all performance tests according to Sec. 63.7(c), (d), (f), and (h). You must also develop a site-specific test plan according to the requirements in Sec. 63.7(c) if you elect to demonstrate compliance through performance testing.
(b) You must conduct each performance test according to the requirements in Table 5 to this subpart.
(c) New or reconstructed boilers or process heaters in one of the liquid fuel subcategories that burn only fossil fuels and other gases and do not burn any residual oil must demonstrate compliance according to Sec. 63.7506(a).
(d) You must conduct each performance test under the specific

conditions listed in Tables 5 and 7 to this subpart. You must conduct performance tests at the maximum normal operating load while burning the type of fuel or mixture of fuels that have the highest content of chlorine, mercury, and total selected metals, and you must demonstrate initial compliance and establish your operating limits based on these tests. These requirements could result in the need to conduct more than one performance test.
(e) You may not conduct performance tests during periods of startup, shutdown, or malfunction.
(f) You must conduct three separate test runs for each performance test required in this section, as specified in Sec. 63.7(e)(3). Each test run must last at least 1 hour.
(g) To determine compliance with the emission limits, you must use the F-Factor methodology and equations in sections 12.2 and 12.3 of EPA Method 19 of appendix A to part 60 of this chapter to convert the measured particulate matter concentrations, the measured HCl concentrations, the measured TSM concentrations, and the measured mercury concentrations that result from the initial performance test to pounds per million Btu heat input emission rates using F-factors.

Sec. 63.7521 What fuel analyses and procedures must I use?

(a) You must conduct fuel analyses according to the procedures in paragraphs (b) through (e) of this section and Table 6 to this subpart, as applicable.
(b) You must develop and submit a site-specific fuel analysis plan to the EPA Administrator for review and approval according to the following procedures and requirements in paragraphs (b)(1) and (2) of this section.
(1) You must submit the fuel analysis plan no later than 60 days before the date that you intend to demonstrate compliance.
(2) You must include the information contained in paragraphs (b)(2)(i)

[[Page 55257]]

through (vi) of this section in your fuel analysis plan.
(i) The identification of all fuel types anticipated to be burned in each boiler or process heater.
(ii) For each fuel type, the notification of whether you or a fuel supplier will be conducting the fuel analysis.
(iii) For each fuel type, a detailed description of the sample location and specific procedures to be used for collecting and preparing the composite samples if your procedures are different from paragraph (c) or (d) of this section. Samples should be collected at a location that most accurately represents the fuel type, where possible,

at a point prior to mixing with other dissimilar fuel types.
(iv) For each fuel type, the analytical methods, with the expected minimum detection levels, to be used for the measurement of selected total metals, chlorine, or mercury.
(v) If you request to use an alternative analytical method other than those required by Table 6 to this subpart, you must also include a detailed description of the methods and procedures that will be used.
(vi) If you will be using fuel analysis from a fuel supplier in lieu of site-specific sampling and analysis, the fuel supplier must use the analytical methods required by Table 6 to this subpart.
(c) At a minimum, you must obtain three composite fuel samples for each fuel type according to the procedures in paragraph (c)(1) or (2) of this section.
(1) If sampling from a belt (or screw) feeder, collect fuel samples according to paragraphs (c)(1)(i) and (ii) of this section.
(i) Stop the belt and withdraw a 6-inch wide sample from the full cross-section of the stopped belt to obtain a minimum two pounds of sample. Collect all the material (fines and coarse) in the full cross-section. Transfer the sample to a clean plastic bag.
(ii) Each composite sample will consist of a minimum of three samples collected at approximately equal intervals during the testing period.
(2) If sampling from a fuel pile or truck, collect fuel samples according to paragraphs (c)(2)(i) through (iii) of this section.
(i) For each composite sample, select a minimum of five sampling locations uniformly spaced over the surface of the pile.
(ii) At each sampling site, dig into the pile to a depth of 18 inches. Insert a clean flat square shovel into the hole and withdraw a sample, making sure that large pieces do not fall off during sampling.
(iii) Transfer all samples to a clean plastic bag for further processing.
(d) Prepare each composite sample according to the procedures in paragraphs (d)(1) through (7) of this section.
(1) Throughly mix and pour the entire composite sample over a clean plastic sheet.
(2) Break sample pieces larger than 3 inches into smaller sizes.
(3) Make a pie shape with the entire composite sample and subdivide it into four equal parts.
(4) Separate one of the quarter samples as the first subset.
(5) If this subset is too large for grinding, repeat the procedure in paragraph (d)(3) of this section with the quarter sample and obtain a one-quarter subset from this sample.
(6) Grind the sample in a mill.
(7) Use the procedure in paragraph (d)(3) of this section to obtain a one-quarter subsample for analysis. If the quarter sample is too large, subdivide it further using the same procedure.

(e) Determine the concentration of pollutants in the fuel (mercury, chlorine, and/or total selected metals) in units of pounds per million Btu of each composite sample for each fuel type according to the procedures in Table 6 to this subpart.

Sec. 63.7522 Can I use emission averaging to comply with this subpart?

(a) As an alternative to meeting the requirements of Sec. 63.7500, if you have more than one existing large solid fuel boiler located at your facility, you may demonstrate compliance by emission averaging according to the procedures in this section in a State that does not choose to exclude emission averaging.
(b) For each existing large solid fuel boiler in the averaging group, the emission rate achieved during the initial compliance test for the HAP being averaged must not exceed the emission level that was being achieved on November 12, 2004 or the control technology employed during the initial compliance test must not be less effective for the HAP being averaged than the control technology employed on November 12, 2004.
(c) You may average particulate matter or TSM, HCl, and mercury emissions from existing large solid fuel boilers to demonstrate compliance with the limits in Table 1 to this subpart if you satisfy the requirements in paragraphs (d), (e), and (f) of this section.
(d) The weighted average emissions from the existing large solid fuel boilers participating in the emissions averaging option must be in compliance with the limits in Table 1 to this subpart at all times following the compliance date specified in Sec. 63.7495.
(e) You must demonstrate initial compliance according to paragraphs (e)(1) or (2) of this section.
(1) You must use Equation 1 of this section to demonstrate that the particulate matter or TSM, HCl, and mercury emissions from all existing large solid fuel boilers participating in the emissions averaging option do not exceed the emission limits in Table 1 to this subpart.

[[Page 55258]]

[GRAPHIC] [TIFF OMITTED] TR13SE04.000

Where:

AveWeighted = Average weighted emissions for particulate matter or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.
Er = Emission rate (as calculated according to Table 5 to this subpart) or fuel analysis (as calculated by the applicable equation in Sec. 63.7530(d)) for boiler, i, for particulate matter or TSM, HCl, or

mercury, in units of pounds per million Btu of heat input.
Hm = Maximum rated heat input capacity of boiler, i, in units of million Btu per hour.
n = Number of large solid fuel boilers participating in the emissions averaging option.

(2) If you are not capable of monitoring heat input, you can use Equation 2 of this section as an alternative to using equation 1 of this section to demonstrate that the particulate matter or TSM, HCl, and mercury emissions from all existing large solid fuel boilers participating in the emissions averaging option do not exceed the emission limits in Table 1 to this subpart.
[GRAPHIC] [TIFF OMITTED] TR13SE04.001

Where:

AveWeighted = Average weighted emission level for PM or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.
Er = Emission rate (as calculated according to Table 5 to this subpart) or fuel analysis (as calculated by the applicable equation in Sec. 63.7530(d)) for boiler, i, for particulate matter or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.
Sm = Maximum steam generation by boiler, i, in units of pounds.
Cf = Conversion factor, calculated from the most recent compliance test, in units of million Btu of heat input per pounds of steam generated.

(f) You must demonstrate continuous compliance on a 12-month rolling average basis determined at the end of every month (12 times per year) according to paragraphs (f)(1) and (2). The first 12-month rolling-average period begins on the compliance date specified in Sec. 63.7495.
(1) For each calendar month, you must use Equation 3 of this section to calculate the 12-month rolling average weighted emission limit using the actual heat capacity for each existing large solid fuel boiler participating in the emissions averaging option.
[GRAPHIC] [TIFF OMITTED] TR13SE04.002

Where:

AveWeighted Emissions = 12-month rolling average weighted emission level for particulate matter or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.
Er = Emission rate, calculated during the most recent compliance test, (as calculated according to Table 5 to this subpart) or fuel analysis (as calculated by the applicable equation in Sec. 63.7530(d)) for

boiler, i, for particulate matter or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.
Hb = The average heat input for each calendar month of boiler, i, in units of million Btu.
n = Number of large solid fuel boilers participating in the emissions averaging option.
(2) If you are not capable of monitoring heat input, you can use Equation 4 of this section as an alternative to using Equation 3 of this section to calculate the 12-month rolling average weighted emission limit using the actual steam generation from the large solid fuel boilers participating in the emissions averaging option.
[GRAPHIC] [TIFF OMITTED] TR13SE04.003

Where:

AveWeighted Emissions = 12-month rolling average weighted emission level for PM or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.
Er = Emission rate, calculated during the most recent compliance test (as calculated according to Table 5 to this subpart) or fuel analysis (as calculated by the applicable equation in Sec. 63.7530(d)) for boiler, i, for particulate matter or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.
Sa = Actual steam generation for each calender month by boiler, i, in units of pounds.
Cf = Conversion factor, as calculated during the most recent compliance test, in units of million Btu of heat input per pounds of steam generated.

(g) You must develop and submit an implementation plan for emission averaging to the applicable regulatory authority for review and approval according to the following procedures and requirements in paragraphs (g)(1) through (4).

[[Page 55259]]

(1) You must submit the implementation plan no later than 180 days before the date that the facility intends to demonstrate compliance using the emission averaging option.
(2) You must include the information contained in paragraphs (g)(2)(i) through (vii) of this section in your implementation plan for all emission sources included in an emissions average:
(i) The identification of all existing large solid fuel boilers in the averaging group, including for each either the applicable HAP emission level or the control technology installed on;
(ii) The process parameter (heat input or steam generated) that

will be monitored for each averaging group of large solid fuel boilers;
(iii) The specific control technology or pollution prevention measure to be used for each emission source in the averaging group and the date of its installation or application. If the pollution prevention measure reduces or eliminates emissions from multiple sources, the owner or operator must identify each source;
(iv) The test plan for the measurement of particulate matter (or TSM), HCl, or mercury emissions in accordance with the requirements in Sec. 63.7520;
(v) The operating parameters to be monitored for each control system or device and a description of how the operating limits will be determined;
(vi) If you request to monitor an alternative operating parameter pursuant to Sec. 63.7525, you must also include:
(A) A description of the parameter(s) to be monitored and an explanation of the criteria used to select the parameter(s); and
(B) A description of the methods and procedures that will be used to demonstrate that the parameter indicates proper operation of the control device; the frequency and content of monitoring, reporting, and recordkeeping requirements; and a demonstration, to the satisfaction of the applicable regulatory authority, that the proposed monitoring frequency is sufficient to represent control device operating conditions; and
(vii) A demonstration that compliance with each of the applicable emission limit(s) will be achieved under representative operating conditions.
(3) Upon receipt, the regulatory authority shall review and approve or disapprove the plan according to the following criteria:
(i) Whether the content of the plan includes all of the information specified in paragraph (g)(2) of this section; and
(ii) Whether the plan presents sufficient information to determine that compliance will be achieved and maintained.
(4) The applicable regulatory authority shall not approve an emission averaging implementation plan containing any of the following provisions:
(i) Any averaging between emissions of differing pollutants or between differing sources; or
(ii) The inclusion of any emission source other than an existing large solid fuel boiler.

Sec. 63.7525 What are my monitoring, installation, operation, and maintenance requirements?

(a) If you have an applicable work practice standard for carbon monoxide, and your boiler or process heater is in any of the large subcategories and has a heat input capacity of 100 MMBtu per hour or

greater, you must install, operate, and maintain a continuous emission monitoring system (CEMS) for carbon monoxide according to the procedures in paragraphs (a)(1) through (6) of this section by the compliance date specified in Sec. 63.7495.
(1) Each CEMS must be installed, operated, and maintained according to Performance Specification (PS) 4A of 40 CFR part 60, appendix B, and according to the site-specific monitoring plan developed according to Sec. 63.7505(d).
(2) You must conduct a performance evaluation of each CEMS according to the requirements in Sec. 63.8 and according to PS 4A of 40 CFR part 60, appendix B.
(3) Each CEMS must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
(4) The CEMS data must be reduced as specified in Sec. 63.8(g)(2).
(5) You must calculate and record a 30-day rolling average emission rate on a daily basis. A new 30-day rolling average emission rate is calculated as the average of all of the hourly CO emission data for the preceding 30 operating days.
(6) For purposes of calculating data averages, you must not use data recorded during periods of monitoring malfunctions, associated repairs, out-of-control periods, required quality assurance or control activities, or when your boiler or process heater is operating at less than 50 percent of its rated capacity. You must use all the data collected during all other periods in assessing compliance. Any period for which the monitoring system is out of control and data are not available for required calculations constitutes a deviation from the monitoring requirements.
(b) If you have an applicable opacity operating limit, you must install, operate, certify and maintain each continuous opacity monitoring system (COMS) according to the procedures in paragraphs (b)(1) through (7) of this section by the compliance date specified in Sec. 63.7495.
(1) Each COMS must be installed, operated, and maintained according to PS 1 of 40 CFR part 60, appendix B.
(2) You must conduct a performance evaluation of each COMS according to the requirements in Sec. 63.8 and according to PS 1 of 40 CFR part 60, appendix B.
(3) As specified in Sec. 63.8(c)(4)(i), each COMS must complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.
(4) The COMS data must be reduced as specified in Sec. 63.8(g)(2).
(5) You must include in your site-specific monitoring plan procedures and acceptance criteria for operating and maintaining each COMS according to the requirements in Sec. 63.8(d). At a minimum, the

monitoring plan must include a daily calibration drift assessment, a quarterly performance audit, and an annual zero alignment audit of each COMS.
(6) You must operate and maintain each COMS according to the requirements in the monitoring plan and the requirements of Sec. 63.8(e). Identify periods the COMS is out of control including any periods that the COMS fails to pass a daily calibration drift assessment, a quarterly performance audit, or an annual zero alignment audit.
(7) You must determine and record all the 6-minute averages (and 1-hour block averages as applicable) collected for periods during which the COMS is not out of control.
(c) If you have an operating limit that requires the use of a CMS, you must install, operate, and maintain each continuous parameter monitoring system (CPMS) according to the procedures in paragraphs (c)(1) through (5) of this section by the compliance date specified in Sec. 63.7495.
(1) The CPMS must complete a minimum of one cycle of operation for each successive 15-minute period. You must have a minimum of four successive cycles of operation to have a valid hour of data.
(2) Except for monitoring malfunctions, associated repairs, and required quality assurance or control

[[Page 55260]]

activities (including, as applicable, calibration checks and required zero and span adjustments), you must conduct all monitoring in continuous operation at all times that the unit is operating. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.
(3) For purposes of calculating data averages, you must not use data recorded during monitoring malfunctions, associated repairs, out of control periods, or required quality assurance or control activities. You must use all the data collected during all other periods in assessing compliance. Any period for which the monitoring system is out-of-control and data are not available for required calculations constitutes a deviation from the monitoring requirements.
(4) Determine the 3-hour block average of all recorded readings, except as provided in paragraph (c)(3) of this section.
(5) Record the results of each inspection, calibration, and validation check.
(d) If you have an operating limit that requires the use of a flow measurement device, you must meet the requirements in paragraphs (c) and (d)(1) through (4) of this section.

(1) Locate the flow sensor and other necessary equipment in a position that provides a representative flow.
(2) Use a flow sensor with a measurement sensitivity of 2 percent of the flow rate.
(3) Reduce swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.
(4) Conduct a flow sensor calibration check at least semiannually.
(e) If you have an operating limit that requires the use of a pressure measurement device, you must meet the requirements in paragraphs (c) and (e)(1) through (6) of this section.
(1) Locate the pressure sensor(s) in a position that provides a representative measurement of the pressure.
(2) Minimize or eliminate pulsating pressure, vibration, and internal and external corrosion.
(3) Use a gauge with a minimum tolerance of 1.27 centimeters of water or a transducer with a minimum tolerance of 1 percent of the pressure range.
(4) Check pressure tap pluggage daily.
(5) Using a manometer, check gauge calibration quarterly and transducer calibration monthly.
(6) Conduct calibration checks any time the sensor exceeds the manufacturer's specified maximum operating pressure range or install a new pressure sensor.
(f) If you have an operating limit that requires the use of a pH measurement device, you must meet the requirements in paragraphs (c) and (f)(1) through (3) of this section.
(1) Locate the pH sensor in a position that provides a representative measurement of scrubber effluent pH.
(2) Ensure the sample is properly mixed and representative of the fluid to be measured.
(3) Check the pH meter's calibration on at least two points every 8 hours of process operation.
(g) If you have an operating limit that requires the use of equipment to monitor voltage and secondary current (or total power input) of an electrostatic precipitator (ESP), you must use voltage and secondary current monitoring equipment to measure voltage and secondary current to the ESP.
(h) If you have an operating limit that requires the use of equipment to monitor sorbent injection rate (e.g., weigh belt, weigh hopper, or hopper flow measurement device), you must meet the requirements in paragraphs (c) and (h)(1) through (3) of this section.
(1) Locate the device in a position(s) that provides a representative measurement of the total sorbent injection rate.
(2) Install and calibrate the device in accordance with manufacturer's procedures and specifications.
(3) At least annually, calibrate the device in accordance with the

manufacturer's procedures and specifications.
(i) If you elect to use a fabric filter bag leak detection system to comply with the requirements of this subpart, you must install, calibrate, maintain, and continuously operate a bag leak detection system as specified in paragraphs (i)(1) through (8) of this section.
(1) You must install and operate a bag leak detection system for each exhaust stack of the fabric filter.
(2) Each bag leak detection system must be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations and in accordance with the guidance provided in EPA-454/R-98-015, September 1997.
(3) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.
(4) The bag leak detection system sensor must provide output of relative or absolute particulate matter loadings.
(5) The bag leak detection system must be equipped with a device to continuously record the output signal from the sensor.
(6) The bag leak detection system must be equipped with an alarm system that will sound automatically when an increase in relative particulate matter emissions over a preset level is detected. The alarm must be located where it is easily heard by plant operating personnel.
(7) For positive pressure fabric filter systems that do not duct all compartments of cells to a common stack, a bag leak detection system must be installed in each baghouse compartment or cell.
(8) Where multiple bag leak detectors are required, the system's instrumentation and alarm may be shared among detectors.

Sec. 63.7530 How do I demonstrate initial compliance with the emission limits and work practice standards?

(a) You must demonstrate initial compliance with each emission limit and work practice standard that applies to you by either conducting initial performance tests and establishing operating limits, as applicable, according to Sec. 63.7520, paragraph (c) of this section, and Tables 5 and 7 to this subpart OR conducting initial fuel analyses to determine emission rates and establishing operating limits, as applicable, according to Sec. 63.7521, paragraph (d) of this section, and Tables 6 and 8 to this subpart.
(b) New or reconstructed boilers or process heaters in one of the liquid fuel subcategories that burn only fossil fuels and other gases and do not burn any residual oil must demonstrate compliance according to Sec. 63.7506(a).
(c) If you demonstrate compliance through performance testing, you must establish each site-specific operating limit in Tables 2 through 4

to this subpart that applies to you according to the requirements in Sec. 63.7520, Table 7 to this subpart, and paragraph (c)(4) of this section, as applicable. You must also conduct fuel analyses according to Sec. 63.7521 and establish maximum fuel pollutant input levels according to paragraphs (c)(1) through (3) of this section, as applicable.
(1) You must establish the maximum chlorine fuel input ©input) during the initial performance testing according to the procedures in paragraphs (c)(1)(i) through (iii) of this section.
(i) You must determine the fuel type or fuel mixture that you could burn in

[[Page 55261]]

your boiler or process heater that has the highest content of chlorine.
(ii) During the performance testing for HCl, you must determine the fraction of the total heat input for each fuel type burned (Qi) based on the fuel mixture that has the highest content of chlorine, and the average chlorine concentration of each fuel type burned ©i).
(iii) You must establish a maximum chlorine input level using Equation 5 of this section.
[GRAPHIC] [TIFF OMITTED] TR13SE04.004

Where:

Clinput = Maximum amount of chlorine entering the boiler or process heater through fuels burned in units of pounds per million Btu.
Ci = Arithmetic average concentration of chlorine in fuel type, i, analyzed according to Sec. 63.7521, in units of pounds per million Btu.
Qi = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest content of chlorine. If you do not burn multiple fuel types during the performance testing, it is not necessary to determine the value of this term. Insert a value of ``1'' for Qi.
n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest content of chlorine.

(2) If you choose to comply with the alternative TSM emission limit instead of the particulate matter emission limit, you must establish the maximum TSM fuel input level (TSMinput) during the initial performance testing according to the procedures in paragraphs (c)(2)(i) through (iii) of this section.
(i) You must determine the fuel type or fuel mixture that you could burn in your boiler or process heater that has the highest content of

TSM.
(ii) During the performance testing for TSM, you must determine the fraction of total heat input from each fuel burned (Qi) based on the fuel mixture that has the highest content of total selected metals, and the average TSM concentration of each fuel type burned (Mi).
(iii) You must establish a baseline TSM input level using Equation 6 of this section.
[GRAPHIC] [TIFF OMITTED] TR13SE04.005

Where:

TSMinput = Maximum amount of TSM entering the boiler or process heater through fuels burned in units of pounds per million Btu.
Mi = Arithmetic average concentration of TSM in fuel type, i, analyzed according to Sec. 63.7521, in units of pounds per million Btu.
Qi = Fraction of total heat input from based fuel type, i, based on the fuel mixture that has the highest content of TSM. If you do not burn multiple fuel types during the performance test, it is not necessary to determine the value of this term. Insert a value of ``1'' for Qi.
n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest content of TSM.

(3) You must establish the maximum mercury fuel input level (Mercuryinput) during the initial performance testing using the procedures in paragraphs (c)(3)(i) through (iii) of this section.
(i) You must determine the fuel type or fuel mixture that you could burn in your boiler or process heater that has the highest content of mercury.
(ii) During the compliance demonstration for mercury, you must determine the fraction of total heat input for each fuel burned (Qi) based on the fuel mixture that has the highest content of mercury, and the average mercury concentration of each fuel type burned (HGi).
(iii) You must establish a maximum mercury input level using Equation 7 of this section.
[GRAPHIC] [TIFF OMITTED] TR13SE04.006

Where:

Mercuryinput = Maximum amount of mercury entering the boiler or process heater through fuels burned in units of pounds per million Btu.
HGi = Arithmetic average concentration of mercury in fuel

type, i, analyzed according to Sec. 63.7521, in units of pounds per million Btu.
Qi = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest mercury content. If you do not burn multiple fuel types during the performance test, it is not necessary to determine the value of this term. Insert a value of ``1'' for Qi.
n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest content of mercury.

(4) You must establish parameter operating limits according to paragraphs (c)(4)(i) through (iv) of this section.
(i) For a wet scrubber, you must establish the minimum scrubber effluent pH, liquid flowrate, and pressure drop as defined in Sec. 63.7575, as your operating limits during the three-run performance test. If you use a wet scrubber and you conduct separate performance tests for particulate matter, HCl, and mercury emissions, you must establish one set of minimum scrubber effluent pH, liquid flowrate, and pressure drop operating limits. The minimum scrubber effluent pH operating limit must be established during the HCl performance test. If you conduct multiple performance tests, you must set the minimum liquid flowrate and pressure drop operating limits at the highest minimum values established during the performance tests.
(ii) For an electrostatic precipitator, you must establish the minimum voltage and secondary current (or total power input), as defined in Sec. 63.7575, as your operating limits during the three-run performance test.
(iii) For a dry scrubber, you must establish the minimum sorbent injection rate, as defined in Sec. 63.7575, as your operating limit during the three-run performance test.
(iv) The operating limit for boilers or process heaters with fabric filters that choose to demonstrate continuous compliance through bag leak detection systems is that a bag leak detection system be installed according to the requirements in Sec. 63.7525, and that each fabric filter must be operated such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during a 6-month period.
(d) If you elect to demonstrate compliance with an applicable emission limit through fuel analysis, you must conduct fuel analyses according to Sec. 63.7521 and follow the procedures in paragraphs (d)(1) through (5) of this section.
(1) If you burn more than one fuel type, you must determine the fuel mixture you could burn in your boiler or process heater that would result in the maximum emission rates of the pollutants that you elect to demonstrate compliance through fuel analysis.
(2) You must determine the 90th percentile confidence level fuel

pollutant concentration of the composite samples analyzed for each fuel type using the one-sided z-statistic test described in Equation 8 of this section.
[GRAPHIC] [TIFF OMITTED] TR13SE04.012

Where:

P90 = 90th percentile confidence level pollutant concentration, in pounds per million Btu.

[[Page 55262]]

mean = Arithmetic average of the fuel pollutant concentration in the fuel samples analyzed according to Sec. 63.7521, in units of pounds per million Btu.
SD = Standard deviation of the pollutant concentration in the fuel samples analyzed according to Sec. 63.7521, in units of pounds per million Btu.
t = t distribution critical value for 90th percentile (0.1) probability for the appropriate degrees of freedom (number of samples minus one) as obtained from a Distribution Critical Value Table.

(3) To demonstrate compliance with the applicable emission limit for HCl, the HCl emission rate that you calculate for your boiler or process heater using Equation 9 of this section must be less than the applicable emission limit for HCl.
[GRAPHIC] [TIFF OMITTED] TR13SE04.007

Where:

HCl = HCl emission rate from the boiler or process heater in units of pounds per million Btu.
Ci90 = 90th percentile confidence level concentration of chlorine in fuel type, i, in units of pounds per million Btu as calculated according to Equation 8 of this section.
Qi = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest content of chlorine. If you do not burn multiple fuel types, it is not necessary to determine the value of this term. Insert a value of ``1'' for Qi.
n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest content of chlorine.
1.028 = Molecular weight ratio of HCl to chlorine.

(4) To demonstrate compliance with the applicable emission limit for TSM, the TSM emission rate that you calculate for your boiler or process heater using Equation 10 of this section must be less than the

applicable emission limit for TSM.
[GRAPHIC] [TIFF OMITTED] TR13SE04.008

Where:

TSM = TSM emission rate from the boiler or process heater in units of pounds per million Btu.
Mi90 = 90th percentile confidence level concentration of TSM in fuel, i, in units of pounds per million Btu as calculated according to Equation 8 of this section.
Qi = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest content of total selected metals. If you do not burn multiple fuel types, it is not necessary to determine the value of this term. Insert a value of ``1'' for Qi.
n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest content of TSM.

(5) To demonstrate compliance with the applicable emission limit for mercury, the mercury emission rate that you calculate for your boiler or process heater using Equation 11 of this section must be less than the applicable emission limit for mercury.
[GRAPHIC] [TIFF OMITTED] TR13SE04.009

Where:

Mercury = Mercury emission rate from the boiler or process heater in units of pounds per million Btu.
HGi90 = 90th percentile confidence level concentration of mercury in fuel, i, in units of pounds per million Btu as calculated according to Equation 8 of this section.
Qi = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest mercury content. If you do not burn multiple fuel types, it is not necessary to determine the value of this term. Insert a value of ``1'' for Qi.
n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest mercury content.

(e) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in Sec. 63.7545(e).

Continuous Compliance Requirements

Sec. 63.7535 How do I monitor and collect data to demonstrate continuous compliance?

(a) You must monitor and collect data according to this section and the site-specific monitoring plan required by Sec. 63.7505(d).
(b) Except for monitor malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), you must monitor continuously (or collect data at all required intervals) at all times that the affected source is operating.
(c) You may not use data recorded during monitoring malfunctions, associated repairs, or required quality assurance or control activities in data averages and calculations used to report emission or operating levels. You must use all the data collected during all other periods in assessing the operation of the control device and associated control system. Boilers and process heaters that have an applicable carbon monoxide work practice standard and are required to install and operate a CEMS, may not use data recorded during periods when the boiler or process heater is operating at less than 50 percent of its rated capacity.

Sec. 63.7540 How do I demonstrate continuous compliance with the emission limits and work practice standards?

(a) You must demonstrate continuous compliance with each emission limit, operating limit, and work practice standard in Tables 1 through 4 to this subpart that applies to you according to the methods specified in Table 8 to this subpart and paragraphs (a)(1) through (10) of this section.
(1) Following the date on which the initial performance test is completed or is required to be completed under Sec. Sec. 63.7 and 63.7510, whichever date comes first, you must not operate above any of the applicable maximum operating limits or below any of the applicable minimum operating limits listed in Tables 2 through 4 to this subpart at all times except during periods of startup, shutdown and malfunction. Operating limits do not apply during performance tests. Operation above the established maximum or below the established minimum operating limits shall constitute a deviation of established operating limits.
(2) You must keep records of the type and amount of all fuels burned in each boiler or process heater during the reporting period to demonstrate that all fuel types and mixtures of fuels burned would either result in lower emissions of TSM, HCl, and mercury, than the applicable emission limit for each pollutant (if you demonstrate compliance through fuel analysis), or result in lower fuel input of TSM, chlorine, and mercury than the maximum values calculated during the last performance tests (if you demonstrate compliance through performance testing).
(3) If you demonstrate compliance with an applicable HCl emission

limit through fuel analysis and you plan to burn a new type of fuel, you must recalculate the HCl emission rate using Equation 9 of Sec. 63.7530 according to paragraphs (a)(3)(i) through (iii) of this section.

[[Page 55263]]

(i) You must determine the chlorine concentration for any new fuel type in units of pounds per million Btu, based on supplier data or your own fuel analysis, according to the provisions in your site-specific fuel analysis plan developed according to Sec. 63.7521(b).
(ii) You must determine the new mixture of fuels that will have the highest content of chlorine.
(iii) Recalculate the HCl emission rate from your boiler or process heater under these new conditions using Equation 9 of Sec. 63.7530. The recalculated HCl emission rate must be less than the applicable emission limit.
(4) If you demonstrate compliance with an applicable HCl emission limit through performance testing and you plan to burn a new type of fuel type or a new mixture of fuels, you must recalculate the maximum chlorine input using Equation 5 of Sec. 63.7530. If the results of recalculating the maximum chlorine input using Equation 5 of Sec. 63.7530 are higher than the maximum chlorine input level established during the previous performance test, then you must conduct a new performance test within 60 days of burning the new fuel type or fuel mixture according to the procedures in Sec. 63.7520 to demonstrate that the HCl emissions do not exceed the emission limit. You must also establish new operating limits based on this performance test according to the procedures in Sec. 63.7530(c).
(5) If you demonstrate compliance with an applicable TSM emission limit through fuel analysis, and you plan to burn a new type of fuel, you must recalculate the TSM emission rate using Equation 10 of Sec. 63.7530 according to the procedures specified in paragraphs (a)(5)(i) through (iii) of this section.
(i) You must determine the TSM concentration for any new fuel type in units of pounds per million Btu, based on supplier data or your own fuel analysis, according to the provisions in your site-specific fuel analysis plan developed according to Sec. 63.7521(b).
(ii) You must determine the new mixture of fuels that will have the highest content of TSM.
(iii) Recalculate the TSM emission rate from your boiler or process heater under these new conditions using Equation 10 of Sec. 63.7530. The recalculated TSM emission rate must be less than the applicable emission limit.
(6) If you demonstrate compliance with an applicable TSM emission limit through performance testing, and you plan to burn a new type of

fuel or a new mixture of fuels, you must recalculate the maximum TSM input using Equation 6 of Sec. 63.7530. If the results of recalculating the maximum total selected metals input using Equation 6 of Sec. 63.7530 are higher than the maximum TSM input level established during the previous performance test, then you must conduct a new performance test within 60 days of burning the new fuel type or fuel mixture according to the procedures in Sec. 63.7520 to demonstrate that the TSM emissions do not exceed the emission limit. You must also establish new operating limits based on this performance test according to the procedures in Sec. 63.7530(c).

(7) If you demonstrate compliance with an applicable mercury emission limit through fuel analysis, and you plan to burn a new type of fuel, you must recalculate the mercury emission rate using Equation 11 of Sec. 63.7530 according to the procedures specified in paragraphs (a)(7)(i) through (iii) of this section.

(i) You must determine the mercury concentration for any new fuel type in units of pounds per million Btu, based on supplier data or your own fuel analysis, according to the provisions in your site-specific fuel analysis plan developed according to Sec. 63.7521(b).

(ii) You must determine the new mixture of fuels that will have the highest content of mercury.

(iii) Recalculate the mercury emission rate from your boiler or process heater under these new conditions using Equation 11 of Sec. 63.7530. The recalculated mercury emission rate must be less than the applicable emission limit.

(8) If you demonstrate compliance with an applicable mercury emission limit through performance testing, and you plan to burn a new type of fuel or a new mixture of fuels, you must recalculate the maximum mercury input using Equation 7 of Sec. 63.7530. If the results of recalculating the maximum mercury input using Equation 7 of Sec. 63.7530 are higher than the maximum mercury input level established during the previous performance test, then you must conduct a new performance test within 60 days of burning the new fuel type or fuel mixture according to the procedures in Sec. 63.7520 to demonstrate that the mercury emissions do not exceed the emission limit. You must also establish new operating limits based on this performance test according to the procedures in Sec. 63.7530(c).

(9) If your unit is controlled with a fabric filter, and you demonstrate continuous compliance using a bag leak detection system, you must initiate corrective action within 1 hour of a bag leak detection system alarm and complete corrective actions according to your SSMP, and operate and maintain the fabric filter system such that the alarm does not sound more than 5 percent of the operating time during a 6-month period. You must also keep records of the date, time, and duration of each alarm, the time corrective action was initiated and completed, and a brief description of the cause of the alarm and

the corrective action taken. You must also record the percent of the operating time during each 6-month period that the alarm sounds. In calculating this operating time percentage, if inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm shall be counted as a minimum of 1 hour. If you take longer than 1 hour to initiate corrective action, the alarm time shall be counted as the actual amount of time taken to initiate corrective action.
(10) If you have an applicable work practice standard for carbon monoxide, and you are required to install a CEMS according to Sec. 63.7525(a), then you must meet the requirements in paragraphs (a)(10)(i) through (iii) of this section.
(i) You must continuously monitor carbon monoxide according to Sec. Sec. 63.7525(a) and 63.7535.
(ii) Maintain a carbon monoxide emission level below your applicable carbon monoxide work practice standard in Table 1 to this subpart at all times except during periods of startup, shutdown, malfunction, and when your boiler or process heater is operating at less than 50 percent of rated capacity.
(iii) Keep records of carbon monoxide levels according to Sec. 63.7555(b).
(b) You must report each instance in which you did not meet each emission limit, operating limit, and work practice standard in Tables 1 through 4 to this subpart that apply to you. You must also report each instance during a startup, shutdown, or malfunction when you did not meet each applicable emission limit, operating limit, and work practice standard. These instances are deviations from the emission limits and work practice standards in this subpart. These deviations must be reported according to the requirements in Sec. 63.7550.
(c) During periods of startup, shutdown, and malfunction, you must operate in accordance with the SSMP as required in Sec. 63.7505(e).
(d) Consistent with Sec. Sec. 63.6(e)and 63.7(e)(1), deviations that occur during a period of startup, shutdown, or malfunction are not violations if you demonstrate to the EPA Administrator's satisfaction that you were operating in accordance with your SSMP. The EPA Administrator will determine whether

[[Page 55264]]

deviations that occur during a period of startup, shutdown, or malfunction are violations, according to the provisions in Sec. 63.6(e).

Sec. 63.7541 How do I demonstrate continuous compliance under the emission averaging provision?

(a) Following the compliance date, the owner or operator must demonstrate compliance with this subpart on a continuous basis by meeting the requirements of paragraphs (a)(1) through (4) of this section.
(1) For each calendar month, demonstrate compliance with the average weighted emissions limit for the existing large solid fuel boilers participating in the emissions averaging option as determined in Sec. 63.7522(f) and (g);
(2) For each existing solid fuel boiler participating in the emissions averaging option that is equipped with a dry control system, maintain opacity at or below the applicable limit;
(3) For each existing solid fuel boiler participating in the emissions averaging option that is equipped with a wet scrubber, maintain the 3-hour average parameter values at or below the operating limits established during the most recent performance test; and
(4) For each existing solid fuel boiler participating in the emissions averaging option that has an approved alternative operating plan, maintain the 3-hour average parameter values at or below the operating limits established in the most recent performance test.
(b) Any instance where the owner or operator fails to comply with the continuous monitoring requirements in paragraphs (a)(1) through (4) of this section, except during periods of startup, shutdown, and malfunction, is a deviation.

Notification, Reports, and Records

Sec. 63.7545 What notifications must I submit and when?

(a) You must submit all of the notifications in Sec. Sec. 63.7(b) and (c), 63.8 (e), (f)(4) and (6), and 63.9 (b) through (h) that apply to you by the dates specified.
(b) As specified in Sec. 63.9(b)(2), if you startup your affected source before November 12, 2004, you must submit an Initial Notification not later than 120 days after November 12, 2004. The Initial Notification must include the information required in paragraphs (b)(1) and (2) of this section, as applicable.
(1) If your affected source has an annual capacity factor of greater than 10 percent, your Initial Notification must include the information required by Sec. 63.9(b)(2).
(2) If your affected source has a federally enforceable permit that limits the annual capacity factor to less than or equal to 10 percent such that the unit is in one of the limited use subcategories (the limited use solid fuel subcategory, the limited use liquid fuel subcategory, or the limited use gaseous fuel subcategory), your Initial Notification must include the information required by Sec. 63.9(b)(2) and also a signed statement indicating your affected source has a

federally enforceable permit that limits the annual capacity factor to less than or equal to 10 percent.
(c) As specified in Sec. 63.9(b)(4) and (b)(5), if you startup your new or reconstructed affected source on or after November 12, 2004, you must submit an Initial Notification not later than 15 days after the actual date of startup of the affected source.
(d) If you are required to conduct a performance test you must submit a Notification of Intent to conduct a performance test at least 30 days before the performance test is scheduled to begin.
(e) If you are required to conduct an initial compliance demonstration as specified in Sec. 63.7530(a), you must submit a Notification of Compliance Status according to Sec. 63.9(h)(2)(ii). For each initial compliance demonstration, you must submit the Notification of Compliance Status, including all performance test results and fuel analyses, before the close of business on the 60th day following the completion of the performance test and/or other initial compliance demonstrations according to Sec. 63.10(d)(2). The Notification of Compliance Status report must contain all the information specified in paragraphs (e)(1) through (9), as applicable.
(1) A description of the affected source(s) including identification of which subcategory the source is in, the capacity of the source, a description of the add-on controls used on the source description of the fuel(s) burned, and justification for the fuel(s) burned during the performance test.
(2) Summary of the results of all performance tests, fuel analyses, and calculations conducted to demonstrate initial compliance including all established operating limits.
(3) Identification of whether you are complying with the particulate matter emission limit or the alternative total selected metals emission limit.
(4) Identification of whether you plan to demonstrate compliance with each applicable emission limit through performance testing or fuel analysis.
(5) Identification of whether you plan to demonstrate compliance by emissions averaging.
(6) A signed certification that you have met all applicable emission limits and work practice standards.
(7) A summary of the carbon monoxide emissions monitoring data and the maximum carbon monoxide emission levels recorded during the performance test to show that you have met any applicable work practice standard in Table 1 to this subpart.
(8) If your new or reconstructed boiler or process heater is in one of the liquid fuel subcategories and burns only liquid fossil fuels other than residual oil either alone or in combination with gaseous fuels, you must submit a signed statement certifying this in your Notification of Compliance Status report.

(9) If you had a deviation from any emission limit or work practice standard, you must also submit a description of the deviation, the duration of the deviation, and the corrective action taken in the Notification of Compliance Status report.

Sec. 63.7550 What reports must I submit and when?

(a) You must submit each report in Table 9 to this subpart that applies to you.
(b) Unless the EPA Administrator has approved a different schedule for submission of reports under Sec. 63.10(a), you must submit each report by the date in Table 9 to this subpart and according to the requirements in paragraphs (b)(1) through (5) of this section.
(1) The first compliance report must cover the period beginning on the compliance date that is specified for your affected source in Sec. 63.7495 and ending on June 30 or December 31, whichever date is the first date that occurs at least 180 days after the compliance date that is specified for your source in Sec. 63.7495.
(2) The first compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your source in Sec. 63.7495.
(3) Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.
(4) Each subsequent compliance report must be postmarked or delivered

[[Page 55265]]

no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.
(5) For each affected source that is subject to permitting regulations pursuant to 40 CFR part 70 or 40 CFR part 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), you may submit the first and subsequent compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (b)(1) through (4) of this section.
(c) The compliance report must contain the information required in paragraphs (c)(1) through (11) of this section.
(1) Company name and address.
(2) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.
(4) The total fuel use by each affected source subject to an emission limit, for each calendar month within the semiannual reporting period, including, but not limited to, a description of the fuel and the total fuel usage amount with units of measure.
(5) A summary of the results of the annual performance tests and documentation of any operating limits that were reestablished during this test, if applicable.
(6) A signed statement indicating that you burned no new types of fuel. Or, if you did burn a new type of fuel, you must submit the calculation of chlorine input, using Equation 5 of Sec. 63.7530, that demonstrates that your source is still within its maximum chlorine input level established during the previous performance testing (for sources that demonstrate compliance through performance testing) or you must submit the calculation of HCl emission rate using Equation 9 of Sec. 63.7530 that demonstrates that your source is still meeting the emission limit for HCl emissions (for boilers or process heaters that demonstrate compliance through fuel analysis). If you burned a new type of fuel, you must submit the calculation of TSM input, using Equation 6 of Sec. 63.7530, that demonstrates that your source is still within its maximum TSM input level established during the previous performance testing (for sources that demonstrate compliance through performance testing), or you must submit the calculation of TSM emission rate using Equation 10 of Sec. 63.7530 that demonstrates that your source is still meeting the emission limit for TSM emissions (for boilers or process heaters that demonstrate compliance through fuel analysis). If you burned a new type of fuel, you must submit the calculation of mercury input, using Equation 7 of Sec. 63.7530, that demonstrates that your source is still within its maximum mercury input level established during the previous performance testing (for sources that demonstrate compliance through performance testing), or you must submit the calculation of mercury emission rate using Equation 11 of Sec. 63.7530 that demonstrates that your source is still meeting the emission limit for mercury emissions (for boilers or process heaters that demonstrate compliance through fuel analysis).
(7) If you wish to burn a new type of fuel and you can not demonstrate compliance with the maximum chlorine input operating limit using Equation 5 of Sec. 63.7530, the maximum TSM input operating limit using Equation 6 of Sec. 63.7530, or the maximum mercury input operating limit using Equation 7 of Sec. 63.7530, you must include in the compliance report a statement indicating the intent to conduct a new performance test within 60 days of starting to burn the new fuel.
(8) The hours of operation for each boiler and process heater that is subject to an emission limit for each calendar month within the semiannual reporting period. This requirement applies only to limited

use boilers and process heaters.
(9) If you had a startup, shutdown, or malfunction during the reporting period and you took actions consistent with your SSMP, the compliance report must include the information in Sec. 63.10(d)(5)(i).
(10) If there are no deviations from any emission limits or operating limits in this subpart that apply to you, and there are no deviations from the requirements for work practice standards in this subpart, a statement that there were no deviations from the emission limits, operating limits, or work practice standards during the reporting period.
(11) If there were no periods during which the CMSs, including CEMS, COMS, and CPMS, were out of control as specified in Sec. 63.8(c)(7), a statement that there were no periods during which the CMSs were out of control during the reporting period.
(d) For each deviation from an emission limit or operating limit in this subpart and for each deviation from the requirements for work practice standards in this subpart that occurs at an affected source where you are not using a CMSs to comply with that emission limit, operating limit, or work practice standard, the compliance report must contain the information in paragraphs (c)(1) through (10) of this section and the information required in paragraphs (d)(1) through (4) of this section. This includes periods of startup, shutdown, and malfunction.
(1) The total operating time of each affected source during the reporting period.
(2) A description of the deviation and which emission limit, operating limit, or work practice standard from which you deviated.
(3) Information on the number, duration, and cause of deviations (including unknown cause), as applicable, and the corrective action taken.
(4) A copy of the test report if the annual performance test showed a deviation from the emission limit for particulate matter or the alternative TSM limit, a deviation from the HCl emission limit, or a deviation from the mercury emission limit.
(e) For each deviation from an emission limitation and operating limit or work practice standard in this subpart occurring at an affected source where you are using a CMS to comply with that emission limit, operating limit, or work practice standard, you must include the information in paragraphs (c) (1) through (10) of this section and the information required in paragraphs (e) (1) through (12) of this section. This includes periods of startup, shutdown, and malfunction and any deviations from your site-specific monitoring plan as required in Sec. 63.7505(d).
(1) The date and time that each malfunction started and stopped and description of the nature of the deviation (i.e., what you deviated from).

(2) The date and time that each CMS was inoperative, except for zero (low-level) and high-level checks.
(3) The date, time, and duration that each CMS was out of control, including the information in Sec. 63.8(c)(8).
(4) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period.
(5) A summary of the total duration of the deviation during the reporting period and the total duration as a percent of the total source operating time during that reporting period.
(6) A breakdown of the total duration of the deviations during the reporting period into those that are due to startup, shutdown, control equipment problems,

[[Page 55266]]

process problems, other known causes, and other unknown causes.
(7) A summary of the total duration of CMSs downtime during the reporting period and the total duration of CMS downtime as a percent of the total source operating time during that reporting period.
(8) An identification of each parameter that was monitored at the affected source for which there was a deviation, including opacity, carbon monoxide, and operating parameters for wet scrubbers and other control devices.
(9) A brief description of the source for which there was a deviation.
(10) A brief description of each CMS for which there was a deviation.
(11) The date of the latest CMS certification or audit for the system for which there was a deviation.
(12) A description of any changes in CMSs, processes, or controls since the last reporting period for the source for which there was a deviation.
(f) Each affected source that has obtained a title V operating permit pursuant to 40 CFR part 70 or 40 CFR part 71 must report all deviations as defined in this subpart in the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If an affected source submits a compliance report pursuant to Table 9 to this subpart along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the compliance report includes all required information concerning deviations from any emission limit, operating limit, or work practice requirement in this subpart, submission of the compliance report satisfies any obligation to report the same deviations in the semiannual monitoring report. However, submission of a compliance report does not otherwise affect any

obligation the affected source may have to report deviations from permit requirements to the permit authority.
(g) If you operate a new gaseous fuel unit that is subject to the work practice standard specified in Table 1 to this subpart, and you intend to use a fuel other than natural gas or equivalent to fire the affected unit, you must submit a notification of alternative fuel use within 48 hours of the declaration of a period of natural gas curtailment or supply interruption, as defined in Sec. 63.7575. The notification must include the information specified in paragraphs (g)(1) through (5) of this section.
(1) Company name and address.
(2) Identification of the affected unit.
(3) Reason you are unable to use natural gas or equivalent fuel, including the date when the natural gas curtailment was declared or the natural gas supply interruption began.
(4) Type of alternative fuel that you intend to use.
(5) Dates when the alternative fuel use is expected to begin and end.

Sec. 63.7555 What records must I keep?

(a) You must keep records according to paragraphs (a)(1) through (3) of this section.
(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status or semiannual compliance report that you submitted, according to the requirements in Sec. 63.10(b)(2)(xiv).
(2) The records in Sec. 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction.
(3) Records of performance tests, fuel analyses, or other compliance demonstrations, performance evaluations, and opacity observations as required in Sec. 63.10(b)(2)(viii).
(b) For each CEMS, CPMS, and COMS, you must keep records according to paragraphs (b)(1) through (5) of this section.
(1) Records described in Sec. 63.10(b)(2) (vi) through (xi).
(2) Monitoring data for continuous opacity monitoring system during a performance evaluation as required in Sec. 63.6(h)(7)(i) and (ii).
(3) Previous (i.e., superseded) versions of the performance evaluation plan as required in Sec. 63.8(d)(3).
(4) Request for alternatives to relative accuracy test for CEMS as required in Sec. 63.8(f)(6)(i).
(5) Records of the date and time that each deviation started and stopped, and whether the deviation occurred during a period of startup, shutdown, or malfunction or during another period.
(c) You must keep the records required in Table 8 to this subpart

including records of all monitoring data and calculated averages for applicable operating limits such as opacity, pressure drop, carbon monoxide, and pH to show continuous compliance with each emission limit, operating limit, and work practice standard that applies to you.
(d) For each boiler or process heater subject to an emission limit, you must also keep the records in paragraphs (d)(1) through (5) of this section.
(1) You must keep records of monthly fuel use by each boiler or process heater, including the type(s) of fuel and amount(s) used.
(2) You must keep records of monthly hours of operation by each boiler or process heater. This requirement applies only to limited-use boilers and process heaters.
(3) A copy of all calculations and supporting documentation of maximum chlorine fuel input, using Equation 5 of Sec. 63.7530, that were done to demonstrate continuous compliance with the HCl emission limit, for sources that demonstrate compliance through performance testing. For sources that demonstrate compliance through fuel analysis, a copy of all calculations and supporting documentation of HCl emission rates, using Equation 9 of Sec. 63.7530, that were done to demonstrate compliance with the HCl emission limit. Supporting documentation should include results of any fuel analyses and basis for the estimates of maximum chlorine fuel input or HCl emission rates. You can use the results from one fuel analysis for multiple boilers and process heaters provided they are all burning the same fuel type. However, you must calculate chlorine fuel input, or HCl emission rate, for each boiler and process heater.
(4) A copy of all calculations and supporting documentation of maximum TSM fuel input, using Equation 6 of Sec. 63.7530, that were done to demonstrate continuous compliance with the TSM emission limit for sources that demonstrate compliance through performance testing. For sources that demonstrate compliance through fuel analysis, a copy of all calculations and supporting documentation of TSM emission rates, using Equation 10 of Sec. 63.7530, that were done to demonstrate compliance with the TSM emission limit. Supporting documentation should include results of any fuel analyses and basis for the estimates of maximum TSM fuel input or TSM emission rates. You can use the results from one fuel analysis for multiple boilers and process heaters provided they are all burning the same fuel type. However, you must calculate TSM fuel input, or TSM emission rates, for each boiler and process heater.
(5) A copy of all calculations and supporting documentation of maximum mercury fuel input, using Equation 7 of Sec. 63.7530, that were done to demonstrate continuous compliance with the mercury emission limit for sources that demonstrate compliance through performance testing. For sources that demonstrate compliance through fuel analysis, a copy of all calculations and supporting documentation

of mercury emission rates, using Equation 11 of Sec. 63.7530, that were done to demonstrate compliance with the mercury emission limit. Supporting documentation should

[[Page 55267]]

include results of any fuel analyses and basis for the estimates of maximum mercury fuel input or mercury emission rates. You can use the results from one fuel analysis for multiple boilers and process heaters provided they are all burning the same fuel type. However, you must calculate mercury fuel input, or mercury emission rates, for each boiler and process heater.
(e) If your boiler or process heater is subject to an emission limit or work practice standard in Table 1 to this subpart and has a federally enforceable permit that limits the annual capacity factor to less than or equal to 10 percent such that the unit is in one of the limited use subcategories, you must keep the records in paragraphs (e)(1) and (2) of this section.
(1) A copy of the federally enforceable permit that limits the annual capacity factor of the source to less than or equal to 10 percent.
(2) Fuel use records for the days the boiler or process heater was operating.

Sec. 63.7560 In what form and how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review, according to Sec. 63.10(b)(1).
(b) As specified in Sec. 63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.
(c) You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to Sec. 63.10(b)(1). You can keep the records off site for the remaining 3 years.

Other Requirements and Information

Sec. 63.7565 What parts of the General Provisions apply to me?

Table 10 to this subpart shows which parts of the General Provisions in Sec. Sec. 63.1 through 63.15 apply to you.

Sec. 63.7570 Who implements and enforces this subpart?

(a) This subpart can be implemented and enforced by U.S. EPA, or a delegated authority such as your State, local, or tribal agency. If the EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency (as well as the U.S. EPA) has the authority to implement and enforce this subpart. You should contact your EPA Regional Office to find out if this subpart is delegated to your State, local, or tribal agency.
(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under 40 CFR part 63, subpart E, the authorities listed in paragraphs (b)(1) through (5) of this section are retained by the EPA Administrator and are not transferred to the State, local, or tribal agency, however, the U.S. EPA retains oversight of this subpart and can take enforcement actions, as appropriate.
(1) Approval of alternatives to the non-opacity emission limits and work practice standards in Sec. 63.7500(a) and (b) under Sec. 63.6(g).
(2) Approval of alternative opacity emission limits in Sec. 63.7500(a) under Sec. 63.6(h)(9).
(3) Approval of major change to test methods in Table 5 to this subpart under Sec. 63.7(e)(2)(ii) and (f) and as defined in Sec. 63.90.
(4) Approval of major change to monitoring under Sec. 63.8(f) and as defined in Sec. 63.90.
(5) Approval of major change to recordkeeping and reporting under Sec. 63.10(f) and as defined in Sec. 63.90.

Sec. 63.7575 What definitions apply to this subpart?

Terms used in this subpart are defined in the CAA, in Sec. 63.2 (the General Provisions), and in this section as follows:
Annual capacity factor means the ratio between the actual heat input to a boiler or process heater from the fuels burned during a calendar year, and the potential heat input to the boiler or process heater had it been operated for 8,760 hours during a year at the maximum steady state design heat input capacity.
Bag leak detection system means an instrument that is capable of monitoring particulate matter loadings in the exhaust of a fabric filter (i.e., baghouse) in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on electrodynamic, triboelectric, light scattering, light transmittance, or other principle to monitor relative particulate matter loadings.
Biomass fuel means unadulterated wood as defined in this subpart, wood residue, and wood products (e.g., trees, tree stumps, tree limbs,

bark, lumber, sawdust, sanderdust, chips, scraps, slabs, millings, and shavings); animal litter; vegetative agricultural and silvicultural materials, such as logging residues (slash), nut and grain hulls and chaff (e.g., almond, walnut, peanut, rice, and wheat), bagasse, orchard prunings, corn stalks, coffee bean hulls and grounds.

Blast furnace gas fuel-fired boiler or process heater means an industrial/commercial/institutional boiler or process heater that receives 90 percent or more of its total heat input (based on an annual average) from blast furnace gas.

Boiler means an enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water. Waste heat boilers are excluded from this definition.

Coal means all solid fuels classifiable as anthracite, bituminous, sub-bituminous, or lignite by the American Society for Testing and Materials in ASTM D388-991 .\1\, ``Standard Specification for

Classification of Coals by Rank \1\'' (incorporated by reference, see Sec. 63.14(b)), coal refuse, and petroleum coke. Synthetic fuels derived from coal for the purpose of creating useful heat including but not limited to, solvent-refined coal, coal-oil mixtures, and coal-water mixtures, for the purposes of this subpart. Coal derived gases are excluded from this definition.

Coal refuse means any by-product of coal mining or coal cleaning operations with an ash content greater than 50 percent (by weight) and a heating value less than 13,900 kilojoules per kilogram (6,000 Btu per pound) on a dry basis.

Commercial/institutional boiler means a boiler used in commercial establishments or institutional establishments such as medical centers, research centers, institutions of higher education, hotels, and laundries to provide electricity, steam, and/or hot water.

Construction/demolition material means waste building material that result from the construction or demolition operations on houses and commercial and industrial buildings.

Deviation. (1) Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(i) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limit, operating limit, or work practice standard;

(ii) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(iii) Fails to meet any emission limit, operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction, regardless or whether or not such failure is permitted by this subpart.

(2) A deviation is not always a violation. The determination of whether a deviation constitutes a violation of the

[[Page 55268]]

standard is up to the discretion of the entity responsible for enforcement of the standards.

Distillate oil means fuel oils, including recycled oils, that comply with the specifications for fuel oil numbers 1 and 2, as defined by the American Society for Testing and Materials in ASTM D396-02a, ``Standard Specifications for Fuel Oils 1'' (incorporated by reference, see Sec. 63.14(b)).

Dry scrubber means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gas in the exhaust stream forming a dry powder material. Sorbent injection systems in fluidized bed boilers and process heaters are included in this definition.

Electric utility steam generating unit means a fossil fuel-fired combustion unit of more than 25 megawatts that serves a generator that produces electricity for sale. A fossil fuel-fired unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 megawatts electrical output to any utility power distribution system for sale is considered an electric utility steam generating unit.

Electrostatic precipitator means an add-on air pollution control device used to capture particulate matter by charging the particles using an electrostatic field, collecting the particles using a grounded collecting surface, and transporting the particles into a hopper.

Fabric filter means an add-on air pollution control device used to capture particulate matter by filtering gas streams through filter media, also known as a baghouse.

Federally enforceable means all limitations and conditions that are enforceable by the EPA Administrator, including the requirements of 40 CFR parts 60 and 61, requirements within any applicable State implementation plan, and any permit requirements established under 40 CFR 52.21 or under 40 CFR 51.18 and 40 CFR 51.24.

Firetube boiler means a boiler in which hot gases of combustion pass through the tubes and water contacts the outside surfaces of the tubes.

Fossil fuel means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials.

Fuel type means each category of fuels that share a common name or classification. Examples include, but are not limited to, bituminous coal, subbituminous coal, lignite, anthracite, biomass, construction/ demolition material, salt water laden wood, creosote treated wood, tires, residual oil. Individual fuel types received from different suppliers are not considered new fuel types except for construction/ demolition material.

Gaseous fuel includes, but is not limited to, natural gas, process gas, landfill gas, coal derived gas, refinery gas, and biogas. Blast furnace gas is exempted from this definition.

Heat input means heat derived from combustion of fuel in a boiler

or process heater and does not include the heat input from preheated combustion air, recirculated flue gases, or exhaust gases from other sources such as gas turbines, internal combustion engines, kilns, etc.
Hot water heater means a closed vessel with a capacity of no more than 120 U.S. gallons in which water is heated by combustion of gaseous or liquid fuel and is withdrawn for use external to the vessel at pressures not exceeding 160 psig, including the apparatus by which the heat is generated and all controls and devices necessary to prevent water temperatures from exceeding 210[deg]F (99[deg]C).
Industrial boiler means a boiler used in manufacturing, processing, mining, and refining or any other industry to provide steam, hot water, and/or electricity.
Large gaseous fuel subcategory includes any watertube boiler or process heater that burns gaseous fuels not combined with any solid fuels, burns liquid fuel only during periods of gas curtailment or gas supply emergencies, has a rated capacity of greater than 10 MMBTU per hour heat input, and has an annual capacity factor of greater than 10 percent.
Large liquid fuel subcategory includes any watertube boiler or process heater that does not burn any solid fuel and burns any liquid fuel either alone or in combination with gaseous fuels, has a rated capacity of greater than 10 MMBTU per hour heat input, and has an annual capacity factor of greater than 10 percent. Large gaseous fuel boilers and process heaters that burn liquid fuel during periods of gas curtailment or gas supply emergencies are not included in this definition.
Large solid fuel subcategory includes any watertube boiler or process heater that burns any amount of solid fuel either alone or in combination with liquid or gaseous fuels, has a rated capacity of greater than 10 MMBTU per hour heat input, and has an annual capacity factor of greater than 10 percent.
Limited use gaseous fuel subcategory includes any watertube boiler or process heater that burns gaseous fuels not combined with any liquid or solid fuels, burns liquid fuel only during periods of gas curtailment or gas supply emergencies, has a rated capacity of greater than 10 MMBTU per hour heat input, and has a federally enforceable annual average capacity factor of equal to or less than 10 percent.
Limited use liquid fuel subcategory includes any watertube boiler or process heater that does not burn any solid fuel and burns any liquid fuel either alone or in combination with gaseous fuels, has a rated capacity of greater than 10 MMBTU per hour heat input, and has a federally enforceable annual average capacity factor of equal to or less than 10 percent. Limited use gaseous fuel boilers and process heaters that burn liquid fuel during periods of gas curtailment or gas supply emergencies are not included in this definition.
Limited use solid fuel subcategory includes any watertube boiler or

process heater that burns any amount of solid fuel either alone or in combination with liquid or gaseous fuels, has a rated capacity of greater than 10 MMBTU per hour heat input, and has a federally enforceable annual average capacity factor of equal to or less than 10 percent.
Liquid fossil fuel means petroleum, distillate oil, residual oil and any form of liquid fuel derived from such material.
Liquid fuel includes, but is not limited to, distillate oil, residual oil, waste oil, and process liquids.
Minimum pressure drop means 90 percent of the lowest test-run average pressure drop measured according to Table 7 to this subpart during the most recent performance test demonstrating compliance with the applicable emission limit.
Minimum scrubber effluent pH means 90 percent of the lowest test-run average effluent pH measured at the outlet of the wet scrubber according to Table 7 to this subpart during the most recent performance test demonstrating compliance with the applicable hydrogen chloride emission limit.
Minimum scrubber flow rate means 90 percent of the lowest test-run average flow rate measured according to Table 7 to this subpart during the most recent performance test demonstrating compliance with the applicable emission limit.
Minimum sorbent flow rate means 90 percent of the lowest test-run average sorbent (or activated carbon) flow rate measured according to Table 7 to this subpart during the most recent performance test demonstrating compliance with the applicable emission limits.

[[Page 55269]]

Minimum voltage or amperage means 90 percent of the lowest test-run average voltage or amperage to the electrostatic precipitator measured according to Table 7 to this subpart during the most recent performance test demonstrating compliance with the applicable emission limits.
Natural gas means:
(1) A naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane; or
(2) Liquid petroleum gas, as defined by the American Society for Testing and Materials in ASTM D1835-03a, ``Standard Specification for Liquid Petroleum Gases'' (incorporated by reference, see Sec. 63.14(b)).
Opacity means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
Particulate matter means any finely divided solid or liquid material, other than uncombined water, as measured by the test methods specified under this subpart, or an alternative method.

Period of natural gas curtailment or supply interruption means a period of time during which the supply of natural gas to an affected facility is halted for reasons beyond the control of the facility. An increase in the cost or unit price of natural gas does not constitute a period of natural gas curtailment or supply interruption.
Process heater means an enclosed device using controlled flame, that is not a boiler, and the unit's primary purpose is to transfer heat indirectly to a process material (liquid, gas, or solid) or to a heat transfer material for use in a process unit, instead of generating steam. Process heaters are devices in which the combustion gases do not directly come into contact with process materials. Process heaters do not include units used for comfort heat or space heat, food preparation for on-site consumption, or autoclaves.
Residual oil means crude oil, and all fuel oil numbers 4, 5 and 6, as defined by the American Society for Testing and Materials in ASTM D396-02a, ``Standard Specifications for Fuel Oils 1'' (incorporated by reference, see Sec. 63.14(b)).
Responsible official means responsible official as defined in 40 CFR 70.2.
Small gaseous fuel subcategory includes any firetube boiler that burns gaseous fuels not combined with any solid fuels and burns liquid fuel only during periods of gas curtailment or gas supply emergencies, and any boiler or process heater that burns gaseous fuels not combined with any solid fuels, burns liquid fuel only during periods of gas curtailment or gas supply emergencies, and has a rated capacity of less than or equal to 10 MMBTU per hour heat input.
Small liquid fuel subcategory includes any firetube boiler that does not burn any solid fuel and burns any liquid fuel either alone or in combination with gaseous fuels, and any boiler or process heater that does not burn any solid fuel and burns any liquid fuel either alone or in combination with gaseous fuels, and has a rated capacity of less than or equal to 10 MMBTU per hour heat input. Small gaseous fuel boilers and process heaters that burn liquid fuel during periods of gas curtailment or gas supply emergencies are not included in this definition.
Small solid fuel subcategory includes any firetube boiler that burns any amount of solid fuel either alone or in combination with liquid or gaseous fuels, and any other boiler or process heater that burns any amount of solid fuel either alone or in combination with liquid or gaseous fuels and has a rated capacity of less than or equal to 10 MMBTU per hour heat input.
Solid fuel includes, but is not limited to, coal, wood, biomass, tires, plastics, and other nonfossil solid materials.
Temporary boiler means any gaseous or liquid fuel boiler that is designed to, and is capable of, being carried or moved from one location to another. A temporary boiler that remains at a location for

more than 180 consecutive days is no longer considered to be a temporary boiler. Any temporary boiler that replaces a temporary boiler at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period.
Total selected metals means the combination of the following metallic HAP: arsenic, beryllium, cadmium, chromium, lead, manganese, nickel and selenium.
Unadulterated wood means wood or wood products that have not been painted, pigment-stained, or pressure treated with compounds such as chromate copper arsenate, pentachlorophenol, and creosote. Plywood, particle board, oriented strand board, and other types of wood products bound by glues and resins are included in this definition.
Waste heat boiler means a device that recovers normally unused energy and converts it to usable heat. Waste heat boilers incorporating duct or supplemental burners that are designed to supply 50 percent or more of the total rated heat input capacity of the waste heat boiler are not considered waste heat boilers, but are considered boilers. Waste heat boilers are also referred to as heat recovery steam generators.
Watertube boiler means a boiler in which water passes through the tubes and hot gases of combustion pass over the outside surfaces of the tubes.
Wet scrubber means any add-on air pollution control device that mixes an aqueous stream or slurry with the exhaust gases from a boiler or process heater to control emissions of particulate matter and/or to absorb and neutralize acid gases, such as hydrogen chloride.
Work practice standard means any design, equipment, work practice, or operational standard, or combination thereof, that is promulgated pursuant to section 112(h) of the CAA.

Tables to Subpart DDDDD of Part 63

Table 1 to Subpart DDDDD of Part 63.--Emission Limits and Work Practice Standards
As stated in Sec. 63.7500, you must comply with the following applicable emission limits and work practice standards:

If your boiler or process heater is in this subcategory . . .	For the following pollutants	You must meet the following emission limits and work practice standards .
1. New or reconstructed large solid fuel.	a. Particulate Matter (or Total Selected Metals).	0.025 lb per MMBTU of heat input; or (0.0003 lb per

		MMBTU of heat input).
	b. Hydrogen Chloride	0.02 lb per MMBTU of heat input.
	c. Mercury.....	0.000003 lb per MMBTU of heat input.
	d. Carbon Monoxide..	400 ppm by volume on a dry basis corrected to 7 percent oxygen (30-day rolling average for units 100 MMBTU/hr or greater, 3-run average for units less than 100 MMBTU/hr).

[[Page 55270]]

2. New or reconstructed limited use solid fuel.	a. Particulate Matter (or Total Selected Metals).	0.025 lb per MMBTU of heat input; or (0.0003 lb per MMBTU of heat input).
	b. Hydrogen Chloride	0.02 lb per MMBTU of heat input.
	c. Mercury.....	0.000003 lb per MMBTU of heat input.
	d. Carbon Monoxide..	400 ppm by volume on a dry basis corrected to 7 percent oxygen (3-run average).
3. New or reconstructed small solid fuel.	a. Particulate Matter (or Total Selected Metals).	0.025 lb per MMBTU of heat input; or (0.0003 lb per MMBTU of heat input).
	b. Hydrogen Chloride	0.02 lb per MMBTU of heat input.
	c. Mercury.....	0.000003 lb per MMBTU of heat input.

4. New reconstructed large liquid fuel.	a. Particulate Matter.	0.03 lb per MMBTU of heat input.
	b. Hydrogen Chloride	0.0005 lb per MMBTU of heat input.
	c. Carbon Monoxide..	400 ppm by volume on a dry basis corrected to 3 percent oxygen (30-day rolling average for units 100 MMBTU/hr or greater, 3-run average for units less than 100 MMBTU/hr).
5. New or reconstructed limited use liquid fuel.	a. Particulate Matter.	0.03 lb per MMBTU of heat input.
	b. Hydrogen Chloride	0.0009 lb per MMBTU of heat input.
	c. Carbon Monoxide..	400 ppm by volume on a dry basis liquid corrected to 3 percent oxygen (3-run average).
6. New or reconstructed small liquid fuel.	a. Particulate Matter.	0.03 lb per MMBTU of heat input.
	b. Hydrogen Chloride	0.0009 lb per MMBTU of heat input.
7. New reconstructed large gaseous fuel.	Carbon Monoxide.....	400 ppm by volume on a dry basis corrected to 3 percent oxygen (30-day rolling average for units 100 MMBTU/hr or greater, 3-run average for units less than 100 MMBTU/hr).
8. New or reconstructed limited use gaseous fuel.	Carbon Monoxide.....	400 ppm by volume on a dry basis corrected to 3 percent oxygen (3-run average).
9. Existing large solid fuel	a. Particulate Matter	0.07 lb per MMBTU of (or Total heat input; or Selected Metals). (0.001 lb per MMBTU of heat input).

	b. Hydrogen Chloride	0.09 lb per MMBTU of heat input.
	c. Mercury.....	0.000009 lb per MMBTU of heat input.
10. Existing limited use solid fuel.		Particulate Matter (or Total Selected Metals). (0.004 lb per MMBTU of heat input). 0.21 lb per MMBTU of heat input; or

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Table 2 to Subpart DDDDD of Part 63.--Operating Limits for Boilers and Process Heaters With Particulate Matter Emission Limits
As stated in Sec. 63.7500, you must comply with the applicable operating limits:

If you demonstrate compliance with applicable particulate matter emission limits using . . .	You must meet these operating limits . . .
1. Wet scrubber control.....	a. Maintain the minimum pressure drop and liquid flow-rate at or above the operating levels established during the performance test according to Sec. 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limit for particulate matter.
2. Fabric filter control.....	a. Install and operate a bag leak detection system according to Sec. 63.7525 and operate the fabric filter such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during each 6-month period; or b. This option is for boilers and process heaters that operate dry control systems. Existing boilers and process heaters must maintain opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per

	hour of not more than 27 percent. New boilers and process heaters must maintain opacity to less than or equal to 10 percent opacity (1-hour block average).
3. Electrostatic precipitator control.	a. This option is for boilers and process heaters that operate dry control systems. Existing boilers and process heaters must maintain opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per hour of not more than 27 percent. New boilers and process heaters must maintain opacity to less than or equal to 10 percent opacity (1-hour block average); or

[[Page 55271]]

	b. This option is only for boilers and process heaters that operate additional wet control systems. Maintain the minimum voltage and secondary current or total power input of the electrostatic precipitator at or above the operating limits established during the performance test according to Sec. 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limit for particulate matter.
4. Any other control type.....	This option is for boilers and process heaters that operate dry control systems. Existing boilers and process heaters must maintain opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per hour of not more than 27 percent. New boilers and process heaters must maintain opacity to less than or equal to 10 percent opacity (1-

hour block average).

Table 3 to Subpart DDDDD of Part 63.--Operating Limits for Boilers and Process Heaters With Mercury Emission Limits and Boilers and Process Heaters That Choose To Comply With the Alternative Total Selected Metals Emission Limits

As stated in Sec. 63.7500, you must comply with the applicable operating limits:

If you demonstrate compliance with applicable mercury and/or total selected metals emission limits using . . .	You must meet these operating limits . . .
1. Wet scrubber control.....	Maintain the minimum pressure drop and liquid flow-rate at or above the operating levels established during the performance test according to Sec. 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limits for mercury and/or total selected metals.
2. Fabric filter control.....	a. Install and operate a bag leak detection system according to Sec. 63.7525 and operate the fabric filter such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during a 6-month period; or b. This option is for boilers and process heaters that operate dry control systems. Existing sources must maintain opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per hour of not more than 27 percent. New sources must maintain opacity to less than or equal to 10 percent opacity (1-hour block average).
3. Electrostatic precipitator	a. This option is for boilers and

control.	process heaters that operate dry control systems. Existing sources must maintain opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per hour of not more than 27 percent. New sources must maintain opacity to less than or equal to 10 percent opacity (1-hour block average); or b. This option is only for boilers and process heaters that operate additional wet control systems. Maintain the minimum voltage and secondary current or total power input of the electrostatic precipitator at or above the operating limits established during the performance test according to Sec. 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limits for mercury and/or total selected metals.
4. Dry scrubber or carbon injection control.	Maintain the minimum sorbent or carbon injection rate at or above the operating levels established during the performance test according to Sec. 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limit for mercury.
5. Any other control type.....	This option is only for boilers and process heaters that operate dry control systems. Existing sources must maintain opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per hour of not more than 27 percent. New sources must maintain opacity to less than or equal to 10 percent opacity (1-hour block average).
6. Fuel analysis.....	Maintain the fuel type or fuel

mixture such that the mercury and/ or total selected metals emission rates calculated according to Sec. 63.7530(d)(4) and/or (5) is less than the applicable emission limits for mercury and/or total selected metals.

[[Page 55272]]

Table 4 to Subpart DDDDD of Part 63.--Operating Limits for Boilers and Process Heaters With Hydrogen Chloride Emission Limits
As stated in Sec. 63.7500, you must comply with the following applicable operating limits:

If you demonstrate compliance with applicable hydrogen chloride emission limits using . . .	You must meet these operating limits . . .
1. Wet scrubber control.....	Maintain the minimum scrubber effluent pH, pressure drop, and liquid flow-rate at or above the operating levels established during the performance test according to Sec. 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limit for hydrogen chloride.
2. Dry scrubber control.....	Maintain the minimum sorbent injection rate at or above the operating levels established during the performance test according to Sec. 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limit for hydrogen chloride.
3. Fuel analysis.....	Maintain the fuel type or fuel mixture such that the hydrogen chloride emission rate calculated according to Sec. 63.7530(d)(3) is less than the applicable

emission limit for hydrogen chloride.

Table 5 to Subpart DDDDD of Part 63.--Performance Testing Requirements
As stated in Sec. 63.7520, you must comply with the following requirements for performance test for existing, new or reconstructed affected sources:

To conduct a performance test for the following pollutant . . .	You must . . .	Using . . .
1. Particulate Matter.....	a. Select sampling ports location and the number of traverse points.	Method 1 in appendix A to part 60 of this chapter.
	b. Determine velocity and volumetric flow-rate of the stack gas.	Method 2, 2F, or 2G in appendix A to part 60 of this chapter.
	c. Determine oxygen and carbon dioxide concentrations of the stack gas.	Method 3A or 3B in appendix A to part 60 of this chapter, or ASME PTC 19, Part 10 (1981) (IBR, see Sec. 63.14(i)).
	d. Measure the moisture content of the stack gas.	Method 4 in appendix A to part 60 of this chapter.
	e. Measure the particulate matter emission concentration.	Method 5 or 17 (positive pressure fabric filters must use Method 5D) in appendix A to part 60 of this chapter.
	f. Convert emissions concentration to lb per MMBTU emission rates.	Method 19 F-factor methodology in appendix A to part 60 of this chapter.
2. Total selected metals....	a. Select sampling ports location and the number of	Method 1 in appendix A to part 60 of this chapter.

	traverse points.	
	b. Determine velocity and volumetric flow-rate of the stack gas.	Method 2, 2F, or 2G in appendix A to part 60 of this chapter.
	c. Determine oxygen and carbon dioxide concentrations of the stack gas.	Method 3A or 3B in appendix A to part 60 of this chapter, or ASME PTC 19, Part 10 (1981) (IBR, see Sec. 63.14(i)).
	d. Measure the moisture content of the stack gas.	Method 4 in appendix A to part 60 of this chapter.
	e. Measure the total selected metals emission concentration.	Method 29 in appendix A to part 60 of this chapter.
	f. Convert emissions concentration to lb per MMBTU emission rates.	Method 19 F-factor methodology in appendix A to part 60 of this chapter.
3. Hydrogen chloride.....	a. Select sampling ports location and the number of traverse points.	Method 1 in appendix A to part 60 of this chapter.
	b. Determine velocity and volumetric flow-rate of the stack gas.	Method 2, 2F, or 2G in appendix A to part 60 of this chapter.
	c. Determine oxygen and carbon dioxide concentrations of the stack gas.	Method 3A or 3B in appendix A to part 60 of this chapter, or ASME PTC 19, Part 10 (1981) (IBR, see Sec. 63.14(i)).
	d. Measure the moisture content of the stack gas.	Method 4 in appendix A to part 60 of this chapter.
	e. Measure the hydrogen chloride emission	Method 26 or 26A in appendix A to part 60 of this chapter.

	concentration.	
	f. Convert emissions concentration to lb per MMBTU emission rates.	Method 19 F-factor methodology in appendix A to part 60 of this chapter.
4. Mercury.....	a. Select sampling ports location and the number of traverse points.	Method 1 in appendix A to part 60 of this chapter.
	b. Determine velocity and volumetric flow-rate of the stack gas.	Method 2, 2F, or 2G in appendix A to part 60 of this chapter.
	c. Determine oxygen and carbon dioxide concentrations of the stack gas.	Method 3A or 3B in appendix A to part 60 of this chapter, or ASME PTC 19, Part 10 (1981) (IBR, see Sec. 62.14(i)).

[[Page 55273]]

	d. Measure the moisture content of the stack gas.	Method 4 in appendix A to part 60 of this chapter.
	e. Measure the mercury emission concentration.	Method 29 in appendix A to part 60 of this chapter or Method 101A in appendix B to part 61 of this chapter or ASTM Method D6784-02 (IBR, see Sec. 63.14(b)).
	f. Convert emissions concentration to lb per MMBTU emission rates.	Method 19 F-factor methodology in appendix A to part 60 of this chapter.
5. Carbon Monoxide.....	a. Select the sampling ports location and the number of traverse points.	Method 1 in appendix A to part 60 of this chapter.

	b. Determine oxygen and carbon dioxide concentrations of the stack gas.	Method 3A or 3B in appendix A to part 60 of this chapter, or ASTM D6522-00 (IBR, see Sec. 63.14(b)), or ASME PTC 19, Part 10 (1981) (IBR, see Sec. 63.14(i)).
	c. Measure the moisture content of the stack gas.	Method 4 in appendix A to part 60 of this chapter.
	d. Measure the carbon monoxide emission concentration.	Method 10, 10A, or 10B in appendix A to part 60 of this chapter, or ASTM D6522-00 (IBR, see Sec. 63.14(b)) when the fuel is natural gas.

Table 6 to Subpart DDDDD of Part 63.--Fuel Analysis Requirements
As stated in Sec. 63.7521, you must comply with the following requirements for fuel analysis testing for existing, new or reconstructed affected sources:

To conduct a fuel analysis for the following pollutant . . .	You must . . .	Using . . .
1. Mercury.....	a. Collect fuel samples.	Procedure in Sec. 63.7521(c) or ASTM D2234-00 \1\ (for coal)(IBR, see Sec. 63.14(b)) or ASTM D6323-98 (2003)(for biomass)(IBR, see Sec. 63.14(b)) or equivalent.
	b. Composite fuel samples.	Procedure in Sec. 63.7521(d) or equivalent.
	c. Prepare composited fuel	SW-846-3050B (for solid samples) or

	samples.	SW-846-3020A (for liquid samples) or ASTM D2013-01 (for coal) (IBR, see Sec. 63.14(b)) or ASTM D5198-92 (2003) (for biomass)(IBR, see Sec. 63.14(b)) or equivalent.
	d. Determine heat content of the fuel type.	ASTM D5865-03a (for coal)(IBR, see Sec. 63.14(b)) or ASTM E711-87 (1996) (for biomass)(IBR, see Sec. 63.14(b)) or equivalent.
	e. Determine moisture content of the fuel type.	ASTM D3173-02 (IBR, see Sec. 63.14(b)) or ASTM E871-82 (1998)(IBR, see Sec. 63.14(b)) or equivalent.
	f. Measure mercury concentration in fuel sample.	ASTM D3684-01 (for coal)(IBR, see Sec. 63.14(b)) or SW-846-7471A (for solid samples) or SW-846 7470A (for liquid samples).
	g. Convert concentrations into units of pounds of pollutant per MMBTU of heat content.	
2. Total selected metals....	a. Collect fuel samples.	Procedure in Sec. 63.7521(c) or ASTM D2234-00 \1\ (for coal)(IBR, see Sec. 63.14(b)) or ASTM D6323-98 (2003) (for biomass)(IBR, see Sec. 63.14(b)) or equivalent.

	b. Composite fuel samples.	Procedure in Sec. 63.7521(d) or equivalent.
	c. Prepare composited fuel samples.	SW-846-3050B (for solid samples) or SW-846-3020A (for liquid samples) or ASTM D2013-01 (for coal)(IBR, see Sec. 63.14(b)) or ASTM D5198-92 (2003)(for biomass)(IBR, see Sec. 63.14(b)) or equivalent.
	d. Determine heat content of the fuel type.	ASTM D5865-03a (for coal)(IBR, see Sec. 63.14(b)) or ASTM E 711-87 (for biomass)(IBR, see Sec. 63.14(b)) or equivalent.
	e. Determine moisture content of the fuel type.	ASTM D3173-02 (IBR, see Sec. 63.14(b)) or ASTM E871 (IBR, see Sec. 63.14(b)) or equivalent.

[[Page 55274]]

	f. Measure total selected metals concentration in fuel sample.	SW-846-6010B or ASTM D3683-94 (2000) (for coal) (IBR, see Sec. 63.14(b)) or ASTM E885-88 (1996) (for biomass)(IBR, see Sec. 63.14(b)).
	g. Convert concentrations into units of pounds of pollutant per MMBTU of heat content.	
3. Hydrogen chloride.....	a. Collect fuel samples.	Procedure in Sec. 63.7521(c) or ASTM

	D2234 \1\ (for coal)(IBR, see Sec. 63.14(b)) or ASTM D6323-98 (2003) (for biomass)(IBR, see Sec. 63.14(b)) or equivalent.
b. Composite fuel samples.	Procedure in Sec. 63.7521(d) or equivalent.
c. Prepare composited fuel samples.	SW-846-3050B (for solid samples) or SW-846-3020A (for liquid samples) or ASTM D2013-01 (for coal)(IBR, see Sec. 63.14(b)) or ASTM D5198-92 (2003) (for biomass)(IBR, see Sec. 63.14(b)) or equivalent.
d. Determine heat content of the fuel type.	ASTM D5865-03a (for coal)(IBR, see Sec. 63.14(b)) or ASTM E711-87 (1996) (for biomass)(IBR, see Sec. 63.14(b)) or equivalent.
e. Determine moisture content of the fuel type.	ASTM D3173-02 (IBR, see Sec. 63.14(b)) or ASTM E871-82 (1998)(IBR, see Sec. 63.14(b)) or equivalent.
f. Measure chlorine concentration in fuel sample.	SW-846-9250 or ASTM E776-87 (1996) (for biomass)(IBR, see Sec. 63.14(b)) or equivalent.

	g. Convert concentrations into units of pounds of pollutant per MMBTU of heat content.

Table 7 to Subpart DDDDD of Part 63.--Establishing Operating Limits

As stated in Sec. 63.7520, you must comply with the following requirements for establishing operating limits:

If you have an applicable emission limit for . . .	And your operating limits are based on . . .	You must . . .	Using . . .	According to the following requirements
1. Particulate matter, mercury, or total selected metals.	a. Wet scrubber operating parameters.	i. Establish a site-specific minimum pressure drop and liquid drop and minimum flow rate operating limit according to Sec. 63.7530(c).	(1) Data from the pressure drop and liquid flow rate monitors and the particulate matter, mercury, or total selected metals performance test.	(a) You must collect pressure drop and liquid flow-rate data every 15 minutes during the entire period of the performance tests; (b) Determine the average pressure drop and liquid flow-rate for each individual test run in the three-run performance test by computing the average of all the 15-minute readings taken during each test run.
	b. Electrostatic precipitator operating parameters (option only for units with additional	i. Establish a site-specific minimum voltage secondary and secondary current or power total power input	(1) Data from the pressure drop and liquid flow rate monitors and the particulate matter,	(a) You must collect voltage and secondary current or total power input data every 15

	wet scrubber control). 63.7530(c).	according to Sec. metals performance test.	mercury, or total selected	minutes during the entire period of the performance tests; (b) Determine the average voltage and secondary current or total power input for each individual test run in the three-run performance test by computing the average of all the 15-minute readings taken during each test run.

[[Page 55275]]

2. Hydrogen Chloride.....	a. Wet scrubber operating parameters.	i. Establish a site-specific minimum pressure drop, and liquid flow-rate monitors and the hydrogen chloride performance test.	(1) Data from the pH, pressure drop, and liquid flow-rate data every 15 minutes during the entire period of the performance tests; (b) Determine the average pH, pressure drop, and liquid flow-rate for each individual test run in the three-run performance test	(a) You must collect pH, pressure drop and minimum flow rate operating limit according to Sec. 63.7530(c).

			by computing the average of all the 15-minute readings taken during each test run.	
	b. Dry scrubber operating parameters.	i. Establish a site-specific minimum sorbent injection rate and hydrogen chloride performance test.	(1) Data from the sorbent injection rate monitors collect sorbent injection rate operating limit according to Sec. 63.7530(c).	(a) You must collect sorbent injection rate monitors data every 15 minutes during the entire period of the performance tests; (b) Determine the average sorbent injection rate for each individual test run in the three-run performance test by computing the average of all the 15-minute readings taken during each test run.

Table 8 to Subpart DDDDD of Part 63.--Demonstrating Continuous Compliance

As stated in Sec. 63.7540, you must show continuous compliance with the emission limitations for affected sources according to the following:

If you must meet the following operating limits or work practice standards . . .	You must demonstrate continuous compliance by . . .
1. Opacity.....	a. Collecting the opacity monitoring system data according to Sec. Sec. 63.7525(b) and 63.7535; and b. Reducing the opacity monitoring data to 6-minute averages; and c. Maintaining opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per hour of not more than 27 percent for existing sources; or maintaining opacity to less than or equal to 10 percent (1-hour block average) for new sources.
2. Fabric Filter Bag Leak Detection Operation.	Installing and operating a bag leak detection system according to Sec. 63.7525 and operating the fabric filter such that the requirements in Sec. 63.7540(a)(9) are met.
3. Wet Scrubber Pressure Drop and Liquid Flow-rate.	a. Collecting the pressure drop and liquid flow rate monitoring system data according to Sec. Sec. 63.7525 and 63.7535; and b. Reducing the data to 3-hour block averages; and c. Maintaining the 3-hour average pressure drop and liquid flow-rate at or above the operating limits established during the performance test according to Sec. 63.7530(c).
4. Wet Scrubber pH.....	a. Collecting the pH monitoring system data according to Sec. Sec. 63.7525 and 63.7535; and b. Reducing the data to 3-hour

	block averages; and c. Maintaining the 3-hour average pH at or above the operating limit established during the performance test according to Sec. 63.7530(c).
5. Dry Scrubber Sorbent or Carbon Injection Rate.	a. Collecting the sorbent or carbon injection rate monitoring system data for the dry scrubber according to Sec. Sec. 63.7525 and 63.7535; and b. Reducing the data to 3-hour block averages; and c. Maintaining the 3-hour average sorbent or carbon injection rate at or above the operating limit established during the performance test according to Sec. Sec. 63.7530(c).
6. Electrostatic Precipitator Secondary Current and Voltage or Total Power Input.	a. Collecting the secondary current and voltage or total power input monitoring system data for the electrostatic precipitator according to Sec. Sec. 63.7525 and 63.7535; and b. Reducing the data to 3-hour block averages; and

[[Page 55276]]

	c. Maintaining the 3-hour average secondary current and voltage or total power input at or above the operating limits established during the performance test according to Sec. Sec. 63.7530(c).
7. Fuel Pollutant Content.....	a. Only burning the fuel types and fuel mixtures used to demonstrate compliance with the applicable emission limit according to Sec. 63.7530(c) or (d) as applicable; and b. Keeping monthly records of fuel use according to Sec.

63.7540(a).

Table 9 to Subpart DDDDD of Part 63.--Reporting Requirements
As stated in Sec. 63.7550, you must comply with the following requirements for reports:

You must submit a(n)	The report must contain . . .	You must submit the report . . .
1. Compliance report.....	a. Information required in Sec. 63.7550(c)(1) through (11); and b. If there are no deviations from any emission limitation (emission limit and operating limit) that applies to you and there are no deviations from the requirements for work practice standards in Table 8 to this subpart that apply to you, a statement that there were no deviations from the emission limitations and work practice standards during the reporting period. If there were no periods during which the CMSs, including continuous emissions monitoring system, continuous opacity monitoring system, and operating	Semiannually according to the requirements in Sec. 63.7550(b).

parameter monitoring systems, were out-of-control as specified in Sec. 63.8(c)(7), a statement that there were no periods during which the CMSs were out-of-control during the reporting period; and

c. If you have a deviation from any emission limitation (emission limit and operating limit) or work practice standard during the reporting period, the report must contain the information in Sec. 63.7550(d). If there were periods during which the CMSs, including continuous emissions monitoring system, continuous opacity monitoring system, and operating parameter monitoring systems, were out-of-control, as specified in Sec. 63.8(c)(7), the report must contain the information in Sec. 63.7550(e); and

d. If you had a startup, shutdown,

	or malfunction during the reporting period and you took actions consistent with your startup, shutdown, and malfunction plan, the compliance report must include the information in Sec. 63.10(d)(5)(i)	
2. An immediate startup, shutdown, and malfunction report if you had a startup, shutdown, or malfunction during the reporting period that is not consistent with your startup, shutdown, and malfunction plan, and the source exceeds any applicable emission limitation in the relevant emission standard.	a. Actions taken for the event; and	i. By fax or telephone within 2 working days after starting actions inconsistent with the plan; and
	b. The information in Sec. 63.10(d)(5)(ii)	ii. By letter within 7 working days after the end of the event unless you have made alternative arrangements with the permitting authority.

[[Page 55277]]

Table 10 to Subpart DDDDD of Part 63.--Applicability of General Provisions to Subpart DDDDD
As stated in Sec. 63.7565, you must comply with the applicable General Provisions according to the following:

Citation	Subject	Brief description	Applicable
Sec. 63.1	Applicability	Initial Applicability Determination; Applicability After Standard Established; Permit Requirements; Extensions, Notifications.	Yes.
Sec. 63.2	Definitions	Definitions for part 63 standards.	Yes.
Sec. 63.3	Units and Abbreviations	Units and abbreviations for part 63 standards.	Yes.
Sec. 63.4	Prohibited Activities	Prohibited Activities; Compliance date; Circumvention, Severability.	Yes.
Sec. 63.5	Construction/ Reconstruction.	Applicability; applications; approvals.	Yes.
Sec. 63.6(a)	Applicability	GP apply unless compliance extension; and GP apply to area sources that become major.	Yes.
Sec. 63.6(b)(1)-(4)	Compliance Dates for New and Reconstructed sources.	Standards apply at effective date; 3 years after effective date; upon startup; 10 years after construction or reconstruction commences	Yes.

			for 112(f).	
Sec.	63.6(b)(5).....	Notification.....	Must notify if commenced construction or reconstruction after proposal.	Yes.
Sec.	63.6(b)(6).....	[Reserved].		
Sec.	63.6(b)(7).....	Compliance Dates for New and Reconstructed Area Sources That Become Major.	Area sources that become major must comply with major source standards immediately upon becoming major, regardless of whether required to comply when they were an area source.	Yes.
Sec.	63.6(c)(1)-(2).....	Compliance Dates for Existing Sources.	Comply according to date in subpart, which must be no later than 3 years after effective date; and for 112(f) standards, comply within 90 days of effective date unless compliance extension.	Yes.
Sec.	63.6(c)(3)-(4).....	[Reserved].		
Sec.	63.6(c)(5).....	Compliance Dates for Existing Area Sources That Become Major.	Area sources that become major must comply with major source standards by date indicated in subpart or by equivalent time period (for example, 3 years).	Yes.
Sec.	63.6(d).....	[Reserved].		

Sec.	63.6(e)(1)-(2).....	Operation & Maintenance...	Operate to minimize emissions at all times; and Correct malfunctions as soon as practicable; and Operation and maintenance requirements independently enforceable; information Administrator will use to determine if operation and maintenance requirements were met.	Yes.
Sec.	63.6(e)(3).....	Startup, Shutdown, and Malfunction Plan (SSMP).	Requirement for SSM and startup, shutdown, malfunction plan; and content of SSMP.	Yes.
Sec.	63.6(f)(1).....	Compliance Except During SSM.	Comply with emission standards at all times except during SSM.	Yes.
Sec.	63.6(f)(2)-(3).....	Methods for Determining Compliance.	Compliance based on performance test, operation and maintenance plans, records, inspection.	Yes.
Sec.	63.6(g)(1)-(3).....	Alternative Standard.....	Procedures for getting an alternative standard.	Yes.
Sec.	63.6(h)(1).....	Compliance with Opacity/VE Standards.	Comply with opacity/VE emission limitations at all times except during SSM.	Yes.
Sec.	63.6(h)(2)(i).....	Determining Compliance	If standard does not state	No.

	with Opacity/Visible Emission (VE) Standards.	test method, use Method 9 for opacity and Method 22 for VE.	
Sec. 63.6(h)(2)(ii).....	[Reserved].		
Sec. 63.6(h)(2)(iii).....	Using Previous Tests to Demonstrate Compliance with Opacity/VE Standards	Criteria for when previous opacity/VE testing can be used to show compliance with this subpart.	Yes.
Sec. 63.6(h)(3).....	[Reserved].		
Sec. 63.6(h)(4).....	Notification of Opacity/VE Observation Date.	Notify Administrator of anticipated date of observation.	No.
Sec. 63.6(h)(5)(i),(iii)-(v).....	Conducting Opacity/VE Observations.	Dates and Schedule for conducting opacity/VE observations.	No.

[[Page 55278]]

Sec. 63.6(h)(5)(ii).....	Opacity Test Duration and Averaging Times.	Must have at least 3 hours of observation with thirty, 6-minute averages.	No.
Sec. 63.6(h)(6).....	Records of Conditions During Opacity/VE observations.	Keep records available and allow Administrator to inspect.	No.
Sec. 63.6(h)(7)(i).....	Report continuous opacity monitoring system Monitoring Data from Performance Test.	Submit continuous opacity monitoring system data with other performance test data.	Yes.
Sec. 63.6(h)(7)(ii).....	Using continuous opacity monitoring system instead	Can submit continuous opacity monitoring system	No.

	of Method 9.	data instead of Method 9 results even if subpart requires Method 9, but must notify Administrator before performance test.	
Sec. 63.6(h)(7)(iii).....	Averaging time for continuous opacity monitoring system during performance test.	To determine compliance, must reduce continuous opacity monitoring system data to 6-minute averages.	Yes.
Sec. 63.6(h)(7)(iv).....	Continuous opacity monitoring system requirements.	Demonstrate that continuous opacity monitoring system performance evaluations are conducted according to Sec. Sec. 63.8(e), continuous opacity monitoring systems are properly maintained and operated according to Sec. 63.8(c) and data quality as Sec. 63.8(d).	Yes.
Sec. 63.6(h)(7)(v).....	Determining Compliance with Opacity/VE Standards.	Continuous opacity monitoring system is probative but not conclusive evidence of compliance with opacity standard, even if Method 9 observation shows otherwise. Requirements for continuous opacity monitoring system to be	Yes.

			probative evidence-proper maintenance, meeting PS 1, and data have not been altered.	
Sec.	63.6(h)(8).....	Determining Compliance with Opacity/VE Standards.	Administrator will use all continuous opacity monitoring system, Method 9, and Method 22 results, as well as information about operation and maintenance to determine compliance.	Yes.
Sec.	63.6(h)(9).....	Adjusted Opacity Standard.	Procedures for Administrator to adjust an opacity standard.	Yes.
Sec.	63.6(i)(1)-(14).....	Compliance Extension.....	Procedures and criteria for Administrator to grant compliance extension.	Yes.
Sec.	63.6(j).....	Presidential Compliance Exemption.	President may exempt source category from requirement to comply with rule.	Yes.
Sec.	63.7(a)(1).....	Performance Test Dates....	Dates for Conducting Initial Performance Testing and Other Compliance Demonstrations.	Yes.
Sec.	63.7(a)(2).....	Performance Test Dates....	New source with initial startup date before effective date has 180 days after effective date	Yes.

			to demonstrate compliance	
Sec.	63.7(a)(2)(ii-viii).....	[Reserved].		
Sec.	63.7(a)(2)(ix).....	Performance Test Dates....	1. New source that commenced construction between proposal and promulgation dates, when promulgated standard is more stringent than proposed standard, has 180 days after effective date or 180 days after startup of source, whichever is later, to demonstrate compliance; and.	Yes.
			2. If source initially demonstrates compliance with less stringent proposed standard, it has 3 years and 180 days after the effective date of the standard or 180 days after startup of source, whichever is later, to demonstrate compliance with promulgated standard.	No.
Sec.	63.7(a)(3).....	Section 114 Authority.....	Administrator may require a performance test under CAA Section 114 at any time.	Yes.

[[Page 55279]]

Sec. 63.7(b)(1).....	Notification of Performance Test.	Must notify Administrator 60 days before the test.	No.
Sec. 63.7(b)(2).....	Notification of Rescheduling.	If rescheduling a performance test is necessary, must notify Administrator 5 days before scheduled date of rescheduled date.	Yes.
Sec. 63.7(c).....	Quality Assurance/Test Plan.	Requirement to submit site-specific test plan 60 days before the test or on date Administrator agrees with: test plan approval procedures; and performance audit requirements; and internal and external QA procedures for testing.	Yes.
Sec. 63.7(d).....	Testing Facilities.....	Requirements for testing facilities.	Yes.
Sec. 63.7(e)(1).....	Conditions for Conducting Performance Tests.	1. Performance tests must be conducted under representative conditions; and	No.
		2. Cannot conduct performance tests during SSM; and	Yes.

			3. Not a deviation to exceed standard during SSM; and	Yes.
			4. Upon request of Administrator, make available records necessary to determine conditions of performance tests.	Yes.
Sec.	63.7(e)(2).....	Conditions for Conducting Performance Tests.	Must conduct according to rule and EPA test methods unless Administrator approves alternative.	Yes.
Sec.	63.7(e)(3).....	Test Run Duration.....	Must have three separate test runs; and Compliance is based on arithmetic mean of three runs; and conditions when data from an additional test run can be used.	Yes.
Sec.	63.7(e)(4).....	Interaction with other sections of the Act.	Nothing in Sec. 63.7(e)(1) through (4) can abrogate the Administrator's authority to require testing under Section 114 of the Act.	Yes.
Sec.	63.7(f).....	Alternative Test Method...	Procedures by which Administrator can grant approval to use an alternative test method.	Yes.
Sec.	63.7(g).....	Performance Test Data	Must include raw data in	Yes.

	Analysis.	performance test report; and must submit performance test data 60 days after end of test with the Notification of Compliance Status; and keep data for 5 years.	
Sec. 63.7(h).....	Waiver of Tests.....	Procedures for Administrator to waive performance test.	Yes.
Sec. 63.8(a)(1).....	Applicability of Monitoring Requirements.	Subject to all monitoring requirements in standard.	Yes.
Sec. 63.8(a)(2).....	Performance Specifications	Performance Specifications in appendix B of part 60 apply.	Yes.
Sec. 63.8(a)(3).....	[Reserved].		
Sec. 63.8(a)(4).....	Monitoring with Flares....	Unless your rule says otherwise, the requirements for flares in Sec. 63.11 apply.	No.
Sec. 63.8(b)(1)(i)-(ii).....	Monitoring.....	Must conduct monitoring according to standard unless Administrator approves alternative.	Yes.
Sec. 63.8(b)(1)(iii).....	Monitoring.....	Flares not subject to this section unless otherwise specified in relevant standard.	No.
Sec. 63.8(b)(2)-(3).....	Multiple Effluents and Multiple Monitoring Systems.	Specific requirements for installing monitoring systems; and must install	Yes.

		on each effluent before it is combined and before it is released to the atmosphere unless Administrator approves otherwise; and if more than one monitoring system on an emission point, must report all monitoring system results, unless one monitoring system is a backup.	
Sec. 63.8(c)(1).....	Monitoring System Operation and Maintenance.	Maintain monitoring system in a manner consistent with good air pollution control practices.	Yes.

[[Page 55280]]

Sec. 63.8(c)(1)(i).....	Routine and Predictable SSM.	Maintain and operate CMS according to Sec. 63.6(e)(1).	Yes.
Sec. 63.8(c)(1)(ii).....	SSM not in SSMP.....	Must keep necessary parts available for routine repairs of CMSs.	Yes.
Sec. 63.8(c)(1)(iii).....	Compliance with Operation and Maintenance Requirements.	Must develop and implement an SSMP for CMSs.	Yes.
Sec. 63.8(c)(2)-(3).....	Monitoring System	Must install to get	Yes.

		Installation.	representative emission and parameter measurements; and must verify operational status before or at performance test.	
Sec.	63.8(c)(4).....	Continuous Monitoring System (CMS) Requirements	CMSs must be operating except during breakdown, out-of-control, repair, maintenance, and high-level calibration drifts.	No.
Sec.	63.8(c)(4)(i).....	Continuous Monitoring System (CMS) Requirements	Continuous opacity monitoring system must have a minimum of one cycle of sampling and analysis for each successive 10-second period and one cycle of data recording for each successive 6-minute period.	Yes.
Sec.	63.8(c)(4)(ii).....	Continuous Monitoring System (CMS) Requirements	Continuous emissions monitoring system must have a minimum of one cycle of operation for each successive 15-minute period.	No.
Sec.	63.8(c)(5).....	Continuous Opacity Monitoring system (COMS) Requirements.	Must do daily zero and high level calibrations.	Yes.
Sec.	63.8(c)(6).....	Continuous Monitoring	Must do daily zero and	No.

	System (CMS) Requirements	high level calibrations.	
Sec. 63.8(c)(7)-(8).....	Continuous Monitoring Systems Requirements.	Out-of-control periods, including reporting.	Yes.
Sec. 63.8(d).....	Continuous Monitoring Systems Quality Control.	Requirements for continuous monitoring systems quality control, including calibration, etc.; and must keep quality control plan on record for the life of the affected source. Keep old versions for 5 years after revisions.	Yes.
Sec. 63.8(e).....	Continuous monitoring systems Performance Evaluation.	Notification, performance evaluation test plan, reports.	Yes.
Sec. 63.8(f)(1)-(5).....	Alternative Monitoring Method.	Procedures for Administrator to approve alternative monitoring.	Yes.
Sec. 63.8(f)(6).....	Alternative to Relative Accuracy Test.	Procedures for Administrator to approve alternative relative accuracy tests for continuous emissions monitoring system.	No.
Sec. 63.8(g)(1)-(4).....	Data Reduction.....	Continuous opacity monitoring system 6-minute averages calculated over at least 36 evenly spaced data points; and continuous	Yes.

			emissions monitoring system 1-hour averages computed over at least 4 equally spaced data points.	
Sec.	63.8(g)(5).....	Data Reduction.....	Data that cannot be used in computing averages for continuous emissions monitoring system and continuous opacity monitoring system.	No.
Sec.	63.9(a).....	Notification Requirements.	Applicability and State Delegation.	Yes.
Sec.	63.9(b)(1)-(5).....	Initial Notifications.....	Submit notification 120 days after effective date; and Notification of intent to construct/ reconstruct; and Notification of commencement of construct/ reconstruct; Notification of startup; and Contents of each.	Yes.
Sec.	63.9(c).....	Request for Compliance Extension.	Can request if cannot comply by date or if installed BACT/LAER.	Yes.
Sec.	63.9(d).....	Notification of Special Compliance Requirements for New Source.	For sources that commence construction between proposal and promulgation and want to comply 3 years after effective	Yes.

		date.	
Sec. 63.9(e).....	Notification of Performance Test.	Notify Administrator 60 days prior.	No.

[[Page 55281]]

Sec. 63.9(f).....	Notification of VE/Opacity Test.	Notify Administrator 30 days prior.	No.
Sec. 63.9(g).....	Additional Notifications When Using Continuous Monitoring Systems.	Notification of performance evaluation; and notification using continuous opacity monitoring system data; and notification that exceeded criterion for relative accuracy.	Yes.
Sec. 63.9(h)(1)-(6).....	Notification of Compliance Status.	Contents; and due 60 days after end of performance test or other compliance demonstration, and when to submit to Federal vs. State authority.	Yes.
Sec. 63.9(i).....	Adjustment of Submittal Deadlines.	Procedures for Administrator to approve change in when notifications must be submitted.	Yes.
Sec. 63.9(j).....	Change in Previous Information.	Must submit within 15 days after the change.	Yes.
Sec. 63.10(a).....	Recordkeeping/Reporting...	Applies to all, unless	Yes.

		compliance extension; and when to submit to Federal vs. State authority; and procedures for owners of more than 1 source.	
Sec. 63.10(b)(1).....	Recordkeeping/Reporting...	General Requirements; and keep all records readily available and keep for 5 years.	Yes.
Sec. 63.10(b)(2)(i)-(v).....	Records related to Startup, Shutdown, and Malfunction.	Occurrence of each of operation (process, equipment); and occurrence of each malfunction of air pollution equipment; and maintenance of air pollution control equipment; and actions during startup, shutdown, and malfunction.	Yes.
Sec.63.10(b)(2)(vi) and (x-xi).	Continuous monitoring systems Records.	Malfunctions, inoperative, out-of-control; and calibration checks; and adjustments, maintenance.	Yes.
Sec. 63.10(b)(2)(vii)-(ix)....	Records.....	Measurements to demonstrate compliance with emission limitations; and performance test, performance evaluation, and visible emission	Yes.

		observation results; and measurements to determine conditions of performance tests and performance evaluations.	
Sec. 63.10(b)(2)(xii).....	Records.....	Records when under waiver.	Yes.
Sec. 63.10(b)(2)(xiii).....	Records.....	Records when using alternative to relative accuracy test.	No.
Sec. 63.10(b)(2)(xiv).....	Records.....	All documentation supporting Initial Notification and Notification of Compliance Status.	Yes.
Sec. 63.10(b)(3).....	Records.....	Applicability Determinations.	Yes.
Sec.63.10(c)(1),(5)-(8),(10)-(15).	Records.....	Additional Records for continuous monitoring systems.	Yes.
Sec. 63.10(c)(7)-(8).....	Records.....	Records of excess emissions and parameter monitoring exceedances for continuous monitoring systems.	No.
Sec. 63.10(d)(1).....	General Reporting Requirements.	Requirement to report.....	Yes.
Sec. 63.10(d)(2).....	Report of Performance Test Results.	When to submit to Federal or State authority.	Yes.
Sec. 63.10(d)(3).....	Reporting Opacity or VE Observations.	What to report and when...	Yes.
Sec. 63.10(d)(4).....	Progress Reports.....	Must submit progress	Yes.

		reports on schedule if under compliance extension.	
Sec. 63.10(d)(5).....	Startup, Shutdown, and Malfunction Reports.	Contents and submission...	Yes.
Sec. 63.10(e)(1)(2).....	Additional continuous monitoring systems Reports.	Must report results for each CEM on a unit; and written copy of performance evaluation; and 3 copies of continuous opacity monitoring system performance evaluation.	Yes.
Sec. 63.10(e)(3).....	Reports.....	Excess Emission Reports...	No.
Sec. 63.10(e)(3)(i-iii).....	Reports.....	Schedule for reporting excess emissions and parameter monitor exceedance (now defined as deviations).	No.

[[Page 55282]]

Sec. 63.10(e)(3)(iv-v).....	Excess Emissions Reports..	Requirement to revert to quarterly submission if there is an excess emissions and parameter monitor exceedance (now defined as deviations); and provision to request semiannual reporting	No.

		after compliance for one year; and submit report by 30th day following end of quarter or calendar half; and if there has not been an exceedance or excess emission (now defined as deviations), report contents is a statement that there have been no deviations.	
Sec. 63.10(e)(3)(iv-v).....	Excess Emissions Reports..	Must submit report containing all of the information in Sec. 63.10(c)(5-13), Sec. 63.8(c)(7-8).	No.
Sec. 63.10(e)(3)(vi-viii).....	Excess Emissions Report and Summary Report.	Requirements for reporting excess emissions for continuous monitoring systems (now called deviations); Requires all of the information in Sec. 63.10(c)(5-13), Sec. 63.8(c)(7-8).	No.
Sec. 63.10(e)(4).....	Reporting continuous opacity monitoring system data.	Must submit continuous opacity monitoring system data with performance test data.	Yes.
Sec. 63.10(f).....	Waiver for Recordkeeping/ Reporting.	Procedures for Administrator to waive.	Yes.
Sec. 63.11.....	Flares.....	Requirements for flares...	No.

Sec.	63.12.....	Delegation.....	State authority to enforce standards.	Yes.
Sec.	63.13.....	Addresses.....	Addresses where reports, notifications, and requests are sent.	Yes.
Sec.	63.14.....	Incorporation by Reference	Test methods incorporated by reference.	Yes.
Sec.	63.15.....	Availability of Information.	Public and confidential Information.	Yes.

Appendix A to Subpart DDDDD--Methodology and Criteria for Demonstrating Eligibility for the Health-Based Compliance Alternatives Specified for the Large Solid Fuel Subcategory

1. Purpose/Introduction

This appendix provides the methodology and criteria for demonstrating that your affected source is eligible for the compliance alternative for the HCl emission limit and/or the total selected metals (TSM) emission limit. This appendix specifies emissions testing methods that you must use to determine HCl, chlorine, and manganese emissions from the affected units and what parts of the affected source facility must be included in the eligibility demonstration. You must demonstrate that your affected source is eligible for the health-based compliance alternatives using either a look-up table analysis (based on the look-up tables included in this appendix) or a site-specific compliance demonstration performed according to the criteria specified in this appendix. This appendix also specifies how and when you file any eligibility demonstrations for your affected source and how to show that your affected source remains eligible for the health-based compliance alternatives in the future.

2. Who Is Eligible To Demonstrate That They Qualify for the Health-Based Compliance Alternatives?

Each new, reconstructed, or existing affected source may demonstrate that they are eligible for the health-based compliance alternatives. Section 63.7490 of subpart DDDDD defines the affected source and explains which affected sources are new, existing, or reconstructed.

3. What Parts of My Facility Have To Be Included in the Health-Based Eligibility Demonstration?

If you are attempting to determine your eligibility for the compliance alternative for HCl, you must include every emission point subject to subpart DDDDD that emits either HCl or Cl2 in the eligibility demonstration.
If you are attempting to determine your eligibility for the compliance alternative for TSM, you must include every emission point subject to subpart DDDDD that emits manganese in the eligibility demonstration.

4. How Do I Determine HAP Emissions From My Affected Source?

(a) You must conduct HAP emissions tests or fuel analysis for every emission point covered under subpart DDDDD within the affected source facility according to the requirements in paragraphs (b) through (f) of this section and the methods specified in Table 1 of this appendix.
(1) If you are attempting to determine your eligibility for the compliance alternative for HCl, you must test the subpart DDDDD units at your facility for both HCl and Cl2. When conducting fuel analysis, you must assume any chlorine detected will be emitted as Cl2.
(2) If you are attempting to determine your eligibility for the compliance alternative for TSM, you must test the subpart DDDDD units at your facility for manganese.
(b) Periods when emissions tests must be conducted.
(1) You must not conduct emissions tests during periods of startup, shutdown, or malfunction, as specified in Sec. 63.7(e)(1).
(2) You must test under worst-case operating conditions as defined in this appendix. You must describe your worst-case operating conditions in your performance test report for the process and control systems (if applicable) and explain why the conditions are worst-case.
(c) Number of test runs. You must conduct three separate test runs for each test required in this section, as specified in Sec. 63.7(e)(3). Each test run must last at least 1 hour.
(d) Sampling locations. Sampling sites must be located at the outlet of the control device and prior to any releases to the atmosphere.
(e) Collection of monitoring data for HAP control devices. During the emissions test, you must collect operating parameter monitoring system data at least every 15 minutes during the entire emissions test and establish the site-specific operating requirements in Tables 3 or 4, as appropriate, of subpart DDDDD using data from the monitoring system and the procedures specified in Sec. 63.7530 of subpart DDDDD.

[[Page 55283]]

(f) Nondetect data. You may treat emissions of an individual HAP as zero if all of the test runs result in a nondetect measurement and the condition in paragraph (f)(1) of this section is met for the manganese test method. Otherwise, nondetect data for individual HAP must be treated as one-half of the method detection limit.
(1) For manganese measured using Method 29 in appendix A to 40

CFR part 60, you analyze samples using atomic absorption spectroscopy (AAS).
(g) You must determine the maximum hourly emission rate for each appropriate emission point according to Equation 1 of this appendix.
[GRAPHIC] [TIFF OMITTED] TR13SE04.010

Where:

Max Hourly Emissions = Maximum hourly emissions for hydrogen chloride, chlorine, or manganese, in units of pounds per hour.
Er = Emission rate (the 3-run average as determined according to Table 1 of this appendix or the pollutant concentration in the fuel samples analyzed according to Sec. 63.7521) for hydrogen chloride, chlorine, or manganese, in units of pounds per million Btu of heat input.
Hm = Maximum rated heat input capacity of appropriate emission point, in units of million Btu per hour.

5. What Are the Criteria for Determining If My Facility Is Eligible for the Health-Based Compliance Alternatives?

(a) Determine the HAP emissions from each appropriate emission point within the affected source facility using the procedures specified in section 4 of this appendix.
(b) Demonstrate that your facility is eligible for either of the health-based compliance alternatives using either the methods described in section 6 of this appendix (look-up table analysis) or section 7 of this appendix (site-specific compliance demonstration).
(c) Your facility is eligible for the health-based compliance alternative for HCl if one of the following two statements is true:
(1) The calculated HCl-equivalent emission rate is below the appropriate value in the look-up table;
(2) Your site-specific compliance demonstration indicates that your maximum HI for HCl and C12 at a location where people live is less than or equal to 1.0;
(d) Your facility is eligible for the health-based compliance alternative for TSM if one of the following two statements is true:
(1) The manganese emission rate for all your subpart DDDDD sources is below the appropriate value in the look-up table;
(2) Your site-specific compliance demonstration indicates that your maximum HQ for manganese at a location where people live is less than or equal to 1.0.

6. How Do I Conduct a Look-Up Table Analysis?

You may use look-up tables to demonstrate that your facility is eligible for either the compliance alternative for the HCl emission limit or the compliance alternative for TSM emission limit.

(a) HCl health-based compliance alternative. (1) To calculate the total toxicity-weighted HCl-equivalent emission rate for your facility, first calculate the total affected source emission rate of HCl by summing the maximum hourly HCl emission rates from all your subpart DDDDD sources. Then, similarly, calculate the total affected source emission rate for Cl2. Finally, calculate the toxicity-weighted emission rate (expressed in HCl equivalents) according to Equation 2 of this appendix.

[GRAPHIC] [TIFF OMITTED] TR13SE04.011

Where:

ERtw is the HCl-equivalent emission rate, lb/hr.
ERi is the emission rate of HAP i in lbs/hr
RfCi is the reference concentration of HAP i
RfCHCl is the reference concentration of HCl (RfCs for HCl and Cl2 can be found at http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://www.epa.gov/ttn/atw/toxsource/summary.html).

(2) The calculated HCl-equivalent emission rate will then be compared to the appropriate allowable emission rate in Table 2 of this appendix. To determine the correct value from the table, an average value for the appropriate subpart DDDDD emission points should be used for stack height and the minimum distance between any appropriate subpart DDDDD stack at the facility and the property boundary should be used for property boundary distance. Appropriate emission points and stacks are those that emit HCl and/or Cl2. If one or both of these values does not match the exact values in the lookup tables, then use the next lowest table value. (Note: If your average stack height is less than 5 meters, you must use the 5 meter row.) Your facility is eligible to comply with the health-based alternative HCl emission limit if your toxicity-weighted HCl equivalent emission rate, determined using the methods specified in this appendix, does not exceed the appropriate value in Table 2 of this appendix.

(b) TSM Compliance Alternative. To calculate the total manganese emission rate for your affected source, sum the maximum hourly manganese emission rates for all your subpart DDDDD sources. The calculated manganese emission rate will then be compared to the allowable emission rate in the Table 3 of this appendix. To

determine the correct value from the table, an average value for the appropriate subpart DDDDD emission points should be used for stack height and the minimum distance between any appropriate subpart DDDDD stack at the facility and the property boundary should be used for property boundary distance. Appropriate emission points and stacks are those that emit manganese. If one or both of these values does not match the exact values in the lookup tables, then use the next lowest table value. (Note: If your average stack height is less than 5 meters, you must use the 5 meter row.) Your facility may exclude manganese when demonstrating compliance with the TSM emission limit if your manganese emission rate, determined using the methods specified in this appendix, does not exceed the appropriate value specified in Table 3 of this appendix.

7. How Do I Conduct a Site-Specific Compliance Demonstration?

If you fail to demonstrate that your facility is able to comply with one or both of the alternative health-based emission standards using the look-up table approach, you may choose to perform a site-specific compliance demonstration for your facility. You may use any scientifically-accepted peer-reviewed risk assessment methodology for your site-specific compliance demonstration. An example of one approach for performing a site-specific compliance demonstration for air toxics can be found in the EPA's ``Air Toxics Risk Assessment Reference Library, Volume 2, Site-Specific Risk Assessment Technical Resource Document'', which may be obtained through the EPA's Air Toxics Web site at http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://www.epa.gov/ttn/fera/risk_atoxic.html.

(a) Your facility is eligible for the HCl alternative compliance option if your site-specific compliance demonstration shows that the maximum HI for HCl and Cl2 from your subpart DDDDD sources is less than or equal to 1.0.
(b) Your facility is eligible for the TSM alternative compliance option if your site-specific compliance demonstration shows that the maximum HQ for manganese from your subpart DDDDD sources is less than or equal to 1.0.
(c) At a minimum, your site-specific compliance demonstration must:
(1) Estimate long-term inhalation exposures through the estimation of annual

[[Page 55284]]

or multi-year average ambient concentrations;

(2) Estimate the inhalation exposure for the individual most exposed to the facility's emissions;
(3) Use site-specific, quality-assured data wherever possible;
(4) Use health-protective default assumptions wherever site-specific data are not available, and;
(5) Contain adequate documentation of the data and methods used for the assessment so that it is transparent and can be reproduced by an experienced risk assessor and emissions measurement expert.
(d) Your site-specific compliance demonstration need not:
(1) Assume any attenuation of exposure concentrations due to the penetration of outdoor pollutants into indoor exposure areas;
(2) Assume any reaction or deposition of the emitted pollutants during transport from the emission point to the point of exposure.

8. What Must My Health-Based Eligibility Demonstration Contain?

(a) Your health-based eligibility demonstration must contain, at a minimum, the information specified in paragraphs (a)(1) through (6) of this section.
(1) Identification of each appropriate emission point at the affected source facility, including the maximum rated capacity of each appropriate emission point.
(2) Stack parameters for each appropriate emission point including, but not limited to, the parameters listed in paragraphs (a)(2)(i) through (iv) below:
(i) Emission release type.
(ii) Stack height, stack area, stack gas temperature, and stack gas exit velocity.
(iii) Plot plan showing all emission points, nearby residences, and fenceline.
(iv) Identification of any control devices used to reduce emissions from each appropriate emission point.
(3) Emission test reports for each pollutant and appropriate emission point which has been tested using the test methods specified in Table 1 of this appendix, including a description of the process parameters identified as being worst case. Fuel analyses for each fuel and emission point which has been conducted including collection and analytical methods used.
(4) Identification of the RfC values used in your look-up table analysis or site-specific compliance demonstration.
(5) Calculations used to determine the HCl-equivalent or manganese emission rates according to sections 6(a) or (b) of this appendix.
(6) Identification of the controlling process factors (including, but not limited to, fuel type, heat input rate, type of control devices, process parameters reflecting the emissions rates

used for your eligibility demonstration) that will become Federally enforceable permit conditions used to show that your facility remains eligible for the health-based compliance alternatives.

(b) If you use the look-up table analysis in section 6 of this appendix to demonstrate that your facility is eligible for either health-based compliance alternative, your eligibility demonstration must contain, at a minimum, the information in paragraphs (a) and (b)(1) through (3) of this section.

(1) Calculations used to determine the average stack height of the subpart DDDDD emission points that emit either manganese or HCl and Cl2.

(2) Identification of the subpart DDDDD emission point, that emits either manganese or HCl and Cl2, with the minimum distance to the property boundary of the facility.

(3) Comparison of the values in the look-up tables (Tables 2 and 3 of this appendix) to your maximum HCl-equivalent or manganese emission rates.

(c) If you use a site-specific compliance demonstration as described in section 7 of this appendix to demonstrate that your facility is eligible, your eligibility demonstration must contain, at a minimum, the information in paragraphs (a) and (c)(1) through (7) of this section:

(1) Identification of the risk assessment methodology used.

(2) Documentation of the fate and transport model used.

(3) Documentation of the fate and transport model inputs, including the information described in paragraphs (a)(1) through (5) of this section converted to the dimensions required for the model and all of the following that apply: meteorological data; building, land use, and terrain data; receptor locations and population data; and other facility-specific parameters input into the model.

(4) Documentation of the fate and transport model outputs.

(5) Documentation of any exposure assessment and risk characterization calculations.

(6) Comparison of the HQ HI to the limit of 1.0.

9. When Do I Have to Complete and Submit My Health-Based Eligibility Demonstration?

(a) If you have an existing affected source, you must complete and submit your eligibility demonstration to your permitting authority, along with a signed certification that the demonstration is an accurate depiction of your facility, no later than the date one year prior to the compliance date of subpart DDDDD. A separate copy of the eligibility demonstration must be submitted to: U.S. EPA, Risk and Exposure Assessment Group, Emission Standards Division (C404-01), Attn: Group Leader, Research Triangle Park, North

Carolina 27711, electronic mail address REAG@epa.gov.
(b) If you have a new or reconstructed affected source that starts up before the effective date of subpart DDDDD, or an affected source that is an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP before the effective date of subpart DDDDD, then you must comply with the requirements of subpart DDDDD until your eligibility demonstration is completed and submitted to your permitting authority.
(c) If you have a new or reconstructed affected source that starts up after the effective date of subpart DDDDD, or an affected source that is an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP after the effective date for subpart DDDDD, then you must follow the schedule in paragraphs (c)(1) and (2) of this section.
(1) You must complete and submit a preliminary eligibility demonstration based on the information (e.g., equipment types, estimated emission rates, etc.) used to obtain your title V permit. You must base your preliminary eligibility demonstration on the maximum emissions allowed under your title V permit. If the preliminary eligibility demonstration indicates that your affected source facility is eligible for either compliance alternative, then you may start up your new affected source and your new affected source will be considered in compliance with the alternative HCl standard and subject to the compliance requirements in this appendix or, in the case of manganese, your compliance demonstration with the TSM emission limit is based on 7 metals (excluding manganese).
(2) You must conduct the emission tests or fuel analysis specified in section 4 of this appendix upon initial startup and use the results of these emissions tests to complete and submit your eligibility demonstration within 180 days following your initial startup date. To be eligible, you must meet the criteria in section 11 of this appendix within 18 months following initial startup of your affected source.

10. When Do I Become Eligible for the Health-Based Compliance Alternatives?

To be eligible for either health-based compliance alternative, the parameters that defined your affected source as eligible for the health-based compliance alternatives (including, but not limited to, fuel type, fuel mix (annual average), type of control devices, process parameters reflecting the emissions rates used for your eligibility demonstration) must be submitted for incorporation as Federally enforceable limits into your title V permit. If you do not meet these criteria, then your affected source is subject to the applicable emission limits, operating limits, and work practice

standards in Subpart DDDDD.

11. How Do I Ensure That My Facility Remains Eligible for the Health-Based Compliance Alternatives?

(a) You must update your eligibility demonstration and resubmit it each time you have a process change, such that any of the parameters that defined your affected source changes in a way that could result in increased HAP emissions (including, but not limited to, fuel type, fuel mix (annual average), change in type of control device, changes in process parameters documented as worst-case conditions during the emissions testing used for your approved eligibility demonstration).
(b) If you are updating your eligibility demonstration to account for an action in paragraph (a) of this section, then you must perform emission testing or fuel analysis according to section 4 of this appendix for the subpart DDDDD emission points that may have increased HAP emissions beyond the levels reflected in your previously approved eligibility demonstration due to the process

[[Page 55285]]

change. You must submit your revised eligibility demonstration to the permitting authority prior to revising your permit to incorporate the process change. If your updated eligibility demonstration indicates that your affected source is no longer eligible for the health-based compliance alternatives, then you must comply with the applicable emission limits, operating limits, and compliance requirements in Subpart DDDDD prior to making the process change and revising your permit.

12. What Records Must I Keep?

You must keep records of the information used in developing the eligibility demonstration for your affected source, including all of the information specified in section 8 of this appendix.

13. Definitions

The definitions in Sec. 63.7575 of subpart DDDDD apply to this appendix. Additional definitions applicable for this appendix are as follows:
Hazard Index (HI) means the sum of more than one hazard quotient for multiple substances and/or multiple exposure pathways.
Hazard Quotient (HQ) means the ratio of the predicted media concentration of a pollutant to the media concentration at which no

adverse effects are expected. For inhalation exposures, the HQ is calculated as the air concentration divided by the RfC.
Look-up table analysis means a risk screening analysis based on comparing the HAP or HAP-equivalent emission rate from the affected source to the appropriate maximum allowable HAP or HAP-equivalent emission rates specified in Tables 2 and 3 of this appendix.
Reference Concentration (RfC) means an estimate (with uncertainty spanning perhaps an order of magnitude) of a continuous inhalation exposure to the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime. It can be derived from various types of human or animal data, with uncertainty factors generally applied to reflect limitations of the data used.
Worst-case operating conditions means operation of an affected unit during emissions testing under the conditions that result in the highest HAP emissions or that result in the emissions stream composition (including HAP and non-HAP) that is most challenging for the control device if a control device is used. For example, worst-case conditions could include operation of an affected unit firing solid fuel likely to produce the most HAP.

Table 1 to Appendix B of Subpart DDDDD--Emission Test Methods

For . . .	You must . . .	Using . . .
(1) Each subpart DDDDD emission point for which you choose to use a compliance alternative.	Select sampling ports' location and the number traverse points.	Method 1 of 40 CFR part 60, appendix of A.
(2) Each subpart DDDDD emission point for which you choose to use a compliance alternative.	Determine velocity and volumetric flow rate;.	Method 2, 2F, or 2G in appendix A to 40 CFR part 60.
(3) Each subpart DDDDD emission point for which you choose to use a compliance alternative.	Conduct gas molecular weight analysis.	Method 3A or 3B in appendix A to 40 CFR part 60.
(4) Each subpart DDDDD emission point for which you choose to use a compliance alternative.	Measure moisture content of the stack gas.	Method 4 in appendix A to 40 CFR part 60.
(5) Each subpart DDDDD emission point for which you choose to use the HCl compliance alternative.	Measure the hydrogen chloride and chlorine emission concentrations.	Method 26 or 26A in appendix A to 40 CFR part 60.
(6) Each subpart DDDDD emission point for which you choose to	Measure the manganese	Method 29 in appendix A to 40

use the TSM compliance alternative.	emission concentration.	CFR part 60.
(7) Each subpart DDDDD emission point for which you choose to use a compliance alternative.	Convert emissions concentration to lb per MMBTU emission rates.	Method 19 F-factor methodology in appendix A to part 60 of this chapter.

[[Page 55286]]

Cardinal Power Plant **Facility ID: 064105000**
PTI Application: 06-08020
Modification Issued: 8/1/2006

Table 2 to Appendix A of Subpart DDDDD--Allowable Toxicity-Weighted Emission Rate Expressed in HCl Equivalents (lbs/hr)

Stack ht. (m)	Distance to property boundary (m)											
	0	50	100	150	200	250	500	1000	1500	2000	3000	5000
5	114.9	114.9	114.9	114.9	114.9	114.9	144.3	287.3	373.0	373.0	373.0	373.0
10	188.5	188.5	188.5	188.5	188.5	188.5	195.3	328.0	432.5	432.5	432.5	432.5
20	386.1	386.1	386.1	386.1	386.1	386.1	386.1	425.4	580.0	602.7	602.7	602.7
30	396.1	396.1	396.1	396.1	396.1	396.1	396.1	436.3	596.2	690.6	807.8	816.5
40	408.1	408.1	408.1	408.1	408.1	408.1	408.1	448.2	613.3	715.5	832.2	966.0
50	421.4	421.4	421.4	421.4	421.4	421.4	421.4	460.6	631.0	746.3	858.2	1002.8
60	435.5	435.5	435.5	435.5	435.5	435.5	435.5	473.4	649.0	778.6	885.0	1043.4
70	450.2	450.2	450.2	450.2	450.2	450.2	450.2	486.6	667.4	813.8	912.4	1087.4
80	465.5	465.5	465.5	465.5	465.5	465.5	465.5	500.0	685.9	849.8	940.9	1134.8
100	497.5	497.5	497.5	497.5	497.5	497.5	497.5	527.4	723.6	917.1	1001.2	1241.3
200	677.3	677.3	677.3	677.3	677.3	677.3	677.3	682.3	919.8	1167.1	1390.4	1924.6

Cardinal Power Plant **Facility ID: 064105000**
PTI Application: 06-08020
Modification Issued: 8/1/2006

Table 3 to Appendix A of Subpart DDDDD--Allowable Manganese Emission Rate (lbs/hr)

Stack ht. (m)	Distance to property boundary (m)											
	0	50	100	150	200	250	500	1000	1500	2000	3000	5000
5.....	0.29	0.29	0.29	0.29	0.29	0.29	0.36	0.72	0.93	0.93	0.93	0.94
10.....	0.47	0.47	0.47	0.47	0.47	0.47	0.49	0.82	1.08	1.08	1.08	1.08
20.....	0.97	0.97	0.97	0.97	0.97	0.97	0.97	1.06	1.45	1.51	1.51	1.51
30.....	0.99	0.99	0.99	0.99	0.99	0.99	0.99	1.09	1.49	1.72	2.02	2.04
40.....	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.12	1.53	1.79	2.08	2.42
50.....	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.15	1.58	1.87	2.15	2.51
60.....	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.18	1.62	1.95	2.21	2.61
70.....	1.13	1.13	1.13	1.13	1.13	1.13	1.13	1.22	1.67	2.03	2.28	2.72
80.....	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.25	1.71	2.12	2.35	2.84
100.....	1.24	1.24	1.24	1.24	1.24	1.24	1.24	1.32	1.81	2.29	2.50	3.10
200.....	1.69	1.69	1.69	1.69	1.69	1.69	1.69	1.71	2.30	2.92	3.48	4.81

3. Nitrogen Oxides (NOx) Budget Trading Program OAC Chapter 3745-14

a. Facility Code - 0641050002

b. The following regulated emissions units are subject to the applicable requirements specified in OAC Chapter 3745-14 and the annual NOx allowance allocations listed below:

Emissions Units
B010 - BW Auxiliary Boiler - 652.58 million Btu/hr heat input

c. The emissions units identified in Section A.II.2 above are NOx budget units under OAC rule 3745-14-01(C)(1)(b).
[OAC rule 3745-14-01(C)(1)]

d. NOx allowances for units commencing operation on the dates specified in OAC rule 3745-14-05(C)(4) shall be allocated from the new source set-aside in accordance with the provisions of OAC rule 3745-14-05(C)(4)(d).
[OAC rule 3745-14-05(C)(4)]

e. The NOx authorized account representative shall submit a complete NOx budget permit application in accordance with the deadlines specified in paragraphs (B)(2) and (B)(3) of OAC rule 3745-14-03. The NOx authorized account representative shall also submit, in a timely manner, any supplemental information that the Director determines is necessary in order to review a NOx budget permit application and issue or deny a NOx budget permit.
[OAC rules 3745-14-01(E)(1)(a)(i), 3745-14-01(E)(1)(a)(ii), and 3745-14-03(B)(1)]

f. Beginning May 31, 2004, the owners and operators of each NOx budget source and each NOx budget unit at the source shall hold NOx allowances available for compliance deductions under paragraph (E) of OAC rule 3745-14-06, as of the NOx allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NOx emissions for the control period from the unit, as determined in accordance with OAC rule 3745-14-08, plus any amount necessary to account for actual utilization under paragraph (C)(5) of OAC rule 3745-14-05 for the control period.
[OAC rules 3745-14-01(E)(3)(a) and 3745-14-01(E)(3)(c)]

g. NOx allowances shall be held in, deducted from, or transferred among NOx allowance tracking system accounts in accordance with OAC rules 3745-14-05, 3745-14-06, 3745-14-07, and 3745-14-09.
[OAC rule 3745-14-01(E)(3)(d)]

h. A NOx allowance shall not be deducted, in order to comply with the requirement under paragraph (E)(3)(a) of OAC rule 3745-14-01, for a control period in a year prior to the year for which the NOx allowance was allocated.
[OAC rule 3745-14-01(E)(3)(e)]

i. Each ton of NOx emitted in excess of the NOx budget emission limitation, as defined in OAC rule 3745-14-01(B)(2)(yy), shall constitute a separate violation of OAC Chapter 3745-14, the Clean Air Act, and applicable Ohio law. The owners and operators of a NOx budget unit that has excess emissions in any control period shall surrender the NOx allowances required for deduction under paragraph (E)(4)(a) of OAC rule 3745-14-06 and pay any fine, penalty, or assessment or comply with any other remedy imposed under paragraph (E)(4)(c) of OAC rule 3745-14-06.
[OAC rules 3745-14-01(E)(3)(b), 3745-14-01(E)(4)(a) and 3745-14-01(E)(4)(b)]

j. When recorded by the Administrator pursuant to OAC rules 3745-14-06 and 3745-14-07, every allocation, transfer, or deduction of a NOx allowance to or from a NOx budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NOx budget permit of the NOx budget unit by operation of law without any further review.
[OAC rule 3745-14-01(E)(3)(h)]

k. Except as provided below, the Director shall revise the NOx budget permit, as necessary, in accordance with OAC rule 3745-77-08. Each NOx budget permit is deemed to incorporate automatically the definitions of terms under paragraph (B) of OAC rule 3745-14-01 and, when recorded by the Administrator, in accordance with OAC rules 3745-14-06 and 3745-14-07, every allocation, transfer, or deduction of a NOx allowance to or from the compliance accounts of the NOx budget units covered by the permit or the overdraft account of the NOx budget source covered by the permit.
[OAC rules 3745-14-03(D)(2) and 3745-14-03(E)(1)]

l. The owner or operator of a NOx budget unit shall comply with the prohibitions under OAC rule 3745-14-08(A)(5).
[OAC rule 3745-14-08(A)(5)]

m. The owners and operators of the NOx budget unit shall keep on site at the source each of the following documents for a period of five years from the date the document is created: (This period may be extended for cause, at any time prior to the end of five years, in writing by the Director or Administrator.)

i. the account certificate of representation for the NOx authorized account representative for the NOx budget unit and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with paragraph (D) of OAC rule 3745-14-02, provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the

submission of a new account certificate or representation changing the NOx authorized account representative;

ii. all emission monitoring information, in accordance with OAC rule 3745-14-08;

iii. copies of all reports, compliance certifications, and other submissions and all records made or required under the NOx budget trading program; and

iv. copies of all documents used to complete a NOx budget permit application and any other submission under the NOx budget trading program or to demonstrate compliance with the requirements of the NOx budget trading program.

[OAC rule 3745-14-01(E)(5)(a)(i) through (iv)]

n. The permittee, and to the extent applicable, the NOx authorized account representative of the NOx budget unit, shall comply with the monitoring and reporting requirements as provided in OAC rule 3745-14-08 and in 40 CFR Part 75, Subpart H. For purposes of complying with such requirements the definitions in OAC rule 3745-14-01(B) and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be replaced by the terms "NOx budget unit," "NOx authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in OAC rule 3745-14-01(B).
[OAC rule 3745-14-08(A)]

o. The permittee shall comply with the monitoring plan requirements of 40 CFR Part 75.62, except that the monitoring plan is only required to include information required by 40 CFR Part 75, Subpart H.
[OAC rule 3745-14-08(E)(2)(b)]

p. The NOx authorized account representative of the NOx budget unit shall submit the reports and compliance certifications required under the NOx budget trading program, including those under OAC rules 3745-14-04 and 3745-14-08, to the Director and Administrator.
[OAC rule 3745-14-01(E)(4)(b)]

q. Each submission under the NOx budget trading program shall be submitted, signed, and certified by the NOx authorized account representative for each NOx budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the NOx authorized account representative:

"I am authorized to make this submission on behalf of the owners and operators of the NOx budget sources or NOx budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with,

the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

If the NOx authorized account representative for a NOx budget unit subject to an acid rain emission limitation who signed and certified any submission that is made under Subpart F or G of 40 CFR Part 75 and which includes data and information required under OAC rule 3745-14-08 or Subpart H of 40 CFR Part 75 is not the same person as the designated representative or the alternate designated representative for the unit under 40 CFR Part 72, then the submission shall also be signed by the designated representative or the alternate designated representative. [OAC rules 3745-14-02(A)(5) and 3745-14-08(E)(1)(b)]

r. The NOx authorized account representative shall submit quarterly reports covering the period May 1 through September 30 of each year and including the data described in 40 CFR 75.74(c)(6). The NOx authorized account representative shall submit such quarterly reports, beginning with the calendar quarter covering May 1 through June 30, 2003. The NOx authorized account representative shall submit each quarterly report to the Administrator within thirty days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR Part 75, Subpart H.
[OAC rules 3745-14-08(E)(4)(b) and 3745-14-08(E)(4)(c)(i)]

s. The NOx authorized account representative shall submit to the Administrator a compliance certification in support of each quarterly report based on a reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The compliance certification shall state that:

i. the monitoring data submitted were recorded in accordance with the applicable requirements of OAC rule 3745-14-08 and 40 CFR Part 75, including the quality assurance procedures and specifications; and

ii. for a unit with add-on NOx emission controls and for all hours where data are substituted in accordance with 40 CFR Part 75.34(a)(1), the add-on emission control were operating within the range of parameters listed in the quality assurance program under Appendix B of 40 CFR Part 75 and the substitute values do not systematically underestimate the NOx emissions.

[OAC rule 3745-14-08(E)(4)(d)(i) and (ii)]

t. The NOx authorized account representative for a NOx budget unit shall submit written notice of monitoring system certification and re-certification test dates to the Director and the Administrator in accordance with 40 CFR Part 75.61. The NOx authorized account representative shall submit a certification application to the Administrator, U.S. EPA, Region V Office, and the Director within forty-five days after completing all initial or re-certification tests required under paragraph (B) of OAC rule 3745-14-08, including the information required under Subpart H of 40 CFR Part 75.
[OAC rules 3745-14-08(D) and 3745-14-08(E)(3)]

u. For each control period in which one or more NOx budget units at a source are subject to the NOx budget emission limitation, the NOx authorized account representative of the source shall submit to the Director and the Administrator, by November 30 of that year, a compliance certification report for each source covering all such units. The NOx authorized account representative shall include the following elements in the compliance certification report, in a format prescribed by the Administrator, concerning each unit at the source and subject to the NOx budget emission limitation for the control period covered by the report:

i. identification of each NOx budget unit;

ii. at the NOx authorized account representative's option, the serial numbers of the NOx allowances that are to be deducted from each unit's compliance account under paragraph (E) of OAC rule 3745-14-06 for the control period;

iii. at the NOx authorized account representative's option, for units sharing a common stack and having NOx emissions that are not monitored separately or apportioned in accordance with OAC rule 3745-14-08, the percentage of allowances that is to be deducted from each unit's compliance account under paragraph (E)(5) of OAC rule 3745-14-06; and

iv. the compliance certification under paragraph (A)(3) of OAC rule 3745-14-04.

[OAC rules 3745-14-04(A)(1) and 3745-14-04(A)(2)]

v. In the compliance certification report under Section A.3.t.iv above, the NOx authorized account representative shall certify, based upon reasonable inquiry of those persons with the primary responsibility for operating the source and the NOx budget units at the source in compliance with the NOx budget trading program, whether each NOx budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NOx budget trading program applicable to the unit, including all the following:

i. whether the unit was operated in compliance with the NOx budget emission limitation;

ii. whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NOx emissions to the unit, in accordance with OAC rule 3745-14-08;

iii. whether all the NOx emissions from the unit, or group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with OAC rule 3745-14-08, and if conditional data were reported, the permittee shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report submissions have been made; and

iv. whether the facts that form the basis for certification under OAC rule 3745-14-08 of each monitor at the unit or group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under OAC rule 3745-14-08, if any, have changed.

If a change is required to be reported under Section A.3.v.iv above, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor re-certification.
[OAC rule 3745-14-04(A)(3)]

w. The NOx authorized account representative shall submit a complete NOx budget permit renewal application for the NOx budget source covering the NOx budget units at the source in accordance with paragraph (E) of OAC rule 3745-77-08.
[OAC rule 3745-14-03(B)(3)(a)]

x. The emission measurements recorded and reported in accordance with OAC rule 3745-14-08 shall be used to determine compliance by the unit with the NOx budget emission limitation under paragraph (E)(3) of OAC rule 3745-14-01.
[OAC rule 3745-14-01(E)(2)(b)]

y. The permittee shall develop and maintain a written quality assurance/quality control plan for each continuous NOx monitoring system designed to ensure continuous valid and representative readings of NOx emissions in units of the applicable standard. The plan shall follow the requirements of 40 CFR Part 75, Appendix B. The quality assurance/quality control plan and a logbook dedicated to the

continuous NOx monitoring system must be kept on-site and available for inspection during regular office hours.
[OAC rules 3745-14-08(A)(2)(c) and 3745-14-08(A)(2)(d)]

B. State Only Enforceable Permit To Install Facility Specific Terms and Conditions

None.

Part III - SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S)

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed_limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
B010 - BW Auxiliary Boiler - 652.58 million Btu/hr heat input	OAC rule 3745-31-05(A)(3)	Sulfur dioxide emissions shall not exceed 0.052 pound per million Btu of actual heat input, as a 3-hour average. Nitrogen oxide emissions shall not exceed 0.15 pound per million Btu of actual heat input, as a 3-hour average. Carbon monoxide emissions shall not exceed 0.312 pound per million Btu of actual heat input, as a 3-hour average. Volatile organic compound emissions shall not exceed 0.005 pound per million Btu of actual heat input, as a 3-hour average. The requirements of this rule also include compliance with the requirements of OAC rules 3745-21-08(B), 3745-23-06(B), 3745-17-10-(B)(1), 3745-14, 40 CFR Part 60 Subpart Db and 40 CFR Part 63 Subpart DDDDD. See Section A.2.a below.
	OAC rule 3745-31-05(C)	The tons of emissions per rolling, 12-month period shall not exceed:

	42.87 tons nitrogen oxides; 89.18 tons carbon monoxide; 14.86 tons sulfur dioxide; 5.72 tons particulate emissions; and 1.43 tons organic compounds. See Section III.2 below
OAC rule 3745-17-10(B)(1)	Particulate emissions shall not exceed 0.02 pound per million Btu heat input.
OAC rule 3745-17-07(A)	The visible particulate emission limitation specified by this rule is less stringent than the emission limitation established pursuant to 40 CFR Part 60 Subpart Db.
OAC rule 3745-18-47(B)	The emission limitation specified by this rule is less stringent than the emission limitation for sulfur dioxide established pursuant to OAC rule 3745-31-05(A)(3).
40 CFR Part 60 Subpart Db	Visible particulate emissions shall not exceed 20 percent opacity, as a 6-minute average except for not more than 6 consecutive minutes in any 60 minutes, but shall not exceed 27 percent opacity, as a 6-minute average, at any time. See Section VI.1 below. The emissions limitations specified by this rule are less stringent than the emissions limitations for nitrogen oxides and sulfur dioxide established pursuant to OAC rule 3745-31-05(A)(3).
40 CFR Part 63 Subpart DDDDD	Carbon monoxide emissions shall not exceed 400 parts per million(at 3% oxygen.) Hydrochloric acid emissions shall not exceed 0.0009 pound per million Btu heat input.

	See Part II. Section A.2 above.
OAC rule 3745-21-08(B)	See Section A.2.b below.
OAC rule 3745-23-06(B)	See Section A.2.c below.
OAC rule 3745-14	See Section A.2.d below.

2. Additional Terms and Conditions

2.a The quality of the oil burned in this emissions unit shall meet the following specifications on an "as received" basis:

i. a sulfur content which is sufficient to comply with the allowable sulfur dioxide emission limitation of 0.052 pound sulfur dioxide per million Btu actual heat input; and

ii. greater than or equal to135.75 million Btu/1000 gallons of oil.

Compliance with the above-mentioned specifications shall be determined by using analytical results provided by the permittee or oil supplier for each shipment of oil.

2.b The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in this Permit to Install.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.c The permittee has satisfied the “latest available control techniques and operating practices” required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in this Permit to Install.

On February 14, 2005, OAC rule 3745-23-06 was rescinded; therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to U.S. EPA as a revision to Ohio's SIP. Therefore, until U.S. EPAapproves the revision, the requirement to satisfy the “latest available control

techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.d Refer to Part II. Section A.3 - Facility Specific Terms and Conditions of the permit for the requirements of OAC Chapter 3745-14 "NOx Budget Trading Program in Ohio."

II. Operational Restrictions

1. The maximum annual heat input for this emissions unit shall not exceed 571,660 million Btu, based upon a rolling, 12-month summation of the monthly heat input values.

   To ensure enforceability during the first 12 calendar months of operation or the first 12 calendar months following the issuance of this permit, the permittee shall not exceed the heat input levels specified in the following table:

Month(s)	Maximum Allowable Cumulative Heat Input
1	235,080 million Btu
1-2	470,160 million Btu
1-3	500,000 million Btu
1-4	571,660 million Btu
1-5	571,660 million Btu
1-6	571,660 million Btu
1-7	571,660 million Btu
1-8	571,660 million Btu
1-9	571,660 million Btu
1-10	571,660 million Btu
1-11	571,660 million Btu
1-12	571,660 million Btu

   After the first 12 calendar months of operation or the first 12 calendar months following the issuance of this permit, compliance with the annual heat input limitation shall be based upon a rolling, 12-month summation of the monthly heat input values.

2. Installation and operation of this emissions unit (B010) is contingent upon the permanent shutdown of the existing auxiliary boilers (designated as B003 and B004) that serve the Unit 1(B001) and Unit 2(B002) main boilers. The net emissions increase as a result of this equipment shutdown and installation is as follows:

Project Emissions (TPY)	NOx
Project Increase B010	42.87
B003 & B004 Shutdown	- 3.05
Net Emissions Increase	39.82

As a result of the net emissions increase, the proposed installation of B010 is not a new major source and the permittee has "netted" out of Federal Prevention of Significant Deterioration requirements.

III. Monitoring and/or Recordkeeping Requirements

1. The permittee shall maintain monthly records of the following information for this emissions unit:

   a. Beginning after the first 12 calendar months of operation following issuance of this permit, the rolling, 12-month summation of heat input (million Btu).

   b. During the first 12 calendar months of operation following issuance of this permit, the permittee shall record the cumulative heat input (million Btu) for each calendar month.

2. The permittee shall comply with the requirements of either Alternative 1 or Alternative 2 below pertaining to the use of Number 2 fuel oil.

   Alternative 1:

   For each shipment of oil received for burning in this emissions unit, the permittee shall collect or require the oil supplier to collect a representative grab sample of oil and maintain records of the total quantity of oil received, the permittee's or oil supplier's analyses for sulfur content and heat content, and the calculated sulfur dioxide emission rate (in pounds per million Btu). (The sulfur dioxide emission rate shall be calculated in accordance with the formula specified in OAC rule 3745-18-04(F).) A shipment may be comprised of multiple tank truck loads from the same supplier's batch, and the quality of the oil for those loads may be represented by a single batch analysis from the supplier.

Alternative 2:

The permittee shall collect a representative grab sample of oil that is burned in this emissions unit for each day when the emissions unit is in operation. If additional fuel oil is added to the tank serving this emissions unit on a day when the emissions unit is in operation, the permittee shall collect a sufficient number of grab samples to develop a composite sample representative of the fuel oil burned in this emissions unit. A representative grab sample of oil does not need to be collected on days when this emissions unit is only operated for the purpose of "test-firing." The permittee shall maintain records of the total quantity of oil burned each day, except for the purpose of test-firing, the permittee's analyses for sulfur content and heat content, and the calculated sulfur dioxide emission rate (in pounds per million Btu). (The sulfur dioxide emission rate shall be calculated in accordance with the formula specified in OAC rule 3745-18-04(F).)

The permittee shall perform or require the supplier to perform the analyses for sulfur content and heat content in accordance with 40 CFR Part 60, Appendix A, Method 19, or the appropriate ASTM methods (such as, ASTM methods D240, D4809, D1552, D1298 and/or D4294), or equivalent methods as approved by the Director.

IV. Reporting Requirements

1. The permittee shall submit deviation (excursion) reports which identify all exceedances of the rolling, 12-month heat input limitation and, for the first 12 calendar months of operation, all exceedances of the maximum allowable monthly cumulative heat input limitation. These reports are due by the dates described in Part 1 - General Terms and Conditions of this permit under section (A)(2).

2. The permittee shall notify the Ohio EPA Southeast District Office in writing of any record which shows a deviation of the allowable sulfur dioxide emission limitation based upon the calculated sulfur dioxide emission rates from Section A.III.2 above. The notification shall include a copy of such record and shall be sent to the Ohio EPA Southeast District Office in the next quarterly report.

V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1 of these terms and conditions shall be determined in accordance with the following methods:

   a. Emission Limitation:

      Particulate emissions shall not exceed 0.02 pound per million Btu of actual heat input.

Applicable Compliance Method:

Initial compliance with the pound per million Btu emissions limitation shall be demonstrated based upon the applicable emission tests for this emission limitation specified in Part III Section A.V. 2 of this permit to install.

b. Emission Limitation:

Sulfur dioxide emissions shall not exceed 0.052 pound per million Btu of actual heat input, as a 3-hour average.

Applicable Compliance Method:

Compliance may be determined based upon the records required pursuant to section A.III.2 above.

If required, the permittee shall demonstrate compliance with this emission limitation in accordance with 40 CFR Part 60, Appendix A, Methods 1 through 4 and 6 or 6A.

c. Emission Limitation:

Nitrogen oxide emissions shall not exceed 0.15 pound per million Btu of actual heat input, as a 3-hour average.

Applicable Compliance Method:

Initial compliance with the pound per million Btu emissions limitation shall be demonstrated based upon the applicable emission tests for this emission limitation specified in Part III Section A.V.2 of this permit to install.

d. Emission Limitation:

Carbon monoxide emissions shall not exceed 0.312 pound per million Btu of actual heat input, as an 3-hour average. Carbon monoxide emissions shall not exceed 400 parts per million(at 3% oxygen.)

Applicable Compliance Method:

Initial compliance with the pound per million Btu emissions limitation shall be demonstrated based upon the applicable emission tests for this emission limitation specified in Part III Section A.V.2 of this permit to install.

e. Emission Limitation:

Volatile organic compound emissions shall not exceed 0.005 pound per million Btu of actual heat input, as a 3-hour average.

Applicable Compliance Method:

Initial compliance with the pound per million Btu emissions limitation shall be demonstrated based upon the applicable emission tests for this emission limitation specified in Part III Section A.V.2 of this permit to install.

f. Emission Limitation:

Visible particulate emissions shall not exceed 20 percent opacity, as a 6-minute average except for not more than 6 consecutive minutes in any 60 minutes, but shall not exceed 27 percent opacity, as a 6-minute average, at any time.

Applicable Compliance Method:

Initial and on-going compliance shall be demonstrated through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9, the requirements contained in 40 CFR Part 60 Subpart A Section 60.8 and the requirements contained in Part III Section A.V.2 of this permit to install.

g. Emission Limitation:

Hydrochloric acid emissions shall not exceed 0.0009 pound per million Btu heat input.

Applicable Compliance Method:

Initial compliance with the pound per million Btu emissions limitation shall be demonstrated based upon the applicable emission test requirements contained in 40 CFR Part 63 Subpart DDDDD.

2. The permittee shall conduct, or have conducted, emissions testing for this emissions unit in accordance with the following requirements:

a. The emissions testing shall be conducted within 60 days after achieving the maximum production rate at which the emissions unit will be operated, but not later than 180 days after initial startup of such emissions unit.

b. the emissions testing shall be conducted to demonstrate compliance with the allowable emission rate for particulate emissions, visible particulate emissions, nitrogen oxide, volatile organic compounds and carbon monoxide;

c. the emission testing shall be conducted in accordance with 40 CFR Part 60, Appendix A, Methods 1 through 4, and
Method 5 for particulate emissions;
Method 7E for nitrogen oxide ;
Method 9 for visible particulate emissions;
Method 10 for carbon monoxide;
Method 25 or 25A for volatile organic compounds.

Alternative U.S. EPA approved test methods may be used with prior approval from Ohio EPA.

d. the emissions testing shall be conducted while the emissions unit is operating at or near its maximum capacity, unless otherwise specified or approved by the Ohio EPA Southeast District Office.

Not later than 30 days prior to the proposed test dates, the permittee shall submit an "Intent to Test" notification to the Ohio EPA Southeast District Office. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the times and dates of the tests, and the persons who will be conducting the tests. Failure to submit such notification for review and approval prior to the tests may result in the Ohio EPA Southeast District Office's refusal to accept the results of the emission tests.

Personnel from the Ohio EPA Southeast District Office shall be permitted to witness the tests, examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.

A comprehensive written report on the results of the emission tests shall be submitted to the Ohio EPA Southeast District Office within one month following completion of the tests. The permittee may obtain additional time for the submittal of the written report, where warranted, with prior approval from the Ohio EPA Southeast District Office.

3. Emission Limitation:

The tons of emissions per rolling, 12-month period shall not exceed:

42.87 tons nitrogen oxides;
89.18 tons carbon monoxide;
14.86 tons sulfur dioxide;
5.72 tons particulate emissions; and
1.43 tons organic compounds.

Applicable Compliance Method:

Compliance with the annual emission limitations shall be demonstrated by the record keeping required pursuant to Part III Section A. III. 1 and the associated emission factors derived from emissions testing as specified in section A.V.

VI. Miscellaneous Requirements

1. Cardinal Operating Company has submitted a petition request to U.S. EPA for an alternative opacity monitoring requirement in lieu of the continuous opacity monitoring system that is required by Subpart Db.

   Pursuant to that request, U.S. EPA granted an alternative opacity monitoring protocol via a letter, dated March 15, 2006, to Mr. Douglas Shearn, Cardinal Plant Manager. This letter contained the following operating conditions and requirements:

   At the auxiliary boiler, Cardinal must not exceed a total annual heat input of 571,660 million Btu, or 10 percent of its annual capacity. If Cardinal exceeds 571,660 million Btu of total annual heat input, Cardinal must immediately submit to Ohio EPA and U.S. EPA a schedule for installing and certifying a continuous opacity monitor(COM) within 6 months or less. Cardinal must immediately notify Ohio EPA and U.S. EPA that Cardinal exceeded the 571,660 million Btu limit.

   Cardinal must conduct its routine operational checks during daytime hours only.

   At least once every 4 hours of operation, during daylight hours, an observer certified in accordance with Method 9 must perform three 6-minute observations of the auxiliary boiler stack. If any 6-minute average opacity exceeds 20%, the observer must collect two additional 6-minute sets of visible emissions readings.

   Cardinal must maintain on-site for a period of 5 years from the date of observation, records of the date and time of visible emissions observations, along with the results of each observation.

   Cardinal must maintain on-site, for a period of 5 years, records of the auxiliary boiler's heat input.

   Within 30 days of the end of each calendar quarter, Cardinal must submit to Ohio EPA and U.S. EPA excess emission reports. The excess emission reports must identify the total heat input and number of hours of operation in that quarter, the total heat input and number of hours of operation in previous quarters within the same calendar year, the total number of observations performed under the above conditions and any excess opacity readings observed. The excess emission report shall denote that the boiler must comply with a 20 percent opacity limit as a 6-minute average.

American Electric Power(AEP) shall maintain the boilers in accordance with good air pollution control practices.

B. State Only Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
B010 - BW Auxiliary Boiler - 652.58 million Btu/hr heat input	None	None

2. Additional Terms and Conditions

2.a None.

II. Operational Restrictions

None.

III. Monitoring and/or Recordkeeping Requirements

1. The permit to install for emissions unit B010 was evaluated based on the actual materials and the design parameters of the emissions unit's exhaust system, as specified by the permittee in the permit to install application. The Ohio EPA's “Review of New Sources of Air Toxic Emissions” policy ("Air Toxic Policy") was applied to this emissions unit for each toxic pollutant, using data from the permit to install application, and modeling was performed for the toxic pollutant(s) emitted at over a ton per year using the SCREEN 3.0 model or other Ohio EPA approved model. The predicted 1-hour maximum ground-level concentration result(s) from the use of the SCREEN 3.0 (or other approved) model, was compared to the Maximum Acceptable Ground-Level Concentration (MAGLC), calculated as required in Engineering Guide #70. The following summarizes the results of the modeling for the “worst case” pollutant(s):

   Pollutant: Ammonia(NH_3)
   TLV (mg/m3): 17.4
   Maximum Hourly Emission Rate (lbs/hr): 3.85**
   Predicted 1-Hour Maximum Ground-Level Concentration (ug/m3): 46.6
   MAGLC (ug/m3): 413.75

**Based on an emission factor of 0.8 pound ammonia per 1000 gallons of fuel burned. The emission factor was obtained from a study conducted by the National Acid Precipitation Assessment Program.

2. Physical changes to or changes in the method of operation of the emissions unit after its installation or modification could affect the parameters used to determine whether or not the "Air Toxic Policy" is satisfied. Consequently, prior to making a change that could impact such parameters, the permittee shall conduct an evaluation to determine that the "Air Toxic Policy" will still be satisfied. If, upon evaluation, the permittee determines that the "Air Toxic Policy" will not be satisfied, the permittee will not make the change. Changes that can affect the parameters used in applying the "Air Toxic Policy" include the following:

   a. changes in the composition of the materials used or the use of new materials, that would result in the emission of a compound or chemical with a lower Threshold Limit Value (TLV) than the lowest TLV previously modeled, as documented in the most current version of the American Conference of Governmental Industrial Hygienists' (ACGIH's) handbook entitled "TLVs and BEIs, Threshold Limit Values for Chemical Substances and Physical Agents, Biological Exposure Indices";

   b. changes in the composition of the materials, or use of new materials, that would result in an increase in emissions of any pollutant with a listed TLV that was proposed in the application and modeled; and

   c. physical changes to the emissions unit or its exhaust parameters (e.g., increased/ decreased exhaust flow, changes in stack height, changes in stack diameter, etc.).

3. If the permittee determines that the "Air Toxic Policy" will be satisfied for the above changes, the Ohio EPA will not consider the change(s) to be a "modification" under OAC rule 3745-31-01 solely due to the emissions of any type of toxic air contaminant not previously emitted, and a modification of the existing permit to install will not be required, even if the toxic air contaminant emissions are greater than the de minimis level in OAC rule 3745-15-05. If the change(s) meet(s) the definition of a "modification" under other provisions of the rule, then the permittee shall obtain a final permit to install prior to the change.

   The permittee shall collect, record, and retain the following information when it conducts evaluations to determine that the changed emissions unit will still satisfy the "Air Toxic Policy:"

   a. a description of the parameters changed (composition of materials, new pollutants emitted, change in stack/exhaust parameters, etc.);

   b. documentation of the evaluation and determination that the changed emissions unit still satisfies the "Air Toxic Policy"; and

c. where computer modeling is performed, a copy of the resulting computer model runs that show the results of the application of the “Air Toxic Policy” for the change.

IV. Reporting Requirements

None.

V. Testing Requirements

None.

VI. Miscellaneous Requirements

None.