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

12/21/04

CERTIFIED MAIL

RE: Preliminary Proposed Title V
Chapter 3745-77 permit

04-48-01-0370
Tembec BTLSR Inc
James F. Anderson
P.O. BOX 2570
2112 SYLVAN AVE
TOLEDO, OH 43606

Dear James F. Anderson:

Enclosed is the Ohio EPA Preliminary Proposed Title V permit that was issued in draft form on 10/26/04. The comment period for the Draft permit has ended. We are now ready to submit this permit to USEPA for approval.

We are submitting this for your review and comment. If you do not agree with the Preliminary Proposed Title V permit as written, you now have the opportunity to raise your concerns. **In order to facilitate our review of all the comments or concerns you may have with the enclosed preliminary proposed permit, please provide a hand marked-up copy of the permit showing the changes you think are necessary, along with any additional summary comments, within fourteen (14) days from your receipt of this letter to:**

Ohio EPA, Division of Air Pollution Control
Jim Orlemann, Manager, Engineering Section
Preliminary Proposed Title V Permit Correspondence
122 South Front Street
Columbus, Ohio 43215

and

Toledo Div of Environmental Services
348 South Erie Street
Toledo, OH 43602-1633
(419) 936-3015

Also, if you believe that it is necessary to have an informal conference with us, then, as part of your written comments, you should request a conference concerning the written comments.

If comments are not submitted within fourteen (14) days of your receipt of this letter, we will forward the proposed permit to USEPA for approval. All comments received will be carefully considered before proceeding to the proposed permit.

Sincerely,

Michael W. Ahern

Michael W. Ahern, Supervisor
Field Operations and Permit Section
Division of Air Pollution Control

cc: Toledo Div of Environmental Services
File, DAPC PMU

State of Ohio Environmental Protection Agency

PRELIMINARY PROPOSED TITLE V PERMIT

Issue Date: 12/21/04	Effective Date: To be entered upon final issuance	Expiration Date: To be entered upon final issuance

This document constitutes issuance of a Title V permit for Facility ID: 04-48-01-0370 to:

Tembec BTLSR Inc
2525 JEAN-DESY
LONGUEUIL, QUEBEC J4G 1G6
LONGUEUIL, QUEBEC J4G 1G6, OH 43606

Emissions Unit ID (Company ID)/Emissions Unit Activity Description

B001 (Boiler #1)
Provides space heat and process steam for facility.

B002 (Boiler #2)
Provides space heat and process steam for facility.

P001 ("A" System Resin Spray Dryer)
Production unit includes equipment used to produce formaldehyde resins.

P002 ("B" System Resin Spray Dryer)
Production unit includes equipment used to produce formaldehyde resins.

P003 ("C" System Resin Spray Dryer)
Production unit includes equipment used to produce formaldehyde resins.

Z008 (Kettle Reactor)
Kettle reactor used to make formaldehyde resin.

Z014 (Reactor #1)
One of four reactor kettles used to produce liquid formaldehyde resins.

Z015 (Reactor #2)
One of four reactor kettles used to produce liquid formaldehyde resins.

Z016 (Reactor #3)
One of four reactor kettles used to produce liquid formaldehyde resins.

Z018 (Reactor #4)
One of four reactor kettles used to produce liquid formaldehyde resins.

Z019 (Reactor #5)
One of four reactor kettles used to produce liquid formaldehyde resins.

You will be contacted approximately eighteen (18) months prior to the expiration date regarding the renewal of this permit. If you are not contacted, please contact the appropriate Ohio EPA District Office or local air agency listed below. This permit and the authorization to operate the air contaminant sources (emissions units) at this facility shall expire at midnight on the expiration date shown above. If a renewal permit is not issued prior to the expiration date, the permittee may continue to operate pursuant to OAC rule 3745-77-04(A) and in accordance with the terms of this permit beyond the expiration date, provided that a complete renewal application is submitted no earlier than eighteen (18) months and no later than one-hundred eighty (180) days prior to the expiration date.

Described below is the current Ohio EPA District Office or local air agency that is responsible for processing and administering your Title V permit:

Toledo Div of Environmental Services
348 South Erie Street
Toledo, OH 43602-1633
(419) 936-3015

OHIO ENVIRONMENTAL PROTECTION AGENCY

Christopher Jones
Director

PART I - GENERAL TERMS AND CONDITIONS

A. State and Federally Enforceable Section

1. Monitoring and Related Record Keeping and Reporting Requirements

a. Except as may otherwise be provided in the terms and conditions for a specific emissions unit, i.e., in Section A.III of Part III of this Title V permit, 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.
(Authority for term: OAC rule 3745-77-07(A)(3)(b)(i))

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 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.
(Authority for term: OAC rule 3745-77-07(A)(3)(b)(ii))

c. The permittee shall submit required reports in the following manner:

i. **All reporting required in accordance with OAC rule 3745-77-07(A)(3)(c) for deviations caused by malfunctions shall be submitted in the following manner:**

Any malfunction, as defined in OAC rule 3745-15-06(B)(1), shall be promptly reported to the Ohio EPA in accordance with OAC rule 3745-15-06. In addition, to fulfill the OAC rule 3745-77-07(A)(3)(c) deviation reporting requirements for malfunctions, written reports that identify each malfunction that occurred during each calendar quarter (including each malfunction reported only verbally in accordance with OAC rule 3745-15-06) shall be submitted by January 31, April 30, July 31, and October 31 of each year in accordance with General Term and Condition A.1.c.ii below; and each report shall cover the previous calendar quarter.

In accordance with OAC rule 3745-15-06, a malfunction constitutes a violation of an emission limitation (or control requirement) and, therefore, is a deviation of the federally enforceable permit requirements. Even though verbal notifications and written reports are required for malfunctions pursuant to OAC rule 3745-15-06, the written reports required pursuant to this term must be submitted quarterly to satisfy the prompt reporting provision of OAC rule 3745-77-07(A)(3)(c).

In identifying each deviation caused by a malfunction, the permittee shall specify the emission limitation(s) (or control requirement(s)) for which the deviation occurred, describe each deviation, and provide the magnitude and duration of each deviation. For a specific malfunction, if this information has been provided in a written report that was submitted in accordance with OAC rule 3745-15-06, the permittee may simply reference that written report to identify the deviation. Nevertheless, all malfunctions, including those reported only verbally in accordance with OAC rule 3745-15-06, must be reported in writing on a quarterly basis.

Any scheduled maintenance, as referenced in OAC rule 3745-15-06(A)(1), that results in a deviation from a federally enforceable emission limitation (or control requirement) shall be reported in the same manner as described above for malfunctions.
(Authority for term: OAC rule 3745-77-07(A)(3)(c))

ii. **Except as may otherwise be provided in the terms and conditions for a specific emissions unit, i.e., in Section A.IV of Part III of this Title V permit or, in some cases, in Part II of this Title V permit, all reporting required in accordance with OAC rule 3745-77-07(A)(3)(c) for deviations of the emission limitations, operational restrictions, and control device operating parameter limitations shall be submitted in the following manner:**

Written reports of (a) any deviations from federally enforceable emission limitations, operational restrictions, and control device operating parameter limitations, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures taken, shall be promptly made to the appropriate Ohio EPA District Office or local air agency. Except as provided below, the written reports shall be submitted by January 31, April 30, July 31, and October 31 of each year; and each report shall cover the previous calendar quarter.

In identifying each deviation, the permittee shall specify the emission limitation(s), operational restriction(s), and/or control device operating parameter limitation(s) for which the deviation occurred, describe each deviation, and provide the estimated magnitude and duration of each deviation.

These written reports shall satisfy the requirements (in part) of OAC rule 3745-77-07(A)(3)(c) pertaining to the submission of monitoring reports every six months and to the prompt reporting of all deviations. OAC rule 3745-77-07(A)(3)(c) is not fully satisfied until the permittee addresses all other deviations of the federally enforceable requirements specified in the permit.

If an emissions unit has a deviation reporting requirement for a specific emission limitation, operational restriction, or control device operating parameter limitation that is not on a quarterly basis (e.g., within 30 days following the end of the calendar month, or within 30 or 45 days after the exceedance occurs), that deviation reporting requirement overrides the reporting requirements specified in this General Term and Condition for that specific emission limitation, operational restriction, or control device parameter limitation. Following the provisions of that non-quarterly deviation reporting requirement will also satisfy the requirements (in part) of OAC rule 3745-77-07(A)(3)(c) pertaining to the submission of monitoring reports every six months and to the prompt reporting of all deviations, and additional quarterly deviation reports for that specific emission limitation, operational restriction, or control device parameter limitation are not required pursuant to this General Term and Condition.

See B.6 below if no deviations occurred during the quarter.
(Authority for term: OAC rule 3745-77-07(A)(3)(c))

iii. **All reporting required in accordance with the OAC rule 3745-77-07(A)(3)(c) for other deviations of the federally enforceable permit requirements which are not reported in accordance with General Term and Condition A.1.c.ii above shall be submitted in the following manner:**

Written reports that identify all other deviations of the federally enforceable requirements contained in this permit, including the monitoring, record keeping, and reporting requirements, which are not reported in accordance with General Term and Condition A.1.c.ii above shall be submitted to the appropriate Ohio EPA District Office or local air agency by January 31 and July 31 of each year; and each report shall cover the previous six calendar months.

In identifying each deviation, the permittee shall specify the federally enforceable requirement for which the deviation occurred, describe each deviation, and provide the magnitude and duration of each deviation.

These semi-annual written reports shall satisfy the reporting requirements of OAC rule 3745-77-07(A)(3)(c) for any deviations from the federally enforceable requirements contained in this permit that are not reported in accordance with General Term and Condition A.1.c.ii above.

If no such deviations occurred during a six-month period, the permittee shall submit a semi-annual report which states that no such deviations occurred during that period.
(Authority for term: OAC rules 3745-77-07(A)(3)(c)(i) and (ii))

iv. 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 (including any written malfunction reports required by OAC rule 3745-15-06 that are referenced in the deviation reports) are true, accurate, and complete."
(Authority for term: OAC rule 3745-77-07(A)(3)(c)(iv))

v. Reports of any required monitoring and/or record keeping information shall be submitted to the appropriate Ohio EPA District Office or local air agency.
(Authority for term: OAC rule 3745-77-07(A)(3)(c))

2. Scheduled Maintenance

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. Except as provided in OAC rule 3745-15-06(A)(3), any scheduled maintenance necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is (are) served by such control system(s). Any scheduled maintenance, as defined in OAC rule 3745-15-06(A)(1), that results in a deviation from a federally enforceable emission limitation (or control requirement) shall be reported in the same manner as described for malfunctions in General Term and Condition A.1.c.i above.
(Authority for term: OAC rule 3745-77-07(A)(3)(c))

3. Risk Management Plans

If applicable, the permittee shall 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"); and, pursuant to 40 C.F.R. 68.215(a), the permittee shall submit either of the following:

a. a compliance plan for meeting the requirements of 40 C.F.R. Part 68 by the date specified in 40 C.F.R. 68.10(a) and OAC 3745-104-05(A); or

b. as part of the compliance certification submitted under 40 C.F.R. 70.6(c)(5), a certification statement that the source is in compliance with all requirements of 40 C.F.R. Part 68 and OAC Chapter 3745-104, including the registration and submission of the risk management plan.

(Authority for term: OAC rule 3745-77-07(A)(4))

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.
(Authority for term: OAC rule 3745-77-07(A)(5))

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.
(Authority for term: OAC rule 3745-77-07(A)(6))

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 reissuance, or modification, or for denial of a permit renewal application.

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, reopened, revoked, or revoked and reissued, for cause, in accordance with A.10 below. 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, reopening 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.

(Authority for term: OAC rule 3745-77-07(A)(7))

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.
(Authority for term: OAC rule 3745-77-07(A)(8))

8. Marketable Permit Programs

No revision of this permit is required under any approved economic incentive, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in this permit.
(Authority for term: OAC rule 3745-77-07(A)(9))

9. Reasonably Anticipated Operating Scenarios

The permittee is hereby authorized to make changes among operating scenarios authorized in this permit without notice to the Ohio EPA, but, contemporaneous with making a change from one operating scenario to another, the permittee must record in a log at the permitted facility the scenario under which the permittee is operating. The permit shield provided in these general terms and conditions shall apply to all operating scenarios authorized in this permit.
(Authority for term: OAC rule 3745-77-07(A)(10))

10. Reopening for Cause

This Title V permit will be reopened prior to its expiration date under the following conditions:

a. Additional applicable requirements under the Act become applicable to one or more emissions units covered by this permit, and this permit has a remaining term of three or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to paragraph (E)(1) of OAC rule 3745-77-08.

b. This permit is issued to an affected source under the acid rain program and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit, and shall not require a reopening of this permit.

c. The Director of the Ohio EPA or the Administrator of the U.S. EPA determines that the federally applicable requirements in this permit are based on a material mistake, or that inaccurate statements were made in establishing the emissions standards or other terms and conditions of this permit related to such federally applicable requirements.

d. The Administrator of the U.S. EPA or the Director of the Ohio EPA determines that this permit must be revised or revoked to assure compliance with the applicable requirements.

(Authority for term: OAC rules 3745-77-07(A)(12) and 3745-77-08(D))

11. Federal and State Enforceability

Only those terms and conditions designated in this permit as federally enforceable, that are required under the Act, or any of 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, the State, and citizens under the Act. All other terms and conditions of this permit shall not be federally enforceable and shall be enforceable under State law only.

(Authority for term: OAC rule 3745-77-07(B))

12. Compliance Requirements

a. Any document (including reports) required to be submitted and required by a federally applicable requirement in this Title V 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 paragraph (E) of OAC rule 3745-77-03.

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.

d. Compliance certifications concerning the terms and conditions contained in this permit that are federally enforceable emission limitations, standards, or work practices, shall be submitted to the Director (the appropriate Ohio EPA District Office or local air agency) and the Administrator of the U.S. EPA in the following manner and with the following content:

i. Compliance certifications shall be submitted annually on a calendar year basis. The annual certification shall be submitted on or before April 30th of each year during the permit term.
ii. Compliance certifications shall include the following:
   (a) An identification of each term or condition of this permit that is the basis of the certification.
   (b) The permittee's current compliance status.
   (c) Whether compliance was continuous or intermittent.
   (d) The method(s) used for determining the compliance status of the source currently and over the required reporting period.
   (e) Such other facts as the Director of the Ohio EPA may require in the permit to determine the compliance status of the source.
iii. Compliance certifications shall contain such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act.

(Authority for term: OAC rules 3745-77-07(C)(1),(2),(4) and (5) and ORC section 3704.03(L))

13. Permit Shield

a. Compliance with the terms and conditions of this permit (including terms and conditions established for alternate operating scenarios, emissions trading, and emissions averaging, but excluding terms and conditions for which the permit shield is expressly prohibited under OAC rule 3745-77-07) shall be deemed compliance with the applicable requirements identified and addressed in this permit as of the date of permit issuance.

b. This permit shield provision shall apply to any requirement identified in this permit pursuant to OAC rule 3745-77-07(F)(2), as a requirement that does not apply to the source or to one or more emissions units within the source.

(Authority for term: OAC rule 3745-77-07(F))

14. Operational Flexibility

The permittee is authorized to make the changes identified in OAC rule 3745-77-07(H)(1)(a) to (H)(1)(c) within the permitted stationary source without obtaining a permit revision, if such change is not a modification under any provision of Title I of the Act [as defined in OAC rule 3745-77-01(JJ)], and does not result in an exceedance of the emissions allowed under this permit (whether expressed therein as a rate of emissions or in terms of total emissions), and the permittee provides the Administrator of the U.S. EPA and the appropriate Ohio EPA District Office or local air agency with written notification within a minimum of seven days in advance of the proposed changes, unless the change is associated with, or in response to, emergency conditions. If less than seven days notice is provided because of a need to respond more quickly to such emergency conditions, the permittee shall provide notice to the Administrator of the U.S. EPA and the appropriate District Office of the Ohio EPA or local air agency as soon as possible after learning of the need to make the change. The notification shall contain the items required under OAC rule 3745-77-07(H)(2)(d).

(Authority for term: OAC rules 3745-77-07(H)(1) and (2))

15. Emergencies

The permittee shall have an affirmative defense of emergency to an action brought for noncompliance with technology-based emission limitations if the conditions of OAC rule 3745-77-07(G)(3) are met. This emergency defense provision is in addition to any emergency or upset provision contained in any applicable requirement.
(Authority for term: OAC rule 3745-77-07(G))

16. Off-Permit Changes

The owner or operator of a Title V source may make any change in its operations or emissions at the source that is not specifically addressed or prohibited in the Title V permit, without obtaining an amendment or modification of the permit, provided that the following conditions are met:

a. The change does not result in conditions that violate any applicable requirements or that violate any existing federally enforceable permit term or condition.

b. The permittee provides contemporaneous written notice of the change to the Director and the Administrator of the U.S. EPA. Such written notice shall describe each such change, the date of such change, any change in emissions or pollutants emitted, and any federally applicable requirement that would apply as a result of the change.

c. The change shall not qualify for the permit shield under OAC rule 3745-77-07(F).

d. The permittee shall keep a record describing all changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

e. The change is not subject to any applicable requirement under Title IV of the Act or is not a modification under any provision of Title I of the Act.

Paragraph (I) of rule 3745-77-07 of the Administrative Code applies only to modification or amendment of the permittee's Title V permit. The change made may require a permit to install under Chapter 3745-31 of the Administrative Code if the change constitutes a modification as defined in that Chapter. Nothing in paragraph (I) of rule 3745-77-07 of the Administrative Code shall affect any applicable obligation under Chapter 3745-31 of the Administrative Code.
(Authority for term: OAC rule 3745-77-07(I))

17. Compliance Method Requirements

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee, including but not limited to, any challenge to the Credible Evidence Rule (see 62 Fed. Reg. 8314, Feb. 24, 1997), in the context of any future proceeding.
(This term is provided for informational purposes only.)

18. Insignificant Activities

Each insignificant activity that has one or more applicable requirements shall comply with those applicable requirements.
(Authority for term: OAC rule 3745-77-07(A)(1))

19. Permit to Install Requirement

Prior to the “installation” or “modification” of any “air contaminant source,” as those terms are defined in OAC rule 3745-31-01, a permit to install must be obtained from the Ohio EPA pursuant to OAC Chapter 3745-31.
(Authority for term: OAC rule 3745-77-07(A)(1))

20. 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.
(Authority for term: OAC rule 3745-77-07(A)(1))

21. Permanent Shutdown of an Emissions Unit

The permittee may notify Ohio EPA of any emissions unit that is permanently shut down by submitting a certification by the responsible official of the date on which the emissions unit was permanently shut down. Authorization to operate the affected part or activity of the stationary source shall cease upon the date certified by the responsible official that the emissions unit was permanently shut down.

If an emissions unit is permanently shut down (i.e., that has been physically removed from service or has been altered in such a way that it can no longer operate without a subsequent "modification" or "installation" as defined in OAC Chapter 3745-31 and therefore ceases to meet the definition of an "emissions unit" as defined in OAC rule 3745-77-01(O)), rendering existing permit terms and conditions irrelevant, the permittee shall not be required, after the date of the certification and submission to Ohio EPA, to meet any monitoring, record keeping, reporting, or testing requirements, applicable to that emissions unit, except for any residual requirements, such as the quarterly deviation reports, semi-annual deviation reports and annual compliance certification covering the period during which the emissions unit last operated. All records relating to the shutdown emissions unit, generated while the emissions unit was in operation, must be maintained in accordance with law.

No emissions unit certified by the responsible official as being permanently shut down may resume operation without first applying for and obtaining a permit to install pursuant to OAC Chapter 3745-31.

B. *State Only Enforceable Section*

1. Reporting Requirements Related to Monitoring and Record Keeping Requirements

The permittee shall submit required reports in the following manner:

a. Reports of any required monitoring and/or record keeping 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 (i) any deviations (excursions) from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and record keeping requirements specified in this permit, (ii) the probable cause of such deviations, and (iii) 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. In identifying each deviation, the permittee shall specify the applicable requirement for which the deviation occurred, describe each deviation, and provide the magnitude and duration of each deviation. 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., 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.)

2. Records Retention Requirements

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.

3. Inspections and Information Requests

The Director of the Ohio EPA, or an authorized representative of the Director, may, subject to the safety requirements of the permittee and without undue delay, enter upon the premises of this source at any reasonable time for purposes of making inspections, conducting tests, examining records or reports pertaining to any emission of air contaminants, and determining compliance with any applicable State air pollution laws and regulations and the terms and conditions of this permit. 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, reopening or revoking this permit or to determine compliance with this permit. Upon verbal or written request, the permittee shall also furnish to the Director of the Ohio EPA, or an authorized representative of the Director, copies of records required to be kept by this permit.

4. 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 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. 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 emissions unit(s) that is (are) served by such control system(s).

5. 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.

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

If no emission limitation (or control requirement), operational restriction and/or control device parameter limitation 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 by January 31, April 30, July 31, and October 31 of each year; and each report shall cover the previous calendar quarter.

The permittee is not required to submit a quarterly report which states that no deviations occurred during that quarter for the following situations:

a. where an emissions unit has deviation reporting requirements for a specific emission limitation, operational restriction, or control device parameter limitation that override the deviation reporting requirements specified in General Term and Condition A.1.c.ii;

b. where an uncontrolled emissions unit has no monitoring, record keeping, or reporting requirements and the emissions unit's applicable emission limitations are established at the potentials to emit; and

c. where the company's responsible official has certified that an emissions unit has been permanently shut down.

Part II - Specific Facility Terms and Conditions

A. State and Federally Enforceable Section

1. 40 CFR Part 63, Subpart OOO

The permittee is subject to the applicable emission limitation(s) and/or control measures, operational restrictions, monitoring and/or record keeping requirements, reporting requirements, testing requirements and the general and/or other requirements specified in 40 CFR Part 63, Subpart OOO in accordance with 40 CFR Part 63, Subpart OOO (including the Table(s) and Appendix(ices) referenced in Subpart OOO) which are included in the text of Attachment 1 hereto, and are hereby incorporated into this permit as if fully written.

Ordinarily, these requirements would be incorporated into Part III of this permit; however, incorporating Subpart OOO into Part III of this permit was not practical due to technical incompatibilities and the limitations of the STARS program. In addition, numerous difficulties were encountered in attempting to copy and paste the Subpart's tables and/or equations into STARS format.

2. 40 CFR Part 63, Subpart UU

The permittee is subject to the applicable emission limitation(s) and/or control measures, operational restrictions, monitoring and/or record keeping requirements, reporting requirements, testing requirements and the general and/or other requirements specified in 40 CFR Part 63, Subpart UU in accordance with 40 CFR Part 63, Subpart UU (including the Table(s) and Appendix(ices) referenced in Subpart UU) which are included in the text of Attachment 2 hereto, and are hereby incorporated into this permit as if fully written.

Ordinarily, these requirements would be incorporated into Part III of this permit; however, incorporating Subpart UU into Part III of this permit was not practical due to technical incompatibilities and the limitations of the STARS program. In addition, numerous difficulties were encountered in attempting to copy and paste the Subpart's tables and/or equations into STARS format.

3. 40 CFR Part 63, Subpart A

The permittee is subject to the general requirements specified in 40 CFR Part 63, Subpart A in accordance with 40 CFR Part 63, Subpart A (including the Table(s) and Appendix(ices) referenced in Subpart A) which are included in the text of Attachment 3 hereto, and are hereby incorporated into this permit as if fully written.

Ordinarily, these requirements would be incorporated into Part III of this permit; however, incorporating Subpart A into Part III of this permit was not practical due to technical incompatibilities and the limitations of the STARS program. In addition, numerous difficulties were encountered in attempting to copy and paste the Subpart's tables and/or equations into STARS format.

4. This facility developed and registered a risk management plan pursuant to section 112(r) of the Act and is required to comply with the requirements of section 112(r) and the regulations adopted thereunder.

B. State Only Enforceable Section

1. The following insignificant emissions units located at this facility are exempt from permit requirements because they are not subject to any applicable requirements or because they meet the "de minimis" criteria established in OAC rule 3745-15-05:

P006 - catalyst blender;
Z007 - blow-off hood;
Z009 - formaldehyde tank;
Z010 - fuel oil tank;
Z011 - PVA tank; and
Z017 - cooling tower.

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Boiler #1 (B001)

Activity Description: Provides space heat and process steam for facility.

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
4.125 mmBtu boiler, fired with natural gas, no. 2 fuel oil and/or no. 6 fuel oil, with no controls	OAC rule 3745-17-07(A)(1)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-10(C)(1)	0.4 pound of particulates per million Btu actual heat input
	OAC rule 3745-18-06	exempt, see section A.I.2.a

2. Additional Terms and Conditions

2.a Fueling burning equipment which have rated heat input capacities equal to, or less than, 10 mmBtu/hr total rated capacity are exempt from the requirements of this rule.

II. Operational Restrictions

1. The permittee shall burn only natural gas, no. 2 fuel oil and/or no. 6 fuel oil in this emissions unit.

(Authority for term: OAC rule 3745-77-07(A)(1))

III. Monitoring and/or Record Keeping Requirements

1. For each day during which the permittee burns a fuel other than natural gas, no. 2 fuel oil and/or no. 6 fuel oil, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

(Authority for term: OAC rule 3745-77-07(C)(1))

III. Monitoring and/or Record Keeping Requirements (continued)

2. For each day during which the permittee burns no. 6 fuel oil, the permittee shall perform daily checks, when the emissions unit is in operation and when the weather conditions allow, for any visible particulate emissions from the stack serving this emissions unit. The presence or absence of any visible emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:

a. the color of the emissions;
b. whether the emissions are representative of normal operations;
c. if the emissions are not representative of normal operations, the cause of the abnormal emissions;
d. the total duration of any visible emission incident; and
e. any corrective actions taken to minimize or eliminate the visible emissions.

If visible emissions are present, a visible emission incident has occurred. The observer does not have to document the exact start and end times for the visible emission incident under item (d) above or continue the daily check until the incident has ended. The observer may indicate that the visible emission incident was continuous during the observation period (or, if known, continuous during the operation of the emissions unit). With respect to the documentation of corrective actions, the observer may indicate that no corrective actions were taken if the visible emissions were representative of normal operations, or specify the minor corrective actions that were taken to ensure that the emissions unit continued to operate under normal conditions, or specify the corrective actions that were taken to eliminate abnormal visible emissions.

(Authority for term: OAC rule 3745-77-07(C)(1))

IV. Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas, no. 2 fuel oil and/or no. 6 fuel oil was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs.

(Authority for term: OAC rule 3745-77-07(C)(1))

2. The permittee shall submit semiannual written reports that (a) identify all days during which any visible particulate emissions were observed from the stack serving this emissions unit and (b) describe any corrective actions taken to minimize or eliminate the visible particulate emissions. These reports shall be submitted to the Toledo Division of Environmental Services (TDOES) by January 31 and July 31 of each year and shall cover the previous 6-month period.

(Authority for term: OAC rule 3745-77-07(C)(1))

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:

1.a Emission Limitation:

Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

Compliance shall be demonstrated based upon visible emission observations performed in accordance with Method 9 of 40 CFR Part 60, Appendix A using the methods and procedures specified in OAC rule 3745-17-03(B)(1).

(Authority for term: OAC rule 3745-17-03(B)(1) and OAC rule 3745-77-07(C)(1))

V. Testing Requirements (continued)

1.b Emission Limitation:

0.4 pound of particulate per million Btu actual heat input

Applicable Compliance Method:

When burning natural gas, compliance shall be demonstrated by dividing the particulate emission factor for natural gas combustion (1.9 lbs/mmcuft) obtained from AP-42, 5th Edition, Table 1.4-2, dated July, 1998, by the heating value of natural gas (1020 mmBtu/mmcuft).

When burning no. 2 fuel oil, compliance shall be demonstrated by dividing the particulate emission factor for no. 2 fuel oil combustion (2 lbs/1000 gal) obtained from AP-42, 5th Edition, Table 1.3-1, dated September, 1998, by the heating value of no. 2 fuel oil (140 mmBtu/1000 gal).

When burning no. 6 fuel oil, compliance shall be demonstrated by dividing the particulate emission factor for no. 6 fuel oil combustion (10 lbs/1000 gal) obtained from AP-42, 5th Edition, Table 1.3-1, dated September, 1998, by the heating value of no. 6 fuel oil (150 mmBtu/1000 gal).

If required, the permittee shall demonstrate compliance with this emission limitation through emission testing performed in accordance with Methods 1 through 5 of 40 CFR Part 60, Appendix A using the method(s) and procedures specified in OAC rule 3745-17-03(B)(9).

(Authority for term: OAC rule 3745-17-03(B)(9) and OAC rule 3745-77-07(C)(1))

VI. Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record Keeping Requirements

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Boiler #2 (B002)

Activity Description: Provides space heat and process steam for facility.

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
4.125 mmBtu boiler, fired with natural gas, no. 2 fuel oil and/or no. 6 fuel oil, with no controls	OAC rule 3745-17-07(A)(1)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-10(C)(1)	0.4 pound of particulates per million Btu actual heat input
	OAC rule 3745-18-06	exempt, see section A.I.2.a

2. Additional Terms and Conditions

2.a Fueling burning equipment which have rated heat input capacities equal to, or less than, 10 mmBtu/hr total rated capacity are exempt from the requirements of this rule.

II. Operational Restrictions

1. The permittee shall burn only natural gas, no. 2 fuel oil and/or no. 6 fuel oil in this emissions unit.

(Authority for term: OAC rule 3745-77-07(A)(1))

III. Monitoring and/or Record Keeping Requirements

1. For each day during which the permittee burns a fuel other than natural gas, no. 2 fuel oil and/or no. 6 fuel oil, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

(Authority for term: OAC rule 3745-77-07(C)(1))

III. Monitoring and/or Record Keeping Requirements (continued)

2. For each day during which the permittee burns no. 6 fuel oil, the permittee shall perform daily checks, when the emissions unit is in operation and when the weather conditions allow, for any visible particulate emissions from the stack serving this emissions unit. The presence or absence of any visible emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:

a. the color of the emissions;
b. whether the emissions are representative of normal operations;
c. if the emissions are not representative of normal operations, the cause of the abnormal emissions;
d. the total duration of any visible emission incident; and
e. any corrective actions taken to minimize or eliminate the visible emissions.

If visible emissions are present, a visible emission incident has occurred. The observer does not have to document the exact start and end times for the visible emission incident under item (d) above or continue the daily check until the incident has ended. The observer may indicate that the visible emission incident was continuous during the observation period (or, if known, continuous during the operation of the emissions unit). With respect to the documentation of corrective actions, the observer may indicate that no corrective actions were taken if the visible emissions were representative of normal operations, or specify the minor corrective actions that were taken to ensure that the emissions unit continued to operate under normal conditions, or specify the corrective actions that were taken to eliminate abnormal visible emissions.

(Authority for term: OAC rule 3745-77-07(C)(1))

IV. Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas, no. 2 fuel oil and/or no. 6 fuel oil was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs.

(Authority for term: OAC rule 3745-77-07(C)(1))

2. The permittee shall submit semiannual written reports that (a) identify all days during which any visible particulate emissions were observed from the stack serving this emissions unit and (b) describe any corrective actions taken to minimize or eliminate the visible particulate emissions. These reports shall be submitted to the Toledo Division of Environmental Services (TDOES) by January 31 and July 31 of each year and shall cover the previous 6-month period.

(Authority for term: OAC rule 3745-77-07(C)(1))

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:

1.a Emission Limitation:

Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

Compliance shall be demonstrated based upon visible emission observations performed in accordance with Method 9 of 40 CFR Part 60, Appendix A using the methods and procedures specified in OAC rule 3745-17-03(B)(1).

(Authority for term: OAC rule 3745-17-03(B)(1) and OAC rule 3745-77-07(C)(1))

V. Testing Requirements (continued)

1.b Emission Limitation:

0.4 pound of particulate per million Btu actual heat input

Applicable Compliance Method:

When burning natural gas, compliance shall be demonstrated by dividing the particulate emission factor for natural gas combustion (1.9 lbs/mmcuft) obtained from AP-42, 5th Edition, Table 1.4-2, dated July, 1998, by the heating value of natural gas (1020 mmBtu/mmcuft).

When burning no. 2 fuel oil, compliance shall be demonstrated by dividing the particulate emission factor for no. 2 fuel oil combustion (2 lbs/1000 gal) obtained from AP-42, 5th Edition, Table 1.3-1, dated September, 1998, by the heating value of no. 2 fuel oil (140 mmBtu/1000 gal).

When burning no. 6 fuel oil, compliance shall be demonstrated by dividing the particulate emission factor for no. 6 fuel oil combustion (10 lbs/1000 gal) obtained from AP-42, 5th Edition, Table 1.3-1, dated September, 1998, by the heating value of no. 6 fuel oil (150 mmBtu/1000 gal).

If required, the permittee shall demonstrate compliance with this emission limitation through emission testing performed in accordance with Methods 1 through 5 of 40 CFR Part 60, Appendix A using the method(s) and procedures specified in OAC rule 3745-17-03(B)(9).

(Authority for term: OAC rule 3745-17-03(B)(9) and OAC rule 3745-77-07(C)(1))

VI. Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record Keeping Requirements

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: "A" System Resin Spray Dryer (P001)

Activity Description: Production unit includes equipment used to produce formaldehyde resins.

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
Resin dryer "A" with wet scrubber	OAC rule 3745-17-07(A)(1)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-11(B)(1)	5.14 lbs/hr of particulate emissions
	OAC rule 3745-21-07(G)(9)(c)	See section A.I.2.a below.
	40 CFR Part 63, Subpart OOO	exempt, existing continuous process vent
		See Attachment 1.

2. Additional Terms and Conditions

2.a This emissions unit is exempted from the requirements of OAC rule 3745-21-07(G)(2) by OAC rule 3745-21-07(G)(9)(c)(iii). The only volatile liquid organic material that shall be utilized in this emissions unit is formaldehyde, which is not a photochemically reactive material as that term is defined by OAC rule 3745-21-01(C)(5)(a).

II. Operational Restrictions

None

III. Monitoring and/or Record Keeping Requirements

1. The permittee shall collect and record the following information at the beginning of each shift for each day the emissions unit is in operation:

a. visually confirm that the stack emissions are being properly controlled; and

b. visually confirm that the scrubber pump is running and that the flow rate from the drain lines is adequate.

(Authority for term: OAC rule 3745-77-07(C)(1))

III. Monitoring and/or Record Keeping Requirements (continued)

2. The permittee shall collect and record the following information at every system start-up:

a. visually inspect the scrubber chamber and the orifices to ensure that they are free from blockage;

b. conduct a water flow test for the orifices, and visually confirm that they are free from blockage;

c. install the water nozzles into the orifices, and again conduct a visually confirmed water flow test;

d. visually inspect the demister bundles to ensure that they are not overloaded or ready to be changed;

e. conduct a start up test of the scrubber unit, and visually confirm that the scrubber pump is running and that the flow rate from the drain lines is adequate; and

f. visually confirm that the stack emissions are being properly controlled.

(Authority for term: OAC rule 3745-77-07(C)(1))

3. The permittee shall collect and record the following information each calendar year for the drying operation (for the purpose of determining the total annual emissions from this emissions unit):

a. the company identification for each feed stock employed;

b. the number of pounds of each feed stock employed;

c. the number of pounds of all feed stocks employed; and

d. the annual particulate emission rate, i.e., the particulate emission factor determined during the most recent emissions test which demonstrated compliance with the emission limitation, in pounds of particulate per pound of feed stock, multiplied by the annual summation of the feed stocks employed, in pounds of feed stock per year.

Note: The feed stock information must be for the feed stock as employed, including any steam added at the emissions unit.

(Authority for term: OAC rule 3745-77-07(C)(1))

4. The permittee shall perform weekly checks, when the emissions unit is in operation and when the weather conditions allow, for any visible particulate emissions from the stack serving this emissions unit. The presence or absence of any visible emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:

a. the color of the emissions;
b. whether the emissions are representative of normal operations;
c. if the emissions are not representative of normal operations, the cause of the abnormal emissions;
d. the total duration of any visible emission incident; and
e. any corrective actions taken to eliminate the visible emissions.

IV. Reporting Requirements

1. The permittee shall submit semiannual written reports that (a) identify each day during which the scrubber inspection form(s) indicates a problem with scrubber operation, (b) the cause(s) of the problem and (c) the corrective action which has been or will be taken to prevent similar problems in the future. These reports shall be submitted to the Toledo Division of Environmental Services (TDOES) by January 31 and July 31 of each year and shall cover the previous 6-month period.

(Authority for term: OAC rule 3745-77-07(C)(1))

IV. Reporting Requirements (continued)

2. The permittee shall submit semiannual written reports that (a) identify all days during which any visible particulate emissions were observed from the stack serving this emissions unit and (b) describe any corrective actions taken to eliminate the visible particulate emissions. These reports shall be submitted to the TDOES by January 31 and July 31 of each year and shall cover the previous 6-month period.

(Authority for term: OAC rule 3745-77-07(C)(1))

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:

1.a Emission Limitation:

Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

Compliance shall be demonstrated based upon visible emission observations performed in accordance with Method 9 of 40 CFR Part 60, Appendix A using the methods and procedures specified in OAC rule 3745-17-03(B)(1).

(Authority for term: OAC rule 3745-17-03(B)(1) and OAC rule 3745-77-07(C)(1))

1.b Emission Limitation:

5.14 lbs/hr of particulate emissions

Applicable Compliance Method:

If required, the permittee shall demonstrate compliance with this emission limitation through emission testing performed in accordance with Methods 1 through 5 of 40 CFR Part 60, Appendix A using the methods and procedures specified in OAC rule 3745-17-03(B)(10).

(Authority for term: OAC rule 3745-17-03(B)(10) and OAC rule 3745-77-07(C)(1))

VI. Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
Resin dryer "A" with wet scrubber		

2. Additional Terms and Conditions

None

II. Operational Restrictions

1. The average hourly feed stock rate for this emissions unit shall not exceed by more than 10% the feed rate determined during the most recent emissions test which demonstrated compliance with the allowable mass emission rate for particulates. Operation of this emissions unit at a feed rate greater than the compliant level is not necessarily indicative of an emission violation, but rather serves as a trigger level for additional testing and/or further investigation to establish compliance with the emission limitations. The permittee may increase the average feed rate by demonstrating compliance during a stack test, performed in accordance with the procedures and method(s) as detailed in OAC rule 3745-17-03(B)(10), at a higher average hourly feed stock rate.

III. Monitoring and/or Record Keeping Requirements

1. The permittee shall collect and record the following information each day for the drying operation:

a. the number of pounds of all feed stocks employed;

b. the total number of hours the emissions unit was in operation; and

c. the average hourly feed stock rate, (a)/(b), in pounds per hour average.

[Note: The feed stock information must be for the feed stocks as employed, including any steam added at the emissions unit.]

IV. Reporting Requirements

1. If for any reason the average hourly feed stock rate exceeds by more than 10% the feed rate determined during the most recent emissions test which demonstrated compliance with the allowable mass emission rate for particulates, the following information shall be reported within 5 business days after the exceedance:

a. the date of the exceedance;

b. the time interval over which the exceedance occurred;

c. the value of the exceedance;

d. the cause(s) of the exceedance;

e. the corrective action which has been or will be taken to prevent similar exceedances in the future; and

f. a copy of data and/or information which shows the exceedance.

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: "B" System Resin Spray Dryer (P002)

Activity Description: Production unit includes equipment used to produce formaldehyde resins.

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
Resin dryer "B" with wet scrubber	OAC rule 3745-17-07(A)(1)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-11(B)(1)	5.14 lbs/hr of particulate emissions
	OAC rule 3745-21-07(G)(9)(c)	See section A.I.2.a below.
	40 CFR Part 63, Subpart OOO	exempt, existing continuous process vent
		See Attachment 1.

2. Additional Terms and Conditions

2.a This emissions unit is exempted from the requirements of OAC rule 3745-21-07(G)(2) by OAC rule 3745-21-07(G)(9)(c)(iii). The only volatile liquid organic material that shall be utilized in this emissions unit is formaldehyde, which is not a photochemically reactive material as that term is defined by OAC rule 3745-21-01(C)(5)(a).

II. Operational Restrictions

None

III. Monitoring and/or Record Keeping Requirements

1. The permittee shall collect and record the following information at the beginning of each shift for each day the emissions unit is in operation:

a. visually confirm that the stack emissions are being properly controlled; and

b. visually confirm that the scrubber pump is running and that the flow rate from the drain lines is adequate.

(Authority for term: OAC rule 3745-77-07(C)(1))

III. Monitoring and/or Record Keeping Requirements (continued)

2. The permittee shall collect and record the following information at every system start-up:

a. visually inspect the scrubber chamber and the orifices to ensure that they are free from blockage;

b. conduct a water flow test for the orifices, and visually confirm that they are free from blockage;

c. install the water nozzles into the orifices, and again conduct a visually confirmed water flow test;

d. visually inspect the demister bundles to ensure that they are not overloaded or ready to be changed;

e. conduct a start up test of the scrubber unit, and visually confirm that the scrubber pump is running and that the flow rate from the drain lines is adequate; and

f. visually confirm that the stack emissions are being properly controlled.

(Authority for term: OAC rule 3745-77-07(C)(1))

3. The permittee shall collect and record the following information each calendar year for the drying operation (for the purpose of determining the total annual emissions from this emissions unit):

a. the company identification for each feed stock employed;

b. the number of pounds of each feed stock employed;

c. the number of pounds of all feed stocks employed; and

d. the annual particulate emission rate, i.e., the particulate emission factor determined during the most recent emissions test which demonstrated compliance with the emission limitation, in pounds of particulate per pound of feed stock, multiplied by the annual summation of the feed stocks employed, in pounds of feed stock per year.

Note: The feed stock information must be for the feed stock as employed, including any steam added at the emissions unit.

(Authority for term: OAC rule 3745-77-07(C)(1))

4. The permittee shall perform weekly checks, when the emissions unit is in operation and when the weather conditions allow, for any visible particulate emissions from the stack serving this emissions unit. The presence or absence of any visible emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:

a. the color of the emissions;
b. whether the emissions are representative of normal operations;
c. if the emissions are not representative of normal operations, the cause of the abnormal emissions;
d. the total duration of any visible emission incident; and
e. any corrective actions taken to eliminate the visible emissions.

IV. Reporting Requirements

1. The permittee shall submit semiannual written reports that (a) identify each day during which the scrubber inspection form(s) indicates a problem with scrubber operation, (b) the cause(s) of the problem and (c) the corrective action which has been or will be taken to prevent similar problems in the future. These reports shall be submitted to the Toledo Division of Environmental Services (TDOES) by January 31 and July 31 of each year and shall cover the previous 6-month period.

(Authority for term: OAC rule 3745-77-07(C)(1))

IV. Reporting Requirements (continued)

2. The permittee shall submit semiannual written reports that (a) identify all days during which any visible particulate emissions were observed from the stack serving this emissions unit and (b) describe any corrective actions taken to eliminate the visible particulate emissions. These reports shall be submitted to the TDOES by January 31 and July 31 of each year and shall cover the previous 6-month period.

(Authority for term: OAC rule 3745-77-07(C)(1))

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:

1.a Emission Limitation:

Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

Compliance shall be demonstrated based upon visible emission observations performed in accordance with Method 9 of 40 CFR Part 60, Appendix A using the methods and procedures specified in OAC rule 3745-17-03(B)(1).

(Authority for term: OAC rule 3745-17-03(B)(1) and OAC rule 3745-77-07(C)(1))

1.b Emission Limitation:

5.14 lbs/hr of particulate emissions

Applicable Compliance Method:

If required, the permittee shall demonstrate compliance with this emission limitation through emission testing performed in accordance with Methods 1 through 5 of 40 CFR Part 60, Appendix A using the methods and procedures specified in OAC rule 3745-17-03(B)(10).

(Authority for term: OAC rule 3745-17-03(B)(10) and OAC rule 3745-77-07(C)(1))

VI. Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
Resin dryer "B" with wet scrubber		

2. Additional Terms and Conditions

None

II. Operational Restrictions

1. The average hourly feed stock rate for this emissions unit shall not exceed by more than 10% the feed rate determined during the most recent emissions test which demonstrated compliance with the allowable mass emission rate for particulates. Operation of this emissions unit at a feed rate greater than the compliant level is not necessarily indicative of an emission violation, but rather serves as a trigger level for additional testing and/or further investigation to establish compliance with the emission limitations. The permittee may increase the average feed rate by demonstrating compliance during a stack test, performed in accordance with the procedures and method(s) as detailed in OAC rule 3745-17-03(B)(10), at a higher average hourly feed stock rate.

III. Monitoring and/or Record Keeping Requirements

1. The permittee shall collect and record the following information each day for the drying operation:

a. the number of pounds of all feed stocks employed;

b. the total number of hours the emissions unit was in operation; and

c. the average hourly feed stock rate, (a)/(b), in pounds per hour average.

[Note: The feed stock information must be for the feed stocks as employed, including any steam added at the emissions unit.]

IV. Reporting Requirements

1. If for any reason the average hourly feed stock rate exceeds by more than 10% the feed rate determined during the most recent emissions test which demonstrated compliance with the allowable mass emission rate for particulates, the following information shall be reported within 5 business days after the exceedance:

a. the date of the exceedance;

b. the time interval over which the exceedance occurred;

c. the value of the exceedance;

d. the cause(s) of the exceedance;

e. the corrective action which has been or will be taken to prevent similar exceedances in the future; and

f. a copy of data and/or information which shows the exceedance.

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: "C" System Resin Spray Dryer (P003)

Activity Description: Production unit includes equipment used to produce formaldehyde resins.

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
Resin dryer "C" with wet scrubber	OAC rule 3745-17-07(A)(1)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-11(B)(1)	4.63 lbs/hr of particulate emissions
	OAC rule 3745-21-07(G)(9)(c)	See section A.I.2.a below.
	40 CFR Part 63, Subpart OOO	exempt, existing continuous process vent
		See Attachment 1.

2. Additional Terms and Conditions

2.a This emissions unit is exempted from the requirements of OAC rule 3745-21-07(G)(2) by OAC rule 3745-21-07(G)(9)(c)(iii). The only volatile liquid organic material that shall be utilized in this emissions unit is formaldehyde, which is not a photochemically reactive material as that term is defined by OAC rule 3745-21-01(C)(5)(a).

II. Operational Restrictions

None

III. Monitoring and/or Record Keeping Requirements

1. The permittee shall collect and record the following information at the beginning of each shift for each day the emissions unit is in operation:

a. visually confirm that the stack emissions are being properly controlled; and

b. visually confirm that the scrubber pump is running and that the flow rate from the drain lines is adequate.

(Authority for term: OAC rule 3745-77-07(C)(1))

III. Monitoring and/or Record Keeping Requirements (continued)

2. The permittee shall collect and record the following information at every system start-up:

a. visually inspect the scrubber chamber and the orifices to ensure that they are free from blockage;

b. conduct a water flow test for the orifices, and visually confirm that they are free from blockage;

c. install the water nozzles into the orifices, and again conduct a visually confirmed water flow test;

d. visually inspect the demister bundles to ensure that they are not overloaded or ready to be changed;

e. conduct a start up test of the scrubber unit, and visually confirm that the scrubber pump is running and that the flow rate from the drain lines is adequate; and

f. visually confirm that the stack emissions are being properly controlled.

(Authority for term: OAC rule 3745-77-07(C)(1))

3. The permittee shall collect and record the following information each calendar year for the drying operation (for the purpose of determining the total annual emissions from this emissions unit):

a. the company identification for each feed stock employed;

b. the number of pounds of each feed stock employed;

c. the number of pounds of all feed stocks employed; and

d. the annual particulate emission rate, i.e., the particulate emission factor determined during the most recent emissions test which demonstrated compliance with the emission limitation, in pounds of particulate per pound of feed stock, multiplied by the annual summation of the feed stocks employed, in pounds of feed stock per year.

Note: The feed stock information must be for the feed stock as employed, including any steam added at the emissions unit.

(Authority for term: OAC rule 3745-77-07(C)(1))

4. The permittee shall perform weekly checks, when the emissions unit is in operation and when the weather conditions allow, for any visible particulate emissions from the stack serving this emissions unit. The presence or absence of any visible emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:

a. the color of the emissions;
b. whether the emissions are representative of normal operations;
c. if the emissions are not representative of normal operations, the cause of the abnormal emissions;
d. the total duration of any visible emission incident; and
e. any corrective actions taken to eliminate the visible emissions.

IV. Reporting Requirements

1. The permittee shall submit semiannual written reports that (a) identify each day during which the scrubber inspection form(s) indicates a problem with scrubber operation, (b) the cause(s) of the problem and (c) the corrective action which has been or will be taken to prevent similar problems in the future. These reports shall be submitted to the Toledo Division of Environmental Services (TDOES) by January 31 and July 31 of each year and shall cover the previous 6-month period.

(Authority for term: OAC rule 3745-77-07(C)(1))

IV. Reporting Requirements (continued)

2. The permittee shall submit semiannual written reports that (a) identify all days during which any visible particulate emissions were observed from the stack serving this emissions unit and (b) describe any corrective actions taken to eliminate the visible particulate emissions. These reports shall be submitted to the TDOES by January 31 and July 31 of each year and shall cover the previous 6-month period.

(Authority for term: OAC rule 3745-77-07(C)(1))

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:

1.a Emission Limitation:

Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

Compliance shall be demonstrated based upon visible emission observations performed in accordance with Method 9 of 40 CFR Part 60, Appendix A using the methods and procedures specified in OAC rule 3745-17-03(B)(1).

(Authority for term: OAC rule 3745-17-03(B)(1) and OAC rule 3745-77-07(C)(1))

1.b Emission Limitation:

4.63 lbs/hr of particulate emissions

Applicable Compliance Method:

If required, the permittee shall demonstrate compliance with this emission limitation through emission testing performed in accordance with Methods 1 through 5 of 40 CFR Part 60, Appendix A using the methods and procedures specified in OAC rule 3745-17-03(B)(10).

(Authority for term: OAC rule 3745-17-03(B)(10) and OAC rule 3745-77-07(C)(1))

VI. Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
Resin dryer "C" with wet scrubber		

2. Additional Terms and Conditions

None

II. Operational Restrictions

1. The average hourly feed stock rate for this emissions unit shall not exceed by more than 10% the feed rate determined during the most recent emissions test which demonstrated compliance with the allowable mass emission rate for particulates. Operation of this emissions unit at a feed rate greater than the compliant level is not necessarily indicative of an emission violation, but rather serves as a trigger level for additional testing and/or further investigation to establish compliance with the emission limitations. The permittee may increase the average feed rate by demonstrating compliance during a stack test, performed in accordance with the procedures and method(s) as detailed in OAC rule 3745-17-03(B)(10), at a higher average hourly feed stock rate.

III. Monitoring and/or Record Keeping Requirements

1. The permittee shall collect and record the following information each day for the drying operation:

a. the number of pounds of all feed stocks employed;

b. the total number of hours the emissions unit was in operation; and

c. the average hourly feed stock rate, (a)/(b), in pounds per hour average.

[Note: The feed stock information must be for the feed stocks as employed, including any steam added at the emissions unit.]

IV. Reporting Requirements

1. If for any reason the average hourly feed stock rate exceeds by more than 10% the feed rate determined during the most recent emissions test which demonstrated compliance with the allowable mass emission rate for particulates, the following information shall be reported within 5 business days after the exceedance:

a. the date of the exceedance;

b. the time interval over which the exceedance occurred;

c. the value of the exceedance;

d. the cause(s) of the exceedance;

e. the corrective action which has been or will be taken to prevent similar exceedances in the future; and

f. a copy of data and/or information which shows the exceedance.

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Kettle Reactor (Z008)

Activity Description: Kettle reactor used to make formaldehyde resin.

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
amino/phenolic resin processing unit, general provisions	OAC rule 3745-21-07(G)(9)(c)	See section A.I.2.a.
	40 CFR Part 63, Subpart A	See section A.I.2.b.
	40 CFR Part 63, Subpart OOO	See section A.I.2.c.
reactor batch process vent controlled by a condenser with spray wash system	OAC rule 3745-17-07(A)(1)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-11(B)(1)	1.8 lbs/hr of particulate emissions
	40 CFR Part 63, Subpart OOO	See section A.I.2.d.
heat exchange systems	40 CFR Part 63, Subpart OOO	See section A.I.2.e.
equipment leaks, controlled by equipment design and operating and maintenance programs	40 CFR Part 63, Subpart OOO	See section A.I.2.f.
storage vessels	40 CFR Part 63, Subpart OOO	See section A.I.2.g.

2. Additional Terms and Conditions

2.a This emissions unit is exempted from the requirements of OAC rule 3745-21-07(G)(2) by OAC rule 3745-21-07(G)(9)(c)(iii). The only volatile liquid organic material that shall be utilized in this emissions unit is formaldehyde, which is not a photochemically reactive material as that term is defined by OAC rule 3745-21-01(C)(5)(a).

2.b i. 40 CFR Part 63, Subpart A [see Attachment 3] provides applicability provisions, definitions, and other general provisions that are applicable to emissions units affected by 40 CFR Part 63.

ii. Table 1 of 40 CFR Part 63, Subpart OOO [see Attachment 1] specifies the provisions of 40 CFR Part 63, Subpart A that apply and those provisions that do not apply.

(Authority for term: 40 CFR 63.1400(j))

2. Additional Terms and Conditions (continued)

2.c The provisions of 40 CFR Part 63, Subpart OOO [see Attachment 1] apply to processes that produce amino/phenolic resins and that are located at a plant site that is a major source. This emissions unit is utilized to produce amino/phenolic resins at the BTLSR Toledo plant site, which is a major source of the hazardous air pollutant (HAP) formaldehyde. This emissions unit is therefore subject to the provisions of 40 CFR Part 63, Subpart OOO [see Attachment 1].

(Authority for term: 40 CFR 63.1400(a))

2.d Except as otherwise provided in 40 CFR 63.1406 [see Attachment 1], the permittee shall control organic HAP emissions from the reactor batch process vent by complying with either of the following:

i. reduce organic HAP emissions for the batch cycle by 83 weight percent using a condenser coil; or

ii. reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0567 pound of organic HAP per 1,000 pounds of product or less for solvent-based resin production, or to 0.0057 pound of organic HAP per 1,000 pounds of product or less for non-solvent-based resin production.

(Authority for term: 40 CFR 63.1406(a)(2))

2.e There are no applicable requirements for existing heat exchangers (cooling coils) with a minimum cooling water pressure more than 35 kilopascals greater than the maximum process side pressure.

(Authority for term: 40 CFR 63.1409(a)(1))

2.f Except as otherwise provided in 40 CFR Part 63, Subpart OOO [see Attachment 1], the permittee shall establish a leak detection and repair program which complies with the requirements of 40 CFR Part 63, Subpart UU [see Attachment 2]. These requirements are described in 40 CFR 63.1029 [see Attachment 2] and 63.1410 [see Attachment 1]. These requirements apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors and instrumentation systems in organic HAP service.

(Authority for term: 40 CFR 63.1410)

2.g There are no applicable requirements for existing storage vessels with a capacity of less than 50,000 gallons. The existing storage vessels include the following:

formaldehyde tank (Z009) - 14,600 gallons;
fuel oil tank (Z010) - 10,000 gallons;
PVA tank (Z011) - 14,600 gallons;
"A" system resin spray dryer (P001) tanks - 2 tanks at 1,500 gallons each;
"B" system resin spray dryer (P002) tanks - 2 tanks at 1,000 gallons each;
"C" system resin spray dryer (P003) tanks - 2 tanks at 5,000 gallons each;
MUS tanks - 2 tanks at 4,000 gallons each; and
Wet blend tank - 1,000 gallons.

(Authority for term: 40 CFR 63.1404(a))

II. Operational Restrictions

1. At all times that this emissions unit is in operation, the permittee shall operate the reactor cooling coil heat exchange system with a minimum pressure on the cooling water side at least 35 kilopascals greater than the maximum pressure on the process side.

(Authority for term: OAC rule 3745-77-07(A)(1))

II. Operational Restrictions (continued)

2. The permittee shall establish parameter monitoring levels for the reactor batch process vent condenser based on a design evaluation or performance test, in compliance with the requirements of 40 CFR 63.1413 [see Attachment 1] for small control devices. In compliance with Table 4 of 40 CFR Part 63, Subpart OOO [see Attachment 1], these parameter monitoring levels will include the maximum temperature of the gases exiting the condenser established to assure compliance with the emission reduction specified in Section A.I.2.d above.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1413(a)(1)(ii))

3. Except as otherwise provided in 40 CFR Part 63 Subpart OOO [see Attachment 1], the permittee shall operate each control device such that the daily average of monitored parameters, established as specified in the paragraphs above, remains below the maximum level, as appropriate.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1413(a)(4)(i))

4. The permittee shall comply with the requirements of 40 CFR Part 63, Subpart UU [see Attachment 2] from all equipment, as defined under 40 CFR 63.1402 [see Attachment 1], that contains or contacts 5 weight-percent HAP or greater and operates 300 hours per year or more. For this emissions unit, all equipment that contacts the formalin solution will be considered to be in heavy liquid service.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1410)

5. The permittee shall identify equipment subject to the equipment leak standards, in compliance with the requirements of 40 CFR 63.1022 [see Attachment 2].

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1022)

6. Except as otherwise provided in 40 CFR 63.1024 [see Attachment 2], the permittee shall repair each leak detected as soon as practical, but not later than 15 calendar days after it is detected. A first attempt at repair, as defined in 40 CFR 63.1024(a) [see Attachment 2], shall be made no later than 5 days after the leak is detected.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1024(a))

7. The permittee shall operate the condenser water wash system whenever this emissions unit is loading solid feed stock.

(Authority for term: OAC rule 3745-77-07(A)(1))

III. Monitoring and/or Record Keeping Requirements

1. The permittee shall operate and maintain equipment to monitor the pressure differential between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side while the emissions unit is in operation. The monitoring equipment shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manual(s). The permittee shall record the pressure differential on a daily basis.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1415)

2. The permittee shall operate and maintain a low pressure alarm system which will indicate by visible and audible means that the pressure differential between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side has dropped below the required 35 psia minimum. If the pressure differential drops below 35 psia, the permittee shall record the beginning and ending times of the deviation, and the actions taken to alleviate the deviation.

(Authority for term: OAC rule 3745-77-07(C)(1))

III. Monitoring and/or Record Keeping Requirements (continued)

3. Except as otherwise provided in 40 CFR 63.1413 [see Attachment 1], the permittee shall establish parameter monitoring levels by design evaluation, or during the performance test of, the reactor batch process vent condenser.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1413(a)(1)(ii))

4. Except as otherwise provided in 40 CFR 63.1415 [see Attachment 1], the permittee shall maintain and operate a reactor batch process vent condenser exit temperature monitoring device equipped with a continuous recorder. This monitoring equipment shall be in operation at all times when the emissions unit is in operation.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1415(a), (a)(1), (b)(3))

5. Except as otherwise provided in 40 CFR 63.1416 [see Attachment 1], the permittee shall maintain records of the daily average reactor batch process vent condenser exit temperature.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(c))

6. Except as otherwise provided in 40 CFR 63.1416(b) [see Attachment 1], the permittee shall maintain records of the occurrence and duration of each start-up, shutdown, or malfunction during which excess emissions (as defined in 40 CFR 63.1400(k)(4)) occur, records reflecting whether the procedures specified in the affected source's start-up, shutdown, and malfunction plan were followed and documentation of actions taken that are not consistent with the plan.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(b))

7. As provided in 40 CFR 63.1416(d) [see Attachment 1], where applicable the permittee shall maintain records of operation when monitors are not operating, operation of bypass lines, inspections and operation of the seal or closure mechanisms, and records specifying the times and duration of periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(d))

8. The permittee shall comply with the requirements of 40 CFR 63.1029 [see Attachment 2]. Pumps, valves, connectors, agitators, pressure relief devices, and instrumentation systems in heavy liquid service shall be monitored.

i. If evidence of a potential leak to the atmosphere is found by visual, audible, olfactory, or any other detection method, the equipment shall be repaired. Repaired shall mean that the visual, audible, olfactory, or other indications of a leak to the atmosphere have been eliminated; that no bubbles are observed at potential leak sites during a leak check using soap solution; or that the system will hold a test pressure.

ii. Within 5 days of a the detection of a potential leak, the equipment shall be monitored by instrument reading using Method 21 of 40 CFR Part 60, Appendix A, as specified in 40 CFR 63.1023 [see Attachment 2]. If an instrument reading of 10,000 parts per million or greater for agitators, 5,000 parts per million or greater for pumps handling polymerizing monomers, or 2,000 parts per million or greater for all other pumps, or 500 parts per million or greater for valves, connectors, instrumentation systems, and pressure relief devices is measured, a leak is detected and shall be repaired pursuant to 40 CFR 63.1024 [see Attachment 2], as applicable.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1029)

III. Monitoring and/or Record Keeping Requirements (continued)

9. For each leak detected, the information specified below shall be recorded and maintained:

i. the date of first attempt to repair the leak;

ii. the date of successful repair of the leak;

iii. the maximum instrument reading measured by Method 21 of 40 CFR Part 60, Appendix A at the time the leak is successfully repaired or determined to be nonrepairable;

iv. except as otherwise provided in 40 CFR 63.1024(f)(iv) [see Attachment 2], the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak; and

v. the dates of process unit or affected facility shutdowns that occur while the equipment is unrepaired.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1024(f))

10. The permittee shall prepare and implement a pump quality assurance program in compliance with 40 CFR 63.1035 [see Attachment 2]. If greater than 10 percent (or three pumps) leak, on a 6-month rolling average, the permittee shall comply with the QIP requirements. Additional record keeping requirements apply while the QIP is in effect.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1035)

11. The permittee shall maintain daily records that document any time periods when the condenser water wash system was not in service when the emissions unit was loading solid feed stock.

(Authority for term: OAC rule 3745-77-07(C)(1))

IV. Reporting Requirements

1. The permittee shall submit quarterly reports indicating any exceedances (deviations) of the pressure differential requirements (between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side), and when applicable, the information required under section A.III.2 above.

(Authority for term: OAC rule 3745-77-07(C)(1))

2. Except as otherwise provided in 40 CFR 63.1417 [see Attachment 1], the permittee shall submit semiannual reports indicating any exceedances of the maximum allowable daily average reactor batch process vent condenser exit temperature, and when applicable, the information required under 40 CFR 63.1416(d)(3)(ii) [see Attachment 1].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1417(f))

3. The permittee shall report the information specified in paragraphs (b)(1) through (b)(8) of 40 CFR 63.1039 [see Attachment 2], as applicable, including:

a. where any delay of repair is utilized pursuant to 40 CFR 63.1024(d) [see Attachment 2], that delay of repair has occurred and the number of instances of delay of repair;

b. if applicable, the initiation of a monthly monitoring program for valves pursuant to 40 CFR 63.1025(b)(3)(i) [see Attachment 2]; and

c. if applicable, the initiation of a quality improvement program for pumps pursuant to 40 CFR 63.1035 [see Attachment 2].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1039)

IV. Reporting Requirements (continued)

4. The permittee shall notify the Toledo Division of Environmental Services (TDOES) in writing of any daily record showing that the condenser water wash system was not in service when the emissions unit was loading solid feed stock. The notification shall include a copy of such record and shall be sent to the TDOES within 30 days after the event occurs.

(Authority for term: OAC rule 3745-77-07(C)(1))

V. Testing Requirements

1. Compliance with the emission limitations in sections A.I.1 and A.I.2 shall be determined in accordance with the following methods:

1.a Emission Limitation:

Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

Compliance shall be demonstrated based upon visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(1).

(Authority for term: OAC rule 3745-17-03(B)(1) and OAC rule 3745-77-07(C)(1))

1.b Emission Limitation:

1.8 lbs/hr of particulate emissions

Applicable Compliance Method:

Compliance shall be demonstrated based upon emission testing performed in accordance with the procedures specified in Methods 1 through 5 of 40 CFR Part 60, Appendix A.

(Authority for term: OAC rule 3745-17-03(B)(10) and OAC rule 3745-77-07(C)(1))

1.c Emission Limitation:

i. reduce organic HAP emissions for the batch cycle by 83 weight percent using a condenser coil; or

ii. reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0567 pound of organic HAP per 1,000 pounds of product or less for solvent-based resin production, or to 0.0057 pound of organic HAP per 1,000 pounds of product or less for non-solvent-based resin production.

Applicable Compliance Method:

If required, compliance shall be demonstrated based upon emission testing performed in accordance with the procedures specified in 40 CFR 63.1414 [see Attachment 1].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1414)

V. Testing Requirements (continued)

2. The permittee shall conduct a design evaluation for the reactor batch process vent condenser in compliance with the requirements of 40 CFR 63.1413 [see Attachment 1] for a small control device. In compliance with 40 CFR 63.1413(a)(3) the design evaluation shall consider the composition and organic HAP concentration of the vent stream, vent stream flow rate, relative humidity, and temperature and shall establish the operating parameters of the control device, design outlet organic HAP compound concentration level, design average temperature of the condenser exhaust vent stream, and the design average temperatures of the coolant fluid at the condenser inlet and outlet. The temperature of the gas stream exiting the condenser shall be measured and used to establish the outlet organic HAP concentration. The permittee may elect as an alternate to conduct a performance test for a small control device and such a performance test shall follow the procedures specified in 40 CFR 63.1413, as appropriate. The parameter monitoring levels for the reactor batch process vent condenser shall be set based on this design evaluation or performance test.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1413)

VI. Miscellaneous Requirements

1. Except as otherwise provided in 40 CFR 63.1416(b) [see Attachment 1], the permittee shall develop and implement a start-up, shutdown, and malfunction plan as specified in 40 CFR 63.6(e)(3) [see Attachment 3 and Table 1 in Attachment 1]. As specified in 40 CFR 63.1416(b)(1) [see Attachment 1], this plan shall require the permittee to maintain records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of process equipment, or control devices, or recovery devices, or continuous monitoring systems, or control technologies used to comply with Subpart OOO during which excess emissions (as defined in 40 CFR 63.1400(k)(4)) occur. The requirements of 40 CFR 63.1400(k)(1) through (4) [see Attachment 1], shall be met during periods of start-up, shutdown, malfunction, or non-operation.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(b))

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record Keeping Requirements

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Reactor #1 (Z014)

Activity Description: One of four reactor kettles used to produce liquid formaldehyde resins.

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
amino/phenolic resin processing unit, general provisions	OAC rule 3745-21-07(G)(9)(c)	See section A.I.2.a.
	40 CFR Part 63, Subpart A	See section A.I.2.b.
	40 CFR Part 63, Subpart OOO	See section A.I.2.c.
reactor batch process vent controlled by a condenser with spray wash system	OAC rule 3745-17-07(A)(1)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-11(B)(1)	1.8 lbs/hr of particulate emissions
	40 CFR Part 63, Subpart OOO	See section A.I.2.d.
heat exchange systems	40 CFR Part 63, Subpart OOO	See section A.I.2.e.
equipment leaks, controlled by equipment design and operating and maintenance programs	40 CFR Part 63, Subpart OOO	See section A.I.2.f.
storage vessels	40 CFR Part 63, Subpart OOO	See section A.I.2.g.

2. Additional Terms and Conditions

2.a This emissions unit is exempted from the requirements of OAC rule 3745-21-07(G)(2) by OAC rule 3745-21-07(G)(9)(c)(iii). The only volatile liquid organic material that shall be utilized in this emissions unit is formaldehyde, which is not a photochemically reactive material as that term is defined by OAC rule 3745-21-01(C)(5)(a).

2.b i. 40 CFR Part 63, Subpart A [see Attachment 3] provides applicability provisions, definitions, and other general provisions that are applicable to emissions units affected by 40 CFR Part 63.

ii. Table 1 of 40 CFR Part 63, Subpart OOO [see Attachment 1] specifies the provisions of 40 CFR Part 63, Subpart A that apply and those provisions that do not apply.

(Authority for term: 40 CFR 63.1400(j))

2. Additional Terms and Conditions (continued)

2.c The provisions of 40 CFR Part 63, Subpart OOO [see Attachment 1] apply to processes that produce amino/phenolic resins and that are located at a plant site that is a major source. This emissions unit is utilized to produce amino/phenolic resins at the BTLSR Toledo plant site, which is a major source of the hazardous air pollutant (HAP) formaldehyde. This emissions unit is therefore subject to the provisions of 40 CFR Part 63, Subpart OOO [see Attachment 1].

(Authority for term: 40 CFR 63.1400(a))

2.d Except as otherwise provided in 40 CFR 63.1406 [see Attachment 1], the permittee shall control organic HAP emissions from the reactor batch process vent by complying with either of the following:

i. reduce organic HAP emissions for the batch cycle by 83 weight percent using a condenser coil; or

ii. reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0567 pound of organic HAP per 1,000 pounds of product or less for solvent-based resin production, or to 0.0057 pound of organic HAP per 1,000 pounds of product or less for non-solvent-based resin production.

(Authority for term: 40 CFR 63.1406(a)(2))

2.e There are no applicable requirements for existing heat exchangers (cooling coils) with a minimum cooling water pressure more than 35 kilopascals greater than the maximum process side pressure.

(Authority for term: 40 CFR 63.1409(a)(1))

2.f Except as otherwise provided in 40 CFR Part 63, Subpart OOO [see Attachment 1], the permittee shall establish a leak detection and repair program which complies with the requirements of 40 CFR Part 63, Subpart UU [see Attachment 2]. These requirements are described in 40 CFR 63.1029 [see Attachment 2] and 63.1410 [see Attachment 1]. These requirements apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors and instrumentation systems in organic HAP service.

(Authority for term: 40 CFR 63.1410)

2.g There are no applicable requirements for existing storage vessels with a capacity of less than 50,000 gallons. The existing storage vessels include the following:

formaldehyde tank (Z009) - 14,600 gallons;
fuel oil tank (Z010) - 10,000 gallons;
PVA tank (Z011) - 14,600 gallons;
"A" system resin spray dryer (P001) tanks - 2 tanks at 1,500 gallons each;
"B" system resin spray dryer (P002) tanks - 2 tanks at 1,000 gallons each;
"C" system resin spray dryer (P003) tanks - 2 tanks at 5,000 gallons each;
MUS tanks - 2 tanks at 4,000 gallons each; and
Wet blend tank - 1,000 gallons.

(Authority for term: 40 CFR 63.1404(a))

II. Operational Restrictions

1. At all times that this emissions unit is in operation, the permittee shall operate the reactor cooling coil heat exchange system with a minimum pressure on the cooling water side at least 35 kilopascals greater than the maximum pressure on the process side.

(Authority for term: OAC rule 3745-77-07(A)(1))

II. Operational Restrictions (continued)

2. The permittee shall establish parameter monitoring levels for the reactor batch process vent condenser based on a design evaluation or performance test, in compliance with the requirements of 40 CFR 63.1413 [see Attachment 1] for small control devices. In compliance with Table 4 of 40 CFR Part 63, Subpart OOO [see Attachment 1], these parameter monitoring levels will include the maximum temperature of the gases exiting the condenser established to assure compliance with the emission reduction specified in Section A.I.2.d above.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1413(a)(1)(ii))

3. Except as otherwise provided in 40 CFR Part 63 Subpart OOO [see Attachment 1], the permittee shall operate each control device such that the daily average of monitored parameters, established as specified in the paragraphs above, remains below the maximum level, as appropriate.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1413(a)(4)(i))

4. The permittee shall comply with the requirements of 40 CFR Part 63, Subpart UU [see Attachment 2] from all equipment, as defined under 40 CFR 63.1402 [see Attachment 1], that contains or contacts 5 weight-percent HAP or greater and operates 300 hours per year or more. For this emissions unit, all equipment that contacts the formalin solution will be considered to be in heavy liquid service.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1410)

5. The permittee shall identify equipment subject to the equipment leak standards, in compliance with the requirements of 40 CFR 63.1022 [see Attachment 2].

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1022)

6. Except as otherwise provided in 40 CFR 63.1024 [see Attachment 2], the permittee shall repair each leak detected as soon as practical, but not later than 15 calendar days after it is detected. A first attempt at repair, as defined in 40 CFR 63.1024(a) [see Attachment 2], shall be made no later than 5 days after the leak is detected.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1024(a))

7. The permittee shall operate the condenser water wash system whenever this emissions unit is loading solid feed stock.

(Authority for term: OAC rule 3745-77-07(A)(1))

III. Monitoring and/or Record Keeping Requirements

1. The permittee shall operate and maintain equipment to monitor the pressure differential between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side while the emissions unit is in operation. The monitoring equipment shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manual(s). The permittee shall record the pressure differential on a daily basis.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1415)

2. The permittee shall operate and maintain a low pressure alarm system which will indicate by visible and audible means that the pressure differential between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side has dropped below the required 35 psia minimum. If the pressure differential drops below 35 psia, the permittee shall record the beginning and ending times of the deviation, and the actions taken to alleviate the deviation.

(Authority for term: OAC rule 3745-77-07(C)(1))

III. Monitoring and/or Record Keeping Requirements (continued)

3. Except as otherwise provided in 40 CFR 63.1413 [see Attachment 1], the permittee shall establish parameter monitoring levels by design evaluation, or during the performance test of, the reactor batch process vent condenser.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1413(a)(1)(ii))

4. Except as otherwise provided in 40 CFR 63.1415 [see Attachment 1], the permittee shall maintain and operate a reactor batch process vent condenser exit temperature monitoring device equipped with a continuous recorder. This monitoring equipment shall be in operation at all times when the emissions unit is in operation.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1415(a), (a)(1), (b)(3))

5. Except as otherwise provided in 40 CFR 63.1416 [see Attachment 1], the permittee shall maintain records of the daily average reactor batch process vent condenser exit temperature.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(c))

6. Except as otherwise provided in 40 CFR 63.1416(b) [see Attachment 1], the permittee shall maintain records of the occurrence and duration of each start-up, shutdown, or malfunction during which excess emissions (as defined in 40 CFR 63.1400(k)(4)) occur, records reflecting whether the procedures specified in the affected source's start-up, shutdown, and malfunction plan were followed and documentation of actions taken that are not consistent with the plan.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(b))

7. As provided in 40 CFR 63.1416(d) [see Attachment 1], where applicable the permittee shall maintain records of operation when monitors are not operating, operation of bypass lines, inspections and operation of the seal or closure mechanisms, and records specifying the times and duration of periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(d))

8. The permittee shall comply with the requirements of 40 CFR 63.1029 [see Attachment 2]. Pumps, valves, connectors, agitators, pressure relief devices, and instrumentation systems in heavy liquid service shall be monitored.

i. If evidence of a potential leak to the atmosphere is found by visual, audible, olfactory, or any other detection method, the equipment shall be repaired. Repaired shall mean that the visual, audible, olfactory, or other indications of a leak to the atmosphere have been eliminated; that no bubbles are observed at potential leak sites during a leak check using soap solution; or that the system will hold a test pressure.

ii. Within 5 days of a the detection of a potential leak, the equipment shall be monitored by instrument reading using Method 21 of 40 CFR Part 60, Appendix A, as specified in 40 CFR 63.1023 [see Attachment 2]. If an instrument reading of 10,000 parts per million or greater for agitators, 5,000 parts per million or greater for pumps handling polymerizing monomers, or 2,000 parts per million or greater for all other pumps, or 500 parts per million or greater for valves, connectors, instrumentation systems, and pressure relief devices is measured, a leak is detected and shall be repaired pursuant to 40 CFR 63.1024 [see Attachment 2], as applicable.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1029)

III. Monitoring and/or Record Keeping Requirements (continued)

9. For each leak detected, the information specified below shall be recorded and maintained:

i. the date of first attempt to repair the leak;

ii. the date of successful repair of the leak;

iii. the maximum instrument reading measured by Method 21 of 40 CFR Part 60, Appendix A at the time the leak is successfully repaired or determined to be nonrepairable;

iv. except as otherwise provided in 40 CFR 63.1024(f)(iv) [see Attachment 2], the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak; and

v. the dates of process unit or affected facility shutdowns that occur while the equipment is unrepaired.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1024(f))

10. The permittee shall prepare and implement a pump quality assurance program in compliance with 40 CFR 63.1035 [see Attachment 2]. If greater than 10 percent (or three pumps) leak, on a 6-month rolling average, the permittee shall comply with the QIP requirements. Additional record keeping requirements apply while the QIP is in effect.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1035)

11. The permittee shall maintain daily records that document any time periods when the condenser water wash system was not in service when the emissions unit was loading solid feed stock.

(Authority for term: OAC rule 3745-77-07(C)(1))

IV. Reporting Requirements

1. The permittee shall submit quarterly reports indicating any exceedances (deviations) of the pressure differential requirements (between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side), and when applicable, the information required under section A.III.2 above.

(Authority for term: OAC rule 3745-77-07(C)(1))

2. Except as otherwise provided in 40 CFR 63.1417 [see Attachment 1], the permittee shall submit semiannual reports indicating any exceedances of the maximum allowable daily average reactor batch process vent condenser exit temperature, and when applicable, the information required under 40 CFR 63.1416(d)(3)(ii) [see Attachment 1].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1417(f))

3. The permittee shall report the information specified in paragraphs (b)(1) through (b)(8) of 40 CFR 63.1039 [see Attachment 2], as applicable, including:

a. where any delay of repair is utilized pursuant to 40 CFR 63.1024(d) [see Attachment 2], that delay of repair has occurred and the number of instances of delay of repair;

b. if applicable, the initiation of a monthly monitoring program for valves pursuant to 40 CFR 63.1025(b)(3)(i) [see Attachment 2]; and

c. if applicable, the initiation of a quality improvement program for pumps pursuant to 40 CFR 63.1035 [see Attachment 2].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1039)

IV. Reporting Requirements (continued)

4. The permittee shall notify the Toledo Division of Environmental Services (TDOES) in writing of any daily record showing that the condenser water wash system was not in service when the emissions unit was loading solid feed stock. The notification shall include a copy of such record and shall be sent to the TDOES within 30 days after the event occurs.

(Authority for term: OAC rule 3745-77-07(C)(1))

V. Testing Requirements

1. Compliance with the emission limitations in sections A.I.1 and A.I.2 shall be determined in accordance with the following methods:

1.a Emission Limitation:

Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

Compliance shall be demonstrated based upon visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(1).

(Authority for term: OAC rule 3745-17-03(B)(1) and OAC rule 3745-77-07(C)(1))

1.b Emission Limitation:

1.8 lbs/hr of particulate emissions

Applicable Compliance Method:

Compliance shall be demonstrated based upon emission testing performed in accordance with the procedures specified in Methods 1 through 5 of 40 CFR Part 60, Appendix A.

(Authority for term: OAC rule 3745-17-03(B)(10) and OAC rule 3745-77-07(C)(1))

1.c Emission Limitation:

i. reduce organic HAP emissions for the batch cycle by 83 weight percent using a condenser coil; or

ii. reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0567 pound of organic HAP per 1,000 pounds of product or less for solvent-based resin production, or to 0.0057 pound of organic HAP per 1,000 pounds of product or less for non-solvent-based resin production.

Applicable Compliance Method:

If required, compliance shall be demonstrated based upon emission testing performed in accordance with the procedures specified in 40 CFR 63.1414 [see Attachment 1].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1414)

V. Testing Requirements (continued)

2. The permittee shall conduct a design evaluation for the reactor batch process vent condenser in compliance with the requirements of 40 CFR 63.1413 [see Attachment 1] for a small control device. In compliance with 40 CFR 63.1413(a)(3) the design evaluation shall consider the composition and organic HAP concentration of the vent stream, vent stream flow rate, relative humidity, and temperature and shall establish the operating parameters of the control device, design outlet organic HAP compound concentration level, design average temperature of the condenser exhaust vent stream, and the design average temperatures of the coolant fluid at the condenser inlet and outlet. The temperature of the gas stream exiting the condenser shall be measured and used to establish the outlet organic HAP concentration. The permittee may elect as an alternate to conduct a performance test for a small control device and such a performance test shall follow the procedures specified in 40 CFR 63.1413, as appropriate. The parameter monitoring levels for the reactor batch process vent condenser shall be set based on this design evaluation or performance test.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1413)

VI. Miscellaneous Requirements

1. Except as otherwise provided in 40 CFR 63.1416(b) [see Attachment 1], the permittee shall develop and implement a start-up, shutdown, and malfunction plan as specified in 40 CFR 63.6(e)(3) [see Attachment 3 and Table 1 in Attachment 1]. As specified in 40 CFR 63.1416(b)(1) [see Attachment 1], this plan shall require the permittee to maintain records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of process equipment, or control devices, or recovery devices, or continuous monitoring systems, or control technologies used to comply with Subpart OOO during which excess emissions (as defined in 40 CFR 63.1400(k)(4)) occur. The requirements of 40 CFR 63.1400(k)(1) through (4) [see Attachment 1], shall be met during periods of start-up, shutdown, malfunction, or non-operation.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(b))

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record Keeping Requirements

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Reactor #2 (Z015)

Activity Description: One of four reactor kettles used to produce liquid formaldehyde resins.

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
amino/phenolic resin processing unit, general provisions	OAC rule 3745-21-07(G)(9)(c)	See section A.I.2.a.
	40 CFR Part 63, Subpart A	See section A.I.2.b.
	40 CFR Part 63, Subpart OOO	See section A.I.2.c.
reactor batch process vent controlled by a condenser with spray wash system	OAC rule 3745-17-07(A)(1)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-11(B)(1)	1.8 lbs/hr of particulate emissions
	40 CFR Part 63, Subpart OOO	See section A.I.2.d.
heat exchange systems	40 CFR Part 63, Subpart OOO	See section A.I.2.e.
equipment leaks, controlled by equipment design and operating and maintenance programs	40 CFR Part 63, Subpart OOO	See section A.I.2.f.
storage vessels	40 CFR Part 63, Subpart OOO	See section A.I.2.g.

2. Additional Terms and Conditions

2.a This emissions unit is exempted from the requirements of OAC rule 3745-21-07(G)(2) by OAC rule 3745-21-07(G)(9)(c)(iii). The only volatile liquid organic material that shall be utilized in this emissions unit is formaldehyde, which is not a photochemically reactive material as that term is defined by OAC rule 3745-21-01(C)(5)(a).

2.b i. 40 CFR Part 63, Subpart A [see Attachment 3] provides applicability provisions, definitions, and other general provisions that are applicable to emissions units affected by 40 CFR Part 63.

ii. Table 1 of 40 CFR Part 63, Subpart OOO [see Attachment 1] specifies the provisions of 40 CFR Part 63, Subpart A that apply and those provisions that do not apply.

(Authority for term: 40 CFR 63.1400(j))

2. Additional Terms and Conditions (continued)

2.c The provisions of 40 CFR Part 63, Subpart OOO [see Attachment 1] apply to processes that produce amino/phenolic resins and that are located at a plant site that is a major source. This emissions unit is utilized to produce amino/phenolic resins at the BTLSR Toledo plant site, which is a major source of the hazardous air pollutant (HAP) formaldehyde. This emissions unit is therefore subject to the provisions of 40 CFR Part 63, Subpart OOO [see Attachment 1].

(Authority for term: 40 CFR 63.1400(a))

2.d Except as otherwise provided in 40 CFR 63.1406 [see Attachment 1], the permittee shall control organic HAP emissions from the reactor batch process vent by complying with either of the following:

i. reduce organic HAP emissions for the batch cycle by 83 weight percent using a condenser coil; or

ii. reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0567 pound of organic HAP per 1,000 pounds of product or less for solvent-based resin production, or to 0.0057 pound of organic HAP per 1,000 pounds of product or less for non-solvent-based resin production.

(Authority for term: 40 CFR 63.1406(a)(2))

2.e There are no applicable requirements for existing heat exchangers (cooling coils) with a minimum cooling water pressure more than 35 kilopascals greater than the maximum process side pressure.

(Authority for term: 40 CFR 63.1409(a)(1))

2.f Except as otherwise provided in 40 CFR Part 63, Subpart OOO [see Attachment 1], the permittee shall establish a leak detection and repair program which complies with the requirements of 40 CFR Part 63, Subpart UU [see Attachment 2]. These requirements are described in 40 CFR 63.1029 [see Attachment 2] and 63.1410 [see Attachment 1]. These requirements apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors and instrumentation systems in organic HAP service.

(Authority for term: 40 CFR 63.1410)

2.g There are no applicable requirements for existing storage vessels with a capacity of less than 50,000 gallons. The existing storage vessels include the following:

formaldehyde tank (Z009) - 14,600 gallons;
fuel oil tank (Z010) - 10,000 gallons;
PVA tank (Z011) - 14,600 gallons;
"A" system resin spray dryer (P001) tanks - 2 tanks at 1,500 gallons each;
"B" system resin spray dryer (P002) tanks - 2 tanks at 1,000 gallons each;
"C" system resin spray dryer (P003) tanks - 2 tanks at 5,000 gallons each;
MUS tanks - 2 tanks at 4,000 gallons each; and
Wet blend tank - 1,000 gallons.

(Authority for term: 40 CFR 63.1404(a))

II. Operational Restrictions

1. At all times that this emissions unit is in operation, the permittee shall operate the reactor cooling coil heat exchange system with a minimum pressure on the cooling water side at least 35 kilopascals greater than the maximum pressure on the process side.

(Authority for term: OAC rule 3745-77-07(A)(1))

II. Operational Restrictions (continued)

2. The permittee shall establish parameter monitoring levels for the reactor batch process vent condenser based on a design evaluation or performance test, in compliance with the requirements of 40 CFR 63.1413 [see Attachment 1] for small control devices. In compliance with Table 4 of 40 CFR Part 63, Subpart OOO [see Attachment 1], these parameter monitoring levels will include the maximum temperature of the gases exiting the condenser established to assure compliance with the emission reduction specified in Section A.I.2.d above.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1413(a)(1)(ii))

3. Except as otherwise provided in 40 CFR Part 63 Subpart OOO [see Attachment 1], the permittee shall operate each control device such that the daily average of monitored parameters, established as specified in the paragraphs above, remains below the maximum level, as appropriate.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1413(a)(4)(i))

4. The permittee shall comply with the requirements of 40 CFR Part 63, Subpart UU [see Attachment 2] from all equipment, as defined under 40 CFR 63.1402 [see Attachment 1], that contains or contacts 5 weight-percent HAP or greater and operates 300 hours per year or more. For this emissions unit, all equipment that contacts the formalin solution will be considered to be in heavy liquid service.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1410)

5. The permittee shall identify equipment subject to the equipment leak standards, in compliance with the requirements of 40 CFR 63.1022 [see Attachment 2].

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1022)

6. Except as otherwise provided in 40 CFR 63.1024 [see Attachment 2], the permittee shall repair each leak detected as soon as practical, but not later than 15 calendar days after it is detected. A first attempt at repair, as defined in 40 CFR 63.1024(a) [see Attachment 2], shall be made no later than 5 days after the leak is detected.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1024(a))

7. The permittee shall operate the condenser water wash system whenever this emissions unit is loading solid feed stock.

(Authority for term: OAC rule 3745-77-07(A)(1))

III. Monitoring and/or Record Keeping Requirements

1. The permittee shall operate and maintain equipment to monitor the pressure differential between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side while the emissions unit is in operation. The monitoring equipment shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manual(s). The permittee shall record the pressure differential on a daily basis.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1415)

2. The permittee shall operate and maintain a low pressure alarm system which will indicate by visible and audible means that the pressure differential between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side has dropped below the required 35 psia minimum. If the pressure differential drops below 35 psia, the permittee shall record the beginning and ending times of the deviation, and the actions taken to alleviate the deviation.

(Authority for term: OAC rule 3745-77-07(C)(1))

III. Monitoring and/or Record Keeping Requirements (continued)

3. Except as otherwise provided in 40 CFR 63.1413 [see Attachment 1], the permittee shall establish parameter monitoring levels by design evaluation, or during the performance test of, the reactor batch process vent condenser.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1413(a)(1)(ii))

4. Except as otherwise provided in 40 CFR 63.1415 [see Attachment 1], the permittee shall maintain and operate a reactor batch process vent condenser exit temperature monitoring device equipped with a continuous recorder. This monitoring equipment shall be in operation at all times when the emissions unit is in operation.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1415(a), (a)(1), (b)(3))

5. Except as otherwise provided in 40 CFR 63.1416 [see Attachment 1], the permittee shall maintain records of the daily average reactor batch process vent condenser exit temperature.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(c))

6. Except as otherwise provided in 40 CFR 63.1416(b) [see Attachment 1], the permittee shall maintain records of the occurrence and duration of each start-up, shutdown, or malfunction during which excess emissions (as defined in 40 CFR 63.1400(k)(4)) occur, records reflecting whether the procedures specified in the affected source's start-up, shutdown, and malfunction plan were followed and documentation of actions taken that are not consistent with the plan.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(b))

7. As provided in 40 CFR 63.1416(d) [see Attachment 1], where applicable the permittee shall maintain records of operation when monitors are not operating, operation of bypass lines, inspections and operation of the seal or closure mechanisms, and records specifying the times and duration of periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(d))

8. The permittee shall comply with the requirements of 40 CFR 63.1029 [see Attachment 2]. Pumps, valves, connectors, agitators, pressure relief devices, and instrumentation systems in heavy liquid service shall be monitored.

i. If evidence of a potential leak to the atmosphere is found by visual, audible, olfactory, or any other detection method, the equipment shall be repaired. Repaired shall mean that the visual, audible, olfactory, or other indications of a leak to the atmosphere have been eliminated; that no bubbles are observed at potential leak sites during a leak check using soap solution; or that the system will hold a test pressure.

ii. Within 5 days of a the detection of a potential leak, the equipment shall be monitored by instrument reading using Method 21 of 40 CFR Part 60, Appendix A, as specified in 40 CFR 63.1023 [see Attachment 2]. If an instrument reading of 10,000 parts per million or greater for agitators, 5,000 parts per million or greater for pumps handling polymerizing monomers, or 2,000 parts per million or greater for all other pumps, or 500 parts per million or greater for valves, connectors, instrumentation systems, and pressure relief devices is measured, a leak is detected and shall be repaired pursuant to 40 CFR 63.1024 [see Attachment 2], as applicable.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1029)

III. Monitoring and/or Record Keeping Requirements (continued)

9. For each leak detected, the information specified below shall be recorded and maintained:

i. the date of first attempt to repair the leak;

ii. the date of successful repair of the leak;

iii. the maximum instrument reading measured by Method 21 of 40 CFR Part 60, Appendix A at the time the leak is successfully repaired or determined to be nonrepairable;

iv. except as otherwise provided in 40 CFR 63.1024(f)(iv) [see Attachment 2], the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak; and

v. the dates of process unit or affected facility shutdowns that occur while the equipment is unrepaired.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1024(f))

10. The permittee shall prepare and implement a pump quality assurance program in compliance with 40 CFR 63.1035 [see Attachment 2]. If greater than 10 percent (or three pumps) leak, on a 6-month rolling average, the permittee shall comply with the QIP requirements. Additional record keeping requirements apply while the QIP is in effect.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1035)

11. The permittee shall maintain daily records that document any time periods when the condenser water wash system was not in service when the emissions unit was loading solid feed stock.

(Authority for term: OAC rule 3745-77-07(C)(1))

IV. Reporting Requirements

1. The permittee shall submit quarterly reports indicating any exceedances (deviations) of the pressure differential requirements (between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side), and when applicable, the information required under section A.III.2 above.

(Authority for term: OAC rule 3745-77-07(C)(1))

2. Except as otherwise provided in 40 CFR 63.1417 [see Attachment 1], the permittee shall submit semiannual reports indicating any exceedances of the maximum allowable daily average reactor batch process vent condenser exit temperature, and when applicable, the information required under 40 CFR 63.1416(d)(3)(ii) [see Attachment 1].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1417(f))

3. The permittee shall report the information specified in paragraphs (b)(1) through (b)(8) of 40 CFR 63.1039 [see Attachment 2], as applicable, including:

a. where any delay of repair is utilized pursuant to 40 CFR 63.1024(d) [see Attachment 2], that delay of repair has occurred and the number of instances of delay of repair;

b. if applicable, the initiation of a monthly monitoring program for valves pursuant to 40 CFR 63.1025(b)(3)(i) [see Attachment 2]; and

c. if applicable, the initiation of a quality improvement program for pumps pursuant to 40 CFR 63.1035 [see Attachment 2].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1039)

IV. Reporting Requirements (continued)

4. The permittee shall notify the Toledo Division of Environmental Services (TDOES) in writing of any daily record showing that the condenser water wash system was not in service when the emissions unit was loading solid feed stock. The notification shall include a copy of such record and shall be sent to the TDOES within 30 days after the event occurs.

(Authority for term: OAC rule 3745-77-07(C)(1))

V. Testing Requirements

1. Compliance with the emission limitations in sections A.I.1 and A.I.2 shall be determined in accordance with the following methods:

1.a Emission Limitation:

Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

Compliance shall be demonstrated based upon visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(1).

(Authority for term: OAC rule 3745-17-03(B)(1) and OAC rule 3745-77-07(C)(1))

1.b Emission Limitation:

1.8 lbs/hr of particulate emissions

Applicable Compliance Method:

Compliance shall be demonstrated based upon emission testing performed in accordance with the procedures specified in Methods 1 through 5 of 40 CFR Part 60, Appendix A.

(Authority for term: OAC rule 3745-17-03(B)(10) and OAC rule 3745-77-07(C)(1))

1.c Emission Limitation:

i. reduce organic HAP emissions for the batch cycle by 83 weight percent using a condenser coil; or

ii. reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0567 pound of organic HAP per 1,000 pounds of product or less for solvent-based resin production, or to 0.0057 pound of organic HAP per 1,000 pounds of product or less for non-solvent-based resin production.

Applicable Compliance Method:

If required, compliance shall be demonstrated based upon emission testing performed in accordance with the procedures specified in 40 CFR 63.1414 [see Attachment 1].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1414)

V. Testing Requirements (continued)

2. The permittee shall conduct a design evaluation for the reactor batch process vent condenser in compliance with the requirements of 40 CFR 63.1413 [see Attachment 1] for a small control device. In compliance with 40 CFR 63.1413(a)(3) the design evaluation shall consider the composition and organic HAP concentration of the vent stream, vent stream flow rate, relative humidity, and temperature and shall establish the operating parameters of the control device, design outlet organic HAP compound concentration level, design average temperature of the condenser exhaust vent stream, and the design average temperatures of the coolant fluid at the condenser inlet and outlet. The temperature of the gas stream exiting the condenser shall be measured and used to establish the outlet organic HAP concentration. The permittee may elect as an alternate to conduct a performance test for a small control device and such a performance test shall follow the procedures specified in 40 CFR 63.1413, as appropriate. The parameter monitoring levels for the reactor batch process vent condenser shall be set based on this design evaluation or performance test.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1413)

VI. Miscellaneous Requirements

1. Except as otherwise provided in 40 CFR 63.1416(b) [see Attachment 1], the permittee shall develop and implement a start-up, shutdown, and malfunction plan as specified in 40 CFR 63.6(e)(3) [see Attachment 3 and Table 1 in Attachment 1]. As specified in 40 CFR 63.1416(b)(1) [see Attachment 1], this plan shall require the permittee to maintain records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of process equipment, or control devices, or recovery devices, or continuous monitoring systems, or control technologies used to comply with Subpart OOO during which excess emissions (as defined in 40 CFR 63.1400(k)(4)) occur. The requirements of 40 CFR 63.1400(k)(1) through (4) [see Attachment 1], shall be met during periods of start-up, shutdown, malfunction, or non-operation.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(b))

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record Keeping Requirements

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Reactor #3 (Z016)

Activity Description: One of four reactor kettles used to produce liquid formaldehyde resins.

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
amino/phenolic resin processing unit, general provisions	OAC rule 3745-21-07(G)(9)(c)	See section A.I.2.a.
	40 CFR Part 63, Subpart A	See section A.I.2.b.
	40 CFR Part 63, Subpart OOO	See section A.I.2.c.
reactor batch process vent controlled by a condenser with spray wash system	OAC rule 3745-17-07(A)(1)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-11(B)(1)	1.8 lbs/hr of particulate emissions
	40 CFR Part 63, Subpart OOO	See section A.I.2.d.
heat exchange systems	40 CFR Part 63, Subpart OOO	See section A.I.2.e.
equipment leaks, controlled by equipment design and operating and maintenance programs	40 CFR Part 63, Subpart OOO	See section A.I.2.f.
storage vessels	40 CFR Part 63, Subpart OOO	See section A.I.2.g.

2. Additional Terms and Conditions

2.a This emissions unit is exempted from the requirements of OAC rule 3745-21-07(G)(2) by OAC rule 3745-21-07(G)(9)(c)(iii). The only volatile liquid organic material that shall be utilized in this emissions unit is formaldehyde, which is not a photochemically reactive material as that term is defined by OAC rule 3745-21-01(C)(5)(a).

2.b i. 40 CFR Part 63, Subpart A [see Attachment 3] provides applicability provisions, definitions, and other general provisions that are applicable to emissions units affected by 40 CFR Part 63.

ii. Table 1 of 40 CFR Part 63, Subpart OOO [see Attachment 1] specifies the provisions of 40 CFR Part 63, Subpart A that apply and those provisions that do not apply.

(Authority for term: 40 CFR 63.1400(j))

2. Additional Terms and Conditions (continued)

2.c The provisions of 40 CFR Part 63, Subpart OOO [see Attachment 1] apply to processes that produce amino/phenolic resins and that are located at a plant site that is a major source. This emissions unit is utilized to produce amino/phenolic resins at the BTLSR Toledo plant site, which is a major source of the hazardous air pollutant (HAP) formaldehyde. This emissions unit is therefore subject to the provisions of 40 CFR Part 63, Subpart OOO [see Attachment 1].

(Authority for term: 40 CFR 63.1400(a))

2.d Except as otherwise provided in 40 CFR 63.1406 [see Attachment 1], the permittee shall control organic HAP emissions from the reactor batch process vent by complying with either of the following:

i. reduce organic HAP emissions for the batch cycle by 83 weight percent using a condenser coil; or

ii. reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0567 pound of organic HAP per 1,000 pounds of product or less for solvent-based resin production, or to 0.0057 pound of organic HAP per 1,000 pounds of product or less for non-solvent-based resin production.

(Authority for term: 40 CFR 63.1406(a)(2))

2.e There are no applicable requirements for existing heat exchangers (cooling coils) with a minimum cooling water pressure more than 35 kilopascals greater than the maximum process side pressure.

(Authority for term: 40 CFR 63.1409(a)(1))

2.f Except as otherwise provided in 40 CFR Part 63, Subpart OOO [see Attachment 1], the permittee shall establish a leak detection and repair program which complies with the requirements of 40 CFR Part 63, Subpart UU [see Attachment 2]. These requirements are described in 40 CFR 63.1029 [see Attachment 2] and 63.1410 [see Attachment 1]. These requirements apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors and instrumentation systems in organic HAP service.

(Authority for term: 40 CFR 63.1410)

2.g There are no applicable requirements for existing storage vessels with a capacity of less than 50,000 gallons. The existing storage vessels include the following:

formaldehyde tank (Z009) - 14,600 gallons;
fuel oil tank (Z010) - 10,000 gallons;
PVA tank (Z011) - 14,600 gallons;
"A" system resin spray dryer (P001) tanks - 2 tanks at 1,500 gallons each;
"B" system resin spray dryer (P002) tanks - 2 tanks at 1,000 gallons each;
"C" system resin spray dryer (P003) tanks - 2 tanks at 5,000 gallons each;
MUS tanks - 2 tanks at 4,000 gallons each; and
Wet blend tank - 1,000 gallons.

(Authority for term: 40 CFR 63.1404(a))

II. Operational Restrictions

1. At all times that this emissions unit is in operation, the permittee shall operate the reactor cooling coil heat exchange system with a minimum pressure on the cooling water side at least 35 kilopascals greater than the maximum pressure on the process side.

(Authority for term: OAC rule 3745-77-07(A)(1))

II. Operational Restrictions (continued)

2. The permittee shall establish parameter monitoring levels for the reactor batch process vent condenser based on a design evaluation or performance test, in compliance with the requirements of 40 CFR 63.1413 [see Attachment 1] for small control devices. In compliance with Table 4 of 40 CFR Part 63, Subpart OOO [see Attachment 1], these parameter monitoring levels will include the maximum temperature of the gases exiting the condenser established to assure compliance with the emission reduction specified in Section A.I.2.d above.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1413(a)(1)(ii))

3. Except as otherwise provided in 40 CFR Part 63 Subpart OOO [see Attachment 1], the permittee shall operate each control device such that the daily average of monitored parameters, established as specified in the paragraphs above, remains below the maximum level, as appropriate.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1413(a)(4)(i))

4. The permittee shall comply with the requirements of 40 CFR Part 63, Subpart UU [see Attachment 2] from all equipment, as defined under 40 CFR 63.1402 [see Attachment 1], that contains or contacts 5 weight-percent HAP or greater and operates 300 hours per year or more. For this emissions unit, all equipment that contacts the formalin solution will be considered to be in heavy liquid service.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1410)

5. The permittee shall identify equipment subject to the equipment leak standards, in compliance with the requirements of 40 CFR 63.1022 [see Attachment 2].

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1022)

6. Except as otherwise provided in 40 CFR 63.1024 [see Attachment 2], the permittee shall repair each leak detected as soon as practical, but not later than 15 calendar days after it is detected. A first attempt at repair, as defined in 40 CFR 63.1024(a) [see Attachment 2], shall be made no later than 5 days after the leak is detected.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1024(a))

7. The permittee shall operate the condenser water wash system whenever this emissions unit is loading solid feed stock.

(Authority for term: OAC rule 3745-77-07(A)(1))

III. Monitoring and/or Record Keeping Requirements

1. The permittee shall operate and maintain equipment to monitor the pressure differential between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side while the emissions unit is in operation. The monitoring equipment shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manual(s). The permittee shall record the pressure differential on a daily basis.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1415)

2. The permittee shall operate and maintain a low pressure alarm system which will indicate by visible and audible means that the pressure differential between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side has dropped below the required 35 psia minimum. If the pressure differential drops below 35 psia, the permittee shall record the beginning and ending times of the deviation, and the actions taken to alleviate the deviation.

(Authority for term: OAC rule 3745-77-07(C)(1))

III. Monitoring and/or Record Keeping Requirements (continued)

3. Except as otherwise provided in 40 CFR 63.1413 [see Attachment 1], the permittee shall establish parameter monitoring levels by design evaluation, or during the performance test of, the reactor batch process vent condenser.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1413(a)(1)(ii))

4. Except as otherwise provided in 40 CFR 63.1415 [see Attachment 1], the permittee shall maintain and operate a reactor batch process vent condenser exit temperature monitoring device equipped with a continuous recorder. This monitoring equipment shall be in operation at all times when the emissions unit is in operation.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1415(a), (a)(1), (b)(3))

5. Except as otherwise provided in 40 CFR 63.1416 [see Attachment 1], the permittee shall maintain records of the daily average reactor batch process vent condenser exit temperature.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(c))

6. Except as otherwise provided in 40 CFR 63.1416(b) [see Attachment 1], the permittee shall maintain records of the occurrence and duration of each start-up, shutdown, or malfunction during which excess emissions (as defined in 40 CFR 63.1400(k)(4)) occur, records reflecting whether the procedures specified in the affected source's start-up, shutdown, and malfunction plan were followed and documentation of actions taken that are not consistent with the plan.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(b))

7. As provided in 40 CFR 63.1416(d) [see Attachment 1], where applicable the permittee shall maintain records of operation when monitors are not operating, operation of bypass lines, inspections and operation of the seal or closure mechanisms, and records specifying the times and duration of periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(d))

8. The permittee shall comply with the requirements of 40 CFR 63.1029 [see Attachment 2]. Pumps, valves, connectors, agitators, pressure relief devices, and instrumentation systems in heavy liquid service shall be monitored.

i. If evidence of a potential leak to the atmosphere is found by visual, audible, olfactory, or any other detection method, the equipment shall be repaired. Repaired shall mean that the visual, audible, olfactory, or other indications of a leak to the atmosphere have been eliminated; that no bubbles are observed at potential leak sites during a leak check using soap solution; or that the system will hold a test pressure.

ii. Within 5 days of a the detection of a potential leak, the equipment shall be monitored by instrument reading using Method 21 of 40 CFR Part 60, Appendix A, as specified in 40 CFR 63.1023 [see Attachment 2]. If an instrument reading of 10,000 parts per million or greater for agitators, 5,000 parts per million or greater for pumps handling polymerizing monomers, or 2,000 parts per million or greater for all other pumps, or 500 parts per million or greater for valves, connectors, instrumentation systems, and pressure relief devices is measured, a leak is detected and shall be repaired pursuant to 40 CFR 63.1024 [see Attachment 2], as applicable.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1029)

III. Monitoring and/or Record Keeping Requirements (continued)

9. For each leak detected, the information specified below shall be recorded and maintained:

i. the date of first attempt to repair the leak;

ii. the date of successful repair of the leak;

iii. the maximum instrument reading measured by Method 21 of 40 CFR Part 60, Appendix A at the time the leak is successfully repaired or determined to be nonrepairable;

iv. except as otherwise provided in 40 CFR 63.1024(f)(iv) [see Attachment 2], the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak; and

v. the dates of process unit or affected facility shutdowns that occur while the equipment is unrepaired.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1024(f))

10. The permittee shall prepare and implement a pump quality assurance program in compliance with 40 CFR 63.1035 [see Attachment 2]. If greater than 10 percent (or three pumps) leak, on a 6-month rolling average, the permittee shall comply with the QIP requirements. Additional record keeping requirements apply while the QIP is in effect.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1035)

11. The permittee shall maintain daily records that document any time periods when the condenser water wash system was not in service when the emissions unit was loading solid feed stock.

(Authority for term: OAC rule 3745-77-07(C)(1))

IV. Reporting Requirements

1. The permittee shall submit quarterly reports indicating any exceedances (deviations) of the pressure differential requirements (between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side), and when applicable, the information required under section A.III.2 above.

(Authority for term: OAC rule 3745-77-07(C)(1))

2. Except as otherwise provided in 40 CFR 63.1417 [see Attachment 1], the permittee shall submit semiannual reports indicating any exceedances of the maximum allowable daily average reactor batch process vent condenser exit temperature, and when applicable, the information required under 40 CFR 63.1416(d)(3)(ii) [see Attachment 1].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1417(f))

3. The permittee shall report the information specified in paragraphs (b)(1) through (b)(8) of 40 CFR 63.1039 [see Attachment 2], as applicable, including:

a. where any delay of repair is utilized pursuant to 40 CFR 63.1024(d) [see Attachment 2], that delay of repair has occurred and the number of instances of delay of repair;

b. if applicable, the initiation of a monthly monitoring program for valves pursuant to 40 CFR 63.1025(b)(3)(i) [see Attachment 2]; and

c. if applicable, the initiation of a quality improvement program for pumps pursuant to 40 CFR 63.1035 [see Attachment 2].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1039)

IV. Reporting Requirements (continued)

4. The permittee shall notify the Toledo Division of Environmental Services (TDOES) in writing of any daily record showing that the condenser water wash system was not in service when the emissions unit was loading solid feed stock. The notification shall include a copy of such record and shall be sent to the TDOES within 30 days after the event occurs.

(Authority for term: OAC rule 3745-77-07(C)(1))

V. Testing Requirements

1. Compliance with the emission limitations in sections A.I.1 and A.I.2 shall be determined in accordance with the following methods:

1.a Emission Limitation:

Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

Compliance shall be demonstrated based upon visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(1).

(Authority for term: OAC rule 3745-17-03(B)(1) and OAC rule 3745-77-07(C)(1))

1.b Emission Limitation:

1.8 lbs/hr of particulate emissions

Applicable Compliance Method:

Compliance shall be demonstrated based upon emission testing performed in accordance with the procedures specified in Methods 1 through 5 of 40 CFR Part 60, Appendix A.

(Authority for term: OAC rule 3745-17-03(B)(10) and OAC rule 3745-77-07(C)(1))

1.c Emission Limitation:

i. reduce organic HAP emissions for the batch cycle by 83 weight percent using a condenser coil; or

ii. reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0567 pound of organic HAP per 1,000 pounds of product or less for solvent-based resin production, or to 0.0057 pound of organic HAP per 1,000 pounds of product or less for non-solvent-based resin production.

Applicable Compliance Method:

If required, compliance shall be demonstrated based upon emission testing performed in accordance with the procedures specified in 40 CFR 63.1414 [see Attachment 1].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1414)

V. Testing Requirements (continued)

2. The permittee shall conduct a design evaluation for the reactor batch process vent condenser in compliance with the requirements of 40 CFR 63.1413 [see Attachment 1] for a small control device. In compliance with 40 CFR 63.1413(a)(3) the design evaluation shall consider the composition and organic HAP concentration of the vent stream, vent stream flow rate, relative humidity, and temperature and shall establish the operating parameters of the control device, design outlet organic HAP compound concentration level, design average temperature of the condenser exhaust vent stream, and the design average temperatures of the coolant fluid at the condenser inlet and outlet. The temperature of the gas stream exiting the condenser shall be measured and used to establish the outlet organic HAP concentration. The permittee may elect as an alternate to conduct a performance test for a small control device and such a performance test shall follow the procedures specified in 40 CFR 63.1413, as appropriate. The parameter monitoring levels for the reactor batch process vent condenser shall be set based on this design evaluation or performance test.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1413)

VI. Miscellaneous Requirements

1. Except as otherwise provided in 40 CFR 63.1416(b) [see Attachment 1], the permittee shall develop and implement a start-up, shutdown, and malfunction plan as specified in 40 CFR 63.6(e)(3) [see Attachment 3 and Table 1 in Attachment 1]. As specified in 40 CFR 63.1416(b)(1) [see Attachment 1], this plan shall require the permittee to maintain records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of process equipment, or control devices, or recovery devices, or continuous monitoring systems, or control technologies used to comply with Subpart OOO during which excess emissions (as defined in 40 CFR 63.1400(k)(4)) occur. The requirements of 40 CFR 63.1400(k)(1) through (4) [see Attachment 1], shall be met during periods of start-up, shutdown, malfunction, or non-operation.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(b))

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record Keeping Requirements

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Reactor #4 (Z018)

Activity Description: One of four reactor kettles used to produce liquid formaldehyde resins.

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
amino/phenolic resin processing unit, general provisions	OAC rule 3745-21-07(G)(9)(c)	See section A.I.2.a.
	40 CFR Part 63, Subpart A	See section A.I.2.b.
	40 CFR Part 63, Subpart OOO	See section A.I.2.c.
reactor batch process vent controlled by a condenser with spray wash system	OAC rule 3745-17-07(A)(1)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-11(B)(1)	1.8 lbs/hr of particulate emissions
	40 CFR Part 63, Subpart OOO	See section A.I.2.d.
heat exchange systems	40 CFR Part 63, Subpart OOO	See section A.I.2.e.
equipment leaks, controlled by equipment design and operating and maintenance programs	40 CFR Part 63, Subpart OOO	See section A.I.2.f.
storage vessels	40 CFR Part 63, Subpart OOO	See section A.I.2.g.

2. Additional Terms and Conditions

2.a This emissions unit is exempted from the requirements of OAC rule 3745-21-07(G)(2) by OAC rule 3745-21-07(G)(9)(c)(iii). The only volatile liquid organic material that shall be utilized in this emissions unit is formaldehyde, which is not a photochemically reactive material as that term is defined by OAC rule 3745-21-01(C)(5)(a).

2.b i. 40 CFR Part 63, Subpart A [see Attachment 3] provides applicability provisions, definitions, and other general provisions that are applicable to emissions units affected by 40 CFR Part 63.

ii. Table 1 of 40 CFR Part 63, Subpart OOO [see Attachment 1] specifies the provisions of 40 CFR Part 63, Subpart A that apply and those provisions that do not apply.

(Authority for term: 40 CFR 63.1400(j))

2. Additional Terms and Conditions (continued)

2.c The provisions of 40 CFR Part 63, Subpart OOO [see Attachment 1] apply to processes that produce amino/phenolic resins and that are located at a plant site that is a major source. This emissions unit is utilized to produce amino/phenolic resins at the BTLSR Toledo plant site, which is a major source of the hazardous air pollutant (HAP) formaldehyde. This emissions unit is therefore subject to the provisions of 40 CFR Part 63, Subpart OOO [see Attachment 1].

(Authority for term: 40 CFR 63.1400(a))

2.d Except as otherwise provided in 40 CFR 63.1406 [see Attachment 1], the permittee shall control organic HAP emissions from the reactor batch process vent by complying with either of the following:

i. reduce organic HAP emissions for the batch cycle by 83 weight percent using a condenser coil; or

ii. reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0567 pound of organic HAP per 1,000 pounds of product or less for solvent-based resin production, or to 0.0057 pound of organic HAP per 1,000 pounds of product or less for non-solvent-based resin production.

(Authority for term: 40 CFR 63.1406(a)(2))

2.e There are no applicable requirements for existing heat exchangers (cooling coils) with a minimum cooling water pressure more than 35 kilopascals greater than the maximum process side pressure.

(Authority for term: 40 CFR 63.1409(a)(1))

2.f Except as otherwise provided in 40 CFR Part 63, Subpart OOO [see Attachment 1], the permittee shall establish a leak detection and repair program which complies with the requirements of 40 CFR Part 63, Subpart UU [see Attachment 2]. These requirements are described in 40 CFR 63.1029 [see Attachment 2] and 63.1410 [see Attachment 1]. These requirements apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors and instrumentation systems in organic HAP service.

(Authority for term: 40 CFR 63.1410)

2.g There are no applicable requirements for existing storage vessels with a capacity of less than 50,000 gallons. The existing storage vessels include the following:

formaldehyde tank (Z009) - 14,600 gallons;
fuel oil tank (Z010) - 10,000 gallons;
PVA tank (Z011) - 14,600 gallons;
"A" system resin spray dryer (P001) tanks - 2 tanks at 1,500 gallons each;
"B" system resin spray dryer (P002) tanks - 2 tanks at 1,000 gallons each;
"C" system resin spray dryer (P003) tanks - 2 tanks at 5,000 gallons each;
MUS tanks - 2 tanks at 4,000 gallons each; and
Wet blend tank - 1,000 gallons.

(Authority for term: 40 CFR 63.1404(a))

II. Operational Restrictions

1. At all times that this emissions unit is in operation, the permittee shall operate the reactor cooling coil heat exchange system with a minimum pressure on the cooling water side at least 35 kilopascals greater than the maximum pressure on the process side.

(Authority for term: OAC rule 3745-77-07(A)(1))

II. Operational Restrictions (continued)

2. The permittee shall establish parameter monitoring levels for the reactor batch process vent condenser based on a design evaluation or performance test, in compliance with the requirements of 40 CFR 63.1413 [see Attachment 1] for small control devices. In compliance with Table 4 of 40 CFR Part 63, Subpart OOO [see Attachment 1], these parameter monitoring levels will include the maximum temperature of the gases exiting the condenser established to assure compliance with the emission reduction specified in Section A.I.2.d above.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1413(a)(1)(ii))

3. Except as otherwise provided in 40 CFR Part 63 Subpart OOO [see Attachment 1], the permittee shall operate each control device such that the daily average of monitored parameters, established as specified in the paragraphs above, remains below the maximum level, as appropriate.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1413(a)(4)(i))

4. The permittee shall comply with the requirements of 40 CFR Part 63, Subpart UU [see Attachment 2] from all equipment, as defined under 40 CFR 63.1402 [see Attachment 1], that contains or contacts 5 weight-percent HAP or greater and operates 300 hours per year or more. For this emissions unit, all equipment that contacts the formalin solution will be considered to be in heavy liquid service.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1410)

5. The permittee shall identify equipment subject to the equipment leak standards, in compliance with the requirements of 40 CFR 63.1022 [see Attachment 2].

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1022)

6. Except as otherwise provided in 40 CFR 63.1024 [see Attachment 2], the permittee shall repair each leak detected as soon as practical, but not later than 15 calendar days after it is detected. A first attempt at repair, as defined in 40 CFR 63.1024(a) [see Attachment 2], shall be made no later than 5 days after the leak is detected.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1024(a))

7. The permittee shall operate the condenser water wash system whenever this emissions unit is loading solid feed stock.

(Authority for term: OAC rule 3745-77-07(A)(1))

III. Monitoring and/or Record Keeping Requirements

1. The permittee shall operate and maintain equipment to monitor the pressure differential between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side while the emissions unit is in operation. The monitoring equipment shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manual(s). The permittee shall record the pressure differential on a daily basis.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1415)

2. The permittee shall operate and maintain a low pressure alarm system which will indicate by visible and audible means that the pressure differential between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side has dropped below the required 35 psia minimum. If the pressure differential drops below 35 psia, the permittee shall record the beginning and ending times of the deviation, and the actions taken to alleviate the deviation.

(Authority for term: OAC rule 3745-77-07(C)(1))

III. Monitoring and/or Record Keeping Requirements (continued)

3. Except as otherwise provided in 40 CFR 63.1413 [see Attachment 1], the permittee shall establish parameter monitoring levels by design evaluation, or during the performance test of, the reactor batch process vent condenser.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1413(a)(1)(ii))

4. Except as otherwise provided in 40 CFR 63.1415 [see Attachment 1], the permittee shall maintain and operate a reactor batch process vent condenser exit temperature monitoring device equipped with a continuous recorder. This monitoring equipment shall be in operation at all times when the emissions unit is in operation.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1415(a), (a)(1), (b)(3))

5. Except as otherwise provided in 40 CFR 63.1416 [see Attachment 1], the permittee shall maintain records of the daily average reactor batch process vent condenser exit temperature.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(c))

6. Except as otherwise provided in 40 CFR 63.1416(b) [see Attachment 1], the permittee shall maintain records of the occurrence and duration of each start-up, shutdown, or malfunction during which excess emissions (as defined in 40 CFR 63.1400(k)(4)) occur, records reflecting whether the procedures specified in the affected source's start-up, shutdown, and malfunction plan were followed and documentation of actions taken that are not consistent with the plan.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(b))

7. As provided in 40 CFR 63.1416(d) [see Attachment 1], where applicable the permittee shall maintain records of operation when monitors are not operating, operation of bypass lines, inspections and operation of the seal or closure mechanisms, and records specifying the times and duration of periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(d))

8. The permittee shall comply with the requirements of 40 CFR 63.1029 [see Attachment 2]. Pumps, valves, connectors, agitators, pressure relief devices, and instrumentation systems in heavy liquid service shall be monitored.

i. If evidence of a potential leak to the atmosphere is found by visual, audible, olfactory, or any other detection method, the equipment shall be repaired. Repaired shall mean that the visual, audible, olfactory, or other indications of a leak to the atmosphere have been eliminated; that no bubbles are observed at potential leak sites during a leak check using soap solution; or that the system will hold a test pressure.

ii. Within 5 days of a the detection of a potential leak, the equipment shall be monitored by instrument reading using Method 21 of 40 CFR Part 60, Appendix A, as specified in 40 CFR 63.1023 [see Attachment 2]. If an instrument reading of 10,000 parts per million or greater for agitators, 5,000 parts per million or greater for pumps handling polymerizing monomers, or 2,000 parts per million or greater for all other pumps, or 500 parts per million or greater for valves, connectors, instrumentation systems, and pressure relief devices is measured, a leak is detected and shall be repaired pursuant to 40 CFR 63.1024 [see Attachment 2], as applicable.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1029)

III. Monitoring and/or Record Keeping Requirements (continued)

9. For each leak detected, the information specified below shall be recorded and maintained:

i. the date of first attempt to repair the leak;

ii. the date of successful repair of the leak;

iii. the maximum instrument reading measured by Method 21 of 40 CFR Part 60, Appendix A at the time the leak is successfully repaired or determined to be nonrepairable;

iv. except as otherwise provided in 40 CFR 63.1024(f)(iv) [see Attachment 2], the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak; and

v. the dates of process unit or affected facility shutdowns that occur while the equipment is unrepaired.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1024(f))

10. The permittee shall prepare and implement a pump quality assurance program in compliance with 40 CFR 63.1035 [see Attachment 2]. If greater than 10 percent (or three pumps) leak, on a 6-month rolling average, the permittee shall comply with the QIP requirements. Additional record keeping requirements apply while the QIP is in effect.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1035)

11. The permittee shall maintain daily records that document any time periods when the condenser water wash system was not in service when the emissions unit was loading solid feed stock.

(Authority for term: OAC rule 3745-77-07(C)(1))

IV. Reporting Requirements

1. The permittee shall submit quarterly reports indicating any exceedances (deviations) of the pressure differential requirements (between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side), and when applicable, the information required under section A.III.2 above.

(Authority for term: OAC rule 3745-77-07(C)(1))

2. Except as otherwise provided in 40 CFR 63.1417 [see Attachment 1], the permittee shall submit semiannual reports indicating any exceedances of the maximum allowable daily average reactor batch process vent condenser exit temperature, and when applicable, the information required under 40 CFR 63.1416(d)(3)(ii) [see Attachment 1].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1417(f))

3. The permittee shall report the information specified in paragraphs (b)(1) through (b)(8) of 40 CFR 63.1039 [see Attachment 2], as applicable, including:

a. where any delay of repair is utilized pursuant to 40 CFR 63.1024(d) [see Attachment 2], that delay of repair has occurred and the number of instances of delay of repair;

b. if applicable, the initiation of a monthly monitoring program for valves pursuant to 40 CFR 63.1025(b)(3)(i) [see Attachment 2]; and

c. if applicable, the initiation of a quality improvement program for pumps pursuant to 40 CFR 63.1035 [see Attachment 2].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1039)

IV. Reporting Requirements (continued)

4. The permittee shall notify the Toledo Division of Environmental Services (TDOES) in writing of any daily record showing that the condenser water wash system was not in service when the emissions unit was loading solid feed stock. The notification shall include a copy of such record and shall be sent to the TDOES within 30 days after the event occurs.

(Authority for term: OAC rule 3745-77-07(C)(1))

V. Testing Requirements

1. Compliance with the emission limitations in sections A.I.1 and A.I.2 shall be determined in accordance with the following methods:

1.a Emission Limitation:

Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

Compliance shall be demonstrated based upon visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(1).

(Authority for term: OAC rule 3745-17-03(B)(1) and OAC rule 3745-77-07(C)(1))

1.b Emission Limitation:

1.8 lbs/hr of particulate emissions

Applicable Compliance Method:

Compliance shall be demonstrated based upon emission testing performed in accordance with the procedures specified in Methods 1 through 5 of 40 CFR Part 60, Appendix A.

(Authority for term: OAC rule 3745-17-03(B)(10) and OAC rule 3745-77-07(C)(1))

1.c Emission Limitation:

i. reduce organic HAP emissions for the batch cycle by 83 weight percent using a condenser coil; or

ii. reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0567 pound of organic HAP per 1,000 pounds of product or less for solvent-based resin production, or to 0.0057 pound of organic HAP per 1,000 pounds of product or less for non-solvent-based resin production.

Applicable Compliance Method:

If required, compliance shall be demonstrated based upon emission testing performed in accordance with the procedures specified in 40 CFR 63.1414 [see Attachment 1].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1414)

V. Testing Requirements (continued)

2. The permittee shall conduct a design evaluation for the reactor batch process vent condenser in compliance with the requirements of 40 CFR 63.1413 [see Attachment 1] for a small control device. In compliance with 40 CFR 63.1413(a)(3) the design evaluation shall consider the composition and organic HAP concentration of the vent stream, vent stream flow rate, relative humidity, and temperature and shall establish the operating parameters of the control device, design outlet organic HAP compound concentration level, design average temperature of the condenser exhaust vent stream, and the design average temperatures of the coolant fluid at the condenser inlet and outlet. The temperature of the gas stream exiting the condenser shall be measured and used to establish the outlet organic HAP concentration. The permittee may elect as an alternate to conduct a performance test for a small control device and such a performance test shall follow the procedures specified in 40 CFR 63.1413, as appropriate. The parameter monitoring levels for the reactor batch process vent condenser shall be set based on this design evaluation or performance test.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1413)

VI. Miscellaneous Requirements

1. Except as otherwise provided in 40 CFR 63.1416(b) [see Attachment 1], the permittee shall develop and implement a start-up, shutdown, and malfunction plan as specified in 40 CFR 63.6(e)(3) [see Attachment 3 and Table 1 in Attachment 1]. As specified in 40 CFR 63.1416(b)(1) [see Attachment 1], this plan shall require the permittee to maintain records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of process equipment, or control devices, or recovery devices, or continuous monitoring systems, or control technologies used to comply with Subpart OOO during which excess emissions (as defined in 40 CFR 63.1400(k)(4)) occur. The requirements of 40 CFR 63.1400(k)(1) through (4) [see Attachment 1], shall be met during periods of start-up, shutdown, malfunction, or non-operation.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(b))

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record Keeping Requirements

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Reactor #5 (Z019)

Activity Description: One of four reactor kettles used to produce liquid formaldehyde resins.

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
amino/phenolic resin processing unit, general provisions	OAC rule 3745-21-07(G)(9)(c)	See section A.I.2.a.
	40 CFR Part 63, Subpart A	See section A.I.2.b.
	40 CFR Part 63, Subpart OOO	See section A.I.2.c.
reactor batch process vent controlled by a condenser with spray wash system	OAC rule 3745-17-07(A)(1)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-17-11(B)(1)	1.8 lbs/hr of particulate emissions
	40 CFR Part 63, Subpart OOO	See section A.I.2.d.
heat exchange systems	40 CFR Part 63, Subpart OOO	See section A.I.2.e.
equipment leaks, controlled by equipment design and operating and maintenance programs	40 CFR Part 63, Subpart OOO	See section A.I.2.f.
storage vessels	40 CFR Part 63, Subpart OOO	See section A.I.2.g.

2. Additional Terms and Conditions

2.a This emissions unit is exempted from the requirements of OAC rule 3745-21-07(G)(2) by OAC rule 3745-21-07(G)(9)(c)(iii). The only volatile liquid organic material that shall be utilized in this emissions unit is formaldehyde, which is not a photochemically reactive material as that term is defined by OAC rule 3745-21-01(C)(5)(a).

2.b i. 40 CFR Part 63, Subpart A [see Attachment 3] provides applicability provisions, definitions, and other general provisions that are applicable to emissions units affected by 40 CFR Part 63.

ii. Table 1 of 40 CFR Part 63, Subpart OOO [see Attachment 1] specifies the provisions of 40 CFR Part 63, Subpart A that apply and those provisions that do not apply.

(Authority for term: 40 CFR 63.1400(j))

2. Additional Terms and Conditions (continued)

2.c The provisions of 40 CFR Part 63, Subpart OOO [see Attachment 1] apply to processes that produce amino/phenolic resins and that are located at a plant site that is a major source. This emissions unit is utilized to produce amino/phenolic resins at the BTLSR Toledo plant site, which is a major source of the hazardous air pollutant (HAP) formaldehyde. This emissions unit is therefore subject to the provisions of 40 CFR Part 63, Subpart OOO [see Attachment 1].

(Authority for term: 40 CFR 63.1400(a))

2.d Except as otherwise provided in 40 CFR 63.1406 [see Attachment 1], the permittee shall control organic HAP emissions from the reactor batch process vent by complying with either of the following:

i. reduce organic HAP emissions for the batch cycle by 83 weight percent using a condenser coil; or

ii. reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0567 pound of organic HAP per 1,000 pounds of product or less for solvent-based resin production, or to 0.0057 pound of organic HAP per 1,000 pounds of product or less for non-solvent-based resin production.

(Authority for term: 40 CFR 63.1406(a)(2))

2.e There are no applicable requirements for existing heat exchangers (cooling coils) with a minimum cooling water pressure more than 35 kilopascals greater than the maximum process side pressure.

(Authority for term: 40 CFR 63.1409(a)(1))

2.f Except as otherwise provided in 40 CFR Part 63, Subpart OOO [see Attachment 1], the permittee shall establish a leak detection and repair program which complies with the requirements of 40 CFR Part 63, Subpart UU [see Attachment 2]. These requirements are described in 40 CFR 63.1029 [see Attachment 2] and 63.1410 [see Attachment 1]. These requirements apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors and instrumentation systems in organic HAP service.

(Authority for term: 40 CFR 63.1410)

2.g There are no applicable requirements for existing storage vessels with a capacity of less than 50,000 gallons. The existing storage vessels include the following:

formaldehyde tank (Z009) - 14,600 gallons;
fuel oil tank (Z010) - 10,000 gallons;
PVA tank (Z011) - 14,600 gallons;
"A" system resin spray dryer (P001) tanks - 2 tanks at 1,500 gallons each;
"B" system resin spray dryer (P002) tanks - 2 tanks at 1,000 gallons each;
"C" system resin spray dryer (P003) tanks - 2 tanks at 5,000 gallons each;
MUS tanks - 2 tanks at 4,000 gallons each; and
Wet blend tank - 1,000 gallons.

(Authority for term: 40 CFR 63.1404(a))

II. Operational Restrictions

1. At all times that this emissions unit is in operation, the permittee shall operate the reactor cooling coil heat exchange system with a minimum pressure on the cooling water side at least 35 kilopascals greater than the maximum pressure on the process side.

(Authority for term: OAC rule 3745-77-07(A)(1))

II. Operational Restrictions (continued)

2. The permittee shall establish parameter monitoring levels for the reactor batch process vent condenser based on a design evaluation or performance test, in compliance with the requirements of 40 CFR 63.1413 [see Attachment 1] for small control devices. In compliance with Table 4 of 40 CFR Part 63, Subpart OOO [see Attachment 1], these parameter monitoring levels will include the maximum temperature of the gases exiting the condenser established to assure compliance with the emission reduction specified in Section A.I.2.d above.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1413(a)(1)(ii))

3. Except as otherwise provided in 40 CFR Part 63 Subpart OOO [see Attachment 1], the permittee shall operate each control device such that the daily average of monitored parameters, established as specified in the paragraphs above, remains below the maximum level, as appropriate.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1413(a)(4)(i))

4. The permittee shall comply with the requirements of 40 CFR Part 63, Subpart UU [see Attachment 2] from all equipment, as defined under 40 CFR 63.1402 [see Attachment 1], that contains or contacts 5 weight-percent HAP or greater and operates 300 hours per year or more. For this emissions unit, all equipment that contacts the formalin solution will be considered to be in heavy liquid service.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1410)

5. The permittee shall identify equipment subject to the equipment leak standards, in compliance with the requirements of 40 CFR 63.1022 [see Attachment 2].

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1022)

6. Except as otherwise provided in 40 CFR 63.1024 [see Attachment 2], the permittee shall repair each leak detected as soon as practical, but not later than 15 calendar days after it is detected. A first attempt at repair, as defined in 40 CFR 63.1024(a) [see Attachment 2], shall be made no later than 5 days after the leak is detected.

(Authority for term: OAC rule 3745-77-07(A)(1) and 40 CFR 63.1024(a))

7. The permittee shall operate the condenser water wash system whenever this emissions unit is loading solid feed stock.

(Authority for term: OAC rule 3745-77-07(A)(1))

III. Monitoring and/or Record Keeping Requirements

1. The permittee shall operate and maintain equipment to monitor the pressure differential between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side while the emissions unit is in operation. The monitoring equipment shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manual(s). The permittee shall record the pressure differential on a daily basis.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1415)

2. The permittee shall operate and maintain a low pressure alarm system which will indicate by visible and audible means that the pressure differential between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side has dropped below the required 35 psia minimum. If the pressure differential drops below 35 psia, the permittee shall record the beginning and ending times of the deviation, and the actions taken to alleviate the deviation.

(Authority for term: OAC rule 3745-77-07(C)(1))

III. Monitoring and/or Record Keeping Requirements (continued)

3. Except as otherwise provided in 40 CFR 63.1413 [see Attachment 1], the permittee shall establish parameter monitoring levels by design evaluation, or during the performance test of, the reactor batch process vent condenser.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1413(a)(1)(ii))

4. Except as otherwise provided in 40 CFR 63.1415 [see Attachment 1], the permittee shall maintain and operate a reactor batch process vent condenser exit temperature monitoring device equipped with a continuous recorder. This monitoring equipment shall be in operation at all times when the emissions unit is in operation.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1415(a), (a)(1), (b)(3))

5. Except as otherwise provided in 40 CFR 63.1416 [see Attachment 1], the permittee shall maintain records of the daily average reactor batch process vent condenser exit temperature.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(c))

6. Except as otherwise provided in 40 CFR 63.1416(b) [see Attachment 1], the permittee shall maintain records of the occurrence and duration of each start-up, shutdown, or malfunction during which excess emissions (as defined in 40 CFR 63.1400(k)(4)) occur, records reflecting whether the procedures specified in the affected source's start-up, shutdown, and malfunction plan were followed and documentation of actions taken that are not consistent with the plan.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(b))

7. As provided in 40 CFR 63.1416(d) [see Attachment 1], where applicable the permittee shall maintain records of operation when monitors are not operating, operation of bypass lines, inspections and operation of the seal or closure mechanisms, and records specifying the times and duration of periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(d))

8. The permittee shall comply with the requirements of 40 CFR 63.1029 [see Attachment 2]. Pumps, valves, connectors, agitators, pressure relief devices, and instrumentation systems in heavy liquid service shall be monitored.

i. If evidence of a potential leak to the atmosphere is found by visual, audible, olfactory, or any other detection method, the equipment shall be repaired. Repaired shall mean that the visual, audible, olfactory, or other indications of a leak to the atmosphere have been eliminated; that no bubbles are observed at potential leak sites during a leak check using soap solution; or that the system will hold a test pressure.

ii. Within 5 days of a the detection of a potential leak, the equipment shall be monitored by instrument reading using Method 21 of 40 CFR Part 60, Appendix A, as specified in 40 CFR 63.1023 [see Attachment 2]. If an instrument reading of 10,000 parts per million or greater for agitators, 5,000 parts per million or greater for pumps handling polymerizing monomers, or 2,000 parts per million or greater for all other pumps, or 500 parts per million or greater for valves, connectors, instrumentation systems, and pressure relief devices is measured, a leak is detected and shall be repaired pursuant to 40 CFR 63.1024 [see Attachment 2], as applicable.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1029)

III. Monitoring and/or Record Keeping Requirements (continued)

9. For each leak detected, the information specified below shall be recorded and maintained:

i. the date of first attempt to repair the leak;

ii. the date of successful repair of the leak;

iii. the maximum instrument reading measured by Method 21 of 40 CFR Part 60, Appendix A at the time the leak is successfully repaired or determined to be nonrepairable;

iv. except as otherwise provided in 40 CFR 63.1024(f)(iv) [see Attachment 2], the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak; and

v. the dates of process unit or affected facility shutdowns that occur while the equipment is unrepaired.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1024(f))

10. The permittee shall prepare and implement a pump quality assurance program in compliance with 40 CFR 63.1035 [see Attachment 2]. If greater than 10 percent (or three pumps) leak, on a 6-month rolling average, the permittee shall comply with the QIP requirements. Additional record keeping requirements apply while the QIP is in effect.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1035)

11. The permittee shall maintain daily records that document any time periods when the condenser water wash system was not in service when the emissions unit was loading solid feed stock.

(Authority for term: OAC rule 3745-77-07(C)(1))

IV. Reporting Requirements

1. The permittee shall submit quarterly reports indicating any exceedances (deviations) of the pressure differential requirements (between the reactor cooling coil heat exchange system on the cooling water side and the pressure on the process side), and when applicable, the information required under section A.III.2 above.

(Authority for term: OAC rule 3745-77-07(C)(1))

2. Except as otherwise provided in 40 CFR 63.1417 [see Attachment 1], the permittee shall submit semiannual reports indicating any exceedances of the maximum allowable daily average reactor batch process vent condenser exit temperature, and when applicable, the information required under 40 CFR 63.1416(d)(3)(ii) [see Attachment 1].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1417(f))

3. The permittee shall report the information specified in paragraphs (b)(1) through (b)(8) of 40 CFR 63.1039 [see Attachment 2], as applicable, including:

a. where any delay of repair is utilized pursuant to 40 CFR 63.1024(d) [see Attachment 2], that delay of repair has occurred and the number of instances of delay of repair;

b. if applicable, the initiation of a monthly monitoring program for valves pursuant to 40 CFR 63.1025(b)(3)(i) [see Attachment 2]; and

c. if applicable, the initiation of a quality improvement program for pumps pursuant to 40 CFR 63.1035 [see Attachment 2].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1039)

IV. Reporting Requirements (continued)

4. The permittee shall notify the Toledo Division of Environmental Services (TDOES) in writing of any daily record showing that the condenser water wash system was not in service when the emissions unit was loading solid feed stock. The notification shall include a copy of such record and shall be sent to the TDOES within 30 days after the event occurs.

(Authority for term: OAC rule 3745-77-07(C)(1))

V. Testing Requirements

1. Compliance with the emission limitations in sections A.I.1 and A.I.2 shall be determined in accordance with the following methods:

1.a Emission Limitation:

Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.

Applicable Compliance Method:

Compliance shall be demonstrated based upon visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(1).

(Authority for term: OAC rule 3745-17-03(B)(1) and OAC rule 3745-77-07(C)(1))

1.b Emission Limitation:

1.8 lbs/hr of particulate emissions

Applicable Compliance Method:

Compliance shall be demonstrated based upon emission testing performed in accordance with the procedures specified in Methods 1 through 5 of 40 CFR Part 60, Appendix A.

(Authority for term: OAC rule 3745-17-03(B)(10) and OAC rule 3745-77-07(C)(1))

1.c Emission Limitation:

i. reduce organic HAP emissions for the batch cycle by 83 weight percent using a condenser coil; or

ii. reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0567 pound of organic HAP per 1,000 pounds of product or less for solvent-based resin production, or to 0.0057 pound of organic HAP per 1,000 pounds of product or less for non-solvent-based resin production.

Applicable Compliance Method:

If required, compliance shall be demonstrated based upon emission testing performed in accordance with the procedures specified in 40 CFR 63.1414 [see Attachment 1].

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1414)

V. Testing Requirements (continued)

2. The permittee shall conduct a design evaluation for the reactor batch process vent condenser in compliance with the requirements of 40 CFR 63.1413 [see Attachment 1] for a small control device. In compliance with 40 CFR 63.1413(a)(3) the design evaluation shall consider the composition and organic HAP concentration of the vent stream, vent stream flow rate, relative humidity, and temperature and shall establish the operating parameters of the control device, design outlet organic HAP compound concentration level, design average temperature of the condenser exhaust vent stream, and the design average temperatures of the coolant fluid at the condenser inlet and outlet. The temperature of the gas stream exiting the condenser shall be measured and used to establish the outlet organic HAP concentration. The permittee may elect as an alternate to conduct a performance test for a small control device and such a performance test shall follow the procedures specified in 40 CFR 63.1413, as appropriate. The parameter monitoring levels for the reactor batch process vent condenser shall be set based on this design evaluation or performance test.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1413)

VI. Miscellaneous Requirements

1. Except as otherwise provided in 40 CFR 63.1416(b) [see Attachment 1], the permittee shall develop and implement a start-up, shutdown, and malfunction plan as specified in 40 CFR 63.6(e)(3) [see Attachment 3 and Table 1 in Attachment 1]. As specified in 40 CFR 63.1416(b)(1) [see Attachment 1], this plan shall require the permittee to maintain records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of process equipment, or control devices, or recovery devices, or continuous monitoring systems, or control technologies used to comply with Subpart OOO during which excess emissions (as defined in 40 CFR 63.1400(k)(4)) occur. The requirements of 40 CFR 63.1400(k)(1) through (4) [see Attachment 1], shall be met during periods of start-up, shutdown, malfunction, or non-operation.

(Authority for term: OAC rule 3745-77-07(C)(1) and 40 CFR 63.1416(b))

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures

2. Additional Terms and Conditions

None

II. Operational Restrictions

None

III. Monitoring and/or Record Keeping Requirements

None

IV. Reporting Requirements

None

V. Testing Requirements

None

VI. Miscellaneous Requirements

None

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40 CFR Part 63, Subpart OOO **National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins**

40 CFR 63.1400 Applicability and designation of affected sources.

40 CFR 63.1400(a)
(a) Applicability.

The provisions of this subpart apply to the owner or operator of processes that produce amino/phenolic resins and that are located at a plant site that is a major source as defined in §63.2.

40 CFR 63.1400(b)
(b) Affected source.

The affected source is:

40 CFR 63.1400(b)(1)
(1) The total of all amino/phenolic resin process units (APPU);

40 CFR 63.1400(b)(2)
(2) The associated heat exchange systems;

40 CFR 63.1400(b)(3)
(3) Equipment required by, or utilized as a method of compliance with, this subpart which may include control devices and recovery devices;

40 CFR 63.1400(b)(4)
(4) Equipment that does not contain organic hazardous air pollutants (HAPs) and is located within an APPU that is part of an affected source;

40 CFR 63.1400(b)(5)
(5) Vessels and equipment storing and/or handling material that contain no organic HAP and/or organic HAP as impurities only;

40 CFR 63.1400(b)(6)
(6) Equipment that is intended to operate in organic HAP service for less than 300 hours during the calendar year;

40 CFR 63.1400(b)(7)
(7) Each waste management unit; and

40 CFR 63.1400(b)(8)

(8) Maintenance wastewater.

40 CFR 63.1400(c)

(c) Existing affected source.

The affected source to which the existing source provisions of this subpart apply is defined in paragraph (b) of this section.

40 CFR 63.1400(d)

(d) New affected source.

The affected source to which the new source provisions of this subpart apply is:

40 CFR 63.1400(d)(1)

(1) Each affected source defined in paragraph (b) of this section that commences construction or reconstruction after December 14, 1998;

40 CFR 63.1400(d)(2)

(2) Each additional group of one or more APPU and associated heat exchange systems that has the potential to emit 10 tons per year or more of any organic HAP or 25 tons per year or more of any combination of organic HAP that commences construction after December 14, 1998; or

40 CFR 63.1400(d)(3)

(3) Each group of one or more process units and associated heat exchange systems that are converted to APPUs after December 14, 1998, that has the potential to emit 10 tons per year or more of any organic HAP or 25 tons per year or more of any combination of organic HAP.

40 CFR 63.1400(e)

(e) APPUs without organic HAP.

An APPU that is part of an affected source, as defined in paragraph (c) or (d) of this section, but that does not use or manufacture any organic HAP, is not subject to any other provisions of this subpart and is not required to comply with the provisions of subpart A of this part. When requested by the Administrator, the owner or operator shall demonstrate that the APPU does not use or manufacture any organic HAP. Types of information that could document this determination include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

40 CFR 63.1400(f)

(f) Exemption from equipment leak provisions.

Affected sources with actual annual production of amino/phenolic res in equal to or less than 800 megagrams per year (Mg/yr) for the 12-month period preceding December 14, 1998 are exempt from the equipment leak provisions specified in §63.1410. The owner or operator utilizing this exemption shall recheck the actual annual production of amino/phenolic resins for each 12-month period following December 14, 1998. The beginning of each 12-month period shall be the anniversary of December 14, 1998. If the actual annual production of amino/phenolic resins is greater than 800 Mg/yr for any 12-month period, the owner or operator shall comply with §63.1410 for the life of the affected source or until the affected source is no longer subject to the provisions of this subpart.

40 CFR 63.1400(g)

(g) Primary product determination and applicability.

For purposes of this paragraph, amino resins and phenolic resins shall be considered to be the same product and production time or production mass of amino and phenolic resins shall be combined for purposes of determining the primary product under this paragraph (g). If the owner or operator determines that a process unit is not an APPU under paragraphs (g)(1) through (4) of this section, the owner or operator shall, when requested by the Administrator, demonstrate that the process unit is not an APPU.

40 CFR 63.1400(g)(1)

(1) Applicability determinations for process units producing multiple products.

A process unit that produces more than one intended product at the same time is an APPU if amino/phenolic resin production accounts for the greatest percent of the annual design capacity on a mass basis. If a process unit has the same annual design capacity on a mass basis for two or more products, the process unit shall be an APPU if amino/phenolic resins are one of those products.

40 CFR 63.1400(g)(2)

(2) Flexible operations process unit determination based on operating time.

A flexible operations process unit is an APPU if amino/phenolic resins will be produced for the greatest operating time over the 5 years following December 14, 1998 at existing process units, or for the first year after the process unit begins production of any product for new process units.

40 CFR 63.1400(g)(3)

(3) Flexible operations process unit determination based on mass production basis.

A flexible operations process unit that will manufacture multiple products equally based on operating time is an APPU if amino/phenolic resins account for the greatest percentage of the expected production on a mass basis over the 5 years

following December 14, 1998 at existing process units, or for the first year after the process unit begins production of any product for new process units.

40 CFR 63.1400(g)(4)

(4) Flexible operations process unit default determination.

If the owner or operator cannot determine whether or not amino/phenolic resins are the primary product of a flexible operations process unit in accordance with paragraphs (g)(2) and (3) of this section, the flexible operations process unit shall be designated as an APPU if amino/phenolic resins were produced for 5 percent or greater of the total operating time since December 14, 1998 for existing process units. The flexible operations process unit shall be designated as an APPU if the owner or operator anticipates that amino/phenolic resins will be manufactured in the flexible operations process unit at any time in the first year after the date the unit begins production of any product for new process units.

40 CFR 63.1400(g)(5)

(5) Annual applicability determination for non-APPUs that have produced amino/phenolic resins.

Once per year beginning December 14, 2003, the owner or operator of each flexible operations process unit that is not designated as an APPU, but that has produced amino/phenolic resins at any time in the preceding 5-year period or since the date that the unit began production of any product, whichever is shorter, shall perform an evaluation to determine whether the process unit has become an APPU. A flexible operations process unit has become an APPU if amino/phenolic resins were produced for the greatest operating time over the preceding 5-year period or since the date that the process unit began production of any product, whichever is shorter.

40 CFR 63.1400(g)(6)

(6) Applicability determination for non-APPUs that have not produced amino/phenolic resins.

The owner or operator that anticipates the production of amino/phenolic resins in a process unit that is not designated as an APPU, and in which no amino/phenolic resins have been produced in the previous 5-year period or since the date that the process unit began production of any product, whichever is shorter, shall determine if the process unit will become an APPU. The owner or operator shall use the procedures in paragraphs (g)(1) through (4) of this section to determine if the process unit is designated as an APPU, with the following exception: for existing process units, production shall be projected for the 5 years following the date that the owner or operator anticipates initiating the production of amino/phenolic resins, instead of the 5 years following December 14, 1998.

40 CFR 63.1400(g)(7)

(7) Redetermination of applicability to APPU that are flexible operations process units.

Whenever changes in production occur that could reasonably be expected to cause a flexible operations process unit to no longer be an APPU (i.e., amino/phenolic resins will no longer be the primary product according to the determination procedures in paragraphs (g)(2) through (4)of this section), the owner or operator shall reevaluate the status of the process unit as an APPU. A flexible operations process unit has ceased to be an APPU subject to this subpart if the following criteria are met:

40 CFR 63.1400(g)(7)(i)

(i) If amino/phenolic resins were not produced for the greatest operating time over the preceding 5-year period or since the date that the process unit began production of any product, whichever is shorter;

40 CFR 63.1400(g)(7)(ii)

(ii) If the new primary product, which is not amino/phenolic resins, is subject to another subpart of this part; and

40 CFR 63.1400(g)(7)(iii)

(iii) If the owner or operator has notified the Administrator of the pending change in status for the flexible operations process unit, as specified in §63.1417(h)(4).

40 CFR 63.1400(g)(8)

(8) APPU terminating production of all amino/phenolic resins.

If an APPU terminates the production of all amino/phenolic resins and does not anticipate the production of any amino/phenolic resins in the future, the process unit is no longer an APPU and is not subject to this subpart after notification is made to the Administrator, as specified in §63.1417(h)(4).

40 CFR 63.1400(h)

(h) Storage vessel applicability determination.

The owner or operator of a storage vessel at a new affected source shall determine assignment to a process unit as follows:

40 CFR 63.1400(h)(1)

(1) If a storage vessel is already subject to another subpart of part 63 on January 20, 2000, said storage vessel shall continue to be assigned to the process unit subject to the other subpart.

40 CFR 63.1400(h)(2)

(2) If a storage vessel is dedicated to a single process unit, the storage vessel shall be assigned to that process unit.

40 CFR 63.1400(h)(3)

(3) If a storage vessel is shared among process units, then the storage vessel shall be assigned to that process unit located on the same plant site as the storage vessel that has the greatest input into or output from the storage vessel (i.e., said process unit has the predominant use of the storage vessel).

40 CFR 63.1400(h)(4)

(4) If predominant use cannot be determined for a storage vessel that is shared among process units, and if one or more of those process units is an APPU subject to this subpart, the storage vessel shall be assigned to any of the APPUs.

40 CFR 63.1400(h)(5)

(5) [Reserved]

40 CFR 63.1400(h)(6)

(6) If the predominant use of a storage vessel varies from year to year, then predominant use shall be determined based on the use as follows:

40 CFR 63.1400(h)(6)(i)

(i) For existing affected sources, use shall be determined based on the following:

40 CFR 63.1400(h)(6)(i)(A)

(A) The year preceding January 20, 2000; or

40 CFR 63.1400(h)(6)(i)(B)

(B) The expected use for the 5 years following January 20, 2000.

40 CFR 63.1400(h)(6)(ii)

(ii) For new affected sources, use shall be determined based on the first 5 years after initial start-up.

40 CFR 63.1400(h)(7)

(7) Where the storage vessel is located in a tank farm (including a marine tank farm), the assignment of the storage vessel shall be determined according to paragraphs (h)(7)(i) and (ii) of this section. Only those storage vessels where a portion or all of the input into or output from the storage vessel is hardpiped directly to one or more process units are covered by this paragraph.

40 CFR 63.1400(h)(7)(i)

(i) The storage vessel is assigned to a process unit if the product or raw material entering or leaving the process unit flows directly into (or from)the storage vessel in the tank farm without passing through any intervening storage vessel. An intervening storage vessel means a storage vessel connected by hardpiping both to the process unit and to the storage vessel in the tank farm.

40 CFR 63.1400(h)(7)(ii)

(ii) If there are two or more process units that meet the criteria of paragraph (h)(7)(i) of this section with respect to a storage vessel, the storage vessel shall be assigned to one of those process units according to the provisions of paragraphs (h)(3) through (6) of this section.

40 CFR 63.1400(h)(8)

(8) If the storage vessel begins receiving material from (or sending material to) a process unit that was not included in the initial determination, or ceases to receive material from (or send material to) a process unit, the owner or operator shall reevaluate the applicability of this subpart to the storage vessel according to the procedures in paragraphs (h)(3) through (7) of this section.

40 CFR 63.1400(i)

(i) Applicability of other subparts to this subpart.Paragraphs (i)(1) through (5) describe the applicability of other subparts to this subpart.

40 CFR 63.1400(i)(1)

(1) After the compliance dates specified in this section, a storage vessel that is assigned to an affected source subject to this subpart that is also subject to and complying with the provisions of 40 CFR part 60, subpart Kb, shall continue to comply with 40 CFR part 60, subpart Kb. After the compliance dates specified in this section, a storage vessel that is assigned to an affected source subject to this subpart that is also subject to the provisions of 40 CFR part 60, subpart Kb, but the owner or operator has not been required to apply controls as part of complying with 40 CFR part 60, subpart Kb, is required to comply only with the provisions of this subpart. After the compliance dates specified in this section, said storage vessel shall no longer be subject to 40 CFR part 60, subpart Kb.

40 CFR 63.1400(i)(2)

(2) Affected sources subject to this subpart that are also subject to the provisions of subpart Q of this part shall comply with both subparts.

40 CFR 63.1400(i)(3)

(3) After the compliance dates specified in this section, an affected source subject to this subpart that is also subject to the provisions of 40 CFR part 60, subpart VV, or the provisions of subpart H of this part, is required to comply only with the

provisions of this subpart. After the compliance dates specified in this section, said source shall no longer be subject to 40 CFR part 60, subpart VV, or subpart H of this part, as appropriate.

40 CFR 63.1400(i)(4)

(4) After the applicable compliance date specified in this subpart, if a heat exchange system subject to this subpart is also subject to a standard identified in paragraph (i)(4)(i) or (ii) of this section, compliance with the applicable provisions of the standard identified in paragraph (i)(4)(i) or (ii) of this section shall constitute compliance with the applicable provisions of this subpart with respect to that heat exchange system.

40 CFR 63.1400(i)(4)(i)

(i) Subpart F of this part.

40 CFR 63.1400(i)(4)(ii)

(ii) A subpart of this part that requires compliance with §63.104 (e.g., subpart U of this part).

40 CFR 63.1400(i)(5)

(5) After the compliance dates specified in this subpart, if any combustion device, recovery device or recapture device subject to this subpart is also subject to monitoring, recordkeeping, and reporting requirements in 40 CFR part 264, subparts AA, BB, or CC, or is subject to monitoring and recordkeeping requirements in 40 CFR part 265, subparts AA, BB, or CC, and the owner or operator complies with the periodic reporting requirements under 40 CFR part 264, subparts AA, BB, or CC, that would apply to the device if the facility had final-permitted status, the owner or operator may elect to comply either with the monitoring, recordkeeping and reporting requirements of this subpart, or with the monitoring, recordkeeping and reporting requirements in 40 CFR parts 264 and/or 265, as described in this paragraph, which shall constitute compliance with the monitoring, recordkeeping and reporting requirements of this subpart. If the owner or operator elects to comply with the monitoring, recordkeeping, and reporting requirements in 40 CFR parts 264 and/or 265, the owner or operator shall report all information required by §63.1417(f), Periodic Reports, as part of complying with the requirements of 40 CFR parts 264 and/or 265.

40 CFR 63.1400(j)

(j) Applicability of General Provisions.

Table 1 of this subpart specifies the provisions of subpart A of this part that apply and do not apply to owners and operators of affected sources subject to this subpart.

40 CFR 63.1400(k)

(k) Applicability of this subpart during periods of start-up, shutdown, malfunction, or non-operation.Paragraphs (k)(1) through (4) of this section shall be followed during periods of start-up, shutdown, malfunction, or non-operation of the affected source or any part thereof.

40 CFR 63.1400(k)(1)

(1) The emission limitations set forth in this subpart and the emission limitations referred to in this subpart shall apply at all times except during periods of non-operation of the affected source (or specific portion thereof) resulting in cessation of the emissions to which this subpart applies. The emission limitations of this subpart and the emission limitations referred to in this subpart shall not apply during periods of start-up, shutdown, or malfunction. During periods of start-up, shutdown, or malfunction, the owner or operator shall follow the applicable provisions of the start-up, shutdown, and malfunction plan required by §63.6(e)(3). However, if a start-up, shutdown, malfunction, or period of non-operation of one portion of an affected source does not affect the ability of a particular emission point to comply with the emission limitations to which it is subject, then that emission point shall still be required to comply with the applicable emission limitations of this subpart during the start-up, shutdown, malfunction, or period of non-operation. For example, if there is an overpressure in the reactor area, a storage vessel that is part of the affected source would still be required to be controlled in accordance with §63.1404.

40 CFR 63.1400(k)(2)

(2) The emission limitations set forth in 40 CFR part 63, subpart UU, as referred to in §63.1410, shall apply at all times except during periods of non-opera tion of the affected source (or specific portion thereof) in which the lines are drained and depressurized resulting in cessation of the emissions to which §63.1410 applies, or during periods of start-up, shutdown, malfuncton, or process unit shutdown. During periods of start-up, shutdown, malfunction, or process unit shutdown, the owner or operator shall follow the applicable provisions of the start-up, shutdown, and malfunction plan required by §63.6(e)(3).

40 CFR 63.1400(k)(3)

(3) The owner or operator shall not shut down items of equipment that are required or utilized for compliance with this subpart during periods of start-up, shutdown, or malfunction; or during times when emissions are being routed to such items of equipment if the shutdown would contravene requirements of this subpart applicable to such items of equipment. This paragraph does not apply if the item of equipment is malfunctioning. This paragraph also does not apply if the owner or operator shuts down the compliance equipment (other than monitoring systems) to avoid damage due to a contemporaneous start-up, shutdown, or malfunction of the affected source or portion thereof. If the owner or operator has reason to believe that monitoring equipment would be damaged due to a

contemporaneous start-up, shutdown, or malfunction of the affected source or portion thereof, the owner or operator shall provide documentation supporting such a claim in the Precompliance Report as provided in §63.1417(d)(9) or in a supplement to the Precompliance Report. Once approved by the Administrator in accordance with §63.1417(d)(9), the provision for ceasing to collect, during a start-up, shutdown, or malfunction, monitoring data that would otherwise be required by the provisions of this subpart shall be incorporated into the start-up, shutdown, malfunction plan for the affected source, as stated in paragraph (k) of this section.

40 CFR 63.1400(k)(4)

(4) During start-ups, shutdowns, and malfunctions when the emission limitations of this subpart do not apply pursuant to paragraphs (k)(1) through (3) of this section, the owner or operator shall implement, to the extent reasonably available, measures to prevent or minimize excess emissions to the extent practical. For purposes of this paragraph, the term "excess emissions" means emissions in excess of those that would have occurred if there were no start-up, shutdown, or malfunction and the owner or operator complied with the relevant provisions of this subpart. The measures to be taken shall be identified in the applicable start-up, shutdown, and malfunction plan, and may include, but are not limited to, air pollution control technologies, recovery technologies, work practices, pollution prevention, monitoring, and/or changes in the manner of operation of the affected source. Back-up control devices are not required, but may be used if available.

40 CFR 63.1401 Compliance schedule.

40 CFR 63.1401(a)

(a) New affected sources that commence construction or reconstruction after December 14, 1998, shall be in compliance with this subpart upon initial start-up or January 20, 2000, whichever is later.

40 CFR 63.1401(b)

(b) Existing affected sources shall be in compliance with this subpart no later than 3 years after January 20, 2000.

40 CFR 63.1401(c)

(c) If an affected source using the exemption provided in §63.1400(f) has an actual annual production of amino/phenolic resins exceeding 800 Mg/yr for any 12-month period, the owner or operator shall comply with the provisions of §63.1410 for the affected source within 3 years. The starting point for the 3-year compliance time period shall be the end of the 12-month period in which actual annual production for amino/phenolic resins exceeds 800 Mg/yr.

40 CFR 63.1401(d)

(d) Pursuant to section 112(i)(3)(B)of the Clean Air Act, an owner or operator may request an extension allowing the existing affected source up to 1 additional year to comply with section 112(d) standards. For purposes of this subpart, a request for an extension shall be submitted to the permitting authority as part of the operating permit application or to the Administrator as a separate submittal or as part of the Precompliance Report.

40 CFR 63.1401(d)(1)

(1) Requests for extensions shall be submitted no later than 120 days prior to the compliance dates specified in paragraphs (a) and (b) of this section and shall include the data described in §63.6(i)(6)(i)(A), (B), and (D). The dates specified in §63.6(i) for submittal of requests for extensions shall not apply to this subpart.

40 CFR 63.1401(d)(2)

(2) An owner or operator may submit a compliance extension request less than 120 days prior to the compliance dates specified in paragraphs (a) and (b) of this section provided that the need for the compliance extension arose after that date, and the need arose due to circumstances beyond reasonable control of the owner or operator. This request shall include, in addition to the information specified in §63.6(i), (6)(i)(A), (B), and (D), a statement of the reasons additional time is needed and the date when the owner or operator first learned of the circumstances necessitating a request for compliance extension.

40 CFR 63.1401(e)

(e) All terms in this subpart that define a period of time for completion of required tasks (e.g., weekly, monthly, quarterly, annual), unless specified otherwise, refer to the standard calendar periods.

40 CFR 63.1401(e)(1)

(1) Notwithstanding time periods specified in this subpart for completion of required tasks, such time periods may be changed by mutual agreement between the owner or operator and the Administrator, as specified in subpart A of this part (e.g., a period could begin on the compliance date or another date, rather than on the first day of the standard calendar period). For each time period that is changed by agreement, the revised period shall remain in effect until it is changed. A new request is not necessary for each recurring period.

40 CFR 63.1401(e)(2)

(2) Where the period specified for compliance is a standard calendar period, if the initial compliance date occurs after the beginning of the period, compliance shall be required according to the schedule specified in paragraph (e)(2)(i) or (ii) of this section, as appropriate:

40 CFR 63.1401(e)(2)(i)

(i) Compliance shall be required before the end of the standard calendar period within which the compliance deadline occurs, if there remain at least 3 days for tasks that must be performed weekly, at least 2 weeks for tasks that must be performed monthly, at least 1 month for tasks that must be performed each quarter, or at least 3 months for tasks that must be performed annually; or

40 CFR 63.1401(e)(2)(ii)

(ii) In all other cases, compliance shall be required before the end of the first full standard calendar period after the period within which the initial compliance deadline occurs.

40 CFR 63.1401(e)(3)

(3) In all instances where a provision of this subpart requires completion of a task during each of multiple successive periods, an owner or operator may perform the required task at any time during the specified period, provided that the task is conducted at a reasonable interval after completion of the task during the previous period.

40 CFR 63.1402 Definitions.

40 CFR 63.1402(a)

(a) The following terms used in this subpart shall have the meaning given them in §§63.2, 63.101, 63.111, and 63.161 as specified after each term:

Act (§63.2)
Administrator (§63.2)
Annual average concentration (§63.111)
Annual average flow rate (§63.111)
Automated monitoring and recording system (§63.111)
Boiler (§63.111)
Bottoms receiver (§63.161)
By compound (§63.111)
By-product (§63.101)
Car-seal (§63.111)
Closed-vent system (§63.111)
Combustion device (§63.111)
Commenced (§63.2)
Compliance date (§63.2)
Connector (§63.161)
Construction (§63.2)
Continuous monitoring system (§63.2)
Distillation unit (§63.111)

Duct work (§63.161)
Emission standard (§63.2)
EPA (§63.2)
External floating roof (§63.111)
First attempt at repair (§63.111)
Flame zone (§63.111)
Floating roof (§63.111)
Flow indicator (§63.111)
Fuel gas (§63.101)
Fuel gas system (§63.101)
Hard-piping (§63.111)
Hazardous air pollutant (§63.2)
Impurity (§63.101)
Inorganic hazardous air pollutant service (§63.161)
Incinerator (§63.111)
Instrumentation system (§63.161)
Internal floating roof (§63.111)
Lesser quantity (§63.2)
Major source (§63.2)
Open-ended valve or line (§63.161)
Operating permit (§63.101)
Organic monitoring device (§63.111)
Owner or operator (§63.2)
Performance evaluation (§63.2)
Performance test (§63.2)
Permitting authority (§63.2)
Plant site (§63.101)
Potential to emit (§63.2)
Primary fuel (§63.111)
Process heater (§63.111)
Process unit shutdown (§63.161)
Process wastewater (§63.111)
Reactor (§63.111)
Reconstruction (§63.2)
Routed to a process or route to a process (§63.161)
Run (§63.2)
Secondary fuel (§63.111)
Sensor (§63.161)
Specific gravity monitoring device (§63.111)
Start-up, shutdown, and malfunction plan (§63.101)
State (§63.2)
Surge control vessel (§63.161)
Temperature monitoring device (§63.111)
Test method (§63.2)

Total resource effectiveness (TRE) index value (§63.111)
Treatment process (§63.111)
Unit operation (§63.101)
Visible emission (§63.2)

40 CFR 63.1402(b)

(b) All other terms used in this subpart shall have the meaning given them in this section. If a term is defined in §§63.2, 63.101, 63.111, or 63.161 or defined in 40 CFR part 63, subparts SS, UU, or WW and in this section, it shall have the meaning given in this section for purposes of this subpart.

Aggregate batch vent stream means a process vent containing emissions from at least one reactor batch process vent and at least one additional reactor or non-reactor batch process vent where the emissions are ducted, hardpiped, or otherwise connected together for a continuous flow.

Amino resin means a thermoset resin produced through the reaction of formaldehyde, or a formaldehyde containing solution (e.g., aqueous formaldehyde), with compound(s) that contain the amino group; these compounds include melamine, urea, and urea derivatives. Formaldehyde substitutes are exclusively aldehydes.

Amino/phenolic resin means one or both of the following:
(1) Amino resin; or
(2) Phenolic resin.

Amino/phenolic resin. process unit (APPU) means a collection of equipment assembled and connected by hardpiping or ductwork used to process raw materials and to manufacture an amino/phenolic resin as its primary product. This collection of equipment includes unit operations; process vents; storage vessels, as determined in §63.1400(h); and the equipment that is subject to the equipment leak provisions as specified in §63.1410. Utilities, lines and equipment not containing process fluids, and other non-process lines, such as heating and cooling systems which do not combine their materials with those in the processes they serve, are not part of the amino/phenolic resin process unit. An amino/phenolic resin process unit consists of more than one unit operation.

Batch cycle means the operational step or steps, from start to finish, that occur as part of a batch unit operation.

Batch emission episode means a discrete emission venting episode associated with a single batch unit operation. Multiple batch emission episodes may occur from a single batch unit operation.

Batch mode means the discontinuous bulk movement of material through a unit

operation. Mass, temperature, concentration, and other properties may vary with time. For a unit operation operated in a batch mode (i.e., batch unit operation), the addition of material and withdrawal of material do not typically occur simultaneously.

Batch process vent means a process vent from a batch unit operation within an affected source. Batch process vents are either reactor batch process vents or non-reactor batch process vents.

Batch unit operation means a unit operation operated in a batch mode.

Block means the time period that comprises a single batch cycle.

Combustion device burner means a device designed to mix and ignite fuel and air to provide a flame to heat and oxidize waste organic vapors in a combustion device.

Continuous mode means the continuous movement of material through a unit operation. Mass, temperature, concentration, and other properties typically approach steady-state conditions. For a unit operation operated in a continuous mode (i.e., continuous unit operation), the simultaneous addition of raw material and withdrawal of product is typical.

Continuous process vent means a process vent from a continuous unit operation within an affected source. Process vents that are serving as control devices are not subject to additional control requirements.

Continuous record means documentation, either in hard copy or computer readable form, of data values measured at least once every 15 minutes and recorded at the frequency specified in §63.1416(c) or (h).

Continuous recorder means a data recording device that either records an instantaneous data value at least once every 15 minutes or records 1 hour or more frequent block average values.

Continuous unit operation means a unit operation operated in a continuous mode.

Control device means any combustion device, recovery device, or recapture device. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. For continuous process vents, recapture devices are considered control devices but recovery devices are not considered control devices. Con densers operating as process condensers are not considered control devices. For a condenser that sometimes operates as a process condenser to be considered a control device, it shall not be operating as a process condenser for a given batch emission episode, and it shall recycle of the recovered material within the process.

Control technology means any process modification or use of equipment that reduces organic HAP emissions. Examples include, but are not limited to, product reformulation to reduce solvent content and/or use, batch cycle time reduction to reduce the duration of emissions, reduction of nitrogen purge rate, and the lowering of process condenser coolant temperatures.

Controlled organic HAP emissions means the quantity of organic HAP discharged to the atmosphere from a control device.

Emission point means an individual continuous process vent, batch process vent, aggregate batch vent stream, storage vessel, equipment leak, or heat exchange system.

Equipment means, for the purposes of the provisions in §63.1410, each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, and instrumentation system in organic HAP service; and any control devices or systems required by §63.1410. For purposes of this subpart, surge control vessels and bottom receivers are not equipment for purposes of regulating equipment leak emissions. Surge control vessels and bottoms receivers are regulated as non-reactor batch process vents for the purposes of this subpart.

Equipment leak means emissions of organic HAP from a pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, or instrumentation system that either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP.

Existing process unit means any process unit that is not a new process unit.

Flexible operations process unit means a process unit that periodically manufactures different chemical products, polymers, or resins by alternating raw materials or operating conditions. These units are also referred to as campaign plants or blocked operations.

Heat exchange system means any cooling tower system or once-through cooling water system (e.g., river or pond water) designed and intended to operate to not allow contact between the cooling medium and process fluid or gases (i.e., a noncontact system). A heat exchange system may include more than one heat exchanger and may include recirculating or once-through cooling systems.

Highest-HAP recipe for a product means the recipe of the product with the highest total mass of organic HAP charged to the reactor during the production of a single batch of product.

Initial start-up means the first time a new or reconstructed affected source begins production, or, for equipment added or changed, the first time the equipment is put into operation. Initial start-up does not include operation solely for testing equipment. Initial

start-up does not include subsequent start-ups of an affected source or portion thereof following malfunctions or shutdowns, or following changes in product for flexible operation process units, or following recharging of equipment in batch operation. Further, for purposes of §§63.1401 and 63.1410, initial start-up does not include subsequent start-ups of affected sources or portions thereof following malfunctions or process unit shutdowns.

Inprocess recycling means a recycling operation in which recovered material is used by a unit operation within the same affected source. It is not necessary for recovered material to be used by the unit operation from which they were recovered.

Maintenance wastewater means wastewater generated by the draining of process fluid from components in the APPU into an individual drain system prior to or during maintenance activities. Maintenance wastewater can be generated during planned and unplanned shutdowns and during periods not associated with a shutdown. Examples of activities that can generate maintenance wastewaters include descaling of heat exchanger tubing bundles, cleaning of distillation column traps, draining of low legs and high point bleeds, draining of pumps into an individual drain system, and draining of portions of the APPU for repair. The generation of wastewater from the routine rinsing or washing of equipment in batch operation between batches is not maintenance wastewater for the purposes of this subpart.

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment or process equipment, or failure of a process to operate in a normal or usual manner, or opening of a safety device. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Maximum representative operating conditions means, for purposes of testing or measurements required by §63.1413, those conditions which reflect the highest organic HAP emissions reasonably expected to be vented to the control device or emitted to the atmosphere. For affected sources that produce the same product(s) using multiple recipes, the production of the highest-HAP recipe is reflective of maximum representative operating conditions.

Maximum true vapor pressure means the equilibrium partial pressure exerted by the total organic HAP in the stored liquid at the temperature equal to the highest calendar-month average of the liquid storage temperature for liquids stored above or below the ambient temperature, or at the local maximum monthly average temperature as reported by the National Weather Service for liquids stored at the ambient temperature, as determined:

(1) In accordance with methods described in American Petroleum Institute Publication 2517, Evaporative Loss From External Floating-Roof Tanks (incorporated by reference as specified in §63.14); or
(2) As obtained from standard reference texts; or
(3) As determined by the American Society for Testing and Materials Method

D2879-83 (incorporated by reference as specified in §63.14); or

(4) Any other method approved by the Administrator.

Multicomponent system means, as used in conjunction with batch process vents, a stream whose liquid and/or vapor contains more than one compound.

Net heating value means the difference between the heat value of the recovered chemical stream and the minimum heat value required to ensure a stable flame in the combustion device. This difference must have a positive value when used in the context of "recovering chemicals for fuel value" (e.g., in the definition of "recovery device" in this section).

New process unit means a process unit for which the construction or reconstruction commenced after December 14, 1998.

Non-reactor batch process vent means a batch process vent originating from a unit operation other than a reactor. Non-reactor batch process vents include, but are not limited to, batch process vents from filter presses, surge control vessels, bottoms receivers, weigh tanks, and distillation systems.

Non-solvent-based resin means an amino/phenolic resin manufactured without the use of a solvent as described in the definition of solvent-based resin.

On-site or On site means, with respect to records required to be maintained by this subpart or required by another subpart referenced by this subpart, records are stored at a location within a major source which encompasses the affected source. On-site includes, but is not limited to, storage at the affected source or APPU to which the records pertain, or storage in central files elsewhere at the major source.

Operating day means the period defined by the owner or operator in the Notification of Compliance Status required by §63.1417(e). The operating day is the period for which daily average monitoring values and batch cycle daily average monitoring values are determined.

Organic hazardous air pollutant(s) (organic HAP) means one or more of the chemicals listed in Table 2 of this subpart or any other chemical which is:

(1) Knowingly produced or introduced into the manufacturing process other than as an impurity; and

(2) Listed in Table 2 of subpart F of this part.

Phenolic resin means a thermoset resin that is a condensation product of formaldehyde and phenol, or a formaldehyde substitute and/or a phenol substitute. Substitutes for formaldehyde are exclusively aldehydes and include acetaldehyde or furfuraldehyde. Substitutes for phenol include other phenolic starting compounds such as cresols,

xylenols, p-tert-butylphenol, p-phenylphenol, nonylphenol, and resorcinols.

Process condenser means a condenser functioning so as to recover material as an integral part of a unit operation(s). A process condenser shall support a vapor-to-liquid phasechange for periods of equipment operation that are at or above the boiling or bubble point of substance(s) at the liquid surface. Examples of process condensers include distillation condensers, reflux condensers, and condensers used in stripping or flashing operations. In a series of condensers, all condensers up to and including the first condenser with an exit gas temperature below the boiling or bubble point of the substance(s) at the liquid surface are considered to be process condensers. All condensers in line prior to a vacuum source are considered process condensers when the vacuum source is being operated. A condenser may be a process condenser for some batch emission episodes and, when meeting certain conditions, may be a control device for other batch emission episodes.

Process unit means a collection of equipment assembled and connected by hardpiping or ductwork used to process raw materials and to manufacture a product.

Process vent means a gaseous emission stream from a unit operation where the gaseous emission stream is discharged to the atmosphere either directly or after passing through one or more control, recovery, or recapture devices. Unit operations that may have process vents are condensers, distillation units, reactors, or other unit operations within the APPU. Emission streams that are undiluted and uncontrolled containing less than 50 parts per million volume (ppmv) organic HAP, as determined through process knowledge that no organic HAP are present in the emission stream or using an engineering assessment as discussed in §63.1414(d)(6); test data using the test methods specified in §63.1414(a); or any other test method that has been validated according to the procedures in Method 301 of appendix A of this part are not considered process vents. Process vents exclude relief valve discharges, gaseous streams routed to a fuel gas system(s), and leaks from equipment regulated under §63.1410. Process vents that are serving as control devices are not subject to additional control requirements.

Product means a resin, produced using the same monomers and varying in additives (e.g., initiators, terminators, etc.), catalysts, or in the relative proportions of monomers, that is manufactured by a process unit. With respect to resins, more than one recipe may be used to produce the same product. Product also means a chemical that is not a resin that is manufactured by a process unit. By-products, isolated intermediates, impurities, wastes, and trace contaminants are not considered products.

Reactor batch process vent means a batch process vent originating from a reactor.

Recapture device means an individual unit of equipment capable of and used for the purpose of recovering chemicals, but not normally for use, reuse, or sale. For example, a recapture device may recover chemicals primarily for disposal. Recapture devices

include, but are not limited to, absorbers, carbon adsorbers, and condensers.

Recipe means a specific composition from among the range of possible compositions that may occur within a product, as defined in this section. A recipe is determined by the proportions of monomers and, if present, other reactants and additives that are used to make the recipe. For example, a methylated amino resin and a non-methylated amino resin are both different recipes of the same product, amino resin.

Recovery device means an individual unit of equipment capable of and normally used for the purpose of recovering chemicals for use, reuse, fuel value (i.e., net heating value); or for sale for use, reuse, or fuel value (i.e., net heating value). Examples of equipment that may be recovery devices include absorbers, carbon adsorbers, condensers, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units. For the purposes of the monitoring, recordkeeping, or reporting requirements of this subpart, recapture devices are considered recovery devices.

Safety device means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purposes of this subpart, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, combustible, explosive, reactive, or hazardous materials.

Shutdown means for purposes including, but not limited to, periodic maintenance, replacement of equipment, or repair, the cessation of operation of an affected source, an APPU(s) within an affected source, or equipment required or used to comply with this subpart, or the emptying or degassing of a storage vessel. For purposes of the batch process vent provisions in §§63.1406 through 63.1408, the cessation of equipment in batch operations is not a shutdown, unless the equipment undergoes maintenance, is replaced, or is repaired.

Solvent-based resin means an amino/phenolic resin that consumes a solvent (i.e., methanol, xylene) as a reactant in the resin producing reaction. The use of a solvent as a carrier (i.e., adding methanol to the product/water solution after the reaction is complete) does not meet this definition.

Start-up means the setting into operation of an affected source, an APPU(s) within an affected source, a unit operation within an affected source, or equipment required or used to comply with this subpart, or a storage vessel after emptying and degassing. For both continuous and batch unit operations, start-up includes initial start-up and operation solely for testing equipment. For both continuous and batch unit operations, start-up does not include the recharging of equipment in batch operation. For continuous unit operations, start-up includes transitional conditions due to changes in product for flexible operation process units. For batch unit operations, start-up does not include transitional conditions due to changes in product for flexible operation process units.

Steady-state conditions means that all variables (temperatures, pressures, volumes, flow rates, etc.) in a process do not vary significantly with time; minor fluctuations about constant mean values may occur.

Storage vessel means a tank or other vessel that is used to store liquids that contain one or more organic HAP. Storage vessels do not include:

(1) Vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships;
(2) Pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere;
(3) Vessels with capacities smaller than 38 cubic meters;
(4) Vessels and equipment storing and/or handling material that contains no organic HAP and/or organic HAP as impurities only;
(5) Wastewater storage tanks;
(6) Surge control vessels or bottoms receivers; and
(7) Vessels and equipment storing and/or handling amino/phenolic resin.

Supplemental combustion air means the air that is added to a vent stream after the vent stream leaves the unit operation. Air that is part of the vent stream as a result of the nature of the unit operation is not considered supplemental combustion air. Air required to operate combustion device burner(s) is not considered supplemental combustion air.

Uncontrolled organic HAP emissions means the organic HAP emitted from a unit operation prior to introduction of the emission stream into a control device. Uncontrolled HAP emissions are determined after any condenser that is operating as a process condenser. If an emission stream is not routed to a control device, uncontrolled organic HAP emissions are those organic HAP emissions released to the atmosphere.

Vent stream, as used in reference to batch process vents, aggregate batch vent streams, continuous process vents, and storage vessels, means the emissions from that emission point.

Waste management unit means the equipment, structure(s), and/or device(s) used to convey, store, treat, or dispose of wastewater streams or residuals. Examples of waste

management units include: wastewater tanks, surface impoundments, individual drain systems, and biological wastewater treatment units. Examples of equipment that may be waste management units include containers, air flotation units, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units. If such equipment is used for recovery, then it is part of an APPU and is not a waste management unit.

Wastewater is either a process wastewater or maintenance wastewater and means water that:

(1) Contains either:
  (i) An annual average concentration of organic HAP, as indicated on Table 2 of this subpart, of at least 5 parts per million by weight and has an annual average flow rate of 0.02 liter per minute or greater; or
  (ii) An annual average concentration of organic HAP, as indicated on Table 2 of this subpart, of at least 10,000 parts per million by weight at any flow rate.

(2) Is discarded from an APPU that is part of an affected source.

(3) Does not include:
  (i) Stormwater from segregated sewers;
  (ii) Water from fire-fighting and deluge systems in segregated sewers;
  (iii) Spills;
  (iv) Water from safety showers;
  (v) Water from testing of deluge systems; and
  (vi) Water from testing of firefighting systems.

Wastewater stream means a stream that contains wastewater as defined in this section.

40 CFR 63.1403 Emission standards.

40 CFR 63.1403(a)

(a) Provisions of this subpart.

Except as allowed under paragraph (b) of this section, the owner or operator of an affected source shall comply with the provisions of §§63.1404 through 63.1410, as appropriate. When emissions are vented to a control device or control technology as part of complying with this subpart, emissions shall be vented through a closed vent system meeting the requirements of 40 CFR part 63, subpart SS (national emission standards for closed vent systems, control devices, recovery devices).

40 CFR 63.1403(b)

(b) Combined emission streams.

When emissions of different kinds (e.g., emissions from continuous process vents, storage vessels, etc.) are combined at a new affected source, and at least one of the

emission streams would be required by this subpart to apply controls in the absence of combination with other emission streams, the owner or operator shall comply with the requirements of paragraph (b)(1) or (2) of this section, as appropriate.

40 CFR 63.1403(b)(1)

(1) For any combined vent stream that includes one or more aggregate batch vent streams, comply with the provisions for aggregate batch vent streams.

40 CFR 63.1403(b)(2)

(2) For any combined vent stream that does not include one or more aggregate batch vent streams:

40 CFR 63.1403(b)(2)(i)

(i) Reactor batch process vents and non-reactor batch process vents shall comply with the provisions for reactor batch process vents and non-reactor batch process vents, as appropriate.

40 CFR 63.1403(b)(2)(ii)

(ii) The remaining emissions (i.e., storage vessel and/or continuous process vent emissions) included in the combined vent stream shall comply the provisions for storage vessels when storage vessel emissions are included and shall comply with the provisions for continuous process vents in the absence of storage vessel emissions (i.e., when only continuous process vents are included).

40 CFR 63.1403(c)

(c) Compliance for flexible operations process units. With the exceptions specified in paragraphs (c)(1) and (2) of this section, owners or operators of APPUs that are flexible operations process units shall comply with the provisions of this subpart at all times, regardless of the product being manufactured. Once it has been determined that an emission point requires control during manufacture of amino/phenolic resins, that emission point shall be controlled at all times regardless of the product being manufactured.

40 CFR 63.1403(c)(1)

(1) When a flexible operations process unit is manufacturing a product in which no organic HAP are used or manufactured, the owner or operator is not required to comply with the provisions of this subpart or with the provisions of subpart A of this part during manufacture of that product. When requested by the Administrator, the owner or operator shall demonstrate that no organic HAP are used or manufactured.

40 CFR 63.1403(c)(2)

(2) When a flexible operations process unit is manufacturing a product subject to

subpart GGG of this part, the owner or operator is not required to comply with the provisions of this subpart during manufacture of that product (i.e., a pharmaceutical).

40 CFR 63.1404 Storage vessel provisions.

40 CFR 63.1404(a)
(a) Emission standards.

For each storage vessel located at a new affected source that has a capacity of 50,000 gallons or greater and vapor pressure of 2.45 pounds per square inch absolute (psia) or greater or has a capacity of 90,000 gallons or greater and vapor pressure of 0.15 psia or greater, the owner or operator shall comply with either paragraph (a)(1) or (2) of this section. As an alternative to complying with paragraph (a) of this section, an owner or operator may comply with paragraph (b) of this section.

40 CFR 63.1404(a)(1)
(1) Reduce emissions of total organic HAP by 95 weight-percent.

Control shall be achieved by venting emissions through a closed vent system to any combination of control devices meeting the requirements of 40 CFR part 63, subpart SS (national emission standards for closed vent systems, control devices, recovery devices). When complying with the requirements of 40 CFR part 63, subpart SS, the following apply for purposes of this subpart:

40 CFR 63.1404(a)(1)(i)
(i) Design evaluations are allowed for control devices that control emission points with total emissions less than 10 tons of organic HAP per year before control (i.e., small control devices).

40 CFR 63.1404(a)(1)(ii)
(ii) When 40 CFR part 63, subpart SS refers to specific test methods for the measurement of organic HAP concentration, the test methods presented in §63.1414(a) shall be used.

40 CFR 63.1404(a)(1)(iii)
(iii) The option to measure TOC instead of organic HAP, as a basis for demonstrating compliance, is not allowed.

40 CFR 63.1404(a)(1)(iv)
(iv) Excused excursions are not allowed.

40 CFR 63.1404(a)(1)(v)

(v) The provisions in §63.1403(b), rather than the provisions in §63.982(f), are to be followed for combined vent streams.

40 CFR 63.1404(a)(1)(vi)

(vi) When a scrubber is used as a control device, the owner or operator shall follow the guidance provided in this subpart for design evaluations or performance tests, as appropriate, and for monitoring, recordkeeping, and reporting.

40 CFR 63.1404(a)(1)(vii)

(vii) When there are conflicts between the due dates for reports presented in 40 CFR part 63, subpart SS and this subpart, reports shall be submitted according to the due dates presented in this subpart.

40 CFR 63.1404(a)(1)(viii)

(viii) When there are conflicts between the recordkeeping and reporting requirements presented in 40 CFR part 63, subpart SS and this subpart, the owner or operator shall either follow both sets of requirements (i.e., follow the requirements in 40 CFR part 63, subpart SS for emission points covered by 40 CFR part 63, subpart SS and follow the requirements of this subpart for emission points covered by this subpart) or shall follow the set of requirements they prefer. If an owner or operator chooses to follow just one set of requirements, the owner or operator shall identify which set of requirements are being followed and which set of requirements are being disregarded in the appropriate report.

40 CFR 63.1404(a)(2)

(2) Comply with the requirements of 40 CFR part 63, subpart WW (national emission standards for storage vessels (control level 2)).

When complying with the requirements of 40 CFR part 63, subpart WW, the following apply for purposes of this subpart:

40 CFR 63.1404(a)(2)(i)

(i) When there are conflicts between the due dates for reports presented in 40 CFR part 63, subpart WW and this subpart, reports shall be submitted according to the due dates presented in this subpart.

40 CFR 63.1404(a)(2)(ii)

(ii) When there are conflicts between the recordkeeping and reporting requirements presented in 40 CFR part 63, subpart WW and this subpart, the owner or operator shall either follow both sets of requirements (i.e., follow the requirements in 40 CFR part 63, subpart WW for emission points covered by 40 CFR part 63, subpart WW and follow the

requirements of this subpart for emission points covered by this subpart) or shall follow the set of requirements they prefer. If an owner or operator chooses to follow just one set of requirements, the owner or operator shall identify which set of requirements are being followed and which set of requirements are being disregarded in the appropriate report.

40 CFR 63.1404(b)
(b) Alternative standard.

Vent all organic HAP emissions from a storage vessel meeting either of the capacity and vapor pressure criteria specified in paragraph (a) of this section to a combustion control device achieving an outlet organic HAP concentration of 20 ppmv or less or to a non-combustion control device achieving an outlet organic HAP concentration of 50 ppmv or less. Any storage vessels that are not vented to a control device meeting these conditions shall be controlled in accordance with the provisions of paragraph (a)(1)or (2) of this section.

40 CFR 63.1405 Continuous process vent provisions.

40 CFR 63.1405(a)
(a) Emission standards.

For each continuous process vent located at a new affected source with a Total Resource Effectiveness (TRE) index value, as determined following the procedures specified in §63.1412(j), less than or equal to 1.2, the owner or operator shall comply with either paragraph (a)(1) or (2) of this section. As an alternative to complying with paragraph (a) of this section, an owner or operator may comply with paragraph (b) of this section.

40 CFR 63.1405(a)(1)
(1) Vent all emissions of organic HAP to a flare.

40 CFR 63.1405(a)(2)
(2) Reduce emissions of total organic HAP by 85 weight-percent or to a concentration of 20 ppmv when using a combustion control device or to a concentration of 50 ppmv when using a non-combustion control device, whichever is less stringent. Control shall be achieved by venting emissions through a closed vent system to any combination of control devices meeting the requirements of 40 CFR part 63, subpart SS (national emission standards for closed vent systems, control devices, recovery devices). When complying with the requirements of 40 CFR part 63, subpart SS, the following apply for purposes of this subpart:

40 CFR 63.1405(a)(2)(i)

(i) Design evaluations are allowed for control devices that control emission points with total emissions less than 10 tons of organic HAP per year before control (i.e., small control devices).

40 CFR 63.1405(a)(2)(ii)

(ii) When 40 CFR part 63, subpart SS refers to specific test methods for the measurement of organic HAP concentration, the test methods presented in §63.1414(a) shall be used.

40 CFR 63.1405(a)(2)(iii)

(iii) The option to measure TOC instead of organic HAP, as a basis for demonstrating compliance, is not allowed.

40 CFR 63.1405(a)(2)(iv)

(iv) Excused excursions are not allowed.

40 CFR 63.1405(a)(2)(v)

(v) The provisions in §63.1403(b), rather than the provisions in §63.982(f), are to be followed for combined vent streams.

40 CFR 63.1405(a)(2)(vi)

(vi) When a scrubber is used as a control device, the owner or operator shall follow the guidance provided in this subpart for design evaluations or performance tests, as appropriate, and for monitoring, recordkeeping, and reporting.

40 CFR 63.1405(a)(2)(vii)

(vii) When there are conflicts between the due dates for reports presented in 40 CFR part 63, subpart SS and this subpart, reports shall be submitted according to the due dates presented in this subpart.

40 CFR 63.1405(a)(2)(viii)

(viii) When there are conflicts between the recordkeeping and reporting requirements presented in 40 CFR part 63, subpart SS and this subpart, the owner or operator shall either follow both sets of requirements (i.e., follow the requirements in 40 CFR part 63, subpart SS for emission points covered by 40 CFR part 63, subpart SS and follow the requirements of this subpart for emission points covered by this subpart) or shall follow the set of requirements they prefer. If an owner or operator chooses to follow just one set of requirements, the owner or operator shall identify which set of requirements are being followed and which set of requirements are being disregarded in the appropriate report.

40 CFR 63.1405(b)

(b) Alternative standard.

Vent all organic HAP emissions from a continuous process vent meeting the TRE value specified in paragraph (a) of this section to a combustion control device achieving an outlet organic HAP concentration of 20 ppmv or less or to a non-combustion control device achieving an outlet organic HAP concentration of 50 ppmv or less. Any continuous process vents that are not vented to a control device meeting these conditions shall be controlled in accordance with the provisions of paragraphs (a)(1) or (2) of this section.

40 CFR 63.1406 Reactor batch process vent provisions.

40 CFR 63.1406(a)
(a) Emission standards.

Owners or operators of reactor batch process vents located at new or existing affected sources shall comply with paragraph (a)(1) or (2) of this section, as appropriate. As an alternative to complying with paragraph (a) of this section, an owner or operator may comply with paragraph (b) of this section.

40 CFR 63.1406(a)(1)
(1) The owner or operator of a reactor batch process vent located at a new affected source shall control organic HAP emissions by complying with either paragraph (a)(1)(i), (ii), or (iii) of this section.

40 CFR 63.1406(a)(1)(i)
(i) Vent all emissions of organic HAP to a flare.

40 CFR 63.1406(a)(1)(ii)
(ii) Reduce organic HAP emissions for the batch cycle by 95 weight percent using a control device or control technology.

40 CFR 63.1406(a)(1)(iii)
(iii) Reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0045 kilogram of organic HAP per megagram of product or less for solvent-based resin production, or to 0.0004 kilogram of organic HAP per megagram of product or less for non-solvent-based resin production.

40 CFR 63.1406(a)(2)
(2) The owner or operator of a reactor batch process vent located at an existing affected source shall control organic HAP emissions by complying with either paragraph (a)(2)(i), (ii), or (iii) of this section.

40 CFR 63.1406(a)(2)(i)

(i) Vent all emissions of organic HAP to a flare.

40 CFR 63.1406(a)(2)(ii)

(ii) Reduce organic HAP emissions for the batch cycle by 83 weight percent using a control device or control technology.

40 CFR 63.1406(a)(2)(iii)

(iii) Reduce organic HAP emissions from the collection of all reactor batch process vents within the affected source, as a whole, to 0.0567 kilogram of organic HAP per megagram of product or less for solvent-based resin production, or to 0.0057 kilogram of organic HAP per megagram of product or less for non-solvent-based resin production.

40 CFR 63.1406(b)

(b) Alternative standard.

Vent all organic HAP emissions from a reactor batch process vent to a combustion control device achieving an outlet organic HAP concentration of 20 ppmv or less or to a non-combustion control device achieving an outlet organic HAP concentration of 50 ppmv or less. Any reactor batch process vents that are not vented to a control device meeting these conditions shall be controlled in accordance with the provisions of paragraph (a)(1)(ii), or paragraph (a)(2)(ii) of this section.

40 CFR 63.1406(c)

(c) Use of boiler or process heater.

If a boiler or process heater is used to comply with the requirements of paragraph (a)(1)(i) or (ii), or paragraph (a)(2)(i) or (ii) of this section, the reactor batch process vent shall be introduced into the flame zone of such a device.

40 CFR 63.1407 Non-reactor batch process vent provisions.

40 CFR 63.1407(a)

(a) Emission standards.

40 CFR 63.1407(a)(1)

(1) Owners or operators of non-reactor batch process vents located at new or existing affected sources with 0.25 tons per year (0.23 megagrams per year) of uncontrolled organic HAP emissions or greater from the collection of non-reactor batch process vents within the affected source shall comply with the requirements in paragraph (a)(2) or (3) of this section, as appropriate. As an alternative to complying with paragraph (a)(2) or (3) of this section, an owner or operator may

comply with paragraph (b) of this section. Owners or operators shall determine uncontrolled organic HAP emissions from the collection of non-reactor batch process vents within the affected source as specified in paragraph (d) of this section. If the owner or operator finds that uncontrolled organic HAP emissions from the collection of non-reactor batch process vents within the affected source are less than 0.25 tons per year (0.23 megagrams per year), non-reactor batch process vents are not subject to the control requirements of this section. Further, the owner or operator shall, when requested by the Administrator, demonstrate that organic HAP emissions for the collection of non-reactor batch process vents within the affected source are less than 0.25 tons per year (0.23 megagrams per year).

40 CFR 63.1407(a)(2)

(2) The owner or operator of a non-reactor batch process vent located at a new affected source shall:

40 CFR 63.1407(a)(2)(i)

(i) Vent all emissions of organic HAP to a flare; or

40 CFR 63.1407(a)(2)(ii)

(ii) For the collection of non-reactor batch process vents within the affected source, reduce organic HAP emissions for the batch cycle by 76 weight percent using a control device or control technology.

40 CFR 63.1407(a)(3)

(3) The owner or operator of a non-reactor batch process vent located at an existing affected source shall:

40 CFR 63.1407(a)(3)(i)

(i) Vent all emissions of organic HAP to a flare; or

40 CFR 63.1407(a)(3)(ii)

(ii) For the collection of non-reactor batch process vents within the affected source, reduce organic HAP emissions for the batch cycle by 62 weight percent using a control device or control technology.

40 CFR 63.1407(b)

(b) Alternative standard.

Comply with either paragraph (b)(1) or (2) of this section.

40 CFR 63.1407(b)(1)

(1) Control device outlet concentration.

Vent all organic HAP emissions from a non-reactor batch process vent to a combustion control device achieving an outlet organic HAP concentration of 20 ppmv or less or to a non-combustion control device achieving an outlet organic HAP concentration or 50 ppmv or less. Any reactor batch process vents that are not vented to a control device meeting these conditions shall be controlled in accordance with the provisions of paragraph (a)(2) or (3) of this section.

40 CFR 63.1407(b)(2)

(2) Mass emission limit.

Include the emissions from all non-reactor batch process vents in the compliance demonstration required for reactor batch process vents complying with the mass emission limits specified in §63.1406(a)(1)(iii) and (a)(2)(iii), as appropriate. This compliance option may only be used when the owner or operator has elected to comply with the mass emission limit for reactor batch process vents.

40 CFR 63.1407(c)

(c) Use of boiler or process heater.

If a boiler or process heater is used to comply with paragraph (a)(2)(ii) or (a)(3)(ii) of this section, the reactor batch process vent shall be introduced into the flame zone of such a device.

40 CFR 63.1407(d)

(d) Determining uncontrolled organic HAP emissions.

Owners or operators shall determine uncontrolled organic HAP emissions from the collection of non-reactor batch process vents within the affected source based on engineering assessment as described in §63.1414(d)(6).

40 CFR 63.1408 Aggregate batch vent stream provisions.

40 CFR 63.1408(a)

(a) Emission standards.

Owners or operators of aggregate batch vent streams at a new or existing affected source shall comply with either paragraph (a)(1) or (2) of this section, as appropriate. As an alternative to complying with paragraph (a)(1) or (2) of this section, an owner or operator may comply with paragraph (b) of this section.

40 CFR 63.1408(a)(1)

(1) The owner or operator of an aggregate batch vent stream located at a new affected source shall:

40 CFR 63.1408(a)(1)(i)

(i) Vent all emissions of organic HAP to a flare; or

40 CFR 63.1408(a)(1)(ii)

(ii) Reduce organic HAP emissions by 95 weight percent or to a concentration of 20 ppmv when using a combustion control device or to a concentration of 50 ppmv when using a non-combustion control device, whichever is less stringent, on a continuous basis.

40 CFR 63.1408(a)(2)

(2) The owner or operator of an aggregate batch vent stream located at an existing affected source shall:

40 CFR 63.1408(a)(2)(i)

(i) Vent all emissions of organic HAP to a flare; or

40 CFR 63.1408(a)(2)(ii)

(ii) Reduce organic HAP emissions by 83 weight percent or to a concentration of 20 ppmv when using a combustion control device or to a concentration of 50 ppmv when using a non-combustion control device, whichever is less stringent, on a continuous basis.

40 CFR 63.1408(b)

(b) Alternative standard.

Comply with either paragraph (b)(1) or (2) of this section.

40 CFR 63.1408(b)(1)

(1) Control device outlet concentration.

Vent all organic HAPemissions from an aggregate batch vent stream to a combustion control device achieving an outlet organic HAP concentration of 20 ppmv or less or to a non-combustion control device achieving an outlet organic HAP concentration of 50 ppmv or less. Any aggregate batch vent streams that are not vented to a control device meeting these conditions shall be controlled in accordance with the provisions of paragraphs (a)(1) or (a)(2) of this section.

40 CFR 63.1408(b)(2)

(2) Mass emission limit.

Include the emissions from all aggregate batch vent streams in the compliance demonstration required for reactor batch process vents complying with the mass emission limits specified in §63.1406(a)(1)(iii) and (a)(2)(iii), as appropriate. This compliance option may only be used when the owner or operator has elected

to comply with the mass emission limit for reactor batch process vents.

40 CFR 63.1409 Heat exchange system provisions.

40 CFR 63.1409(a)

(a) Unless one or more of the conditions specified in paragraphs (a)(1) through (6) of this section are met, owners and operators of sources subject to this subpart shall monitor each heat exchange system used to cool process equipment in an affected source, according to the provisions in either paragraph (b) or (c) of this section. Whenever a leak is detected, the owner or operator shall comply with the requirements in paragraph (d) of this section.

40 CFR 63.1409(a)(1)

(1) The heat exchange system is operated with the minimum pressure on the cooling water side at least 35 kilopascals greater than the maximum pressure on the process side.

40 CFR 63.1409(a)(2)

(2) There is an intervening cooling fluid, containing less than 5 percent by weight of total HAP listed in column A of Table 2 of this subpart, between the process and the cooling water. This intervening fluid serves to isolate the cooling water from the process fluid, and the intervening fluid is not sent through a cooling tower or discharged. For purposes of this section, discharge does not include emptying for maintenance purposes.

40 CFR 63.1409(a)(3)

(3) The once-through heat exchange system is subject to a National Pollution Discharge Elimination System (NPDES) permit with an allowable discharge limit of 1 part per million or less above influent concentration or 10 percent or less above influent concentration, whichever is greater.

40 CFR 63.1409(a)(4)

(4) The once-through heat exchange system is subject to an NPDES permit that:

40 CFR 63.1409(a)(4)(i)

(i) Requires monitoring of a parameter(s) or condition(s) to detect a leak of process fluids into cooling water;

40 CFR 63.1409(a)(4)(ii)

(ii) Specifies or includes the normal range of the parameter or condition;

40 CFR 63.1409(a)(4)(iii)

(iii) Requires monitoring for the parameters selected as leak indicators no less

frequently than monthly for the first 6 months and quarterly thereafter; and

40 CFR 63.1409(a)(4)(iv)

(iv) Requires the owner or operator to report and correct leaks to the cooling water when the parameter or condition exceeds the normal range.

40 CFR 63.1409(a)(5)

(5) The recirculating heat exchange system is used to cool process fluids that contain less than 5 percent by weight of total HAP listed in column A of Table 2 of this subpart.

40 CFR 63.1409(a)(6)

(6) The once-through heat exchange system is used to cool process fluids that contain less than 5 percent by weight of total HAP listed in column B of Table 2 of this subpart.

40 CFR 63.1409(b)

(b) The owner or operator who elects to comply with the requirements of paragraph (a) of this section by monitoring the cooling water for the presence of one or more organic HAP or other representative substances whose presence in cooling water indicate a leak shall comply with the requirements specified in paragraphs (b)(1) through (6) of this section. The cooling water shall be monitored for total HAP, total volatile organic compounds, total organic carbon, one or more speciated HAP compounds, or other representative substances that would indicate the presence of a leak in the heat exchange system.

40 CFR 63.1409(b)(1)

(1) The cooling water shall be monitored monthly for the first 6 months and quarterly thereafter to detect leaks.

40 CFR 63.1409(b)(2)(i)

(2) (i) For recirculating heat exchange systems (cooling tower systems), the monitoring of speciated HAP or total HAP refers to the HAP listed in column A of Table 2 of this subpart.

40 CFR 63.1409(b)(2)(ii)

(ii) For once-through heat exchange systems, the monitoring of speciated HAP or total HAP refers to the HAP listed in column B of Table 2 of this subpart.

40 CFR 63.1409(b)(3)

(3) The concentration of the monitored substance(s) in the cooling water shall be determined using any EPA-approved method listed in part 136 of this chapter, as long as the method is sensitive to concentrations as low as 10 parts per million and the same method is used for both entrance and exit samples. Alternative

methods may be used upon approval by the Administrator.

40 CFR 63.1409(b)(4)

(4) The samples shall be collected either at the entrance and exit of each heat exchange system or at locations where the cooling water enters and exits each heat exchanger or any combination of heat exchangers.

40 CFR 63.1409(b)(4)(i)

(i) For samples taken at the entrance and exit of recirculating heat exchange systems, the entrance is the point at which the cooling water leaves the cooling tower prior to being returned to the process equipment, and the exit is the point at which the cooling water is introduced to the cooling tower after being used to cool the process fluid.

40 CFR 63.1409(b)(4)(ii)

(ii) For samples taken at the entrance and exit of once-through heat exchange systems, the entrance is the point at which the cooling water enters, and the exit is the point at which the cooling water exits the plant site or chemical manufacturing process units.

40 CFR 63.1409(b)(4)(iii)

(iii) For samples taken at the entrance and exit of each heat exchanger or any combination of heat exchangers, the entrance is the point at which the cooling water enters the individual heat exchanger or group of heat exchangers, and the exit is the point at which the cooling water exits the heat exchanger or group of heat exchangers.

40 CFR 63.1409(b)(5)

(5) A minimum of three sets of samples shall be taken at each entrance and exit as defined in paragraph (b)(4) of this section. The average entrance and exit concentrations shall then be calculated. The concentration shall be corrected for the addition of any makeup water or for any evaporative losses, as applicable.

40 CFR 63.1409(b)(6)

(6) A leak is detected if the exit mean concentration is found to be greater than the entrance mean concentration using a one-sided statistical procedure at the 0.05 level of significance, and the amount by which it is greater is at least 1 part per million or 10 percent of the entrance mean, whichever is greater.

40 CFR 63.1409(c)

(c) The owner or operator who elects to comply with the requirement of paragraph (a) of this section by monitoring using a surrogate indicator of heat exchange system leaks shall comply with the requirements specified in paragraphs (c)(1) through (3) of this section. Surrogate indicators that could be used to develop an acceptable monitoring program are

ion specific electrode monitoring, pH, conductivity or other representative indicators.

40 CFR 63.1409(c)(1)

(1) The owner or operator shall prepare and implement a monitoring plan that documents the procedures that will be used to detect leaks of process fluids into cooling water. The plan shall require monitoring of one or more surrogate indicators or monitoring of one or more process parameters or other conditions that indicate a leak. Monitoring that is already being conducted for other purposes may be used to satisfy the requirements of this section. The plan shall include the information specified in paragraphs (c)(1)(i) and (ii) of this section.

40 CFR 63.1409(c)(1)(i)

(i) A description of the parameter or condition to be monitored and an explanation of how the selected parameter or condition will reliably indicate the presence of a leak.

40 CFR 63.1409(c)(1)(ii)

(ii) The parameter level(s) or conditions(s) that constitute a leak. This shall be documented by data or calculations showing that the selected levels or conditions will reliably identify leaks. The monitoring must be sufficiently sensitive to determine the range of parameter levels or conditions when the system is not leaking. When the selected parameter level or condition is outside that range, a leak is indicated.

40 CFR 63.1409(c)(1)(iii)

(iii) The monitoring frequency which shall be no less frequent than monthly for the first 6 months and quarterly thereafter to detect leaks.

40 CFR 63.1409(c)(1)(iv)

(iv) The records that will be maintained to document compliance with the requirements of this section.

40 CFR 63.1409(c)(2)

(2) If a substantial leak is identified by methods other than those described in the monitoring plan and the method(s) specified in the plan could not detect the leak, the owner or operator shall revise the plan and document the basis for the changes. The owner or operator shall complete the revisions to the plan no later than 180 days after discovery of the leak.

40 CFR 63.1409(c)(3)

(3) The owner or operator shall maintain, at all times, the monitoring plan that is currently in use. The current plan shall be maintained on-site, or shall be accessible from a central location by computer or other means that provides access within 2 hours after a request. If the monitoring plan is superseded, the

owner or operator shall retain the most recent superseded plan at least until 5 years from the date of its creation. The superseded plan shall be retained on-site (or accessible from a central location by computer or other means that provides access within 2 hours after a request) for at least 6 months after its creation.

40 CFR 63.1409(d)

(d) If a leak is detected according to the criteria of paragraph (b) or (c) of this section, the owner or operator shall comply with the requirements in paragraphs (d)(1) and (2) of this section, except as provided in paragraph (e) of this section.

40 CFR 63.1409(d)(1)

(1) The leak shall be repaired as soon as practical but not later than 45 calendar days after the owner or operator receives results of monitoring tests indicating a leak. The leak shall be repaired unless the owner or operator demonstrates that the results are due to a condition other than a leak.

40 CFR 63.1409(d)(2)

(2) Once the leak has been repaired, the owner or operator shall confirm that the heat exchange system has been repaired within 7 calendar days of the repair or startup, whichever is later.

40 CFR 63.1409(e)

(e) Delay of repair of heat exchange systems for which leaks have been detected is allowed if the equipment is isolated from the process. Delay of repair is also allowed if repair is technically infeasible without a shutdown and any one of the conditions in paragraph (e)(1) or (2) of this section are met. All time periods in paragraphs (e)(1) and (2) of this section shall be determined from the date when the owner or operator determines that delay of repair is necessary.

40 CFR 63.1409(e)(1)

(1) If a shutdown is expected within the next 2 months, a special shutdown before that planned shutdown is not required.

40 CFR 63.1409(e)(2)

(2) If a shutdown is not expected within the next 2 months, the owner or operator may delay repair as provided in paragraph (e)(2)(i) or (ii) of this section. Documentation of a decision to delay repair shall state the reasons repair was delayed and shall specify a schedule for completing the repair as soon as practical.

40 CFR 63.1409(e)(2)(i)

(i) If a shutdown for repair would cause greater emissions than the potential emissions from delaying repair, the owner or operator may delay repair until the next shutdown of the process equipment associated with the

leaking heat exchanger. The owner or operator shall document the basis for the determination that a shutdown for repair would cause greater emissions than the emissions likely to result from delaying repair as specified in paragraphs (e)(2)(i)(A) and (B) of this section.

40 CFR 63.1409(e)(2)(i)(A)

(A) The owner or operator shall calculate the potential emissions from the leaking heat exchanger by multiplying the concentration of total HAP listed in column A of Table 2 of this subpart in the cooling water from the leaking heat exchanger by the flowrate of the cooling water from the leaking heat exchanger by the expected duration of the delay. The owner or operator may calculate potential emissions using total organic carbon concentration instead of total HAP listed in column A of Table 2 of this subpart.

40 CFR 63.1409(e)(2)(i)(B)

(B) The owner or operator shall determine emissions from purging and depressurizing the equipment that will result from the unscheduled shutdown for the repair.

40 CFR 63.1409(e)(2)(ii)

(ii) If repair is delayed for reasons other than those specified in paragraph (e)(2)(i) of this section, the owner or operator may delay repair up to a maximum of 120 calendar days. The owner shall demonstrate that the necessary parts or personnel were not available.

40 CFR 63.1410 Equipment leak provisions.

The owner or operator of each affected source shall comply with the requirements of 40 CFR part 63, subpart UU (national emission standards for equipment leaks (control level 2)) for all equipment, as defined under §63.1402, that contains or contacts 5 weight-percent HAP or greater and operates 300 hours per year or more. The weight-percent HAP is determined for equipment using the organic HAP concentration measurement methods specified in §63.1414(a). When complying with the requirements of 40 CFR part 63, subpart SS, as referred to by 40 CFR part 63, subpart UU, the following apply for purposes of this subpart:

40 CFR 63.1410(a)

(a) Design evaluations are allowed for control devices that control emission points with total emissions less than 10 tons of organic HAP per year before control (i.e., small control devices).

40 CFR 63.1410(b)

(b) When 40 CFR part 63, subpart SS refers to specific test methods for the measurement of

organic HAP concentration, the test methods presented in §63.1414(a) shall be used.

40 CFR 63.1410(c)

(c) The option to measure TOC instead of organic HAP, as a basis for demonstrating compliance, is not allowed.

40 CFR 63.1410(d)

(d) Excused excursions are not allowed.

40 CFR 63.1410(e)

(e) The provisions in §63.1403(b), rather than the provisions in §63.982(f), are to be followed for combined vent streams.

40 CFR 63.1410(f)

(f) When a scrubber is used as a control device, the owner or operator shall follow the guidance provided in this subpart for design evaluations or performance tests, as appropriate, and for monitoring, recordkeeping, and reporting.

40 CFR 63.1410(g)

(g) When there are conflicts between the due dates for reports presented in 40 CFR part 63, subpart SS and this subpart, reports shall be submitted according to the due dates presented in this subpart.

40 CFR 63.1410(h)

(h) When there are conflicts between the recordkeeping and reporting requirements presented in 40 CFR part 63, subpart SS and this subpart, the owner or operator shall either follow both sets of requirements (i.e., follow the requirements in 40 CFR part 63, subpart SS for emission points covered by 40 CFR part 63, subpart SS and follow the requirements of this subpart for emission points covered by this subpart) or shall follow the set of requirements they prefer. If an owner or operator chooses to follow just one set of requirements, the owner or operator shall identify which set of requirements are being followed and which set of requirements are being disregarded in the appropriate report.

40 CFR 63.1411 [Reserved]

40 CFR 63.1412 Continuous process vent applicability assessment procedures and methods.

40 CFR 63.1412(a)

(a) General.

The provisions of this section provide procedures and methods for determining the

applicability of the control requirements specified in §63.1405 to continuous process vents.

40 CFR 63.1412(b)

(b) Sampling sites.

Sampling sites shall be located as follows:

40 CFR 63.1412(b)(1)

(1) Sampling site location. The sampling site for determining volumetric flow rate, regulated organic HAP concentration, total organic HAP, net heating value, and TRE index value, shall be after the final recovery device (if any recovery devices are present) but prior to the inlet of any control device that is present and prior to release to the atmosphere.

40 CFR 63.1412(b)(2)

(2) Sampling site selection method.Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling site. No traverse site selection method is needed for process vents smaller than 0.33 foot (0.10 meter) in nominal inside diameter.

40 CFR 63.1412(c)

(c) Applicability assessment requirement.

The organic HAP concentrations, volumetric flow rates, heating values, organic HAP emission rates, TRE index values, and engineering assessment control applicability assessment requirements are to be determined during maximum representative operating conditions for the process, except as provided in paragraph (d) of this section, or unless the Administrator specifies or approves alternate operating conditions. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of an applicability test.

40 CFR 63.1412(d)

(d) Exceptions.

The owner or operator is not required to conduct a test that will cause any of the following situations:

40 CFR 63.1412(d)(1)

(1) Causing damage to equipment;

40 CFR 63.1412(d)(2)

(2) Necessitating that the owner or operator make a product that does not meet an existing specification for sale to a customer; or

40 CFR 63.1412(d)(3)

(3) Necessitating that the owner or operator make a product in excess of demand.

40 CFR 63.1412(e)

(e) Organic HAP concentration.

The organic HAP concentrations, used for TRE index value calculations in paragraph (j)of this section, shall be determined using the procedures specified in either §63.1414(a) or by using the engineering assessment procedures in paragraph (k) of this section.

40 CFR 63.1412(f)

(f) Volumetric flow rate.

The volumetric flow rate shall be determined using the procedures specified in §63.1414(a), or by using the engineering assessment procedures in paragraph (k) of this section.

40 CFR 63.1412(g)

(g) Heating value.

The net heating value shall be determined as specified in paragraphs (g)(1) and (2) of this section, or by using the engineering assessment procedures in paragraph (k) of this section.

40 CFR 63.1412(g)(1)

(1) The net heating value of the continuous process vent shall be calculated using Equation 1:

"Equation 1 "

Where:

HT = Net heating value of the sample, megaJoules per standard cubic meter, where the net enthalpy per mole of process vent is based on combustion at 25°C and 760 millimeters of mercury, but the standard temperature for determining the volume corresponding to 1 mole is 20°C, as in the definition of QS (process vent volumetric flow rate).

K1 = Constant, 1.740×10-7 (parts per million)-1 (gram-mole per standard cubic meter) (megaJoules per kilocalorie), where standard temperature for (gram-mole per standard cubic meter) is 20°C.

Dj = Organic HAP concentration on a wet basis of compound j in parts per million, as measured by procedures indicated in paragraph (e) of this section. For process vents that pass through a final stream jet and are not condensed, the moisture is assumed to be 2.3 percent by volume.

Hj = Net heat of combustion of compound j, kilocalorie per gram-mole, based on combustion at 25°C and 760 millimeters of mercury.

40 CFR 63.1412(g)(2)

(2) The molar composition of the process vent (Dj) shall be determined using the methods specified in paragraphs (g)(2)(i) through (iii) of this section:

40 CFR 63.1412(g)(2)(i)

(i) The methods specified in §63.1414(a) to measure the concentration of each organic compound.

40 CFR 63.1412(g)(2)(ii)

(ii) American Society for Testing and Materials D1946-90 to measure the concentration of carbon monoxide and hydrogen.

40 CFR 63.1412(g)(2)(iii)

(iii) Method 4 of 40 CFR part 60, appendix A to measure the moisture content of the stack gas.

40 CFR 63.1412(h)

(h) Organic HAP emission rate.

The emission rate of organic HAP in the continuous process vent, as required by the TRE index value equation specified in paragraph (j) of this section, shall be calculated using Equation 2:

"Equation 2 "

Where:

E = Emission rate of organic HAP in the sample, kilograms per hour.

K2 = Constant, 2.494×10-6 (parts per million)-1 (gram-mole per standard cubic meter) (kilogram/gram) (minutes/hour), where standard temperature for (gram-mole per standard cubic meter) is 20°C.

n = Number of components in the sample.

CJ = Organic HAP concentration on a dry basis of organic compound j in parts per million as determined by the methods specified in paragraph (e) of this section.

Mj = Molecular weight of organic compound j, gram/gram-mole.

QS = Continuous process vent flow rate, dry standard cubic meter per minute, at a temperature of 20°C.

40 CFR 63.1412(i)

(i) [Reserved]

40 CFR 63.1412(j)

(j) TRE index value.

The owner or operator shall calculate the TRE index value of the continuous process vent using the equations and procedures in this paragraph, as applicable, and shall maintain records specified in §63.1416(f).

40 CFR 63.1412(j)(1)

(1) TRE index value equation.

The equation for calculating the TRE index value is Equation 3:

"Equation 3 "

Where:

TRE =	TRE index value.
A, B, C =	Coefficients presented in table 7 of this subpart.
EHAP =	Emission rate of total organic HAP, kilograms per hour, as calculated according to paragraph (h) or (k) of this section.
QS =	Continuous process vent volumetric flow rate, standard cubic meters per minute, at a standard temperature of 20°C, as calculated according to paragraph (f) or (k) of this section.
HT =	Continuous process vent net heating value, megaJoules per standard cubic meter, as calculated according to paragraph (g) or (k) of this section.

40 CFR 63.1412(j)(2)

(2) TRE index calculation.

The owner or operator of a continuous process vent shall calculate the TRE index value by using the equation and appropriate coefficients in Table 6 of this subpart. The owner or operator shall calculate the TRE index value for each control device scenario (i.e., flare, thermal incinerator with 0 percent recovery, thermal incinerator with 70 percent recovery). The lowest TRE index value is to be compared to the applicability criteria specified in §63.1405(a).

40 CFR 63.1412(k)

(k) Engineering assessment.

For purposes of TRE index value determinations, engineering assessments may be used to determine continuous process vent flow rate, net heating value, and total organic HAP emission rate for the representative operating condition expected to yield the lowest TRE index value. Engineering assessments shall meet the requirements of paragraphs (k)(1)

through (4) of this section.

40 CFR 63.1412(k)(1)

(1) If the TRE index value calculated using engineering assessment is greater than 4.0, the owner or operator is not required to perform the measurements specified in paragraphs (e) through (h) of this section.

40 CFR 63.1412(k)(2)

(2) If the TRE index value calculated using engineering assessment is less than or equal to 4.0, the owner or operator is required either to perform the measurements specified in paragraphs (e) through (h) of this section for control applicability assessment or comply with the control requirements specified in §63.1405.

40 CFR 63.1412(k)(3)

(3) Engineering assessment includes, but is not limited to, the following examples:

40 CFR 63.1412(k)(3)(i)

(i) Previous test results, provided the tests are representative of current operating practices.

40 CFR 63.1412(k)(3)(ii)

(ii) Bench-scale or pilot-scale test data representative of the process under representative operating conditions.

40 CFR 63.1412(k)(3)(iii)

(iii) Maximum volumetric flow rate, organic HAP emission rate, organic HAP concentration, or net heating value limit specified or implied within a permit limit applicable to the continuous process vent.

40 CFR 63.1412(k)(3)(iv)

(iv) Design analysis based on accepted chemical engineering principles, measurable process parameters, or physical or chemical laws or properties. Examples of analytical methods include, but are not limited to, the following:

40 CFR 63.1412(k)(3)(iv)(A)

(A) Use of material balances based on process stoichiometry to estimate maximum organic HAP concentrations;

40 CFR 63.1412(k)(3)(iv)(B)

(B) Estimation of maximum volumetric flow rate based on physical equipment design such as pump or blower capacities;

40 CFR 63.1412(k)(3)(iv)(C)

(C) Estimation of organic HAP concentrations based on saturation conditions; and

40 CFR 63.1412(k)(3)(iv)(D)

(D) Estimation of maximum expected net heating value based on the stream concentration of each organic compound.

40 CFR 63.1413 Compliance demonstration procedures.

40 CFR 63.1413(a)

(a) General.

For each emission point, the owner or operator shall meet three stages of compliance, with exceptions specified in this subpart. First, the owner or operator shall conduct a performance test or design evaluation to demonstrate the performance of the control device or control technology being used. Second, the owner or operator shall meet the requirements for demonstrating initial compliance (e.g., a demonstration that the required percent reduction is achieved). Third, the owner or operator shall meet the requirements for demonstrating continuous compliance through some form of monitoring (e.g., continuous monitoring of operating parameters).

40 CFR 63.1413(a)(1)

(1) Large control devices and small control devices.

A large control device is a control device that controls emission points with total emissions of 10 tons of organic HAP per year or more before control. A small control device is a control device that controls emission points with total emissions less than 10 tons of organic HAP per year before control.

40 CFR 63.1413(a)(1)(i)

(i) Large control devices.

Owners or operators are required to conduct a performance test for a large control device. The establishment of parameter monitoring levels shall be based on data obtained during the required performance test.

40 CFR 63.1413(a)(1)(ii)

(ii) Small control devices.

Owners or operators are required to conduct a design evaluation for a small control device. An owner or operator may choose to conduct a performance test for a small control device and such a performance test shall follow the procedures specified in this section, as appropriate.

Whenever a small control device becomes a large control device, the owner or operator shall conduct a performance test following the procedures specified in this section, as appropriate. Notification that such a performance test is required, the site-specific test plan, and the results of the performance test shall be provided to the Administrator as specified in §63.1417. Except as provided in §63.1415(a)(2), the parameter monitoring levels for small control devices shall be set based on the design evaluation required by paragraph (a)(3)of this section. Further, when setting the parameter monitoring level(s) based on the design evaluation, the owner or operator shall submit the information specified in §63.1417(d)(7) for review and approval as part of the Precompliance Report.

40 CFR 63.1413(a)(2)

(2) Performance tests.

Performance testing shall be conducted in accordance with the General Provisions at §63.7(a)(1), (a)(3), (d), (e)(1), (e)(2), (e)(4), (g), and (h), with the exceptions specified in paragraph (a)(1) of this section. Data shall be reduced in accordance with the EPA approved methods specified in this subpart or, if other test methods are used, the data and methods shall be validated according to the protocol in Method 301 of appendix A of this part.

40 CFR 63.1413(a)(2)(i)

(i) Additional control devices not requiring performance tests.

An owner or operator is not required to conduct a performance test when using one of the following control devices:

40 CFR 63.1413(a)(2)(i)(A)

(A) A boiler or process heater with a design heat input capacity of 44 megawatts or greater.

40 CFR 63.1413(a)(2)(i)(B)

(B) A boiler or process heater into which the vent stream is introduced with the primary fuel or is used as the primary fuel.

40 CFR 63.1413(a)(2)(i)(C)

(C) A boiler or process heater burning hazardous waste for which the owner or operator:

40 CFR 63.1413(a)(2)(i)(C)(1)

(1) Has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 266,

subpart H; or

40 CFR 63.1413(a)(2)(i)(C)(2)

(2) Has certified compliance with the interim status requirements of 40 CFR part 266, subpart H.

40 CFR 63.1413(a)(2)(i)(D)

(D) A hazardous waste incinerator for which the owner or operator has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 264, subpart O, or has certified compliance with the interim status requirements of 40 CFR part 265, subpart O.

40 CFR 63.1413(a)(2)(i)(E)

(E) A control device for which a performance test was already conducted for determining compliance with another regulation promulgated by the EPA, provided the test was conducted using the same Methods specified in this section, and either no deliberate process changes have been made since the test, or the owner or operator can demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process changes. Parameter monitoring levels established based on such a performance test may be used for purposes of demonstrating continuous compliance with this subpart.

40 CFR 63.1413(a)(2)(ii)

(ii) Exceptions to performance test requirements in the General Provisions.

40 CFR 63.1413(a)(2)(ii)(A)

(A) Performance tests shall be conducted at maximum representative operating conditions achievable during either the 6-month period ending 2 months before the Notification of Compliance Status required by §63.1417(e) is due, or during the 6-month period surrounding the date of the performance test (i.e., the period beginning 3 months prior to the performance test and ending 3 months after the performance test). In achieving maximum representative operating conditions, an owner or operator is not required to cause damage to equipment, make a product that does not meet an existing specification for sale to a customer, or make a product in excess of demand.

40 CFR 63.1413(a)(2)(ii)(B)

(B) When §63.7(g) references the Notification of Compliance Status requirements in §63.9(h), the requirements in §63.1417(e) shall

apply for purposes of this subpart.

40 CFR 63.1413(a)(2)(ii)(C)

(C) Performance tests shall be performed no later than 150 days after the compliance dates specified in this subpart (i.e., in time for the results to be included in the Notification of Compliance Status), rather than according to the time periods in §63.7(a)(2).

40 CFR 63.1413(a)(3)

(3) Design evaluations.

To demonstrate the organic HAP removal efficiency for a control device or control technology, a design evaluation shall address the composition and organic HAP concentration of the vent stream(s) entering the control device or control technology, the operating parameters of the control device or control technology, and other conditions or parameters that reflect the performance of the control device or control technology. A design evaluation also shall address other vent stream characteristics and control device operating parameters as specified in any one of paragraphs (a)(3)(i) through (vi) of this section, depending on the type of control device that is used. If the vent stream(s) is not the only inlet to the control device, the efficiency demonstration also shall consider all other vapors, gases, and liquids, other than fuels, received by the control device.

40 CFR 63.1413(a)(3)(i)

(i) For a scrubber, the design evaluation shall consider the vent stream composition, constituent concentrations, liquid-to-vapor ratio, scrubbing liquid flow rate and concentration, temperature, and the reaction kinetics of the constituents with the scrubbing liquid. The design evaluation shall establish the design exhaust vent stream organic compound concentration level and include the additional information in paragraphs (a)(3)(i)(A) and (B) of this section for trays and a packed column scrubber:

40 CFR 63.1413(a)(3)(i)(A)

(A) Type and total number of theoretical and actual trays; and

40 CFR 63.1413(a)(3)(i)(B)

(B) Type and total surface area of packing for entire column, and for individual packed sections if column contains more than one packed section.

40 CFR 63.1413(a)(3)(ii)

(ii) For a condenser, the design evaluation shall consider the vent stream flow rate, relative humidity, and temperature and shall establish the design outlet organic HAP compound concentration level, design average

temperature of the condenser exhaust vent stream, and the design average temperatures of the coolant fluid at the condenser inlet and outlet. The temperature of the gas stream exiting the condenser shall be measured and used to establish the outlet organic HAP concentration.

40 CFR 63.1413(a)(3)(iii)

(iii) For a carbon adsorption system that regenerates the carbon bed directly onsite in the control device, such as a fixed-bed adsorber, the design evaluation shall consider the vent stream flow rate, relative humidity, and temperature and shall establish the design exhaust vent stream organic compound concentration level, adsorption cycle time, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total regeneration stream mass or volumetric flow over the period of each complete carbon bed regeneration cycle, design carbon bed temperature after regeneration, design carbon bed regeneration time, and design service life of carbon. For vacuum desorption, the pressure drop shall be included.

40 CFR 63.1413(a)(3)(iv)

(iv) For a carbon adsorption system that does not regenerate the carbon bed directly onsite in the control device, such as a carbon canister, the design evaluation shall consider the vent stream mass or volumetric flow rate, relative humidity, and temperature and shall establish the design exhaust vent stream organic compound concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed, and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

40 CFR 63.1413(a)(3)(v)

(v) For an enclosed combustion device with a minimum residence time of 0.5 seconds and a minimum temperature of 760 C, the design evaluation shall document that these conditions exist.

40 CFR 63.1413(a)(3)(vi)

(vi) For a combustion control device that does not satisfy the criteria in paragraph (a)(3)(v) of this section, the design evaluation shall address the following characteristics, depending on the type of control device:

40 CFR 63.1413(a)(3)(vi)(A)

(A) For a thermal vapor incinerator, the design evaluation shall consider the autoignition temperature of the organic HAP, shall consider the vent stream flow rate, and shall establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.

40 CFR 63.1413(a)(3)(vi)(B)

(B) For a catalytic vapor incinerator, the design evaluation shall consider the vent stream flow rate and shall establish the design minimum and average temperatures across the catalyst bed inlet and outlet.

40 CFR 63.1413(a)(3)(vi)(C)

(C) For a boiler or process heater, the design evaluation shall consider the vent stream flow rate, shall establish the design minimum and average flame zone temperatures and combustion zone residence time, and shall describe the method and location where the vent stream is introduced into the flame zone.

40 CFR 63.1413(a)(4)

(4) Establishment of parameter monitoring levels.

The owner or operator of a control device that has one or more parameter monitoring level requirements specified under this subpart, or specified under subparts referenced by this subpart, shall establish a maximum or minimum level, as denoted on Table 4 of this subpart, for each measured parameter using the procedures specified in paragraph (a)(4)(i) or (ii) of this section. Except as otherwise provided in this subpart, the owner or operator shall operate control devices such that the daily average, batch cycle daily average, or block average of monitored parameters, established as specified in this paragraph, remains above the minimum level or below the maximum level, as appropriate.

40 CFR 63.1413(a)(4)(i)

(i) Establishment of parameter monitoring levels based on performance tests.

40 CFR 63.1413(a)(4)(i)(A)

(A) Emission points other than batch process vents.

During initial compliance testing, the appropriate parameter shall be continuously monitored during the required 1-hour test runs. The monitoring level(s) shall then be established as the average of the maximum (or minimum) point values from the three test runs. The average of the maximum values shall be used when establishing a maximum level, and the average of the minimum values shall be used when establishing a minimum level.

40 CFR 63.1413(a)(4)(i)(B)

(B) Aggregate batch vent streams.

For aggregate batch vent streams the monitoring level shall be

established in accordance with paragraph (a)(4)(i)(A) of this section.

40 CFR 63.1413(a)(4)(i)(C)

(C) Batch process vents.

The monitoring level(s) shall be established using the procedures specified in paragraphs (a)(4)(i)(C)(1) or (2) of this section. For batch process vents complying with the percent reduction standards specified in §63.1406 or §63.1407, parameter monitoring levels shall be established by the design evaluation, or during the performance test so that the specified percent reduction from §63.1406 or §63.1407, as appropriate, is met.

40 CFR 63.1413(a)(4)(i)(C)(1)

(1) If more than one batch emission episode or more than one portion of a batch emission episode has been selected to be controlled, a single level for the batch cycle shall be calculated as follows:

40 CFR 63.1413(a)(4)(i)(C)(1)(i)

(i) During initial compliance testing, the appropriate parameter shall be monitored continuously and recorded once every 15 minutes at all times when batch emission episodes, or portions thereof, selected to be controlled are vented to the control device. A minimum of three recorded values shall be obtained for each batch emission episode, or portion thereof, regardless of the length of time emissions are occurring.

40 CFR 63.1413(a)(4)(i)(C)(1)(ii)

(ii) The average monitored parameter value shall be calculated for each batch emission episode, or portion thereof, in the batch cycle selected to be controlled. The average shall be based on all values measured during the required performance test.

40 CFR 63.1413(a)(4)(i)(C)(1)(iii)

(iii) If the level to be established is a maximum operating parameter, the level shall be defined as the minimum of the average parameter values from each batch emission episode, or portion thereof, in the batch cycle selected to be controlled (i.e.,

identify the batch emission episode, or portion thereof, which requires the lowest parameter value in order to assure compliance; the average parameter value that is necessary to assure compliance for that batch emission episode, or portion thereof, shall be the level for all batch emission episodes, or portions thereof, in the batch cycle that are selected to be controlled).

40 CFR 63.1413(a)(4)(i)(C)(1)(iv)

(iv) If the level to be established is a minimum operating parameter, the level shall be defined as the maximum of the average parameter values from each batch emission episode, or portion thereof, in the batch cycle selected to be controlled (i.e., identify the batch emission episode, or portion thereof, which requires the highest parameter value in order to assure compliance; the average parameter value that is necessary to assure compliance for that batch emission episode, or portion thereof, shall be the level for all batch emission episodes, or portions thereof, in the batch cycle that are selected to be controlled).

40 CFR 63.1413(a)(4)(i)(C)(1)(v)

(v) Alternatively, an average monitored parameter value shall be calculated for the entire batch cycle based on all values recorded during each batch emission episode, or portion thereof, selected to be controlled.

40 CFR 63.1413(a)(4)(i)(C)(2)

(2) Instead of establishing a single level for the batch cycle, as described in paragraph (a)(4)(i)(C)(1) of this section, an owner or operator may establish separate levels for each batch emission episode, or portion thereof, selected to be controlled. Each level shall be determined as specified in paragraphs (a)(4)(i)(C)(1)(i) through (v) of this section.

40 CFR 63.1413(a)(4)(i)(C)(3)

(3) The batch cycle shall be defined in the Notification of Compliance Status, as specified in §63.1417(e)(2). Said definition shall include an identification of each batch emission episode. The definition of batch cycle shall also

include the information required to determine parameter monitoring compliance for partial batch cycles (i.e., when part of a batch cycle is accomplished during 2 different operating days) for those parameters averaged on a batch cycle daily average basis.

40 CFR 63.1413(a)(4)(ii)

(ii) Establishment of parameter monitoring levels based on performance tests, engineering assessments, and/or manufacturer's recommendations. Parameter monitoring levels may be established based on the parameter values measured during the performance test supplemented by engineering assessments and/or manufacturer's recommendations. Performance testing is not required to be conducted over the entire range of expected parameter values. When setting the parameter monitoring level(s) using the procedures specified in this paragraph, the owner or operator shall submit the information specified in §63.1417(d)(7) for review and approval as part of the Precompliance Report.

40 CFR 63.1413(b)

(b) Initial and continuous compliance for storage vessels.

40 CFR 63.1413(b)(1)

(1) Initial compliance with the percent reduction standard specified in §63.1404(a)(1) shall be demonstrated following the procedures in 40 CFR part 63, subpart SS.

40 CFR 63.1413(b)(2)

(2) Initial compliance with the work practice standard specified in §63.1404(a)(2) shall be demonstrated following the procedures in 40 CFR part 63, subpart WW.

40 CFR 63.1413(b)(3)

(3) Continuous compliance with the percent reduction standard specified in §63.1404(a)(1) shall be demonstrated following the procedures in 40 CFR part 63, subpart SS.

40 CFR 63.1413(b)(4)

(4) Continuous compliance with the work practice standard specified in §63.1404(a)(2) shall be demonstrated following the procedures in 40 CFR part 63, subpart WW.

40 CFR 63.1413(b)(5)

(5) Initial and continuous compliance with the alternative standard specified in §63.1404(b) shall be demonstrated following the procedures in paragraph (f)of this section.

40 CFR 63.1413(c)

(c) Initial and continuous compliance for continuous process vents.

40 CFR 63.1413(c)(1)

(1) Initial compliance with the percent reduction standard specified in §63.1405(a)(2) shall be demonstrated following the procedures in 40 CFR part 63, subpart SS.

40 CFR 63.1413(c)(2)

(2) Initial compliance with §63.1405(a)(1) (venting of emissions to a flare) shall be demonstrated following the procedures specified in paragraph (g)of this section.

40 CFR 63.1413(c)(3)

(3) Continuous compliance with the percent reduction standard specified in §63.1405(a)(2) shall be demonstrated following the procedures in 40 CFR part 63, subpart SS.

40 CFR 63.1413(c)(4)

(4) Continuous compliance with §63.1405(a)(1) (venting of emissions to a flare) shall be demonstrated following the continuous monitoring procedures specified in §63.1415.

40 CFR 63.1413(c)(5)

(5) Initial and continuous compliance with the alternative standard specified in §63.1405(b) shall be demonstrated following the procedures in paragraph (f)of this section.

40 CFR 63.1413(d)

(d) Initial and continuous compliance for aggregate batch vent streams.

40 CFR 63.1413(d)(1)

(1) Initial compliance with the percent reduction standard specified in §63.1408(a)(1)(ii) and (2)(ii) shall be demonstrated following the procedures for continuous process vents specified in paragraph (c)(1) of this section.

40 CFR 63.1413(d)(2)

(2) Initial compliance with §63.1408(a)(1)(i) and (2)(i) (venting of emissions to a flare) shall be demonstrated following the procedures specified in paragraph (g) of this section.

40 CFR 63.1413(d)(3)

(3) Continuous compliance with the percent reduction standard specified in §63.1408(a)(1)(ii) and (2)(ii) shall be demonstrated following the procedures for continuous process vents specified in paragraph (c)(3) of this section.

40 CFR 63.1413(d)(4)

(4) Continuous compliance with §63.1408(a)(1)(i) and (a)(2)(i) (venting of emissions to a flare) shall be demonstrated following the continuous monitoring procedures specified in §63.1415.

40 CFR 63.1413(d)(5)

(5) Initial and continuous compliance with the alternative standard specified in §63.1408(b)(1) shall be demonstrated following the procedures in paragraph (f) of this section.

40 CFR 63.1413(d)(6)

(6) Initial and continuous compliance with the mass emission limit specified in §63.1408(b)(2) shall be demonstrated following the procedures in paragraph (e)(2) of this section.

40 CFR 63.1413(e)

(e) Initial and continuous compliance for batch process vents.

40 CFR 63.1413(e)(1)

(1) Compliance with percent reduction standards.

Owners or operators opting to comply with the percent reduction standards specified in §63.1406(a)(1)(ii) and (a)(2)(ii) or §63.1407(a)(2)(ii) and (a)(3)(ii) shall select portions of the batch process vent emissions (i.e., select batch emission episodes or portions of batch emission episodes) to be controlled such that the specified percent reduction is achieved for the batch cycle. Paragraphs (e)(1)(i) and (ii) of this section specify how the performance of a control device or control technology is to be determined. Paragraph (e)(1)(iii)of this section specifies how to demonstrate that the required percent emission reduction is achieved for the batch cycle.

40 CFR 63.1413(e)(1)(i)

(i) Design evaluation.

The design evaluation shall comply with the provisions in paragraph (a)(3) of this section. The design evaluation shall include the value(s) and basis for the parameter monitoring level(s) required by §63.1415. The design evaluation shall determine either of the following:

40 CFR 63.1413(e)(1)(i)(A)

(A) Each batch emission episode.

The control device efficiency for each batch emission episode that the owner or operator selects to control.

40 CFR 63.1413(e)(1)(i)(B)

(B) One or more representative batch emission episodes.

The control device efficiency for one or more batch emission episodes provided that the owner or operator demonstrates that the control device achieves the same or higher efficiency for all other batch emission episodes that the owner or operator selects to control.

40 CFR 63.1413(e)(1)(ii)

(ii) Performance test.

An owner or operator shall conduct performance tests following the procedures in paragraph (e)(1)(ii)(A) of this section, the procedures in paragraph (e)(1)(ii)(B)of this section, or a combination of the two procedures. Under paragraph (e)(1)(ii)(A) of this section, a performance test is conducted for each batch emission episode selected for control. Under paragraph (e)(1)(ii)(B) of this section, an owner or operator groups together several batch emission episodes and conducts a single performance test for the batch emission episode that is the most challenging, in terms of achieving emission reductions, for the control device or control technology; thereby demonstrating that the achieved emission reduction for the tested batch emission episode is the minimum control device or control technology performance expected for each batch emission episode in the group. An owner or operator may use the concept provided by paragraph (e)(1)(ii)(B) of this section for several different groups of batch emission episodes.

40 CFR 63.1413(e)(1)(ii)(A)

(A) Testing each batch emission episode.

A performance test shall be performed for each batch emission episode, or portion thereof, that the owner or operator selects to control. Performance tests shall be conducted using the testing procedures specified in §63.1414(a) and (b) and the following procedures:

40 CFR 63.1413(e)(1)(ii)(A)(1)

(1) Only one test (i.e., only one run) is required for each batch emission episode selected by the owner or operator for control.

40 CFR 63.1413(e)(1)(ii)(A)(2)

(2) Except as specified in paragraph (e)(1)(ii)(A)(3) of this

section, the performance test shall be conducted over the entire period of emissions selected by the owner or operator for control.

40 CFR 63.1413(e)(1)(ii)(A)(3)

(3) An owner or operator may choose to test only those periods of the batch emission episode during which the emission rate for the entire batch emission episode can be determined or during which the organic HAP emissions are greater than the average emission rate of the batch emission episode. The owner or operator choosing either of these options shall develop an emission profile illustrating the emission rate (kilogram per unit time) over the entire batch emission episode, based on either process knowledge or test data, to demonstrate that test periods are representative. Examples of information that could constitute process knowledge include calculations based on material balances and process stoichiometry. Previous test results may be used to develop the emission profile provided the results are still relevant to the current batch process vent conditions. The emission profile shall be included in the site-specific test plan required by §63.1417(h)(2).

40 CFR 63.1413(e)(1)(ii)(A)(4)

(4) When choosing sampling sites using the methods specified in §63.1414(a)(1), inlet sampling sites shall be located as specified in paragraphs (e)(1)(ii)(A)(4)(i) and (ii) of this section. Outlet sampling sites shall be located at the outlet of the control device prior to release to the atmosphere.

40 CFR 63.1413(e)(1)(ii)(A)(4)(i)

(i) The control device inlet sampling site shall be located at the exit from the batch unit operation after any condensers operating as process condensers and before any control device.

40 CFR 63.1413(e)(1)(ii)(A)(4)(ii)

(ii) If a batch process vent is introduced with the combustion air or as a secondary fuel into a boiler or process heater with a design capacity less than 44 megawatts, selection of the location of the inlet sampling sites shall ensure the measurement of total organic HAP concentrations in all batch process vents and primary and secondary fuels introduced

into the boiler or process heater.

40 CFR 63.1413(e)(1)(ii)(B)

(B) Testing only the most challenging batch emission episode.

Under this paragraph, an owner or operator groups together several batch emission episodes and conducts a single performance test for the batch emission episode that is the most challenging, in terms of achieving emission reductions, for the control device or control technology; thereby demonstrating that the achieved emission reduction for the tested batch emission episode is the minimum control device or control technology performance expected for each batch emission episode in the group. The owner or operator shall use the control device efficiency determined from the performance test for all the other batch emission episodes in that group for purposes of paragraph (e)(2)(iii) of this section. Performance tests shall be conducted using the testing procedures specified in §63.1414(a) and (b) and the following procedures:

40 CFR 63.1413(e)(1)(ii)(B)(1)

(1) The procedures specified in paragraphs (e)(2)(ii)(A)(2) through (4) of this section.

40 CFR 63.1413(e)(1)(ii)(B)(2)

(2) Develop an emission profile illustrating the emission rate (kilogram/unit time) for each period of emissions to be addressed by the performance test. The emission profile shall be based on either process knowledge or test data. Examples of information that could constitute process knowledge include calculations based on material balances and process stoichiometry. Previous test results may be used to develop the emission profile provided the results are still relevant to the current batch process vent conditions. The emission profile shall be included in the site-specific test plan required by §63.1417(h)(2).

40 CFR 63.1413(e)(1)(ii)(B)(3)

(3) Provide rationale for why the control device efficiency for all the other batch emission episodes in the group will be greater than or equal to the control device efficiency achieved during the tested period of the most challenging batch emission episode in the group, as specified in the Notification of Compliance Status Report required by §63.1417(e).

40 CFR 63.1413(e)(1)(iii)

(iii) Batch cycle percent reduction.

The percent reduction for the batch cycle for an individual reactor batch process vent and the overall percent reduction for the collection of non-reactor batch process vents within the affected source shall be determined using Equation 1 of this section and the control device efficiencies specified in paragraphs (e)(1)(iii)(A) through (C) of this section. All information used to calculate the batch cycle percent reduction for an individual reactor batch process vent, including a definition of the batch cycle identifying all batch emission episodes, shall be recorded as specified in §63.1416(d)(1)(ii). All information used to calculate the overall percent reduction for the collection of non-reactor batch process vents within the affected source, including a list of all batch emission episodes from the collection of non-reactor batch process vents within the affected source, shall be recorded as specified in §63.1416(d)(1)(ii). This information shall include identification of those batch emission episodes, or portions thereof, selected for control. This information shall include estimates of uncontrolled organic HAP emissions for those batch emission episodes, or portions thereof, that are not selected for control, determined as specified in paragraph (e)(2)(iii)(D) or (E) of this section.

"Equation 1 "

Where:

PR =	Percent reduction.
Eunc =	Mass rate of total organic HAP for uncontrolled batch emission episode i, kg/hr.
Einlet,con =	Mass rate of total organic HAP for controlled batch emission episode i at the inlet to the control device, kg/hr.
R =	Control efficiency of control device as specified in paragraphs (e)(1)(iii)(A) through (e)(1)(iii)(C) of this section. The value of R may vary between batch emission episodes.
n =	Number of uncontrolled batch emission episodes, controlled batch emission episodes, and control devices. The value of n is not necessarily the same for these three items.

40 CFR 63.1413(e)(1)(iii)(A)

(A) When conducting a performance test, the control efficiency of the control device shall be determined following the procedures in §63.1414(b)(4).

40 CFR 63.1413(e)(1)(iii)(B)

(B) For combustion control devices listed in paragraphs (a)(2)(i)(A) and (B) of this section and for flares, the control efficiency in Equation 1 of this section shall be 98 percent.

40 CFR 63.1413(e)(1)(iii)(C)

(C) If a performance test is not required, the control efficiency shall be based on the design evaluation specified in paragraph (e)(1)(i) of this section.

40 CFR 63.1413(e)(1)(iii)(D)

(D) For batch process vents estimated through engineering assessment, as described in §63.1414(f)(6), to emit less than 10 tons per year of uncontrolled organic HAP emissions, the owner or operator may use in Equation 1 of this section the emissions determined using engineering assessment or may determine organic HAP emissions using any of the procedures specified in §63.1414(d).

40 CFR 63.1413(e)(1)(iii)(E)

(E) For batch process vents estimated through engineering assessment, as described in §63.1414(d)(6), to emit 10 tons per year or greater of uncontrolled organic HAP emissions, organic HAP emissions shall be estimated following the procedures specified in §63.1414(d).

40 CFR 63.1413(e)(1)(iii)(F)

(F) Owners or operators designating a condenser, sometimes operated as a process condenser, as a control device shall conduct inprocess recycling and follow the recordkeeping requirements specified in §63.1416(d)(1)(vi).

40 CFR 63.1413(e)(1)(iv)

(iv) Initial compliance with percent reduction standards.

Initial compliance with the percent reduction standards specified in §63.1406(a)(1)(ii) and (2)(ii) and §63.1407(a)(2)(ii) and (3)(ii) is achieved when the owner or operator demonstrates, following the procedures in paragraphs (e)(1)(i) through (iii) of this section, that the required percent reduction is achieved.

40 CFR 63.1413(e)(1)(v)

(v) Continuous compliance with percent reduction standards.

Continuous compliance with the percent reduction standards specified in §63.1406(a)(1)(ii) and (2)(ii) and §63.1407(a)(2)(ii) and (3)(ii) shall be demonstrated following the continuous monitoring procedures specified in §63.1415.

40 CFR 63.1413(e)(2)

(2) Compliance with mass emission limit standards.

Each owner or operator shall determine initial and continuous compliance with the mass emission limits specified in §63.1406(a)(1)(iii) and (a)(2)(iii), according to the following procedures, as appropriate:

40 CFR 63.1413(e)(2)(i)

(i) If production at an affected source is exclusively non-solvent-based amino/phenolic resin or is exclusively solvent-based amino/phenolic resin, or an owner or operator chooses to meet the non-solvent-based emission limit, the owner or operator shall demonstrate initial and continuous compliance as follows:

40 CFR 63.1413(e)(2)(i)(A)

(A) Initial compliance.

Initial compliance shall be based on the average of the first 6 monthly average emission rate data points. The 6-month average shall be compared to the mass emission limit specified in §63.1406(a)(1)(iii) and (a)(2)(iii), as appropriate.

40 CFR 63.1413(e)(2)(i)(B)

(B) Continuous compliance.

For the first year of compliance, continuous compliance shall be based on a cumulative average monthly emission rate calculated each month based on the available monthly emission rate data points (e.g., 7 data points after 7 months of operation, 8 data points after 8 months of operation) beginning the first month after initial compliance is demonstrated. The first continuous compliance cumulative average monthly emission rate shall be calculated using the first 7 monthly average emission rate data points. After the first year of compliance, a 12-month rolling average monthly emission rate shall be calculated each month based on the previous 12 monthly emission rate data points. Continuous compliance

shall be determined by comparing the cumulative average monthly emission rate or the 12-month rolling average monthly emission rate to the mass emission limit specified in §63.1406(a)(1)(iii) and (a)(2)(iii), as appropriate.

40 CFR 63.1413(e)(2)(i)(C)

(C) Procedures to determine the monthly emission rate.

The monthly emission rate, kilograms of organic HAP per megagram of product, shall be determined at the end of each month using Equation 2 of this section:

"Equation 2 "

Where:

ER =	Emission rate of organic HAP from reactor batch process vents, kg of HAP/Mg product.
Ei =	Emission rate of organic HAP from reactor batch process vent i as determined using the procedures specified in paragraph (e)(2)(i)(C)(1)of this section, kg/month.
RPm =	Amount of resin produced in one month as determined using the procedures specified in paragraph (e)(2)(i)(C)(4) of this section, Mg/month.
n =	Number of batch process vents.

40 CFR 63.1413(e)(2)(i)(C)(1)

(1) The monthly emission rate of organic HAP, in kilograms per month, from an individual batch process vent (Ei) shall be determined using Equation 3 of this section. Once organic HAP emissions for a batch cycle (Ecyclei) have been estimated, as specified in either paragraph (e)(2)(i)(C)(2) or (3) of this section, the owner or operator may use the estimated organic HAP emissions (Ecyclei) to determine Ei using Equation 3 of this section until the estimated organic HAP emissions (Ecyclei) are no longer representative due to a process change or other reasons known to the owner or operator. If organic HAP emissions for a batch cycle (Ecyclei) are determined to no longer be representative, the owner or operator shall redetermine organic HAP emissions for the batch cycle (Ecyclei) following the procedures in paragraph (e)(2)(i)(C)(2) or (3

) of this section, as appropriate.

"Equation 3 "

Where:

Ei =	Monthly emissions from a batch process vent, kg/month.
Ni =	Number of type i batch cycles performed monthly, cycles/month.
Ecyclei =	Emissions from the batch process vent associated with a single type i batch cycle, as determined using the procedures specified in either paragraph (e)(2)(i)(C)(2) or (3) of this section, kg/batch cycle.
n =	Number of different types of batch cycles that cause the emission of organic HAP from the batch process vent.

40 CFR 63.1413(e)(2)(i)(C)(2)

(2) For reactor batch process vents estimated through engineering assessment, as described in §63.1414(d)(6), to emit less than 10 tons per year of uncontrolled organic HAP emissions, the owner or operator may use the emissions determined using engineering assessment in Equation 3 of this section or may determine organic HAP emissions using any of the procedures specified in §63.1414(d). For reactor batch process vents estimated through engineering assessment, as described in §63.1414(d)(6), to emit 10 tons per year or greater of uncontrolled organic HAP emissions, uncontrolled organic HAP emissions from the batch emission episodes making up the batch cycle shall be estimated following the procedures specified in §63.1414(d).

40 CFR 63.1413(e)(2)(i)(C)(3)

(3) For reactor batch process vents vented to a control device or control technology, controlled organic HAP emissions shall be determined as follows:

40 CFR 63.1413(e)(2)(i)(C)(3)(i)

(i) Uncontrolled organic HAP emissions shall be determined following the procedures in paragraph (e)(2)(i)(C)(2) of this section.

40 CFR 63.1413(e)(2)(i)(C)(3)(ii)

(ii) Control device or control technology efficiency shall be determined using the procedures in paragraph (e)(1)(i)of this section for small control devices or the procedures in paragraph (e)(1)(ii)of this section for large control devices.

40 CFR 63.1413(e)(2)(i)(C)(3)(iii)

(iii) Controlled organic HAP emissions shall be determined by applying the control device or control technology efficiency, determined in paragraph (e)(2)(i)(C)(3)(ii) of this section, to the uncontrolled organic HAP emissions, determined in paragraph (e)(2)(i)(C)(3)(i) of this section.

40 CFR 63.1413(e)(2)(i)(C)(4)

(4) The rate of resin produced, RPM (Mg/month), shall be determined based on production records certified by the owner or operator to represent actual production for the month. A sample of the records selected by the owner or operator for this purpose shall be provided to the Administrator in the Precompliance Report as required by §63.1417(d).

40 CFR 63.1413(e)(2)(ii)

(ii) If production at an affected source reflects a mix of solvent-based and non-solvent-based resin and the owner or operator does not choose to meet the non-solvent-based emission limit specified in §63.1406(a)(1)(iii) or (a)(2)(iii), as applicable, the owner or operator shall demonstrate initial and continuous compliance as follows:

40 CFR 63.1413(e)(2)(ii)(A)

(A) Procedures for determining a site-specific emission limit.

A site-specific emission limit shall be determined using Equation 4 of this section.

"Equation 4 "

Where:

SSEL = Site specific emission limit, kg of organic HAP/Mg of product.

MGs = Megagrams of solvent-based resin product

produced, megagrams.

MGns = Megagrams of non-solvent-based resin product produced, megagrams.

ELs = Emission limit for solvent-based resin product, kg organic HAP/Mg solvent-based resin product.

ELns = Emission limit for non-solvent-based resin product, kg organic HAP/Mg non-solvent-based resin product.

40 CFR 63.1413(e)(2)(ii)(B)

(B) Initial compliance.

For purposes of determining initial compliance, the site-specific emission limit shall be based on production for the first 6 months beginning January 20, 2000 or the first 6 months after initial start-up, whichever is later. Using the site-specific emission limit, initial compliance shall be demonstrated using the procedures in paragraph (e)(2)(i)(A)of this section, as appropriate.

40 CFR 63.1413(e)(2)(ii)(C)

(C) Continuous compliance.

For purposes of determining continuous compliance for the period of operation starting at the beginning of the 7th month and ending after the 12th month, the site-specific emission limit shall be determined each month based on production for the cumulative period. For purposes of determining continuous compliance after the first year of production, the site-specific emission limit shall be determined each month based on production for a 12-month rolling period. Using the site-specific emission limit, continuous compliance shall be demonstrated using the procedures in paragraph (e)(2)(i)(B) of this section, as appropriate.

40 CFR 63.1413(e)(3)

(3) Compliance by venting to a flare.

Initial compliance with the standards specified in §63.1406(a)(1)(i) and (a)(2)(i) and §63.1407(a)(2)(i) and (a)(3)(i) shall be demonstrated following the procedures specified in paragraph (g) of this section. Continuous compliance with these standards shall be demonstrated following the continuous monitoring procedures specified in §63.1415.

40 CFR 63.1413(e)(4)

(4) Compliance with alternative standard.

Initial and continuous compliance with the alternative standard specified in §§63.1406(b) and 63.1407(b)(1) shall be demonstrated following the procedures in paragraph (f) of this section.

40 CFR 63.1413(f)

(f) Compliance with alternative standard.

Initial and continuous compliance with the alternative standards in §§63.1404(b), 63.1405(b), 63.1406(b), 63.1407(b)(1), and 63.1408(b)(1) are demonstrated when the daily average outlet organic HAP concentration is 20 ppmv or less when using a combustion control device or 50 ppmv or less when using a non-combustion control device. To demonstrate initial and continuous compliance, the owner or operator shall follow the test method specified in §63.1414(a)(6) and shall be in compliance with the monitoring provisions in §63.1415(e) no later than the initial compliance date and on each day thereafter.

40 CFR 63.1413(g)

(g) Flare compliance demonstrations.

Notwithstanding any other provision of this subpart, if an owner or operator of an affected source uses a flare to comply with any of the requirements of this subpart, the owner or operator shall comply with paragraphs (g)(1) through (3) of this section. When using a flare to comply, the owner or operator is not required to conduct a performance test to determine percent emission reduction or outlet organic HAP concentration. If a compliance demonstration has been conducted previously for a flare, using the techniques specified in paragraphs (g)(1) through (3) of this section, that compliance demonstration may be used to satisfy the requirements of this paragraph if either no deliberate process changes have been made since the compliance demonstration, or the results of the compliance demonstration reliably demonstrate compliance despite process changes.

40 CFR 63.1413(g)(1)

(1) Conduct a visible emission test using the techniques specified in §63.11(b)(4).

40 CFR 63.1413(g)(2)

(2) Determine the net heating value of the gas being combusted using the techniques specified in §63.11(b)(6).

40 CFR 63.1413(g)(3)

(3) Determine the exit velocity using the techniques specified in either §63.11(b)(7)(i) (and §63.11(b)(7)(iii), where applicable) or §63.11(b)(8), as appropriate.

40 CFR 63.1413(h)

(h) Deviations.

Paragraphs (h)(1) through (4) of this section describe deviations from the emission limits, the operating limits, the work practice standards, and the emission standard, respectively. Paragraph (h)(5) of this section describes situations that are not deviations. Paragraph (h)(6) of this section describes periods that are excluded from compliance determinations.

40 CFR 63.1413(h)(1)

(1) Deviations from the emission limit.

The following are deviations from the emission limit:

40 CFR 63.1413(h)(1)(i)

(i) Exceedance of the condenser outlet gas temperature limit (i.e., having an average value higher than the established maximum level) monitored according to the provisions of §63.1415(b)(3);

40 CFR 63.1413(h)(1)(ii)

(ii) Exceedance of the outlet concentration (i.e., having an average value higher than the established maximum level) monitored according to the provisions of §63.1415(b)(8);

40 CFR 63.1413(h)(1)(iii)

(iii) Exceedance of the mass emission limit (i.e., having an average value higher than the specified limit) monitored according to the provisions of paragraph (e)(2) of this section; and

40 CFR 63.1413(h)(1)(iv)

(iv) Exceedance of the organic HAP outlet concentration limit (i.e., having an average value higher than the specified limit) monitored according to the provisions of §63.1415(e).

40 CFR 63.1413(h)(2)

(2) Deviations from the operating limit.

Exceedance of the parameters monitored according to §63.1415(b)(1), (b)(2), and (b)(4) through (7) are considered deviations from the operating limit. An exceedance of the monitored parameter has occurred if:

40 CFR 63.1413(h)(2)(i)

(i) The parameter, averaged over the operating day or block, is below a minimum value established during the initial compliance demonstration; or

40 CFR 63.1413(h)(2)(ii)

(ii) The parameter, averaged over the operating day or block, is above the maximum value established during the initial compliance demonstration.

40 CFR 63.1413(h)(3)

(3) Deviations from the work practice standard.

If all flames at the pilot light of a flare are absent, there has been a deviation from the work practice standard.

40 CFR 63.1413(h)(4)

(4) Deviation from the emission standard.

If an affected source is not operated during periods of start-up, shutdown, or malfunction in accordance with the affected source's Start-up, Shutdown, and Malfunction Plan, there has been a deviation from the emission standard. If monitoring data are insufficient, as described in paragraphs (h)(4)(i) through (iii) of this section, there has been a deviation from the emission standard.

40 CFR 63.1413(h)(4)(i)

(i) The period of control device or control technology operation is 4 hours or greater in an operating day, and monitoring data are insufficient to constitute a valid hour of data, as defined in paragraph (h)(4)(iii) of this section, for at least 75 percent of the operating hours;

40 CFR 63.1413(h)(4)(ii)

(ii) The period of control device or control technology operation is less than 4 hours in an operating day, and more than one of the hours during the period of operation does not constitute a valid hour of data due to insufficient monitoring data; and

40 CFR 63.1413(h)(4)(iii)

(iii) Monitoring data are insufficient to constitute a valid hour of data, as used in paragraphs (h)(4)(i) and (ii) of this section, if measured values are unavailable for any of the 15-minute periods within the hour. For data compression systems approved under §63.1417(k)(3), monitoring data are insufficient to calculate a valid hour of data if there are less than four data measurements made during the hour.

40 CFR 63.1413(h)(5)

(5) Situations that are not deviations.

If an affected source is operated during periods of start-up, shutdown, or malfunction in accordance with the affected source's Start-up, Shutdown, and

Malfunction Plan, and any of the situations listed in paragraphs (h)(5)(i) through (iv) of this section occur, such situations shall not be considered to be deviations.

40 CFR 63.1413(h)(5)(i)

(i) The daily average value of a monitored parameter is above the maximum level or below the minimum level established;

40 CFR 63.1413(h)(5)(ii)

(ii) Monitoring data cannot be collected during monitoring device calibration check or monitoring device malfunction;

40 CFR 63.1413(h)(5)(iii)

(iii) Monitoring data are not collected during periods of start-up, shutdown, or malfunction; and

40 CFR 63.1413(h)(5)(iv)

(iv) Monitoring data are not collected during periods of nonoperation of the affected source or portion thereof (resulting in cessation of the emissions to which the monitoring applies).

40 CFR 63.1413(h)(6)

(6) Periods not considered to be part of the period of control or recovery device operation. The periods listed in paragraphs (h)(6)(i) through (v) of this section are not considered to be part of the period of control or recovery device operation for purposes of determining averages or periods of control device or control technology operation.

40 CFR 63.1413(h)(6)(i)

(i) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments;

40 CFR 63.1413(h)(6)(ii)

(ii) Start-ups;

40 CFR 63.1413(h)(6)(iii)

(iii) Shutdowns;

40 CFR 63.1413(h)(6)(iv)

(iv) Malfunctions; or

40 CFR 63.1413(h)(6)(v)

(v) Periods of nonoperation of the affected source (or portion thereof), resulting in cessation of the emissions to which the monitoring applies.

40 CFR 63.1414 Test methods and emission estimation equations.

40 CFR 63.1414(a)

(a) Test methods.

When required to conduct a performance test, the owner or operator shall use the test methods specified in paragraphs (a)(1) through (6) of this section, except where another section of this subpart requires either the use of a specific test method or the use of requirements in another subpart containing specific test method requirements.

40 CFR 63.1414(a)(1)

(1) Method 1 or 1A, 40 CFR part 60, appendix A, shall be used for selection of the sampling sites if the flow measuring device is a pitot tube, except that references to particulate matter in Method 1A do not apply for the purposes of this subpart. No traverse is necessary when Method 2A or 2D, 40 CFR part 60, appendix A is used to determine gas stream volumetric flow rate.

40 CFR 63.1414(a)(2)

(2) Method 2, 2A, 2C, or 2D, 40 CFR part 60, appendix A, is used for velocity and volumetric flow rates.

40 CFR 63.1414(a)(3)

(3) Method 3, 40 CFR part 60, appendix A, is used for gas analysis.

40 CFR 63.1414(a)(4)

(4) Method 4, 40 CFR part 60, appendix A, is used for stack gas moisture.

40 CFR 63.1414(a)(5)

(5) The following methods shall be used to determine the organic HAP concentration.

40 CFR 63.1414(a)(5)(i)

(i) Method 316 or Method 320, 40 CFR part 60, appendix A, shall be used to determine the concentration of formaldehyde.

40 CFR 63.1414(a)(5)(ii)

(ii) Method 18, 40 CFR part 60, appendix A, shall be used to determine the concentration of all organic HAP other than formaldehyde.

40 CFR 63.1414(a)(5)(iii)

(iii) Method 308, 40 CFR part 60, appendix A, may be used as an alternative to Method 18 to determine the concentration of methanol.

40 CFR 63.1414(a)(6)

(6) When complying with the alternative standard, as specified in §63.1413(f), the owner or operator shall use a Fourier Transform Infrared Spectroscopy (FTIR) instrument following Method PS-15, 40 CFR part 60, appendix B.

40 CFR 63.1414(b)

(b) Batch process vent performance testing procedures.

40 CFR 63.1414(b)(1)

(1) Average batch vent flow rate determination.

The average batch vent flow rate for a batch emission episode shall be calculated using Equation 1 of this section:

"Equation 1 "

Where:

AFRepisode = Average batch vent flow rate for the batch emission episode, scmm.

FRi = Volumetric flow rate for individual measurement i, taken every 15 minutes using the procedures in paragraph (a)(2) of this section, scmm.

n = Number of flow rate measurements taken during the batch emission episode.

40 CFR 63.1414(b)(2)

(2) Average batch vent concentration determination using an integrated sample.

If an integrated sample is taken over the entire batch emission episode to determine the average batch vent concentration of total organic HAP, organic HAP emissions shall be calculated using Equation 2 of this section:

"Equation 2 "

Where:

Eepisode = Emissions, kg/episode.

K = Constant, 2.494× 10-6 (ppmv)-1(gm-mole/scm) (kg/gm) (min/hr), where standard temperature is 20°C.

Cj = Average batch vent concentration of sample organic HAP component j of the gas stream, dry basis, ppmv.

Mj = Molecular weight of sample organic HAP component j of the gas stream, gm/gm-mole.

AFR = Average batch vent flow rate of gas stream, dry basis,

scmm.

Th = Hours/episode.

n = Number of organic HAP in stream.

40 CFR 63.1414(b)(3)

(3) Average batch vent concentration determination using grab samples.

If grab samples are taken to determine the average batch vent concentration of total organic HAP, organic HAP emissions shall be calculated as follows:

40 CFR 63.1414(b)(3)(i)

(i) For each measurement point, the emission rate shall be calculated using Equation 3 of this section:

"Equation 3 "

Where:

Epoint = Emission rate for individual measurement point, kg/hr.

K = Constant, 2.494× 10-6 (ppmv)-1 (gm-mole/scm) (kg/gm) (min/hr), where standard temperature is 20°C.

Cj = Concentration of sample organic HAP component j of the gas stream, dry basis, ppmv.

Mj = Molecular weight of sample organic HAP component j of the gas stream, gm/gm-mole.

FR = Flow rate of gas stream for the measurement point, dry basis, scmm.

n = Number of organic HAP in stream.

40 CFR 63.1414(b)(3)(ii)

(ii) The organic HAP emissions per batch emission episode shall be calculated using Equation 4 of this section:

"Equation 4 "

Where:

episode = Emissions, kg/episode.

DUR = Duration of the batch emission episode, hr/episode.

Ei = Emissions for measurement point i, kg/hr.

n = Number of measurements.

40 CFR 63.1414(b)(4)

(4) Control device efficiency determination for a batch emission episode.

The control efficiency for the control device shall be calculated using Equation 5 of this section:

"Equation 5 "

Where:

R =	Control efficiency of control device, percent.
Einlet =	Mass rate of total organic HAP for batch emission episode i at the inlet to the control device as calculated under paragraph (b)(2) or (b)(3) of this section, kg/episode.
Eoutlet =	Mass rate of total organic HAP for batch emission episode i at the outlet of the control device, as calculated under paragraph (b)(2) or (b)(3) of this section, kg/episode.
n =	Number of batch emission episodes in the batch cycle selected to be controlled.

40 CFR 63.1414(c)

(c) Percent oxygen correction for combustion control devices.

If the control device is a combustion device, total organic HAP concentrations shall be corrected to 3 percent oxygen when supplemental combustion air is used to combust the emissions. The integrated sampling and analysis procedures of Method 3B, 40 CFR part 60, appendix A, shall be used to determine the actual oxygen concentration (%020). The samples shall be taken during the same time that the total organic HAP samples are taken. The concentration corrected to 3 percent oxygen (Cc) shall be computed using Equation 6 of this section:

"Equation 6 "

Where:

Cc =	Concentration of total organic HAP corrected to 3 percent oxygen, dry basis, ppmv.
Cm =	Total concentration of TOC in vented gas stream, average of samples, dry basis, ppmv.
%02d =	Concentration of oxygen measured in vented gas stream, dry basis, percent by volume.

40 CFR 63.1414(d)

(d) Uncontrolled organic HAP emissions.

Uncontrolled organic HAP emissions for individual reactor batch process vents or individual non-reactor batch process vents shall be determined using the procedures

specified in paragraphs (d)(1) through (8) of this section. To estimate organic HAP emissions from a batch emissions episode, owners or operators may use either the emissions estimation equations in paragraphs (d)(1) through (4) of this section, or direct measurement as specified in paragraph (d)(5) of this section. Engineering assessment may be used to estimate organic HAP emissions from a batch emission episode only under the conditions described in paragraph (d)(6) of this section. In using the emissions estimation equations in paragraphs (d)(1) through (4) of this section, individual component vapor pressure and molecular weight may be obtained from standard references. Methods to determine individual HAP partial pressures in multicomponent systems are described in paragraph (d)(9) of this section. Other variables in the emissions estimation equations may be obtained through direct measurement, as defined in paragraph (d)(5) of this section; through engineering assessment, as defined in paragraph (d)(6)(ii) of this section; by process knowledge; or by any other appropriate means. Assumptions used in determining these variables shall be documented as specified in §63.1417. Once organic HAP emissions for the batch emission episode have been determined using either the emissions estimation equations, direct measurement, or engineering assessment, organic HAP emissions from a single batch cycle shall be calculated in accordance with paragraph (d)(7) of this section, and annual organic HAP emissions from the batch process vent shall be calculated in accordance with paragraph (d)(8) of this section.

40 CFR 63.1414(d)(1)

(1) Emissions from purging of empty vessels.

Organic HAP emissions from the purging of an empty vessel shall be calculated using Equation 7 of this section. Equation 7 of this section does not take into account evaporation of any residual liquid in the vessel:

"Equation 7 "

Where:

Eepisode =	Emissions, kg/episode.
Vves =	Volume of vessel, m3.
P =	Total organic HAP partial pressure, kPa.
MWwavg =	Weighted average molecular weight of organic HAP in vapor, determined in accordance with paragraph (d)(4)(i)(D) of this section, kg/kmol.
R =	Ideal gas constant, 8.314 m3.kPa/kmol.K.
T =	Temperature of vessel vapor space, K.
m =	Number of volumes of purge gas used.

40 CFR 63.1414(d)(2)

(2) Emissions from purging of filled vessels.

Organic HAP emissions from the purging of a filled vessel shall be calculated using Equation 8 of this section:

"Equation 8 "

Where:

Eepisode =	Emissions, kg/episode.
y =	Saturated mole fraction of all organic HAP in vapor phase.
Vdr =	Volumetric gas displacement rate, m3/min.
P =	Pressure in vessel vapor space, kPa.
MWwavg =	Weighted average molecular weight of organic HAP in vapor, determined in accordance with paragraph (d)(4)(i)(D) of this section, kg/kmol.
R =	Ideal gas constant, 8.314 m3.kPa/kmol.K.
T =	Temperature of vessel vapor space, K.
Pi =	Vapor pressure of individual organic HAP i, kPa.
xi =	Mole fraction of organic HAP i in the liquid.
n =	Number of organic HAP in stream.
Tm =	Minutes/episode.

40 CFR 63.1414(d)(3)

(3) Emissions from vapor displacement.

Organic HAP emissions from vapor displacement due to transfer of material into or out of a vessel shall be calculated using Equation 9 of this section:

"Equation 9 "

Where:

Eepisode =	Emissions, kg/episode.
y =	Saturated mole fraction of all organic HAP in vapor phase.
V =	Volume of gas displaced from the vessel, m3.
P =	Pressure in vessel vapor space, kPa.
MWwavg =	Weighted average molecular weight of organic HAP in vapor, determined in accordance with paragraph (d)(4)(i)(D) of this section, kg/kmol.
R =	Ideal gas constant, 8.314 m3.kPa/kmol.K.
T =	Temperature of vessel vapor space, K.

40 CFR 63.1414(d)(4)

(4) Emissions from heating of vessels.

Organic HAP emissions caused by the heating of a vessel shall be calculated using the procedures in either paragraph (d)(4)(i), (ii), or (iii) of this section, as appropriate.

40 CFR 63.1414(d)(4)(i)

(i) If the final temperature to which the vessel contents is heated is lower than 50 K below the boiling point of the HAP in the vessel, then organic HAP emissions shall be calculated using the equations in paragraphs (d)(4)(i)(A) through (D) of this section.

40 CFR 63.1414(d)(4)(i)(A)

(A) Organic HAP emissions caused by heating of a vessel shall be calculated using Equation 10 of this section. The assumptions made for this calculation are atmospheric pressure of 760 millimeters of mercury (mm Hg) and the displaced gas is always saturated with volatile organic compounds (VOC) vapor in equilibrium with the liquid mixture:

"Equation 10 "

Where:

Eepisode =	Emissions, kg/episode.
(Pi)T1, (Pi)T2 =	Partial pressure (kPa) of each organic HAP i in the vessel headspace at initial (T1) and final (T2) temperature.
n =	Number of organic HAP in stream.
Dh =	Number of kilogram-moles (kg-moles) of gas displaced, determined in accordance with paragraph (d)(4)(i)(B)of this section.
101.325 =	Constant, kPa.
(MWWAVG,T1), (MWWAVG,T2) =	Weighted average molecular weight of total organic HAP in the displaced gas stream, determined in accordance with paragraph (d)(4)(i)(D) of this section, kg/kmol.

40 CFR 63.1414(d)(4)(i)(B)

(B) The moles of gas displaced, D, is calculated using Equation 11 of this section:

"Equation 11 "

Where:

Dh = Number of kg-moles of gas displaced.
Vfs = Volume of free space in the vessel, m3.
R = Ideal gas constant, 8.314 m3.Pa/kmol.K.
Pa1 = Initial noncondensible gas partial pressure in the vessel, kPa.
Pa2 = Final noncondensible gas partial pressure in the vessel, kPa.
T1 = Initial temperature of vessel, K.
T2 = Final temperature of vessel, K.

40 CFR 63.1414(d)(4)(i)(C)

(C) The initial and final pressure of the noncondensible gas in the vessel shall be calculated using Equation 12 of this section:

"Equation 12 "

Where:

Pa = Initial or final partial pressure of noncondensible gas in the vessel headspace, kPa.
101.325 = Constant, kPa.
(Pi)T = Partial pressure of each organic HAP i in the vessel headspace, kPa, at the initial or final temperature (T1 or T2).
n = Number of organic HAP in stream.

40 CFR 63.1414(d)(4)(i)(D)

(D) The weighted average molecular weight of organic HAP in the displaced gas, MWwavg, shall be calculated using Equation 13 of this section:

"Equation 13 "

Where:

C = Organic HAP component
n = Number of organic HAP components in stream.

40 CFR 63.1414(d)(4)(ii)

(ii) If the vessel contents are heated to a temperature greater than 50 K below the boiling point, then organic HAP emissions from the heating of a vessel shall be calculated as the sum of the organic HAP emissions calculated in accordance with paragraphs (d)(4)(ii)(A) and (B) of this section.

40 CFR 63.1414(d)(4)(ii)(A)

(A) For the interval from the initial temperature to the temperature 50 K below the boiling point, organic HAP emissions shall be calculated using Equation 10 of this section, where T2 is the temperature 50 K below the boiling point.

40 CFR 63.1414(d)(4)(ii)(B)

(B) For the interval from the temperature 50 K below the boiling point to the final temperature, organic HAP emissions shall be calculated as the summation of emissions for each 5 K increment, where the emissions for each increment shall be calculated using Equation 10 of this section.

40 CFR 63.1414(d)(4)(ii)(B)(1)

(1) If the final temperature of the heatup is at or lower than 5 K below the boiling point, the final temperature for the last increment shall be the final temperature for the heatup, even if the last increment is less than 5 K.

40 CFR 63.1414(d)(4)(ii)(B)(2)

(2) If the final temperature of the heatup is higher than 5 K below the boiling point, the final temperature for the last increment shall be the temperature 5 K below the boiling point, even if the last increment is less than 5 K.

40 CFR 63.1414(d)(4)(ii)(B)(3)

(3) If the vessel contents are heated to the boiling point and the vessel is not operating with a condenser, the final temperature for the final increment shall be the temperature 5 K below the boiling point, even if the last increment is less than 5 K.

40 CFR 63.1414(d)(4)(iii)

(iii) If the vessel is operating with a condenser, and the vessel contents are heated to the boiling point, the process condenser, as defined in §63.1402, is considered part of the process. Organic HAP emissions shall be calculated as the sum of emissions calculated using Equation 10 of this section, which calculates organic HAP emissions due to heating the vessel contents to the temperature of the gas exiting the condenser, and emissions calculated using Equation 9 of this section, which calculates emissions due to the displacement of the remaining saturated noncondensible gas in the vessel. The final temperature in Equation 10 of this section shall be set equal to the exit gas temperature of the condenser. Equation 9 of this section shall be used as written below in Equation 14 of this section, using

free space volume, and T is set equal to the condenser exit gas temperature:

"Equation 14 "

Where:

Eepisode =	Emissions, kg/episode.
y =	Saturated mole fraction of all organic HAP in vapor phase.
Vfs =	Volume of the free space in the vessel, m3.
P =	Pressure in vessel vapor space, kPa.
MWwavg =	Weighted average molecular weight of organic HAP in vapor, determined in accordance with paragraph (d)(4)(i)(D) of this section, kg/kmol.
R =	Ideal gas constant, 8.314 m3.kPa/kmol.K.
T =	Temperature of condenser exit stream, K.

40 CFR 63.1414(d)(5)

(5) Emissions determined by direct measurement.

The owner or operator may estimate annual organic HAP emissions for a batch emission episode by direct measurement. The test methods and procedures specified in paragraphs (a) and (b) of this section shall be used for direct measurement. If direct measurement is used, the owner or operator shall perform a test for the duration of a representative batch emission episode. Alternatively, the owner or operator may perform a test during only those periods of the batch emission episode for which the emission rate for the entire episode can be determined or for which the emissions are greater than the average emission rate of the batch emission episode. The owner or operator choosing either of these options shall develop an emission profile illustrating the emission rate (kilogram per unit time) over the entire batch emission episode, based on either process knowledge or test data, to demonstrate that test periods are representative. Examples of information that could constitute process knowledge include calculations based on material balances and process stoichiometry. Previous test results may be used to develop the emission profile provided the results are still relevant to the current batch process vent conditions. The emission profile shall be included in the site-specific test plan required by §63.1417(h)(2).

40 CFR 63.1414(d)(6)

(6) Emissions determined by engineering assessment.

To use engineering assessment to estimate organic HAP emissions from a batch emission episode, owners or operators shall comply with paragraphs (d)(6)(i) through (iii) of this section.

40 CFR 63.1414(d)(6)(i)

(i) If the criteria specified in paragraphs (d)(6)(i)(A), (B), and (C) of this section are met for a specific batch emission episode, the owner or operator may use engineering assessment to estimate organic HAP emissions from that batch emission episode.

40 CFR 63.1414(d)(6)(i)(A)

(A) Previous test data, where the measurement of organic HAP emissions was an outcome of the test, that show a greater than 20 percent discrepancy between the test value and the value estimated using the applicable equations in paragraphs (d)(1) through (4) of this section. Paragraphs (d)(6)(i)(A)(1) and (2) of this section describe test data that will be acceptable under this paragraph.

40 CFR 63.1414(d)(6)(i)(A)(1)

(1) Test data for the batch emission episode obtained during production of the product for which the demonstration is being made.

40 CFR 63.1414(d)(6)(i)(A)(2)

(2) Test data obtained for a batch emission episode from another process train where the test data were obtained during production of the product for which the demonstration is being made. Test data from another process train may be used only if the owner or operator can demonstrate that the data are representative of the batch emission episode for which the demonstration is being made, taking into account the nature, size, operating conditions, production rate, and sequence of process steps (e.g., reaction, distillation, etc.) of the equipment in the other process train.

40 CFR 63.1414(d)(6)(i)(B)

(B) Previous test data for the batch emission episode with the highest organic HAP emissions on a mass basis where the measurement of organic HAP emissions was an outcome of the test, where data were obtained during the production of the product for which the demonstration is being made, and where the data show a greater than 20 percent discrepancy between the test value and the value estimated using the applicable equations in paragraphs (d)(1) through (4) of this section. If the criteria in this paragraph are met, then engineering assessment may be used for all batch emission episodes associated with that batch cycle for the batch unit operation.

40 CFR 63.1414(d)(6)(i)(C)

(C) The owner or operator has requested and been granted approval to use engineering assessment to estimate organic HAP emissions from a batch emissions episode. The request to use engineering assessment to estimate organic HAP emissions from a batch emissions episode shall contain sufficient information and data to demonstrate to the Administrator that engineering assessment is an accurate means of estimating organic HAP emissions for that particular batch emissions episode. The request to use engineering assessment to estimate organic HAP emissions for a batch emissions episode shall be submitted in the Precompliance Report, as required by §63.1417(d).

40 CFR 63.1414(d)(6)(ii)

(ii) Engineering assessment includes, but is not limited to, the following:

40 CFR 63.1414(d)(6)(ii)(A)

(A) Previous test results, provided the tests are representative of current operating practices;

40 CFR 63.1414(d)(6)(ii)(B)

(B) Bench-scale or pilot-scale test data obtained under conditions representative of current process operating conditions;

40 CFR 63.1414(d)(6)(ii)(C)

(C) Flow rate or organic HAP emission rate specified or implied within a permit limit applicable to the batch process vent; and

40 CFR 63.1414(d)(6)(ii)(D)

(D) Design analysis based on accepted chemical engineering principles, measurable process parameters, or physical or chemical laws or properties. Examples of analytical methods include, but are not limited to:

40 CFR 63.1414(d)(6)(ii)(D)(1)

(1) Use of material balances;

40 CFR 63.1414(d)(6)(ii)(D)(2)

(2) Estimation of flow rate based on physical equipment design such as pump or blower capacities;

40 CFR 63.1414(d)(6)(ii)(D)(3)

(3) Estimation of organic HAP concentrations based on saturation conditions; and

40 CFR 63.1414(d)(6)(ii)(D)(4)

(4) Estimation of organic HAP concentrations based on grab samples of the liquid or vapor.

40 CFR 63.1414(d)(6)(iii)

(iii) Data or other information used to demonstrate that the criteria in paragraph (d)(6)(i) of this section have been met shall be reported as specified in paragraphs (d)(6)(iii)(A) and (B) of this section.

40 CFR 63.1414(d)(6)(iii)(A)

(A) Data or other information used to demonstrate that the criteria in paragraphs (d)(6)(i)(A) and (B) of this section have been met shall be reported in the Notification of Compliance Status, as required by §63.1417(e)(9).

40 CFR 63.1414(d)(6)(iii)(B)

(B) The request for approval to use engineering assessment to estimate organic HAP emissions from a batch emissions episode as allowed under paragraph (d)(6)(i)(C) of this section, and sufficient data or other information for demonstrating to the Administrator that engineering assessment is an accurate means of estimating organic HAP emissions for that particular batch emissions episode shall be submitted with the Precompliance Report, as required by §63.1417(d).

40 CFR 63.1414(d)(7)

(7) Emissions for a single batch cycle.

For each batch process vent, the organic HAP emissions associated with a single batch cycle shall be calculated using Equation 15 of this section:

Where:

"Equation 15 "

Ecycle =	Emissions for an individual batch cycle, kg/batch cycle.
Eepisodei =	Emissions from batch emission episode i, kg/episode.
n =	Number of batch emission episodes for the batch cycle.

40 CFR 63.1414(d)(8)

(8) Annual emissions from a batch process vent.

Annual organic HAP emissions from a batch process vent shall be calculated using Equation 16 of this section:

"Equation 16 "

Where:

AE =	Annual emissions from a batch process vent, kg/yr.
Ni =	Number of type i batch cycles performed annually, cycles/year.
Ecyclei =	Emissions from the batch process vent associated with a single type i batch cycle, as determined in paragraph (d)(7) of this section, kg/batch cycle.
n =	Number of different types of batch cycles that cause the emission of organic HAP from the batch process vent.

40 CFR 63.1414(d)(9)

(9) Partial pressures in multicomponent systems.

Individual HAP partial pressures in multicomponent systems shall be determined using the appropriate method specified in paragraphs (d)(9)(i) through (iii) of this section.

40 CFR 63.1414(d)(9)(i)

(i) If the components are miscible, use Raoult's law to calculate the partial pressures;

40 CFR 63.1414(d)(9)(ii)

(ii) If the solution is a dilute aqueous mixture, use Henry's law constants to calculate partial pressures;

40 CFR 63.1414(d)(9)(iii)

(iii) If Raoult's law or Henry's law is not appropriate or available, the owner or operator may use any of the options in paragraph (d)(9)(iii)(A), (B), or (C) of this section.

40 CFR 63.1414(d)(9)(iii)(A)

(A) Experimentally obtained activity coefficients, Henry's law constants, or solubility data;

40 CFR 63.1414(d)(9)(iii)(B)

(B) Models, such as group-contribution models, to predict activity coefficients; or

40 CFR 63.1414(d)(9)(iii)(C)

(C) Assume the components of the system behave independently and use the summation of all vapor pressures from the HAPs as the total HAP partial pressure.

40 CFR 63.1415 Monitoring requirements.

40 CFR 63.1415(a)

(a) General requirements.

Each owner or operator of an emission point located at an affected source that uses a control device to comply with the requirements of this subpart and has one or more parameter monitoring level requirement specified under this subpart, shall install the monitoring equipment specified in paragraph (b) of this section in order to demonstrate continued compliance with the provisions of this subpart. All monitoring equipment shall be installed, calibrated, maintained, and operated according to manufacturer's specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

40 CFR 63.1415(a)(1)

(1) This monitoring equipment shall be in operation at all times when organic HAP emissions that are required to be controlled as part of complying with the emission limits specified in §§63.1404, 63.1405, 63.1406, 63.1407, and 63.1408 are vented to the control device.

40 CFR 63.1415(a)(2)

(2) For control devices controlling less than 1 ton per year of uncontrolled organic HAP emissions, monitoring shall consist of a daily verification that the control device is operating properly. If the control device is used to control batch process vents alone or in combination with other emission points, the verification may be on a per batch cycle basis. This verification shall include, but not be limited to, a daily or per batch demonstration that the control device is working as designed. The procedure for this demonstration shall be submitted for review and approval as part of the Precompliance Report, as required by §63.1417(d)(10).

40 CFR 63.1415(a)(3)

(3) Nothing in this section shall be construed to allow a monitoring parameter excursion caused by an activity that violates other applicable provisions of subpart A, F, or G of this part.

40 CFR 63.1415(b)

(b) Monitoring equipment.

The monitoring equipment specified in paragraphs (b)(1) through (8) of this section shall be installed as specified in paragraph (a)of this section. The parameters to be monitored are specified in Table 3 of this subpart.

40 CFR 63.1415(b)(1)

(1) Where a scrubber is used, the following monitoring equipment is required.

40 CFR 63.1415(b)(1)(i)

(i) A pH monitoring device equipped with a continuous recorder to monitor the pH of the scrubber effluent.

40 CFR 63.1415(b)(1)(ii)

(ii) A flow measurement device equipped with a continuous recorder shall be located at the scrubber influent for liquid flow. Gas stream flow shall be determined using one of the following procedures:

40 CFR 63.1415(b)(1)(ii)(A)

(A) The owner or operator may determine gas stream flow using the design blower capacity with appropriate adjustments for pressure drop.

40 CFR 63.1415(b)(1)(ii)(B)

(B) If the scrubber is subject to regulations in 40 CFR parts 264 through 266 that required a determination of the liquid to gas (L/G) ratio prior to the applicable compliance date for this subpart, the owner or operator may determine gas stream flow by the method that had been utilized to comply with those regulations. A determination that was conducted prior to the compliance date for this subpart may be utilized to comply with this subpart if it is still representative.

40 CFR 63.1415(b)(1)(ii)(C)

(C) The owner or operator may prepare and implement a gas stream flow determination plan that documents an appropriate method which will be used to determine the gas stream flow. The plan shall require determination of gas stream flow by a method which will at least provide a value for either a representative or the highest gas stream flow anticipated in the scrubber during representative operating conditions other than start-ups, shutdowns, or malfunctions. The plan shall include a description of the methodology to be followed and an explanation of how the selected methodology will reliably determine the gas stream flow, and a description of the records that will be maintained to document the determination of gas stream flow. The owner or operator shall maintain the plan as specified in §63.1416(a).

40 CFR 63.1415(b)(2)

(2) Where an absorber is used, a scrubbing liquid temperature monitoring device and a specific gravity monitoring device are required, each equipped with a

continuous recorder.

40 CFR 63.1415(b)(3)

(3) Where a condenser is used, a condenser exit temperature (product side) monitoring device equipped with a continuous recorder is required.

40 CFR 63.1415(b)(4)

(4) Where a carbon adsorber is used, an integrating regeneration steam flow or nitrogen flow, or pressure monitoring device having an accuracy of ±10 percent of the flow rate, level, or pressure, or better, capable of recording the total regeneration steam flow or nitrogen flow, or pressure (gauge or absolute) for each regeneration cycle; and a carbon bed temperature monitoring device, capable of recording the carbon bed temperature after each regeneration and within 15 minutes of completing any cooling cycle are required.

40 CFR 63.1415(b)(5)

(5) Where an incinerator is used, a temperature monitoring device equipped with a continuous recorder is required.

40 CFR 63.1415(b)(5)(i)

(i) Where an incinerator other than a catalytic incinerator is used, the temperature monitoring device shall be installed in the firebox or in the ductwork immediately downstream of the firebox in a position before any substantial heat exchange occurs.

40 CFR 63.1415(b)(5)(ii)

(ii) Where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

40 CFR 63.1415(b)(6)

(6) Where a flare is used, a device (including but not limited to a thermocouple, ultra-violet beam sensor, or infrared sensor) capable of continuously detecting the presence of a pilot flame is required.

40 CFR 63.1415(b)(7)

(7) Where a boiler or process heater of less than 44 megawatts design heat input capacity is used, a temperature monitoring device in the firebox equipped with a continuous recorder is required. Any boiler or process heater in which all vent streams are introduced with the primary fuel or are used as the primary fuel is exempt from this requirement.

40 CFR 63.1415(b)(8)

(8) As an alternate to paragraphs (b)(1) through (7) of this section, the owner or

operator may install an organic monitoring device equipped with a continuous recorder. Said organic monitoring device shall meet the requirements of Performance Specification 8 or 9 of 40 CFR part 60, appendix B, and shall be installed, calibrated, and maintained according to §63.6.

40 CFR 63.1415(c)

(c) Alternative monitoring parameters.

An owner or operator may request approval to monitor parameters other than those specified in Table 3 of this subpart. The request shall be submitted according to the procedures specified in §63.1417(j). Approval shall be requested if the owner or operator:

40 CFR 63.1415(c)(1)

(1) Uses a control device or control technology other than those included in paragraph (b) of this section; or

40 CFR 63.1415(c)(2)

(2) Uses one of the control devices included in paragraph (b) of this section, but seeks to monitor a parameter other than those specified in Table 3 of this subpart.

40 CFR 63.1415(d)

(d) Monitoring of bypass lines.

Owners or operators using a vent system that contains bypass lines that could divert emissions away from a control device or control technology used to comply with the provisions of this subpart shall comply with either paragraph (d)(1) or (2) of this section. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph.

40 CFR 63.1415(d)(1)

(1) Properly install, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. Records shall be generated as specified in §63.1416(d)(3). The flow indicator shall be installed at the entrance to any bypass line that could divert emissions away from the control device or control technology and to the atmosphere; or

40 CFR 63.1415(d)(2)

(2) Secure the bypass line damper or valve in the non-diverting position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the damper or valve is maintained in the non-diverting position and emissions are not diverted through the bypass line. Records shall be generated as specified in

§63.1416(d)(3).

40 CFR 63.1415(e)

(e) Monitoring for the alternative standards.

For control devices that are used to comply with the provisions of §§63.1404(b), 63.1405(b), 63.1406(b), 63.1407(b), or 63.1408(b) the owner or operator shall conduct continuous monitoring of the outlet organic HAP concentration whenever emissions are vented to the control device. Continuous monitoring of outlet organic HAP concentration shall be accomplished using an FTIR instrument following Method PS-15 of 40 CFR part 60, appendix B. The owner or operator shall calculate a daily average outlet organic HAP concentration.

40 CFR 63.1416 Recordkeeping requirements.

40 CFR 63.1416(a)

(a) Data retention.

Unless otherwise specified in this subpart, each owner or operator of an affected source shall keep copies of all applicable records and reports required by this subpart for at least 5 years, as specified in paragraph (a)(1) of this section, with the exception listed in paragraph (a)(2) of this section.

40 CFR 63.1416(a)(1)

(1) All applicable records shall be maintained in such a manner that they can be readily accessed. The most recent 6 months of records shall be retained on site or shall be accessible from a central location by computer or other means that provides access within 2 hours after a request. The remaining 4 and one-half years of records may be retained offsite. Records may be maintained in hard copy or computer-readable form including, but not limited to, on paper, microfilm, computer, floppy disk, CD-ROM, optical disc, magnetic tape, or microfiche.

40 CFR 63.1416(a)(2)

(2) If an owner or operator submits copies of reports to the appropriate EPA Regional Office, the owner or operator is not required to maintain copies of reports. If the EPA Regional Office has waived the requirement of §63.10(a)(4)(ii) for submittal of copies of reports, the owner or operator is not required to maintain copies of those reports.

40 CFR 63.1416(b)

(b) Start-up, shutdown, and malfunction plan and records.

The owner or operator of an affected source shall develop and implement a start-up,

shutdown, and malfunction plan as specified in §63.6(e)(3) and shall keep the plan on-site. Records shall be kept as specified in paragraphs (b)(1)and (2) of this section. Records are not required for emission points that do not require control under this subpart.

40 CFR 63.1416(b)(1)

(1) Records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of process equipment, or control devices, or recovery devices, or continuous monitoring systems, or control technologies used to comply with this subpart during which excess emissions (as defined in §63.1400(k)(4)) occur.

40 CFR 63.1416(b)(2)

(2) For each start-up, shutdown, or malfunction during which excess emissions (as defined in §63.1400(k)(4)) occur, records reflecting whether the procedures specified in the affected source's start-up, shutdown, and malfunction plan were followed and documentation of actions taken that are not consistent with the plan. For example, if a start-up, shutdown, and malfunction plan includes procedures for routing a control device to a backup control device (e.g., a halogenated stream could be routed to a flare during periods when the primary control device is out of service), records shall be kept of whether the plan was followed. These records may take the form of a "checklist" or other form of recordkeeping that confirms conformance with the start-up, shutdown, and malfunction plan for the event.

40 CFR 63.1416(c)

(c) Monitoring records.

Owners or operators required to comply with §63.1415 and, therefore, required to keep continuous records shall keep records as specified in paragraphs (c)(1) through (6) of this section.

40 CFR 63.1416(c)(1)

(1) The owner or operator shall record either each measured data value or average values for 1 hour or shorter periods calculated from all measured data values during each period. If values are measured more frequently than once per minute, a single value for each minute may be used to calculate the hourly (or shorter period) average instead of all measured values. Owners or operators of batch process vents shall record each measured data value; if values are measured more frequently than once per minute, a single value for each minute may be recorded instead of all measured values.

40 CFR 63.1416(c)(2)

(2) Daily average, batch cycle daily average, or block average values of each continuously monitored parameter shall be calculated for each operating day as

specified in paragraphs (c)(2)(i) and (ii) of this section, except as specified in paragraphs (c)(3) and (4) of this section. The option of conducting parameter monitoring for batch process vents on a batch cycle daily average basis or a block average basis is described in paragraph (d)(2) of this section.

40 CFR 63.1416(c)(2)(i)

(i) The daily average value, batch cycle daily average, or block average shall be calculated as the average of all parameter values recorded during the operating day, or batch cycle, as appropriate, except as specified in paragraph (c)(4) of this section. For batch process vents, only parameter values recorded during those batch emission episodes, or portions thereof, in the batch cycle that the owner or operator has selected to control in order to comply shall be used to calculate the average. The calculated average shall cover a 24-hour period if operation is continuous, or the number of hours of operation per operating day if operation is not continuous for daily average values or batch cycle daily average values. The calculated average shall cover the entire period of the batch cycle for block average values. As specified in §63.1413(a)(4)(i)(C)(3), the owner or operator shall provide the information needed to calculate batch cycle daily averages for operating days that include partial batch cycles.

40 CFR 63.1416(c)(2)(ii)

(ii) The operating day shall be the period the owner or operator specifies in the operating permit or the Notification of Compliance Status for purposes of determining daily average values or batch cycle daily average values of monitored parameters. The block shall be the entire period of the batch cycle, as specified by the owner or operator in the operating permit or the Notification of Compliance Status for purposes of determining block average values of monitored parameters.

40 CFR 63.1416(c)(3)

(3) If all recorded values for a monitored parameter during an operating day or block are above the minimum level or below the maximum level established in the Notification of Compliance Status or operating permit, the owner or operator may record that all values were above the minimum level or below the maximum level rather than calculating and recording a daily average, or block average, for that operating day. For these operating days or blocks, the records required in paragraph (c)(1)of this section shall also be retained for 5 years.

40 CFR 63.1416(c)(4)

(4) Monitoring data recorded during periods identified in paragraphs (c)(4)(i) through (v) of this section shall not be included in any average computed under this subpart. Records shall be kept of the times and durations of all such periods and any other periods during process or control device or recovery device or control

technology operation when monitors are not operating:

40 CFR 63.1416(c)(4)(i)
(i) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments;

40 CFR 63.1416(c)(4)(ii)
(ii) Start-ups;

40 CFR 63.1416(c)(4)(iii)
(iii) Shutdowns;

40 CFR 63.1416(c)(4)(iv)
(iv) Malfunctions; and

40 CFR 63.1416(c)(4)(v)
(v) Periods of non-operation of the affected source (or portion thereof) resulting in cessation of the emissions to which the monitoring applies.

40 CFR 63.1416(c)(5)
(5) The owner or operator who has received approval to monitor different parameters, under §63.1417(j) as allowed under §63.1415(e), than those specified for storage vessels, continuous process vents, or batch process vents shall retain for a period of 5 years each record specified in their approved Alternative Monitoring Parameters request.

40 CFR 63.1416(c)(6)
(6) The owner or operator who has received approval to use alternative continuous monitoring and recordkeeping provisions as specified in §63.1417(k) shall retain for a period of 5 years each record specified in their approved Alternative Continuous Monitoring request.

40 CFR 63.1416(d)
(d) Batch process vent records.

40 CFR 63.1416(d)(1)
(1) Compliance demonstration records.

Each owner or operator of a batch process vent complying with §63.1406 or §63.1407 shall keep the following records, as applicable, readily accessible.

40 CFR 63.1416(d)(1)(i)
(i) If a batch process vent is seeking to demonstrate compliance with the alternative standard specified in §63.1406(b) or §63.1407(b), results of the

initial compliance demonstration specified in §63.1413(f).

40 CFR 63.1416(d)(1)(ii)

(ii) If a batch process vent is seeking to demonstrate compliance with the percent reduction requirements of §63.1406(a)(1)(ii) or §63.1407(a)(2)(ii), records documenting the batch cycle percent reduction or overall percent reduction, as appropriate, as specified in §63.1413(e)(1)(iii).

40 CFR 63.1416(d)(1)(iii)

(iii) When using a flare to comply with §63.1406(a)(1)(i) or §63.1407(a)(2)(i):

40 CFR 63.1416(d)(1)(iii)(A)

(A) The flare design (i.e., steam-assisted, air-assisted or non-assisted);

40 CFR 63.1416(d)(1)(iii)(B)

(B) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by §63.1413(g); and

40 CFR 63.1416(d)(1)(iii)(C)

(C) Periods when all pilot flames were absent during the compliance determination required by §63.1413(g).

40 CFR 63.1416(d)(1)(iv)

(iv) The following information when using a control device or control technology, other than a flare, to achieve compliance with the percent reduction requirement of §63.1406(a)(1)(ii) or §63.1407(a)(2)(ii):

40 CFR 63.1416(d)(1)(iv)(A)

(A) For an incinerator, non-combustion control device, or other control technology, the percent reduction of organic HAP achieved for emissions vented to the control device or control technology, as determined using the procedures specified in §63.1413(e)(1);

40 CFR 63.1416(d)(1)(iv)(B)

(B) For a boiler or process heater, a description of the location at which the vent stream is introduced into the boiler or process heater; and

40 CFR 63.1416(d)(1)(iv)(C)

(C) For a boiler or process heater with a design heat input capacity of less than 44 megawatts and where the vent stream is not introduced with the primary fuel or used as the primary fuel, the percent reduction of organic HAP achieved for emissions vented to the

control device, as determined using the procedures specified in §63.1413(e)(1).

40 CFR 63.1416(d)(1)(v)

(v) If a batch process vent is seeking to demonstrate compliance with the mass emission limits specified in §63.1406(a)(1)(iii) or (a)(2)(iii) or specified in §63.1407(b)(2), the following information:

40 CFR 63.1416(d)(1)(v)(A)

(A) Results of the initial compliance demonstration specified in §63.1413(e)(2).

40 CFR 63.1416(d)(1)(v)(B)

(B) The organic HAP emissions from the batch process vent associated with each single type of batch cycle (Ecycle i) determined as specified in §63.1413(e)(2).

40 CFR 63.1416(d)(1)(v)(C)

(C) The site-specific emission limit required by §63.1413(e)(2), as appropriate.

40 CFR 63.1416(d)(1)(vi)

(vi) If an owner or operator designates a condenser sometimes operated as a process condenser as a control device, comply with either paragraph (d)(1)(vi)(A)or (B) of this section.

40 CFR 63.1416(d)(1)(vi)(A)

(A) Retain information, data, analyses to document inprocess recycling of the material recovered when the condenser is operating as a control device.

40 CFR 63.1416(d)(1)(vi)(B)

(B) When requested by the Administrator, demonstrate that material recovered by the condenser operating as a control device is reused in a manner meeting the definition of inprocess recycling.

40 CFR 63.1416(d)(2)

(2) Establishment of parameter monitoring level records.

For each parameter monitored according to §63.1415(b) and Table 3 of this subpart, or for alternate parameters and/or parameters for alternate control devices or control technologies monitored according to §63.1417(j) as allowed under §63.1415(e), maintain documentation showing the establishment of the level that indicates proper operation of the control device or control technology as required

by §63.1415(c) for parameters specified in §63.1415(b) and as required by §63.1417(j) for alternate parameters. An owner or operator may choose to monitor operating parameters for batch process vents on a batch cycle daily average basis or on a block average basis. The batch cycle daily average is based on parameter monitoring accomplished during the operating day (i.e., a 24-hour basis). The block average is based on the parameter monitoring accomplished during a single batch cycle. As defined in §63.1402, the block shall be the period of time equal to a single batch cycle. Monitored parameter documentation shall include the following:

40 CFR 63.1416(d)(2)(i)
(i) Parameter monitoring data used to establish the level.

40 CFR 63.1416(d)(2)(ii)
(ii) Identification that the parameter monitoring level is associated with a batch cycle daily average or a block average.

40 CFR 63.1416(d)(2)(iii)
(iii) A definition of the batch cycle or block, as appropriate.

40 CFR 63.1416(d)(3)
(3) Controlled batch process vent continuous compliance records.

Continuous compliance records shall be kept as follows:

40 CFR 63.1416(d)(3)(i)
(i) Each owner or operator of a batch process vent that uses a control device or control technology to comply with the percent reduction requirements of §63.1406(a)(1)(ii) or §63.1407(a)(2)(ii) shall keep the following records, as applicable, readily accessible:

40 CFR 63.1416(d)(3)(i)(A)
(A) Continuous records of the equipment operating parameters specified to be monitored under §63.1415(b) as applicable, and listed in Table 3 of this subpart, or specified by the Administrator in accordance with §63.1417(f) as allowed under §63.1415(e). Said records shall be kept as specified under paragraph (c) of this section, except as follows:

40 CFR 63.1416(d)(3)(i)(A)(1)
(1) For carbon adsorbers, the records specified in Table 3 of this subpart shall be maintained in place of continuous records.

40 CFR 63.1416(d)(3)(i)(A)(2)

(2) For flares, the records specified in Table 4 of this subpart shall be maintained in place of continuous records.

40 CFR 63.1416(d)(3)(i)(B)

(B) Records of the batch cycle daily average value or block average value of each continuously monitored parameter, as specified in paragraph (c) of this section.

40 CFR 63.1416(d)(3)(ii)

(ii) Each owner or operator of a batch process vent that uses a control device or control technology to comply with §63.1406 or §63.1407 shall keep the following records, as applicable, readily accessible:

40 CFR 63.1416(d)(3)(ii)(A)

(A) Hourly records of whether the flow indicator for bypass lines specified in §63.1415(d) was operating and whether a diversion was detected at any time during the hour. Also, records of the time and duration periods when the vent is diverted from the control device or control technology or the flow indicator specified in §63.1415(d) is not operating.

40 CFR 63.1416(d)(3)(ii)(B)

(B) Where a seal or closure mechanism is used to comply with §63.1415(d), hourly records of whether a diversion was detected at any time are not required. The owner or operator shall record whether the monthly visual inspection of the seals or closure mechanisms has been done and shall record the occurrence of all periods when the seal mechanism is broken, the bypass line damper or valve position has changed, or the key for a lock-and-key type configuration has been checked out, and records of any car-seal that has broken.

40 CFR 63.1416(d)(3)(ii)(C)

(C) Records specifying the times and duration of periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments. In addition, records specifying any other periods of process or control device operation or control technology operation when monitors are not operating.

40 CFR 63.1416(d)(3)(iii)

(iii) Each owner or operator of a batch process vent seeking to demonstrate compliance with the alternative standard, as specified in §63.1406(b) or §63.1407(b), shall keep the records of continuous emissions monitoring

described in §63.1416(c).

40 CFR 63.1416(d)(3)(iv)

(iv) Each owner or operator of a batch process vent seeking to demonstrate compliance with the mass emission limits, specified in §63.1406(a)(1)(iii) or (a)(2)(iii), shall keep the following records, as applicable, readily accessible.

40 CFR 63.1416(d)(3)(iv)(A)

(A) The cumulative average monthly emission rate or the 12-month rolling average monthly emission rate, as appropriate.

40 CFR 63.1416(d)(3)(iv)(B)

(B) If there is a deviation from the mass emission limit, as specified in §63.1413(h), the individual monthly emission rate data points making up the cumulative average monthly emission rate or the 12-month rolling average monthly emission rate, as appropriate.

40 CFR 63.1416(d)(3)(iv)(C)

(C) If it becomes necessary to redetermine (Ecycle i) for a reactor batch process vent, as specified in §63.1413(e)(2), the new value(s) for (Ecycle i).

40 CFR 63.1416(d)(3)(iv)(D)

(D) If an owner or operator is demonstrating compliance using the procedures in §63.1413(e)(2), the monthly value of the site-specific emission limit developed under §63.1413(e)(2).

40 CFR 63.1416(e)

(e) Aggregate batch vent stream records.

40 CFR 63.1416(e)(1)

(1) Compliance demonstration records.

Each owner or operator of an aggregate batch vent stream complying with §63.1408(a)(1) or (2) shall keep the following records, as applicable, readily accessible:

40 CFR 63.1416(e)(1)(i)

(i) If an aggregate batch vent stream is in compliance with the percent reduction requirements of §63.1408(a)(1)(ii) or (a)(2)(ii), owners or operators shall comply with the recordkeeping requirements for continuous process vents specified in 40 CFR part 63, subpart SS.

40 CFR 63.1416(e)(1)(ii)

(ii) If an aggregate batch vent stream is in compliance with the alternative standard specified in §63.1408(b), results of the initial compliance demonstration specified in §63.1413(f).

40 CFR 63.1416(e)(1)(iii)

(iii) When using a flare to comply with §63.1408(a)(1)(i) or (a)(2)(i):

40 CFR 63.1416(e)(1)(iii)(A)

(A) The flare design (i.e., steam-assisted, air-assisted or non-assisted).

40 CFR 63.1416(e)(1)(iii)(B)

(B) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by §63.1413(g).

40 CFR 63.1416(e)(1)(iii)(C)

(C) Periods when all pilot flames were absent during the compliance determination required by §63.1413(g).

40 CFR 63.1416(e)(1)(iv)

(iv) If an aggregate batch vent stream is seeking to comply with the mass emission limits specified in §63.1408(b)(2), results of the initial compliance demonstration specified in §63.1413(e)(2). In addition, for each batch process vent, the emissions associated with each single type of batch cycle (Ecycle i), determined as specified in §63.1413(e)(2), shall be recorded.

40 CFR 63.1416(e)(2)

(2) Establishment of parameter monitoring level records.

For each parameter monitored according to §63.1415(b) and Table 3 of this subpart, or for alternate parameters and/or parameters for alternate control devices monitored according to §63.1417(j) as allowed under §63.1415(e), maintain documentation showing the establishment of the level that indicates proper operation of the control device as required by §63.1415(c) for parameters specified in §63.1415(b) and as required by §63.1417(j) for alternate parameters. Monitored parameter documentation shall include the parameter monitoring data used to establish the level.

40 CFR 63.1416(e)(3)

(3) Controlled aggregate batch vent streams continuous compliance records.

The following continuous compliance records shall be kept, as applicable:

40 CFR 63.1416(e)(3)(i)

(i) Each owner or operator of an aggregate batch vent stream that uses a control device to comply with the percent reduction requirement of §63.1408(a)(1)(ii) or (a)(2)(ii) shall keep the following records, as applicable, readily accessible:

40 CFR 63.1416(e)(3)(i)(A)

(A) Continuous records of the equipment operating parameters specified to be monitored under §63.1415(b) as applicable, and listed in Table 3 of this subpart, or specified by the Administrator in accordance with §63.1417(j) as allowed under §63.1415(e). Records shall be kept as specified under paragraph (c) of this section, except as follows:

40 CFR 63.1416(e)(3)(i)(A)(1)

(1) For carbon adsorbers, the records specified in Table 3 of this subpart shall be maintained in place of continuous records.

40 CFR 63.1416(e)(3)(i)(A)(2)

(2) For flares, the records specified in Table 3 of this subpart shall be maintained in place of continuous records.

40 CFR 63.1416(e)(3)(i)(B)

(B) Records of the daily average value of each continuously monitored parameter, as specified in paragraph (c) of this section.

40 CFR 63.1416(e)(3)(ii)

(ii) Each owner or operator of an aggregate batch vent stream that uses a control device to comply with paragraph §63.1408(a)(1) or (2) of this section shall keep the following records, as applicable, readily accessible:

40 CFR 63.1416(e)(3)(ii)(A)

(A) Hourly records of whether the flow indicator for bypass lines specified in §63.1415(d) was operating and whether a diversion was detected at any time during the hour. Also, records of the times and durations of periods when the vent is diverted from the control device or the flow indicator specified in §63.1415(d) is not operating.

40 CFR 63.1416(e)(3)(ii)(B)

(B) Where a seal or closure mechanism is used to comply with §63.1415(d), hourly records of whether a diversion was detected at any time are not required. The owner or operator shall record

whether the monthly visual inspection of the seals or closure mechanisms has been done, and shall record the occurrence of all periods when the seal mechanism is broken, the bypass line damper or valve position has changed, or the key for a lock-and-key type configuration has been checked out, and records of any car-seal that has broken.

40 CFR 63.1416(e)(3)(ii)(C)

(C) Records specifying the times and duration of periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments. In addition, records specifying any other periods of process or control device operation when monitors are not operating.

40 CFR 63.1416(e)(3)(iii)

(iii) Each owner or operator of an aggregate batch vent stream seeking to demonstrate compliance with the alternative standard, as specified in §63.1408(b), shall keep the records of continuous emissions monitoring described in §63.1416(c).

40 CFR 63.1416(e)(3)(iv)

(iv) Each owner or operator of an aggregate batch vent stream seeking to demonstrate compliance with the mass emission limits, specified in §63.1408(b)(2), shall keep the following records, as applicable, readily accessible:

40 CFR 63.1416(e)(3)(iv)(A)

(A) The rolling average monthly emission rate or the 12-month rolling average monthly emission rate, as appropriate.

40 CFR 63.1416(e)(3)(iv)(B)

(B) If there is a deviation from the emission limit, as specified in §63.1413(h)(1), the individual monthly emission rate data points making up the rolling average monthly emission rate or the 12-month rolling average monthly emission rate, as appropriate.

40 CFR 63.1416(e)(3)(iv)(C)

(C) If it becomes necessary to redetermine(Ecycle i) for a reactor batch process vent, as specified in §63.1413(e)(2), the new value(s) for (Ecycle i).

40 CFR 63.1416(f)

(f) Continuous process vent records.

40 CFR 63.1416(f)(1)

(1) TRE index value records.

Each owner or operator of a continuous process vent shall maintain records of measurements, engineering assessments, and calculations performed according to the procedures of §63.1412(j) to determine the TRE index value. Documentation of engineering assessments, described in §63.1412(k), shall include all data, assumptions, and procedures used for the engineering assessments.

40 CFR 63.1416(f)(2)

(2) Volumetric flow rate records.

Each owner or operator of a continuous process vent shall record the volumetric flow rate as measured using the sampling site and volumetric flow rate determination procedures (if applicable) specified in §63.1412(b) and (f) or determined through engineering assessment as specified in §63.1412(k).

40 CFR 63.1416(f)(3)

(3) Organic HAP concentration records.

Each owner or operator shall record the organic HAP concentration as measured using the sampling site and organic HAP concentration determination procedures specified in §63.1412(b) and (e), or determined through engineering assessment as specified in §63.1412(k).

40 CFR 63.1416(f)(4)

(4) Process change records.

Each owner or operator of a continuous process vent shall keep up-to-date, readily accessible records of any process changes that change the control applicability for a continuous process vent. Records are to include any recalculation or measurement of the flow rate, organic HAP concentration, and TRE index value.

40 CFR 63.1416(g)

(g) Other records or documentation.

40 CFR 63.1416(g)(1)

(1) For continuous monitoring systems used to comply with this subpart, owners or operators shall keep records documenting the completion of calibration checks and records documenting the maintenance of continuous monitoring systems that are specified in the manufacturer's instructions or that are specified in other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

40 CFR 63.1416(g)(2)

(2) The owner or operator of an affected source granted a waiver under §63.10(f) shall maintain any information demonstrating whether an affected source is meeting the requirements for a waiver of recordkeeping or reporting requirements.

40 CFR 63.1416(g)(3)

(3) Owners or operators using the exemption from the equipment leak provisions provided by §63.1400(f) shall comply with either paragraph (g)(3)(i) or (ii) of this section.

40 CFR 63.1416(g)(3)(i)

(i) The owner or operator shall retain information, data, and analysis used to document the basis for using the exemption provided by §63.1400(f). Such information, data, and analysis shall be retained for the 12-month period preceding December 14, 1998 and for each 12-month period the affected source is in operation and using the exemption provided by §63.1400(f). The beginning of each 12-month period shall be the anniversary of December 14, 1998.

40 CFR 63.1416(g)(3)(ii)

(ii) When requested by the Administrator, the owner or operator shall demonstrate that actual annual production is equal to or less than 800 megagrams per year of amino/phenolic resin for the 12-month period preceding December 14, 1998, and for each 12-month period the affected source has been in operation and using the exemption provided by §63.1400(f). The beginning of each 12-month period shall be the anniversary of December 14, 1998.

40 CFR 63.1416(g)(4)

(4) The owner or operator of a heat exchange system located at an affected source shall retain the following records:

40 CFR 63.1416(g)(4)(i)

(i) Monitoring data required by §63.1409 indicating a leak and the date when the leak was detected, and if demonstrated not to be a leak, the basis for that determination.

40 CFR 63.1416(g)(4)(ii)

(ii) Records of any leaks detected by procedures subject to §63.1409(c)(2) and the date the leak was detected.

40 CFR 63.1416(g)(4)(iii)

(iii) The dates of efforts to repair leaks.

40 CFR 63.1416(g)(4)(iv)

(iv) The method or procedure used to confirm repair of a leak and the date repair was confirmed.

40 CFR 63.1416(h)

(h) Reduced recordkeeping program.

For any parameter with respect to any item of equipment, the owner or operator may implement the recordkeeping requirements specified in paragraph (h)(1) or (2) of this section as alternatives to the provisions specified in this subpart for storage vessels, continuous process vents, batch process vents, or aggregate batch vent streams. The owner or operator shall retain for a period of 5 years each record required by paragraph (h)(1) or (2) of this section.

40 CFR 63.1416(h)(1)

(1) The owner or operator may retain only the daily average, batch cycle daily average, or block average value, and is not required to retain more frequent values, for a parameter with respect to an item of equipment, if the requirements of paragraphs (h)(1)(i) through (vi) of this section are met. An owner or operator electing to comply with the requirements of paragraph (h)(1) of this section shall notify the Administrator in the Notification of Compliance Status Report required under §63.1417(e) or, if the Notification of Compliance Status has already been submitted, in the Periodic Report immediately preceding implementation of the requirements of this paragraph as specified in §63.1417(f)(10).

40 CFR 63.1416(h)(1)(i)

(i) The monitoring system is capable of detecting unrealistic or impossible data during periods of operation other than start-ups, shutdowns, or malfunctions (e.g., a temperature reading of -200°C on a boiler) and will alert the operator by alarm or other means. The owner or operator shall record the occurrence. All instances of the alarm or other alert in an operating day or block constitute a single occurrence.

40 CFR 63.1416(h)(1)(ii)

(ii) The monitoring system generates, updated at least hourly throughout each operating day, a running average of the parameter values that have been obtained during that operating day or block, and the capability to observe this running average is readily available on-site to the Administrator during the operating day. The owner or operator shall record the occurrence of any period meeting the criteria in paragraphs (h)(1)(ii)(A) through (C) of this section. All instances in an operating day or block constitute a single occurrence:

40 CFR 63.1416(h)(1)(ii)(A)

(A) The running average is above the maximum or below the minimum established limits;

40 CFR 63.1416(h)(1)(ii)(B)

(B) The running average is based on at least six 1-hour average values; and

40 CFR 63.1416(h)(1)(ii)(C)

(C) The running average reflects a period of operation other than a start-up, shutdown, or malfunction.

40 CFR 63.1416(h)(1)(iii)

(iii) The monitoring system is capable of detecting unchanging data during periods of operation other than start-ups, shutdowns, or malfunctions, except in circumstances where the presence of unchanging data is the expected operating condition based on past experience (e.g., pH in some scrubbers) and will alert the operator by alarm or other means. The owner or operator shall record the occurrence. All instances of the alarm or other alert in an operating day or block constitute a single occurrence.

40 CFR 63.1416(h)(1)(iv)

(iv) The monitoring system will alert the owner or operator by an alarm or other means if the running average parameter value calculated under paragraph (h)(1)(ii) of this section reaches a set point that is appropriately related to the established limit for the parameter that is being monitored.

40 CFR 63.1416(h)(1)(v)

(v) The owner or operator shall verify the proper functioning of the monitoring system, including its ability to comply with the requirements of paragraphs (h)(1)(i) through (iv) of this section, at the times specified in paragraphs (h)(1)(v)(A) through (C). The owner or operator shall document that the required verifications occurred.

40 CFR 63.1416(h)(1)(v)(A)

(A) Upon initial installation.

40 CFR 63.1416(h)(1)(v)(B)

(B) Annually after initial installation.

40 CFR 63.1416(h)(1)(v)(C)

(C) After any change to the programming or equipment constituting the monitoring system which might reasonably be expected to alter the monitoring system's ability to comply with the requirements of this section.

40 CFR 63.1416(h)(1)(vi)

(vi) The owner or operator shall retain the records identified in paragraphs (h)(1)(vi)(A) through (D) of this section.

40 CFR 63.1416(h)(1)(vi)(A)

(A) Identification of each parameter for each item of equipment for which the owner or operator has elected to comply with the requirements of paragraph (h)(1) of this section.

40 CFR 63.1416(h)(1)(vi)(B)

(B) A description of the applicable monitoring system(s) and how compliance will be achieved with each requirement of paragraphs (h)(1)(i) through (v) of this section. The description shall identify the location and format (e.g., on-line storage, log entries) for each required record. If the description changes, the owner or operator shall retain, as provided in paragraph (a)of this section, except as provided in paragraph (h)(1)(vi)(D) of this section, both the current and the most recent superseded description.

40 CFR 63.1416(h)(1)(vi)(C)

(C) A description and the date of any change to the monitoring system that would reasonably be expected to impair its ability to comply with the requirements of paragraph (h) of this section.

40 CFR 63.1416(h)(1)(vi)(D)

(D) Owners and operators subject to paragraph (h)(1)(vi)(B)of this section shall retain the current description of the monitoring system as long as the description is current. The current description shall, at all times, be retained on-site or be accessible from a central location by computer or other means that provides access within 2 hours after a request. The owner or operator shall retain all superseded descriptions for at least 5 years after the date of their creation. Superseded descriptions shall be retained on-site (or accessible from a central location by computer or other means that provides access within 2 hours after a request) for at least 6 months after their creation. Thereafter, superseded descriptions may be stored off-site.

40 CFR 63.1416(h)(2)

(2) If an owner or operator has elected to implement the requirements of paragraph (h)(1) of this section for a parameter with respect to an item of equipment and a period of 6 consecutive months has passed without any deviation as defined in paragraph (h)(2)(iv) of this section, the owner or operator is no longer required to record the daily average, batch cycle daily average, or block average value for

any operating day when the daily average, batch cycle daily average, or block average value is less than the maximum or greater than the minimum established limit. With approval by the Administrator, monitoring data generated prior to the compliance date of this subpart shall be credited toward the period of 6 consecutive months if the parameter limit and the monitoring accomplished during the period prior to the compliance date were required and/or approved by the Administrator.

40 CFR 63.1416(h)(2)(i)

(i) If the owner or operator elects not to retain the daily average, batch cycle daily average, or block average values, the owner or operator shall notify the Administrator in the next Periodic Report as specified in §63.1417(f)(11). The notification shall identify the parameter and unit of equipment.

40 CFR 63.1416(h)(2)(ii)

(ii) If, on any operating day or during any block after the owner or operator has ceased recording the daily average, batch cycle daily average, or block average values as provided in paragraph (h)(2)of this section, there is a deviation as defined in paragraph (h)(2)(iv) of this section, the owner or operator shall immediately resume retaining the daily average, batch cycle daily average, or block average value for each operating day and shall notify the Administrator in the next Periodic Report. The owner or operator shall continue to retain each daily average, batch cycle daily average, or block average value until another period of 6 consecutive months has passed without a deviation as defined in paragraph (h)(2)(iv) of this section.

40 CFR 63.1416(h)(2)(iii)

(iii) The owner or operator shall retain the records specified in paragraphs (h)(1)(i) through (iv) of this section for the duration specified in paragraph (h) of this section. For any calendar week, if compliance with paragraphs (h)(1)(i) through (iv) of this section does not result in retention of a record of at least one occurrence or measured parameter value, the owner or operator shall record and retain at least one value during a period of operation other than a start-up, shutdown, or malfunction.

40 CFR 63.1416(h)(2)(iv)

(iv) For purposes of paragraph (h)(2) of this section, a deviation means that the daily average, batch cycle daily average, or block average value of monitoring data for a parameter is greater than the maximum, or less than the minimum established value, except that the daily average, batch cycle daily average, or block average value during any start-up, shutdown, or malfunction shall not be considered a deviation for purposes of paragraph

(h)(2) of this section, if the owner or operator follows the applicable provisions of the start-up, shutdown, and malfunction plan required by §63.6(e)(3).

40 CFR 63.1417 Reporting requirements.

40 CFR 63.1417(a)

(a) Reporting and notification.

In addition to the reports and notifications required by subpart A of this part as specified in Table 1 of this subpart, the owner or operator of an affected source shall prepare and submit the reports listed in paragraphs (d) through (i) of this section as applicable. All reports required by this subpart and the schedule for their submittal are listed in Table 5 of this subpart.

40 CFR 63.1417(b)

(b) General.

Owners and operators are required to meet the reporting requirements of this subpart unless they can demonstrate that failure to submit information required to be included in a specified report was due to the circumstances described in paragraphs (b)(1) through (3) of this section. Examples of circumstances where this paragraph may apply include information related to newly-added equipment or emission points, changes in the process, changes in equipment required or utilized for compliance with the requirements of this subpart, or changes in methods or equipment for monitoring, recordkeeping, or reporting.

40 CFR 63.1417(b)(1)

(1) The information was not known in time for inclusion in the report specified by this subpart.

40 CFR 63.1417(b)(2)

(2) The owner or operator has been diligent in obtaining the information.

40 CFR 63.1417(b)(3)

(3) The owner or operator submits a report according to the provisions of paragraphs (b)(3)(i) through (iii) of this section, as appropriate.

40 CFR 63.1417(b)(3)(i)

(i) If this subpart expressly provides for supplements to the report in which the information is required, the owner or operator shall submit the information as a supplement to that report. The information shall be submitted no later than 60 days after it is obtained, unless otherwise

specified in this subpart.

40 CFR 63.1417(b)(3)(ii)

(ii) If this subpart does not expressly provide for supplements, but the owner or operator must submit a request for revision of an operating permit pursuant to 40 CFR part 70 or part 71 due to circumstances to which the information pertains, the owner or operator shall submit the information with the request for revision to the operating permit.

40 CFR 63.1417(b)(3)(iii)

(iii) In any case not addressed by paragraph (b)(3)(i) or paragraph (b)(3)(ii) of this section, the owner or operator shall submit the information with the first Periodic Report, as required by this subpart, which has a submission deadline at least 60 days after the information is obtained.

40 CFR 63.1417(c)

(c) Submittals.

All reports required under this subpart shall be sent to the Administrator at the appropriate address listed in §63.13. If acceptable to both the Administrator and the owner or operator ofan affected source, reports may be submitted on electronic media.

40 CFR 63.1417(d)

(d) Precompliance Report.

Owners or operators of affected sources requesting an extension for compliance; requesting approval to use alternative monitoring parameters, alternative continuous monitoring and recordkeeping, or alternative controls; requesting approval to use engineering assessment to estimate organic HAP emissions from a batch emissions episode as described in §63.1414(d)(6)(i)(C); wishing to establish parameter monitoring levels according to the procedures contained in §63.1413(a)(4)(ii); establishing parameter monitoring levels based on a design evaluation as specified in §63.1413(a)(3); following the procedures in §63.1413(e)(2); or requesting approval to incorporate a provision for ceasing to collect monitoring data during a start-up, shutdown, or malfunction into the startup, shutdown, and malfunction plan when that monitoring equipment would be damaged if it did not cease to collect monitoring data, as permitted under §63.1417(d)(9), shall submit a Precompliance Report according to the schedule described in paragraph (d)(1) of this section. The Precompliance Report shall contain the information specified in paragraphs (d)(2) through (11) of this section, as appropriate.

40 CFR 63.1417(d)(1)

(1) The Precompliance Report shall be submitted to the Administrator no later than 12 months prior to the compliance date. Unless the Administrator objects to a request submitted in the Precompliance Report within 45 days after its receipt, the

request shall be deemed approved. For new affected sources, the Precompliance Report shall be submitted to the Administrator with the application for approval of construction or reconstruction required by §63.5(d), as specified on Table 1 of this subpart. Supplements to the Precompliance Report may be submitted as specified in paragraph (d)(11) of this section.

40 CFR 63.1417(d)(2)

(2) A request for an extension for compliance, as specified in §63.1401(d), may be submitted in the Precompliance Report. The request for a compliance extension will include the data outlined in §63.6(i)(6)(i)(A), (B), and (D), as required in §63.1401(d)(1).

40 CFR 63.1417(d)(3)

(3) The alternative monitoring parameter information required in paragraph (j)of this section shall be submitted in the Precompliance Report if, for any emission point, the owner or operator of an affected source seeks to comply through the use of a control technique other than those for which monitoring parameters are specified in this subpart or seeks to comply by monitoring a different parameter than those specified in this subpart.

40 CFR 63.1417(d)(4)

(4) If the affected source seeks to comply using alternative continuous monitoring and recordkeeping as specified in paragraph (k) of this section, the owner or operator shall submit the information requested in paragraph (d)(4)(i) or (ii) of this section in the Precompliance Report:

40 CFR 63.1417(d)(4)(i)

(i) The owner or operator shall submit notification of the intent to use the provisions specified in paragraph (k) of this section; or

40 CFR 63.1417(d)(4)(ii)

(ii) The owner or operator shall submit a request for approval to use alternative continuous monitoring and recordkeeping provisions as specified in paragraph (k) of this section.

40 CFR 63.1417(d)(5)

(5) The owner or operator shall report the intent to use alternative controls to comply with the provisions of this subpart in the Precompliance Report. The Administrator may deem the alternative controls to be equivalent to the controls required by the standard under the procedures outlined in §63.6(g).

40 CFR 63.1417(d)(6)

(6) If a request for approval to use engineering assessment to estimate organic HAP emissions from a batch emissions episode, as specified in §63.1414(d)(6)(i)(C), is

being made, the information required by §63.1414(d)(6)(iii)(B) shall be submitted in the Precompliance Report.

40 CFR 63.1417(d)(7)

(7) If an owner or operator elects to establish parameter monitoring levels according to the procedures contained in §63.1413(a)(4)(ii), or will be establishing parameter monitoring levels based on a design evaluation as specified in §63.1413(a)(3), the following information shall be submitted in the Precompliance Report:

40 CFR 63.1417(d)(7)(i)

(i) Identification of which procedures (i.e.,§63.1413(a)(1)(i) or (ii)) are to be used; and

40 CFR 63.1417(d)(7)(ii)

(ii) A description of how the parameter monitoring level is to be established. If the procedures in §63.1413(a)(4)(ii) are to be used, a description of how performance test data will be used shall be included.

40 CFR 63.1417(d)(8)

(8) If an owner or operator is complying with the mass emission limit specified in §63.1406(a)(1)(iii) or (a)(2)(iii), §63.1407(b)(2), or §63.1408(b)(2), the sample of production records specified in §63.1413(e)(2) shall be submitted in the Precompliance Report.

40 CFR 63.1417(d)(9)

(9) If the owner or operator is requesting approval to incorporate a provision for ceasing to collect monitoring data during a start-up, shutdown, or malfunction into the start-up, shutdown, and malfunction plan when that monitoring equipment would be damaged if it did not cease to collect monitoring data, the information specified in paragraphs (d)(9)(i) and (ii) of this section shall be supplied in the Precompliance Report or in a supplement to the Precompliance Report. The Administrator shall evaluate the supporting documentation and shall approve the request only if, in the Administrator's judgment, the specific monitoring equipment would be damaged by the contemporaneous start-up, shutdown, or malfunction.

40 CFR 63.1417(d)(9)(i)

(i) Documentation supporting a claim that the monitoring equipment would be damaged by the contemporaneous start-up, shutdown, or malfunction.

40 CFR 63.1417(d)(9)(ii)

(ii) A request to incorporate such a provision for ceasing to collect monitoring data during a start-up, shutdown, or malfunction into the start-up,

shutdown, and malfunction plan.

40 CFR 63.1417(d)(10)

(10) The procedure for a control device controlling less than 1 ton per year of uncontrolled organic HAP emissions shall be submitted, as specified in §63.1415(a)(2). Such a procedure shall meet the requirements specified in §63.1415(a)(2).

40 CFR 63.1417(d)(11)

(11) Supplements to the Precompliance Report may be submitted as specified in paragraph (d)(11)(i) or (ii) of this section. Unless the Administrator objects to a request submitted in a supplement to the Precompliance Report within 45 days after its receipt, the request shall be deemed approved.

40 CFR 63.1417(d)(11)(i)

(i) Supplements to the Precompliance Report may be submitted to clarify or modify information previously submitted.

40 CFR 63.1417(d)(11)(ii)

(ii) Supplements to the Precompliance Report may be submitted to request approval to use alternative monitoring parameters, as specified in paragraph (j) of this section; to use alternative continuous monitoring and recordkeeping, as specified in paragraph (k) of this section; to use alternative controls, as specified in paragraph (d)(5) of this section; to use engineering assessment to estimate organic HAP emissions from a batch emissions episode, as specified in paragraph (d)(6) of this section; to establish parameter monitoring levels according to the procedures contained in §63.1413(a)(4)(ii) or (a)(3), as specified in paragraph (d)(7) of this section; or to include a provision for ceasing to collect monitoring data during a start-up, shutdown, or malfunction in the start-up, shutdown, and malfunction plan when that monitoring equipment would be damaged if it did not cease to collect monitoring data, as specified in paragraph (d)(9) of this section.

40 CFR 63.1417(e)

(e) Notification of Compliance Status.

For existing and new affected sources, a Notification of Compliance Status shall be submitted within 150 days after the compliance dates specified in §63.1401. For equipment leaks, the Notification of Compliance Status shall contain the information specified in 40 CFR part 63, subpart UU. For storage vessels, continuous process vents, batch process vents, and aggregate batch vent streams, the Notification of Compliance Status shall contain the information listed in paragraphs (e)(1) through (6)of this section.

40 CFR 63.1417(e)(1)

(1) The results of any emission point applicability determinations, performance tests, design evaluations, inspections, continuous monitoring system performance evaluations, any other information used to demonstrate compliance, and any other information, as appropriate, required to be included in the Notification of Compliance Status under 40 CFR part 63, subpart WW and subpart SS, as referred to in §63.1404 for storage vessels; under 40 CFR part 63, subpart SS, as referred to in §63.1405 for continuous process vents; under §63.1416(f)(1) through (3) for continuous process vents; under §63.1416(d)(1) for batch process vents; and under §63.1416(e)(1) for aggregate batch vent streams. In addition, each owner or operator shall comply with paragraphs (e)(1)(i) and (ii) of this section.

40 CFR 63.1417(e)(1)(i)

(i) For performance tests, applicability determinations, and estimates of organic HAP emissions that are based on measurements, the Notification of Compliance Status shall include one complete test report, as described in paragraph (e)(1)(ii) of this section, for each test method used for a particular kind of emission point. For additional tests performed for the same kind of emission point using the same method, the results and any other required information shall be submitted, but a complete test report is not required.

40 CFR 63.1417(e)(1)(ii)

(ii) A complete test report shall include a brief process description, sampling site description, description of sampling and analysis procedures and any modifications to standard procedures, quality assurance procedures, record of operating conditions during the test, record of preparation of standards, record of calibrations, raw data sheets for field sampling, raw data sheets for field and laboratory analyses, documentation of calculations, and any other information required by the test method.

40 CFR 63.1417(e)(2)

(2) For each monitored parameter for which a maximum or minimum level is required to be established, the Notification of Compliance Status shall contain the information specified in paragraphs (e)(2)(i) through (iv) of this section, unless this information has been established and provided in the operating permit.

40 CFR 63.1417(e)(2)(i)

(i) The required information shall include the specific maximum or minimum level of the monitored parameter(s) for each emission point.

40 CFR 63.1417(e)(2)(ii)

(ii) The required information shall include the rationale for the specific

maximum or minimum level for each parameter for each emission point, including any data and calculations used to develop the level and a description of why the level indicates proper operation of the control device or control technology.

40 CFR 63.1417(e)(2)(iii)

(iii) The required information shall include a definition of the affected source's operating day, as specified in §63.1416(c)(2)(ii), for purposes of determining daily average values or batch cycle daily average values of monitored parameters. The required information shall include a definition of the affected source's block(s), as specified in §63.1416(c)(2)(ii), for purposes of determining block average values of monitored parameters.

40 CFR 63.1417(e)(2)(iv)

(iv) For batch process vents, the required information shall include a definition of each batch cycle that requires the control of one or more batch emission episodes during the cycle, as specified in §§63.1413(e)(1)(iii) and 63.1416(c)(2)(ii).

40 CFR 63.1417(e)(3)

(3) When the determination of applicability for process units, as made following the procedures in §63.1400(g), indicates that a process unit is an APPU, an identification of the APPU and a statement indicating that the APPU is an APPU that produces more than one intended product at the same time, as specified in §63.1400(g)(1), or is a flexible operations process unit as specified in §63.1400(g)(2) through (4).

40 CFR 63.1417(e)(4)

(4) [Reserved]

40 CFR 63.1417(e)(5)

(5) The results for each predominant use determination for storage vessels belonging to an affected source subject to this subpart that is made under §63.1400(h)(6).

40 CFR 63.1417(e)(6)

(6) Notification that the owner or operator has elected to comply with §63.1416(h), Reduced Recordkeeping Program.

40 CFR 63.1417(e)(7)

(7) Notification that an affected source is exempt from the equipment leak provisions of §63.1410 according to the provisions of §63.1400(f), and the affected source's actual annual production of amino/phenolic resins for the 12-month period preceding December 14, 1998.

40 CFR 63.1417(e)(8)

(8) An owner or operator with a combustion device, recovery device, or recapture device affected by the situation described in §63.1400(i)(5) shall identify which rule shall be complied with for monitoring, recordkeeping, and reporting requirements, as allowed under §63.1400(i)(5).

40 CFR 63.1417(e)(9)

(9) Data or other information used to demonstrate that an owner or operator may use engineering assessment to estimate emissions for a batch emission episode, as specified in §63.1413(d)(6)(iii)(A).

40 CFR 63.1417(f)

(f) Periodic Reports.

For existing and new affected sources, each owner or operator shall submit Periodic Reports as specified in paragraph (f)(1) of this section. In addition, for equipment leaks subject to §63.1410, the owner or operator shall submit the information specified in 40 CFR part 63, subpart UU, and for heat exchange systems subject to §63.1409, the owner or operator shall submit the information specified in §63.1409. Section 63.1415 shall govern the use of monitoring data to determine compliance for emissions points required to apply controls by the provisions of this subpart.

40 CFR 63.1417(f)(1)

(1) Except as specified in paragraph (f)(12) of this section, a report containing the information in paragraph (f)(2)of this section or containing the information in paragraphs (f)(3) through (11) of this section, as appropriate, shall be submitted semiannually no later than 60 days after the end of each 180 day period. The first report shall be submitted no later than 240 days after the date the Notification of Compliance Status is due and shall cover the 6-month period beginning on the date the Notification of Compliance Status is due. Subsequent reports shall cover each preceding 6-month period.

40 CFR 63.1417(f)(2)

(2) If none of the compliance exceptions specified in paragraphs (f)(3) through (11) of this section occurred during the 6-month period, the Periodic Report required by paragraph (f)(1) of this section shall be a statement that the affected source was in compliance for the preceding 6-month period and no activities specified in paragraphs (f)(3) through (11) of this section occurred during the preceding 6-month period.

40 CFR 63.1417(f)(3)

(3) For an owner or operator of an affected source complying with the provisions of §§63.1404 through 63.1409for any emission point, Periodic Reports shall include:

40 CFR 63.1417(f)(3)(i)

(i) All information specified in 40 CFR part 63, subpart WW and subpart SS for storage vessels; 40 CFR part 63, subpart SS for continuous process vents; §63.1416(d)(3)(ii) for batch process vents; and §63.1416(e) for aggregate batch vent stream.

40 CFR 63.1417(f)(3)(ii)

(ii) The daily average values, batch cycle daily average values, or block average values of monitored parameters for deviations, as specified in §63.1413(h), of operating parameters. In addition, the periods and duration of periods when monitoring data were not collected shall be specified.

40 CFR 63.1417(f)(4)

(4) Notification if one or more emission point(s) or one or more APPU is added to an affected source. The owner or operator shall submit the following information:

40 CFR 63.1417(f)(4)(i)

(i) A description of the addition to the affected source;

40 CFR 63.1417(f)(4)(ii)

(ii) Notification of applicability status (i.e., does the emission point require control) of the additional emission point, if appropriate, or notification of all emission points in the added APPU.

40 CFR 63.1417(f)(5)

(5) If there is a deviation from the mass emission limit specified in §63.1406(a)(1)(iii) or (a)(2)(iii), §63.1407(b)(2), or §63.1408(b)(2), the following information, as appropriate, shall be included:

40 CFR 63.1417(f)(5)(i)

(i) The cumulative average monthly emission rate or the 12-month rolling average monthly emission rate, as appropriate.

40 CFR 63.1417(f)(5)(ii)

(ii) The individual monthly emission rate data points making up the cumulative average monthly emission rate or the 12-month rolling average monthly emission rate, as appropriate.

40 CFR 63.1417(f)(5)(iii)

(iii) If an owner or operator is demonstrating compliance using the procedures in §63.1413(e)(2)(ii), the monthly value of the site-specific emission limit.

40 CFR 63.1417(f)(6)

(6) If any performance tests are reported in a Periodic Report, the following information shall be included:

40 CFR 63.1417(f)(6)(i)

(i) One complete test report shall be submitted for each test method used for a particular kind of emission point tested. A complete test report shall contain the information specified in paragraph (e)(1)(ii) of this section.

40 CFR 63.1417(f)(6)(ii)

(ii) For additional tests performed for the same kind of emission point using the same method, results and any other information required shall be submitted, but a complete test report is not required.

40 CFR 63.1417(f)(7)

(7) The Periodic Report shall include the results for each change made to a primary product determination for amino/phenolic resins made under §63.1400(g).

40 CFR 63.1417(f)(8)

(8) The Periodic Report shall include the results for each change made to a predominant use determination for a storage vessel belonging to an affected source subject to this subpart that is made under §63.1400(h)(6).

40 CFR 63.1417(f)(9)

(9) If an owner or operator invokes the delay of repair provisions for a heat exchange system, the following information shall be submitted, as appropriate. If the leak remains unrepaired, the information shall also be submitted in each subsequent periodic report until repair of the leak is reported.

40 CFR 63.1417(f)(9)(i)

(i) The presence of the leak and the date that the leak was detected.

40 CFR 63.1417(f)(9)(ii)

(ii) Whether or not the leak has been repaired. If the leak is repaired, the date the leak was successfully repaired. If the leak remains unrepaired, the expected date of repair.

40 CFR 63.1417(f)(9)(iii)

(iii) The reason(s) for delay of repair. If delay of repair is invoked due to the reasons described in §63.1409(e)(2), documentation of emissions estimates shall be included.

40 CFR 63.1417(f)(10)

(10) Notification that the owner or operator has elected to comply with §63.1416(h),

Reduced Recordkeeping Program.

40 CFR 63.1417(f)(11)

(11) Notification that the owner or operator has elected to not retain the daily average, batch cycle daily average, or block average values, as appropriate, as specified in §63.1416(h)(2)(i).

40 CFR 63.1417(f)(12)

(12) The owner or operator of an affected source shall submit quarterly reports for particular emission points as specified in paragraphs (f)(12)(i) through (iv)of this section.

40 CFR 63.1417(f)(12)(i)

(i) The owner or operator of an affected source shall submit quarterly reports for a period of 1 year for an emission point if the Administrator requests the owner or operator to submit quarterly reports for the emission point.

40 CFR 63.1417(f)(12)(ii)

(ii) The quarterly reports shall include all information specified in paragraphs (f)(3) through (11) of this section applicable to the emission point for which quarterly reporting is required under paragraph (f)(12)(i) of this section. Information applicable to other emission points within the affected source shall be submitted in the semiannual reports required under paragraph (f)(1) of this section.

40 CFR 63.1417(f)(12)(iii)

(iii) Quarterly reports shall be submitted no later than 60 days after the end of each quarter.

40 CFR 63.1417(f)(12)(iv)

(iv) After quarterly reports have been submitted for an emission point for 1 year, the owner or operator may return to semiannual reporting for the emission point unless the Administrator requests the owner or operator to continue to submit quarterly reports.

40 CFR 63.1417(g)

(g) Start-up, shutdown, and malfunction reports.

For the purposes of this subpart, the semiannual start-up, shutdown, and malfunction reports shall be submitted on the same schedule as the Periodic Reports required under paragraph (f) of this section instead of being submitted on the schedule specified in §63.10(d)(5)(i). Said reports shall include the information specified in §63.1416(b)(1) and (2) and shall contain the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy.

40 CFR 63.1417(h)

(h) Other reports.

Other reports shall be submitted as specified in paragraphs (h)(1) through (7) of this section.

40 CFR 63.1417(h)(1)

(1) For storage vessels, the notifications of inspections required by 40 CFR part 63, subpart WW shall be submitted.

40 CFR 63.1417(h)(2)

(2) A site-specific test plan shall be submitted no later than 90 days before the planned date for a performance test. Unless the Administrator requests changes to the site-specific test plan within 45 days after its receipt, the site-specific test plan shall be deemed approved. The test plan shall include a description of the planned test and rationale for why the planned performance test will provide adequate and representative results for demonstrating the performance of the control device. If required by §63.1413(e)(1) or §63.1414(d)(5), the test plan shall include an emission profile and rationale for why the selected test period is representative.

40 CFR 63.1417(h)(3)

(3) The owner or operator shall notify the Administrator of the intention to conduct a performance test at least 30 days before the performance test is scheduled in order to allow the Administrator the opportunity to have an observer present during the test. If after 30 days notice for an initially scheduled performance test, there is delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected source shall notify the Administrator as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator by mutual agreement.

40 CFR 63.1417(h)(4)

(4) When the conditions of §63.1400(g)(7) or the conditions of §63.1400(g)(8) are met, notification of changes to the primary product for an APPU or process unit shall be submitted. When a notification is made in response to a change in the primary product under §63.1400(g)(7), rationale for why it is anticipated that no amino/phenolic resins will be produced in the process unit in the future shall be included.

40 CFR 63.1417(h)(5)

(5) Owners or operators of APPU or emission points (other than equipment leak components subject to §63.1410) that are added to the affected source under the provisions of §63.1400(d)(2) or (3) or under the provisions of §63.5(b)(6) shall

submit reports as specified in paragraphs (h)(5)(i) through (ii) of this section.

40 CFR 63.1417(h)(5)(i)

(i) Reports shall include:

40 CFR 63.1417(h)(5)(i)(A)

(A) A description of the process change or addition, as appropriate;

40 CFR 63.1417(h)(5)(i)(B)

(B) The planned start-up date and the appropriate compliance date; and

40 CFR 63.1417(h)(5)(i)(C)

(C) Identification of the emission points (except equipment leak components subject to §63.1410) specified in paragraphs (h)(5)(i)(C)(1) through (3) of this section, as applicable.

40 CFR 63.1417(h)(5)(i)(C)(1)

(1) All the emission points in an added APPU.

40 CFR 63.1417(h)(5)(i)(C)(2)

(2) All the emission points in an affected source that becomes a new affected source.

40 CFR 63.1417(h)(5)(i)(C)(3)

(3) All the added or created emission points resulting from a process change.

40 CFR 63.1417(h)(5)(ii)

(ii) If the owner or operator wishes to request approval to use alternative monitoring parameters, alternative continuous monitoring or recordkeeping, alternative controls, engineering assessment to estimate organic HAP emissions from a batch emissions episode, or wishes to establish parameter monitoring levels according to the procedures contained in §63.1413(a)(1)(ii) or (ii), a Precompliance Report shall be submitted no later than 180 days prior to the appropriate compliance date.

40 CFR 63.1417(h)(6)

(6) The information specified in paragraphs (h)(6)(i) and (ii) of this section shall be submitted when a small control device becomes a large control device, as specified in §63.1413(a)(1)(ii).

40 CFR 63.1417(h)(6)(i)

(i) Notification that a small control device has become a large control device and the site-specific test plan shall be submitted within 60 days of the date

the small control device becomes a large control device. The site-specific test plan shall include the information specified in paragraph (h)(2)of this section. Approval of the site-specific test plan shall follow paragraph (h)(2) of this section.

40 CFR 63.1417(h)(6)(ii)

(ii) Results of the performance test required by §63.1413(a)(1)(ii) shall be submitted within 150 days of the date the small control device becomes a large control device.

40 CFR 63.1417(h)(7)

(7) Whenever a continuous process vent becomes subject to control requirements under 40 CFR part 63, subpart SS, as a result of a process change, the owner or operator shall submit a report within 60 days after the performance test or applicability assessment, whichever is sooner. The report may be submitted as part of the next Periodic Report required by paragraph (f) of this section.

40 CFR 63.1417(h)(7)(i)

(i) The report shall include the following information:

40 CFR 63.1417(h)(7)(i)(A)

(A) A description of the process change;

40 CFR 63.1417(h)(7)(i)(B)

(B) The results of the recalculation of the organic HAP concentration, volumetric flow rate, and or TRE index value required under §63.1412 and recorded under §63.1416(f).

40 CFR 63.1417(h)(7)(i)(C)

(C) A statement that the owner or operator will comply with the requirements specified in §63.1405.

40 CFR 63.1417(h)(7)(ii)

(ii) If a performance test is required as a result of a process change, the owner or operator shall specify that the performance test has become necessary due to a process change. This specification shall be made in the performance test notification to the Administrator, as specified in paragraph (h)(3) of this section.

40 CFR 63.1417(h)(7)(iii)

(iii) If a process change does not result in additional applicable requirements, then the owner or operator shall include a statement documenting this in the next Periodic Report required by paragraph (f) of this section.

40 CFR 63.1417(i)

(i) Operating permit application.

An owner or operator who submits an operating permit application instead of a Precompliance Report shall submit the information specified in paragraph (d) of this section, Precompliance Report, as applicable.

40 CFR 63.1417(j)

(j) Alternative monitoring parameters.

The owner or operator who has been directed by any section of this subpart or any section of another subpart referenced by this subpart that expressly referenced this paragraph (j) to set unique monitoring parameters, or who requests approval to monitor a different parameter than those specified in §63.1415(b), shall submit the information specified in paragraphs (j)(1) through (3) of this section in the Precompliance Report, as required by paragraph (d) of this section.

40 CFR 63.1417(j)(1)

(1) The required information shall include a description of the parameter(s) to be monitored to ensure the recovery device, control device, or control technology is operated in conformance with its design and achieves the specified emission limit or percent reduction and an explanation of the criteria used to select the parameter(s).

40 CFR 63.1417(j)(2)

(2) The required information shall include a description of the methods and procedures that will be used to demonstrate that the parameter indicates proper operation, the schedule for this demonstration, and a statement that the owner or operator will establish a level for the monitored parameter as part of the Notification of Compliance Status report required in paragraph (e) of this section, unless this information has already been included in the operating permit application.

40 CFR 63.1417(j)(3)

(3) The required information shall include a description of the proposed monitoring, recordkeeping, and reporting system to include the frequency and content of monitoring, recordkeeping, and reporting. Further, the rationale for the proposed monitoring, recordkeeping, and reporting system shall be included if either condition in paragraph (j)(3)(i) or (ii) of this section is met:

40 CFR 63.1417(j)(3)(i)

(i) If monitoring and recordkeeping is not continuous; or

40 CFR 63.1417(j)(3)(ii)

(ii) If reports of daily average values will not be included in Periodic Reports when the monitored parameter value is above the maximum level or below the minimum level as established in the operating permit or the Notification of Compliance Status.

40 CFR 63.1417(k)

(k) Alternative continuous monitoring.

An owner or operator choosing not to implement the monitoring provisions specified in §63.1415 for storage vessels, continuous process vents, batch process vents, or aggregate batch vent streams may instead request approval to use alternative continuous monitoring provisions according to the procedures specified in paragraphs (k)(1) through (4) of this section. Requests shall be submitted in the Precompliance Report as specified in paragraph (d)(4) of this section if not already included in the operating permit application and shall contain the information specified in paragraphs (k)(2)(i)and (ii) of this section, as applicable.

40 CFR 63.1417(k)(1)

(1) The provisions in §63.8(f)(5)(i) shall govern the review and approval of requests.

40 CFR 63.1417(k)(2)

(2) An owner or operator of an affected source that does not have an automated monitoring and recording system capable of measuring parameter values at least once every 15 minutes and that does not generate continuous records may request approval to use a nonautomated system with less frequent monitoring in accordance with paragraphs (k)(2)(i) and (ii) of this section.

40 CFR 63.1417(k)(2)(i)

(i) The requested system shall include manual reading and recording of the value of the relevant operating parameter no less frequently than once per hour. Daily average (or batch cycle daily average) values shall be calculated from these hourly values and recorded.

40 CFR 63.1417(k)(2)(ii)

(ii) The request shall contain:

40 CFR 63.1417(k)(2)(ii)(A)

(A) A description of the planned monitoring and recordkeeping system;

40 CFR 63.1417(k)(2)(ii)(B)

(B) Documentation that the affected source does not have an automated monitoring and recording system;

40 CFR 63.1417(k)(2)(ii)(C)

(C) Justification for requesting an alternative monitoring and recordkeeping system; and

40 CFR 63.1417(k)(2)(ii)(D)

(D) Demonstration to the Administrator's satisfaction that the proposed monitoring frequency is sufficient to represent control or recovery device operating conditions, considering typical variability of the specific process and control or recovery device operating parameter being monitored.

40 CFR 63.1417(k)(3)

(3) An owner or operator may request approval to use an automated data compression recording system that does not record monitored operating parameter values at a set frequency (for example, once every 15 minutes) but records all values that meet set criteria for variation from previously recorded values, in accordance with paragraphs (k)(3)(i) and (ii) of this section.

40 CFR 63.1417(k)(3)(i)

(i) The requested system shall be designed to:

40 CFR 63.1417(k)(3)(i)(A)

(A) Measure the operating parameter value at least once every 15 minutes;

40 CFR 63.1417(k)(3)(i)(B)

(B) Except for the monitoring of batch process vents, calculate hourly average values each hour during periods of operation;

40 CFR 63.1417(k)(3)(i)(C)

(C) Record the date and time when monitors are turned off or on;

40 CFR 63.1417(k)(3)(i)(D)

(D) Recognize unchanging data that may indicate the monitor is not functioning properly, alert the operator, and record the incident;

40 CFR 63.1417(k)(3)(i)(E)

(E) Calculate daily average, batch cycle daily average, or block average values of the monitored operating parameter based on all measured data; and

40 CFR 63.1417(k)(3)(i)(F)

(F) If the daily average is not a deviation, as defined in §63.1413(h), from the operating parameter, the data for that operating day may

be converted to hourly average values, and the four or more individual records for each hour in the operating day may be discarded.

40 CFR 63.1417(k)(3)(ii)

(ii) The request shall contain:

40 CFR 63.1417(k)(3)(ii)(A)

(A) A description of the monitoring system and data compression recording system, including the criteria used to determine which monitored values are recorded and retained;

40 CFR 63.1417(k)(3)(ii)(B)

(B) The method for calculating daily averages and batch cycle daily averages; and

40 CFR 63.1417(k)(3)(ii)(C)

(C) A demonstration that the system meets all criteria in paragraph (k)(3)(i) of this section.

40 CFR 63.1417(k)(4)

(4) An owner or operator may request approval to use other alternative monitoring systems according to the procedures specified in §63.8(f)(4).

40 CFR 63.1418 [Reserved]

40 CFR 63.1419 Delegation of authority.

40 CFR 63.1419(a)

(a) This regulation can be administered by the US EPA, or a delegated authority such as a State, local, or tribal agency. If the US EPA Administrator has delegated this regulation to a State, local, or tribal agency, then that agency has the authority to administer and enforce this regulation. To find out if this regulation is delegated to a State, local, or tribal agency, contact the appropriate EPA Regional Office.

40 CFR 63.1419(b)

(b) In delegating implementation and enforcement authority of this regulation to a State, local, or tribal agency under section 40 CFR part 63, subpart E, the authorities contained in paragraph (c) of this section are retained by the Administrator of US EPA and are not transferred to the State, local, or tribal agency.

40 CFR 63.1419(c)

(c) The authorities that will not be delegated to State, local, or tribal agencies are as follows.

40 CFR 63.1419(c)(1)

(1) Approval of alternatives to the non-opacity emission standards in §63.1403 through §63.1410; §63.1022 through §63.1034, §63.1062, §63.1063(a) and (b), and §63.1064 under §63.6(h)(9).

40 CFR 63.1419(c)(2)

(2) Approval of major alternatives to test methods under §63.997 and §63.1414 as defined in §63.90.

40 CFR 63.1419(c)(3)

(3) Approval of major alternatives to monitoring under §63.996 and §63.1415 as defined in §63.90.

40 CFR 63.1419(c)(4)

(4) Approval of major alternatives to recordkeeping and reporting under §63.998, §63.999, §63.1038, §63.1039, §63.1065, §63.1066, §63.1416, and §63.1417 as defined in §63.90 of this chapter.

Table 1 to Subpart OOO of Part 63 -- Applicability of General Provisions to Subpart OOO Affected Sources

Reference	Applies to subpart OOO	Explanation
63.1(a)(1).....	Yes.....	§ 63.1402 specifies definitions in addition to or that supersede definitions in § 63.2.
63.1(a)(2).....	Yes.....	
63.1(a)(3).....	Yes.....	§ 63.1401(i) identifies those standards which overlap with the requirements of subpart OOO of this part and specify how compliance shall be achieved.
63.1(a)(4).....	Yes.....	Subpart OOO (this table) specifies the applicability of each paragraph in subpart A of this part.
63.1(a)(5).....	No.....	[Reserved].
63.1(a)(6)-63.1(a)(8).	Yes.....	
63.1(a)(9).....	No.....	[Reserved].
63.1(a)(10).....	Yes.....	
63.1(a)(11).....	Yes.....	
63.1(a)(12)-63.1(a)(14)	Yes.....	
63.1(b)(1).....	No.....	
63.1(b)(2).....	Yes.....	
63.1(b)(3).....	No.....	§ 63.1400(e) provides documentation requirements for APPUs not considered affected sources.
63.1(c)(1).....	Yes.....	Subpart OOO (this table) specifies the applicability of each paragraph in subpart A of this part.
63.1(c)(2).....	No.....	Area sources are not subject to this subpart.
63.1(c)(3).....	No.....	[Reserved].
63.1(c)(4).....	Yes.....	
63.1(c)(5).....	Yes.....	Except that affected sources are not required to submit notifications overridden by this table.
63.1(d).....	No.....	[Reserved].
63.1(e).....	Yes.....	
63.2.....	Yes.....	§ 63.1402 specifies the definitions from subpart A of this part that apply to this subpart.
63.3.....	Yes.....	

63.4(a)(1)-63.4(a)(3)	Yes.....	
63.4(a)(4).....	No.....	[Reserved].
63.4(a)(5).....	Yes.....	
63.4(b).....	Yes.....	
63.4(c).....	Yes.....	
63.5(a)(1).....	Yes.....	Except the terms ``source" and ``stationary source" should be interpreted as having the same meaning as ``affected source."
63.5(a)(2).....	Yes.....	
63.5(b)(1).....	Yes.....	Except § 63.1400(d) specifies when construction or reconstruction is subject to new source standards.
63.5(b)(2).....	No.....	[Reserved].
63.5(b)(3).....	Yes.....	
63.5(b)(4).....	Yes.....	Except that the Initial Notification and § 63.9(b) requirements do not apply.
63.5(b)(5).....	Yes.....	
63.5(b)(6).....	Yes.....	Except that § 63.1400(d) specifies when construction or reconstruction is subject to new source standards.
63.5(c).....	No.....	[Reserved].
63.5(d)(1)(i).....	Yes.....	Except that the references to the Initial Notification and § 63.9(b)(5) do not apply.
63.5(d)(1)(ii).....	Yes.....	Except that § 63.5(d)(1)(ii)(H) does not apply.
63.5(d)(1)(iii).....	No.....	§ 63.1417(e) specifies Notification of Compliance Status requirements.
63.5(d)(2).....	No.....	
63.5(d)(3).....	Yes.....	Except § 63.5(d)(3)(ii) does not apply, and equipment leaks subject to § 63.1410 are exempt.
63.5(d)(4).....	Yes.....	
63.5(e).....	Yes.....	
63.5(f)(1).....	Yes.....	
63.5(f)(2).....	Yes.....	Except that where § 63.9(b)(2) is referred to, the owner or operator need not comply.
63.6(a).....	Yes.....	
63.6(b)(1).....	Yes.....	
63.6(b)(2).....	Yes.....	
63.6(b)(3).....	Yes.....	
63.6(b)(4).....	Yes.....	
63.6(b)(5).....	Yes.....	
63.6(b)(6).....	No.....	[Reserved].
63.6(b)(7).....	No.....	

63.6(c)(1).....	Yes.....	Except that § 63.1401 specifies the compliance date.
63.6(c)(2).....	No.....	
63.6(c)(3).....	No.....	[Reserved].
63.6(c)(4).....	No.....	[Reserved].
63.6(c)(5).....	Yes.....	
63.6(d).....	No.....	[Reserved].
63.6(e).....	Yes.....	Except as otherwise specified in this table, § 63.6(e) does not apply to emission points that do not require control under this subpart.[SU]a[/SU]
63.6(e)(1)(i).....	No.....	This is addressed by § 63.1400(k)(4).
63.6(e)(1)(ii).....	Yes.....	
63.6(e)(1)(iii).....	Yes.....	
63.6(e)(2).....	Yes.....	
63.6(e)(3)(i).....	Yes.....	For equipment leaks (subject to § 63.1410), the start-up, shutdown, and malfunction plan requirement of § 63.6(e)(3)(i) is limited to control devices and is optional for other equipment. The start-up, shutdown, malfunction plan may include written procedures that identify conditions that justify a delay of repair.
63.6(e)(3)(i)(A).....	No.....	This is addressed by §63.1400(k)(4).
63.6(e)(3)(i)(B).....	Yes.....	
63.6(e)(3)(i)(C).....	Yes.....	
63.6(e)(3)(ii).....	Yes.....	
63.6(e)(3)(iii).....	No.....	Recordkeeping and reporting are specified in §§ 63.1416 and 63.1417.
63.6(e)(3)(iv).....	No.....	Recordkeeping and reporting are specified in §§ 63.1416 and 63.1417.
63.6(e)(3)(v).....	Yes.....	
63.6(e)(3)(vi).....	Yes.....	
63.6(e)(3)(vii).....	Yes.....	
63.6(e)(3)(vii) (A).....	Yes.....	
63.6(e)(3)(vii) (B).....	Yes.....	Except the plan shall provide for operation in compliance with § 63.1400(k)(4).
63.6(e)(3)(vii) (C).....	Yes.....	
63.6(e)(3)(viii).....	Yes.....	
63.6(f)(1).....	Yes.....	
63.6(f)(2).....	Yes.....	Except § 63.7(c), as referred to in § 63.6(f)(2)(iii)(D), does not apply, and except that § 63.6(f)(2)(ii) does not apply to equipment leaks subject to § 63.1410.

63.6(f)(3).....	Yes.....	
63.6(g).....	Yes.....	
63.6(h).....	No.....	This subpart OOO does not require opacity and visible emission standards.
63.6(i)(1).....	Yes.....	
63.6(i)(2).....	Yes.....	
63.6(i)(3).....	Yes.....	
63.6(i)(4)(i)(A).....	Yes.....	
63.6(i)(4)(i)(B).....	No.....	Dates are specified in §§ 63.1401(e) and 63.1417(d)(1).
63.6(i)(4)(ii).....	No.....	
63.6(i)(5)-(14).....	Yes.....	
63.6(i)(15).....	No.....	[Reserved].
63.6(i)(16).....	Yes.....	
63.6(j).....	Yes.....	
63.7(a)(1).....	Yes.....	
63.7(a)(2).....	No.....	§ 63.1417(e) specifies the submittal dates of performance test results for all emission points except equipment leaks; for equipment leaks, compliance demonstration results are reported in the Periodic Reports.
63.7(a)(3).....	Yes.....	
63.7(b).....	No.....	§ 63.1417 specifies notification requirements.
63.7(c).....	No.....	
63.7(d).....	Yes.....	
63.7(e)(1).....	Yes.....	Except that all performance tests shall be conducted at maximum representative operating conditions achievable at the time without disruption of operations or damage to equipment.
63.7(e)(2).....	Yes.....	
63.7(e)(3).....	No.....	Subpart OOO specifies requirements.
63.7(e)(4).....	Yes.....	
63.7(f).....	Yes.....	Except that if a site specific test plan is not required, the notification deadline in § 63.7(f)(2)(i) shall be 60 days prior to the performance test, and in § 63.7(f)(3), approval or disapproval of the alternative test method shall not be tied to the site specific test plan.
63.7(g).....	Yes.....	Except that the requirements in § 63.1417(e) shall apply instead of the references to the Notification of Compliance Status report in § 63.9(h). In addition, equipment leaks

		subject to § 63.1410 are not required to conduct performance tests.
63.7(h).....	Yes.....	Except § 63.7(h)(4)(ii) may not be applicable, if the site-specific test plan in § 63.7(c)(2) is not required.
63.8(a)(1).....	Yes.....	
63.8(a)(2).....	No.....	
63.8(a)(3).....	No.....	[Reserved].
63.8(a)(4).....	Yes.....	
63.8(b)(1).....	Yes.....	
63.8(b)(2).....	No.....	Subpart OOO specifies locations to conduct monitoring.
63.8(b)(3).....	Yes.....	
63.8(c)(1).....	Yes.....	
63.8(c)(1)(i).....	Yes.....	
63.8(c)(1)(ii).....	No.....	For all emission points except equipment leaks, comply with § 63.1416(b)(2); for equipment leaks, comply with requirements in 40 CFR part 63, subpart UU.
63.8(c)(1)(iii).....	Yes.....	
63.8(c)(2).....	Yes.....	
63.8(c)(3).....	Yes.....	
63.8(c)(4).....	No.....	§ 63.1415 specifies monitoring frequency; not applicable to equipment leaks because § 63.1410 does not require continuous monitoring systems.
63.8(c)(5)-63.8(c)(8)	No.....	
63.8(d).....	No.....	
63.8(e).....	No.....	
63.8(f)(1)-63.8(f)(3)	Yes.....	
63.8(f)(4)(i).....	No.....	Timeframe for submitting request is specified in § 63.1417 (j)or (k); not applicable to equipment leaks because § 63.1410 (through reference to 40 CFR part 63, subpart UU) specifies acceptable alternative methods.
63.8(f)(4)(ii).....	No.....	Contents of request are specified in § 63.1417(j) or (k).
63.8(f)(4)(iii).....	No.....	
63.8(f)(5)(i).....	Yes.....	
63.8(f)(5)(ii).....	No.....	
63.8(f)(5)(iii).....	Yes.....	
63.8(f)(6).....	No.....	Subpart OOO does not require continuous emission monitors.
63.8(g).....	No.....	Data reduction procedures specified in § 63.1416(a) and (h); not applicable to equipment leaks.

63.9(a).....	Yes.....	
63.9(b).....	No.....	Subpart OOO does not require an initial notification.
63.9(c).....	Yes.....	
63.9(d).....	Yes.....	
63.9(e).....	No.....	§ 63.1417 specifies notification deadlines.
63.9(f).....	No.....	Subpart OOO does not require opacity and visible emission standards.
63.9(g).....	No.....	
63.9(h).....	No.....	§ 63.1417(e) specifies Notification of Compliance Status requirements.
63.9(i).....	Yes.....	
63.9(j).....	No.....	
63.10(a).....	Yes.....	
63.10(b)(1).....	No.....	§ 63.1416(a) specifies record retention requirements.
63.10(b)(2).....	No.....	Subpart OOO specifies recordkeeping requirements.
63.10(b)(3).....	No.....	§ 63.1400(e) requires documentation of sources that are not affected sources.
63.10(c).....	No.....	§ 63.1416 specifies recordkeeping requirements.
63.10(d)(1).....	Yes.....	
63.10(d)(2).....	No.....	§ 63.1417 specifies performance test reporting requirements; not applicable to equipment leaks.
63.10(d)(3).....	No.....	Subpart OOO does not require opacity and visible emission standards.
63.10(d)(4).....	Yes.....	
63.10(d)(5).....	Yes.....	Except that reports required by § 63.10(d)(5)(i) may be submitted at the same time as Periodic Reports specified in § 63.1417(f). The start-up, shutdown, and malfunction plan, and any records or reports of start-up, shutdown, and malfunction do not apply to emission points that do not require control under this subpart.
63.10(e).....	No.....	§ 63.1417 specifies reporting requirements.
63.10(f).....	Yes.....	
63.11.....	Yes.....	Except that instead of § 63.11(b), § 63.1413(g) shall apply.
63.12.....	Yes.....	
63.13-63.15.....	Yes	

Table 2 to Subpart OOO of Part 63 -- Known Organic Hazardous Air Pollutants (HAP) From the Manufacture of Amino/Phenolic Resins

Organic HAP	CAS Number	Organic HAP subject to cooling tower monitoring requirements in §§ 63.1409 (Yes/No)	
		Column A	Column B
Acrylamide	79-06-1	No	No
Aniline	62-53-3	Yes	No
Biphenyl	92-52-4	Yes	Yes
Cresol and cresylic acid (mixed)	1319-77-3	Yes	No
Cresol and cresylic acid (m-)	108-39-4	Yes	No
Cresol and cresylic acid (o-)	95-48-7	Yes	No
Cresol and cresylic acid (p-)	106-44-5	Yes	No
Diethanolamine	111-42-2	No	No
Dimethylformamide	68-12-2	No	No
Ethylbenzene	100-41-4	Yes	Yes
Ethylene glycol	107-21-1	No	No
Formaldehyde	50-00-0	Yes	No
Glycol ethers	0	No	No
Methanol	67-56-1	Yes	Yes
Methyl ethyl ketone	78-93-3	Yes	Yes
Methyl isobutyl ketone	108-10-1	Yes	Yes
Naphthalene	91-20-3	Yes	Yes
Phenol	108-95-2	Yes	No
Styrene	100-42-5	Yes	Yes
Toluene	108-88-3	No	Yes
Xylenes (NOS)	1330-20-7	Yes	Yes
Xylene (m-)	108-38-3	Yes	Yes
Xylene (o-)	95-47-6	Yes	Yes
Xylene (p-)	106-42-3	Yes	Yes

CAS No. = Chemical Abstract Registry Number.

Table 3 to Subpart OOO of Part 63 -- Batch Process Vent Monitoring Requirements

Control device	Parameters to be monitored	Frequency/ recordkeeping requirements
Scrubber \a\.....	pH of scrubber effluent, and.	Continuous records as specified in §§ 63.1416(d).\b\
	Scrubber liquid and gas flow rates.	Continuous records as specified in §§ 63.1416(d).\b\
Absorber \a\.....	Exit temperature of the absorbing liquid, and.	Continuous records as specified in §§ 63.1416(d).\b\
	Exit specific gravity for the absorbing liquid.	Continuous records as specified in §§ 63.1416(d).\b\
Condenser \a\.....	Exit (product side) temperature.	Continuous records as specified in §§ 63.1416(d). \a\
Carbon adsorber \a\.....	Total regeneration steam flow or nitrogen flow, or pressure (gauge or absolute) during carbon bed regeneration cycle(s), and.	Record the total regeneration steam flow or nitrogen flow, or pressure for each carbon bed regeneration cycle.
Temperature of the	Record the carbon bed after regeneration and within 15 minutes of completing any cooling cycle(s).	temperature of the carbon bed after each regeneration and within 15 minutes of completing any cooling cycle(s).
Thermal incinerator.....	Firebox temperature \c\.	Continuous records as specified in §§ 63.1416(d).\b\
Catalytic incinerator.....	Temperature upstream and downstream of the catalyst bed.	Continuous records as specified in §§ 63.1416(d).\b\
Boiler or process heater with a design heat input capacity less than 44	Firebox temperature \c\.	Continuous records as specified in §§

megawatts and where the batch process vents or aggregate batch vent streams are not introduced with or used as the primary fuel.		63.1416(d).\b\
Flare.....	Presence of a flame at the pilot light.	Hourly records of whether the monitor was continuously operating during batch emission episodes, or portions thereof, selected for control and whether a flame was continuously present at the pilot light during said periods.
All control devices.....	Diversion to the atmosphere from the control device or.	Hourly records of whether the flow indicator was operating during batch emission episodes, or portions thereof, selected for control and whether a diversion was detected at any time during said periods as specified in §§ 63.1416(d).
	Monthly inspections of sealed valves.	Records that monthly inspections were performed as specified in §§ 63.1416(d).
Scrubber, absorber, condenser, and carbon adsorber (as an alternative to the requirements previously presented in this table).	Concentration level or reading indicated by an organic monitoring device at the outlet of the control device.	Continuous records as specified in §§ 63.1416(d).\b\

\a\ Alternatively, these devices may comply with the organic monitoring device provisions listed at the end of this table.

\b\ ``Continuous records'' is defined in §§ 63.111.

\c\ Monitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.

Table 4 to Subpart OOO of Part 63 -- Operating Parameter Levels

Device	Parameters to be monitored	Established operating parameter(s)
Scrubber	pH of scrubber effluent; and scrubber liquid and gas flow rates.	Minimum pH; and minimum liquid/gas ratio.
Absorber	Exit temperature of the absorbing liquid; and exit specific gravity of the absorbing liquid.	Maximum temperature; and maximum specific gravity.
Condenser	Exit temperature	Maximum temperature
Carbon absorber	Total regeneration steam or nitrogen flow, or pressure (gauge or absolute) \a\ during carbon bed regeneration cycle; and temperature of the carbon bed after regeneration (and within 15 minutes of completing any cooling cycle(s)).	Maximum flow or pressure; and maximum temperature.
Thermal incinerator	Firebox temperature	Minimum temperature
Catalytic incinerator	Temperature upstream and downstream of the catalyst bed.	Minimum upstream temperature; and minimum temperature difference across the catalyst bed.
Boiler or process heater	Firebox temperature	Minimum temperature
Other devices (or as an alternate to the requirements previously presented in this table) \b\.	Organic HAP concentration level or reading at outlet of device.	Maximum organic HAP concentration or reading .

\a\ 25 to 50 mm (absolute) is a common pressure level obtained by pressure swing absorbers.
\b\ Concentration is measured instead of an operating parameter.

Table 5 to Subpart OOO of Part 63 -- Reports Required by This Subpart

Reference	Description of report	Due date
§§ 63.1400(j) and Subpart A of this part.	Refer to Table 1 and Subpart A of this part.	Refer to Subpart A of this part.
63.1417(d).....	Precompliance Report	Existing affected sources_12 months prior to the compliance date.
	New affected	sources_with application for approval of construction or reconstruction.
63.1417(e).....	Notification of Compliance Status.	Within 150 days after the compliance date.
63.1417(f).....	Periodic Reports....	Semiannually, no later than 60 days after the end of each 6-month period. See §§ 63.1417(f)(1) for the due date for the first report.
63.1417(f)(12).....	Quarterly reports upon request of the administrator.	No later than 60 days after the end of each quarter.
63.1417(g).....	Start-up, shutdown, and malfunction reports.	Semiannually (same schedule as Periodic reports).
63.1417(h)(1).....	Notification of storage vessel inspection.	As specified in 40 CFR part 63, subpart WW.
63.1417(h)(2).....	Site-specific test plan.	90 days prior to planned date of test.
63.1417(h)(3).....	Notification of planned performance test.	30 days prior to planned date of test.
63.1417(h)(4).....	Notification of change in primary product.	As specified in §§ 63.1400 (g)(7) or (g)(8).
63.1417(h)(5).....	Notification of added emission points.	180 days prior to the appropriate compliance date.
63.1417(h)(6).....	Notification that a small control device has been redesignated as a	Within 60 days of the redesignation of control device size.

large control		
	device.	
63.1417(h)(7).....	Notification of process change.	Within 60 days after performance test or applicability assessment, whichever is sooner.

\a\ Note that the APPU remains subject to this subpart until the notification under §§ 63.1400(g)(7) is made.

Table 6 to Subpart OOO of Part 63 -- Coefficients for Total Resource Effectiveness a

Control device basis	Values of coefficients		
	A	B	C
Flare	5.276x10[SU]-1[/SU]	9.98x10[SU]2[/SU]	2.096x10[SU]-3[/SU]
Thermal Incinerator 0 Percent Recovery	4.068x10[SU]-1[/SU]	1.71x10[SU]2[/SU]	8.664x10[SU]-3[/SU]
Thermal Incinerator 70 Percent Recovery	6.868x10[SU]-1[/SU]	3.21x10[SU]3[/SU]	3.546x10[SU]-3[/SU]

\a\ Use according to procedures outlined in this section.
MJ/scm=MegaJoules per standard cubic meter.
scm/min=Standard cubic meters per minute.

40 CFR Part 63, Subpart UU **National Emission Standards for Equipment Leaks—Control Level 2 Standards**

40 CFR 63.1019 Applicability.

40 CFR 63.1019(a)

(a) The provisions of this subpart apply to the control of air emissions from equipment leaks for which another subpart references the use of this subpart for such air emission control. These air emission standards for equipment leaks are placed here for administrative convenience and only apply to those owners and operators of facilities subject to a referencing subpart. The provisions of 40 CFR part 63, subpart A (General Provisions) do not apply to this subpart except as noted in the referencing subpart.

40 CFR 63.1019(b)

(b) Equipment subject to this subpart.

The provisions of this subpart and the referencing subpart apply to equipment that contains or contacts regulated material. This subpart applies to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, and closed vent systems and control devices used to meet the requirements of this subpart.

40 CFR 63.1019(c)

(c) Equipment in vacuum service.

Equipment in vacuum service is excluded from the requirements of this subpart.

40 CFR 63.1019(d)

(d) Equipment in service less than 300 hours per calendar year.

Equipment intended to be in regulated material service less than 300 hours per calendar year is excluded from the requirements of §§63.1025 through 63.1034 and §63.1036 if it is identified as required in §63.1022(b)(5).

40 CFR 63.1019(e)

(e) Lines and equipment not containing process fluids.

Lines and equipment not containing process fluids are not subject to the provisions of this subpart. Utilities, and other non-process lines, such as heating and cooling systems that do not combine their materials with those in the processes they serve, are not considered to be part of a process unit or affected facility.

40 CFR 63.1019(f)

(f) Implementation and enforcement.

This subpart can be implemented and enforced by the U.S. Environmental Protection Agency (EPA), or a delegated authority such as the applicable State, local, or tribal agency. If the EPA Administrator has delegated authority to a State, local, or tribal agency, then that agency has the authority to implement and enforce this subpart. Contact the applicable EPA Regional Office to find out if this subpart is delegated to a State, local, or tribal agency.

40 CFR 63.1019(f)(1)

(1) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under section 40 CFR part 63, subpart E, the authorities contained in paragraphs (f)(i) through (v) of this section are retained by the EPA Administrator and are not transferred to the State, local, or tribal agency.

40 CFR 63.1019(f)(1)(i)

(i) Approval of alternatives to the nonopacity emissions standards in §§63.1022 through 62.1034, under §63.6(g), and the standards for quality improvement programs in §63.1035. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart.

40 CFR 63.1019(f)(1)(ii)

(ii) [Reserved]

40 CFR 63.1019(f)(1)(iii)

(iii) Approval of major changes to test methods under §63.7(e)(2)(ii) and (f) and as defined in §63.90.

40 CFR 63.1019(f)(1)(iv)

(iv) Approval of major changes to monitoring under §63.8(f) and as defined in §63.90.

40 CFR 63.1019(f)(1)(v)

(v) Approval of major changes to recordkeeping and reporting under §63.10(f) and as defined in §63.90.

40 CFR 63.1020 Definitions.

All terms used in this part shall have the meaning given them in the Act and in this section.

Batch process means a process in which the equipment is fed intermittently or discontinuously. Processing then occurs in this equipment after which the equipment is generally emptied.

Examples of industries that use batch processes include pharmaceutical production and pesticide production.

Batch product-process equipment train means the collection of equipment (e.g., connectors, reactors, valves, pumps, etc.) configured to produce a specific product or intermediate by a batch process.

Car-seal means a seal that is placed on a device that is used to change the position of a valve (e.g., from opened to closed) in such a way that the position of the valve cannot be changed without breaking the seal.

Closed-loop system means an enclosed system that returns process fluid to the process and is not vented directly to the atmosphere.

Closed-purge system means a system or combination of systems and portable containers to capture purged liquids. Containers must be covered or closed when not being filled or emptied.

Closed-vent system means a system that is not open to the atmosphere and is composed of piping, ductwork, connections, and, if necessary, flow inducing devices that transport gas or vapor from an emission point to a control device.

Combustion device means an individual unit of equipment, such as a flare, incinerator, process heater, or boiler, used for the combustion of organic emissions.

Connector means flanged, screwed, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. A common connector is a flange. Joined fittings welded completely around the circumference of the interface are not considered connectors for the purpose of this regulation. For the purpose of reporting and recordkeeping, connector means joined fittings that are not inaccessible, ceramic, or ceramic-lined (e.g., porcelain, glass, or glass-lined) as described in §63.1027(e)(2).

Continuous parameter monitoring system (CPMS) 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.

Control device means any combustion device, recovery device, recapture device, or any combination of these devices used to comply with this part. Such equipment or devices include, but are not limited to, absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. Primary condensers on steam strippers or fuel gas systems are not considered control devices.

Distance piece means an open or enclosed casing through which the piston rod travels, separating the compressor cylinder from the crankcase.

Double block and bleed system means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

Equipment means each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, and instrumentation system in regulated material service; and any control devices or systems used to comply with this subpart.

First attempt at repair, for the purposes of this subpart, means to take action for the purpose of stopping or reducing leakage of organic material to the atmosphere, followed by monitoring as specified in §§63.1023(b) and (c) of this subpart in to verify whether the leak is repaired, unless the owner or operator determines by other means that the leak is not repaired.

Fuel gas means gases that are combusted to derive useful work or heat.

Fuel gas system means the offsite and onsite piping and flow and pressure control system that gathers gaseous stream(s) generated by onsite operations, may blend them with other sources of gas, and transports the gaseous stream for use a fuel gas in combustion equipment, such as furnaces and gas turbines, either singly or in combination.

In food and medical service means that a piece of equipment in regulated material service contacts a process stream used to manufacture a Food and Drug Administration regulated product where leakage of a barrier fluid into the process stream would cause any of the following:

(1) A dilution of product quality so that the product would not meet written specifications,

(2) An exothermic reaction which is a safety hazard,

(3) The intended reaction to be slowed down or stopped, or

(4) An undesired side reaction to occur.

In gas and vapor service means that a piece of equipment in regulated material service contains a gas or vapor at operating conditions.

In heavy liquid service means that a piece of equipment in regulated material service is not in gas and vapor service or in light liquid service.

In light liquid service means that a piece of equipment in regulated material service contains a liquid that meets the following conditions:

(1) The vapor pressure of one or more of the organic compounds is greater than 0.3 kilopascals at 20°C,

(2) The total concentration of the pure organic compounds constituents having a vapor pressure greater than 0.3 kilopascals at 20°C is equal to or greater than 20 percent by weight of the total process stream, and

(3) The fluid is a liquid at operating conditions.

(Note to definition of "in light liquid service": Vapor pressures may be determined by standard reference texts or ASTM D-2879.)

In liquid service means that a piece of equipment in regulated material service is not in gas and vapor service.

In organic hazardous air pollutant or in organic HAP service means that piece of equipment either contains or contracts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP's as determined according to the provisions of §63.180(d) of subpart H. The provisions of §63.180(d) of subpart H also specify how to determine that a piece of equipment is not in organic HAP service.

In regulated material service means, for the purposes of this subpart, equipment which meets the definition of "in VOC service," "in VHAP service," "in organic hazardous air pollutant service," or "in" other chemicals or groups of chemicals "service" as defined in the referencing subpart.
In-situ sampling systems means nonextractive samplers or in-line samplers.
In vacuum service means that equipment is operating at an internal pressure which is at least 5 kilopascals below ambient pressure.

Initial startup means for new sources, the first time the source begins production. For additions or changes not defined as a new source by this subpart, initial startup means the first time additional or changed equipment is put into operation. Initial startup does not include operation solely for testing of equipment. Initial startup does not include subsequent startup of process units following malfunction or process unit shutdowns. Except for equipment leaks, initial startup also does not include subsequent startups (of process units following changes in product for flexible operation units or following recharging of equipment in batch unit operations).

Instrumentation system means a group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow, etc.). Valves and connectors are the predominant type of equipment used in instrumentation systems; however, other types of equipment may also be included in these systems. Only valves nominally 1.27 centimeters (0.5 inches) and smaller, and connectors nominally 1.91 centimeters (0.75 inches) and smaller in diameter are considered instrumentation systems for the purposes of this subpart. Valves greater than nominally 1.27 centimeters (0.5 inches) and connectors greater than nominally 1.91 centimeters (0.75 inches) associated with instrumentation systems are not considered part of instrumentation systems and must be monitored individually.
Liquids dripping means any visible leakage from the seal including dripping, spraying, misting,

clouding, and ice formation. Indications of liquids dripping include puddling or new stains that are indicative of an existing evaporated drip.

Nonrepairable means that it is technically infeasible to repair a piece of equipment from which a leak has been detected without a process unit or affected facility shutdown.

Open-ended valve or line means any valve, except relief valves, having one side of the valve seat in contact with process fluid and one side open to atmosphere, either directly or through open piping.

Organic monitoring device means a unit of equipment used to indicate the concentration level of organic compounds based on a detection principle such as infra-red, photoionization, or thermal conductivity.

Polymerizing monomer means a compound which may form polymer buildup in pump mechanical seals resulting in rapid mechanical seal failure.

Pressure release means the emission of materials resulting from the system pressure being greater than the set pressure of the relief device. This release can be one release or a series of releases over a short time period due to a malfunction in the process.

Pressure relief device or valve means a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment. A common pressure relief device is a spring-loaded pressure relief valve. Devices that are actuated either by a pressure of less than or equal to 2.5 pounds per square inch gauge or by a vacuum are not pressure relief devices.

Process unit means the equipment specified in the definitions of process unit in the applicable referencing subpart. If the referencing subpart does not define process unit, then for the purposes of this part, process unit means the equipment assembled and connected by pipes or ducts to process raw materials and to manufacture an intended product.

Process unit shutdown means a work practice or operational procedure that stops production from a process unit, or part of a process unit during which it is technically feasible to clear process material from a process unit, or part of a process unit, consistent with safety constraints and during which repairs can be affected. The following are not considered process unit shutdowns:

(1) An unscheduled work practice or operations procedure that stops production from a process unit, or part of a process unit, for less than 24 hours.

(2) An unscheduled work practice or operations procedure that would stop production from a process unit, or part of a process unit, for a shorter period of time than would be required to clear the process unit, or part of the process unit, of

materials and start up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled process unit shutdown.

(3) The use of spare equipment and technically feasible bypassing of equipment without stopping production.

Referencing subpart means the subpart that refers an owner or operator to this subpart.

Regulated material, for purposes of this part, refers to gas from volatile organic liquids (VOL), volatile organic compounds (VOC), hazardous air pollutants (HAP), or other chemicals or groups of chemicals that are regulated by the referencing subpart.

Regulated source for the purposes of this part, means the stationary source, the group of stationary sources, or the portion of a stationary source that is regulated by a referencing subpart.

Relief device or valve means a valve used only to release an unplanned, nonroutine discharge. A relief valve discharge can result from an operator error, a malfunction such as a power failure or equipment failure, or other unexpected cause that requires immediate venting of gas from process equipment in order to avoid safety hazards or equipment damage.

Repaired, for the purposes of this subpart, means that equipment is adjusted, or otherwise altered, to eliminate a leak as defined in the applicable sections of this subpart and unless otherwise specified in applicable provisions of this subpart, is monitored as specified in §§63.1023(b) and (c) to verify that emissions from the equipment are below the applicable leak definition.

Routed to a process or route to a process means the emissions are conveyed to any enclosed portion of a process unit where the emissions are predominantly recycled and/or consumed in the same manner as a material that fulfills the same function in the process and/or transformed by chemical reaction into materials that are not regulated materials and/or incorporated into a product; and/or recovered.

Sampling connection system means an assembly of equipment within a process unit or affected facility used during periods of representative operation to take samples of the process fluid. Equipment used to take nonroutine grab samples is not considered a sampling connection system.

Screwed (threaded) connector means a threaded pipe fitting where the threads are cut on the pipe wall and the fitting requires only two pieces to make the connection (i.e., the pipe and the fitting).

Sensor means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

Set pressure means for the purposes of this subpart, the pressure at which a properly operating pressure relief device begins to open to relieve atypical process system operating pressure.

Start-up means the setting into operation of a piece of equipment or a control device that is subject to this subpart.

40 CFR 63.1021 Alternative means of emission limitation.

40 CFR 63.1021(a)

(a) Performance standard exemption.

The provisions of paragraph (b) of this section do not apply to the performance standards of §63.1030(b) for pressure relief devices or §63.1031(f) for compressors operating under the alternative compressor standard.

40 CFR 63.1021(b)

(b) Requests by owners or operators.

An owner or operator may request a determination of alternative means of emission limitation to the requirements of §§63.1025 through 63.1034 as provided in paragraph (d) of this section. If the Administrator makes a determination that a means of emission limitation is a permissible alternative, the owner or operator shall either comply with the alternative or comply with the requirements of §§63.1025 through 63.1034.

40 CFR 63.1021(c)

(c) Requests by manufacturers of equipment.

40 CFR 63.1021(c)(1)

(1) Manufacturers of equipment used to control equipment leaks of the regulated material may apply to the Administrator for permission for an alternative means of emission limitation that achieves a reduction in emissions of the regulated material achieved by the equipment, design, and operational requirements of this subpart.

40 CFR 63.1021(c)(2)

(2) The Administrator will grant permission according to the provisions of paragraph (d) of this section.

40 CFR 63.1021(d)

(d) Permission to use an alternative means of emission limitation.

Permission to use an alternative means of emission limitation shall be governed by the procedures in paragraphs (d)(1) through (d)(4) of this section.

40 CFR 63.1021(d)(1)

(1) Where the standard is an equipment, design, or operational requirement, the requirements of paragraphs (d)(1)(i) through (d)(1)(iii) of this section apply.

40 CFR 63.1021(d)(1)(i)

(i) Each owner or operator applying for permission to use an alternative means of emission limitation shall be responsible for collecting and verifying emission performance test data for an alternative means of emission limitation.

40 CFR 63.1021(d)(1)(ii)

(ii) The Administrator will compare test data for the means of emission limitation to test data for the equipment, design, and operational requirements.

40 CFR 63.1021(d)(1)(iii)

(iii) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve at least the same emission reduction as the equipment, design, and operational requirements of this subpart.

40 CFR 63.1021(d)(2)

(2) Where the standard is a work practice, the requirements of paragraphs (d)(2)(i) through (d)(2)(vi) of this section apply.

40 CFR 63.1021(d)(2)(i)

(i) Each owner or operator applying for permission to use an alternative means of emission limitation shall be responsible for collecting and verifying test data for the alternative.

40 CFR 63.1021(d)(2)(ii)

(ii) For each kind of equipment for which permission is requested, the emission reduction achieved by the required work practices shall be demonstrated for a minimum period of 12 months.

40 CFR 63.1021(d)(2)(iii)

(iii) For each kind of equipment for which permission is requested, the emission reduction achieved by the alternative means of emission limitation shall be demonstrated.

40 CFR 63.1021(d)(2)(iv)

(iv) Each owner or operator applying for such permission shall commit, in writing, for each kind of equipment to work practices that provide for emission reductions equal to or greater than the emission reductions

achieved by the required work practices.

40 CFR 63.1021(d)(2)(v)

(v) The Administrator will compare the demonstrated emission reduction for the alternative means of emission limitation to the demonstrated emission reduction for the required work practices and will consider the commitment in paragraph (d)(2)(iv) of this section.

40 CFR 63.1021(d)(2)(vi)

(vi) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same or greater emission reduction as the required work practices of this subpart.

40 CFR 63.1021(d)(3)

(3) An owner or operator may offer a unique approach to demonstrate the alternative means of emission limitation.

40 CFR 63.1021(d)(4)

(4) If, in the judgement of the Administrator, an alternative means of emission limitation will be approved, the Administrator will publish a notice of the determination in the Federal Register using the procedures specified in the referencing subpart.

40 CFR 63.1022 Equipment identification.

40 CFR 63.1022(a)

(a) General equipment identification.

Equipment subject to this subpart shall be identified. Identification of the equipment does not require physical tagging of the equipment. For example, the equipment may be identified on a plant site plan, in log entries, by designation of process unit or affected facility boundaries by some form of weatherproof identification, or by other appropriate methods.

40 CFR 63.1022(b)

(b) Additional equipment identification.

In addition to the general identification required by paragraph (a) of this section, equipment subject to any of the provisions in §§63.1023 through 63.1034shall be specifically identified as required in paragraphs (b)(1) through (b)(5) of this section, as applicable. This paragraph does not apply to an owner or operator of a batch product process who elects to pressure test the batch product process equipment train pursuant to §63.1036.

40 CFR 63.1022(b)(1)

(1) Connectors.

Except for inaccessible, ceramic, or ceramic-lined connectors meeting the provision of §63.1027(e)(2) and instrumentation systems identified pursuant to paragraph (b)(4) of this section, identify the connectors subject to the requirements of this subpart. Connectors need not be individually identified if all connectors in a designated area or length of pipe subject to the provisions of this subpart are identified as a group, and the number of connectors subject is indicated. With respect to connectors, the identification shall be complete no later than the completion of the initial survey required by paragraph (a) of this section.

40 CFR 63.1022(b)(2)

(2) Routed to a process or fuel gas system or equipped with a closed vent system and control device. Identify the equipment that the owner or operator elects to route to a process or fuel gas system or equip with a closed vent system and control device, under the provisions of §63.1026(e)(3) (pumps in light liquid service), §63.1028(e)(3) (agitators), §63.1030(d) (pressure relief devices in gas and vapor service), §63.1031(e) (compressors), or §63.1037(a) (alternative means of emission limitation for enclosed-vented process units).

40 CFR 63.1022(b)(3)

(3) Pressure relief devices.

Identify the pressure relief devices equipped with rupture disks, under the provisions of §63.1030(e).

40 CFR 63.1022(b)(4)

(4) Instrumentation systems.

Identify instrumentation systems subject to the provisions of §63.1029 of this subpart. Individual components in an instrumentation system need not be identified.

40 CFR 63.1022(b)(5)

(5) Equipment in service less than 300 hours per calendar year.

The identity, either by list, location (area or group), or other method, of equipment in regulated material service less than 300 hours per calendar year within a process unit or affected facilities subject to the provisions of this subpart shall be recorded.

40 CFR 63.1022(c)

(c) Special equipment designations:

Equipment that is unsafe or difficult-to-monitor.

40 CFR 63.1022(c)(1)

(1) Designation and criteria for unsafe-to-monitor.

Valves meeting the provisions of §63.1025(e)(1), pumps meeting the provisions of §63.1026(e)(6), connectors meeting the provisions of §63.1027(e)(1), and agitators meeting the provisions of §63.1028(e)(7) may be designated unsafe-to-monitor if the owner or operator determines that monitoring personnel would be exposed to an immediate danger as a consequence of complying with the monitoring requirements of this subpart. Examples of unsafe-to-monitor equipment include, but is not limited to, equipment under extreme pressure or heat.

40 CFR 63.1022(c)(2)

(2) Designation and criteria for difficult-to-monitor.

Valves meeting the provisions of §63.1025(e)(2) may be designated difficult-to-monitor if the provisions of paragraph (c)(2)(i) apply. Agitators meeting the provisions of §63.1028(e)(5) may be designated difficult-to-monitor if the provisions of paragraph (c)(2)(ii)apply.

40 CFR 63.1022(c)(2)(i)

(i) Valves.

40 CFR 63.1022(c)(2)(i)(A)

(A) The owner or operator of the valve determines that the valve cannot be monitored without elevating the monitoring personnel more than 2 meters (7 feet) above a support surface or it is not accessible in a safe manner when it is in regulated material service; and

40 CFR 63.1022(c)(2)(i)(B)

(B) The process unit or affected facility within which the valve is located is an existing source, or the owner or operator designates less than 3 percent of the total number of valves in a new source as difficult-to-monitor.

40 CFR 63.1022(c)(2)(ii)

(ii) Agitators.

The owner or operator determines that the agitator cannot be monitored without elevating the monitoring personnel more than 2 meters (7 feet)

above a support surface or it is not accessible in a safe manner when it is in regulated material service.

40 CFR 63.1022(c)(3)

(3) Identification of unsafe or difficult-to-monitor equipment. The owner or operator shall record the identity of equipment designated as unsafe-to-monitor according to the provisions of paragraph (c)(1) of this section and the planned schedule for monitoring this equipment. The owner or operator shall record the identity of equipment designated as difficult-to-monitor according to the provisions of paragraph (c)(2) of this section, the planned schedule for monitoring this equipment, and an explanation why the equipment is unsafe or difficult-to-monitor. This record must be kept at the plant and be available for review by an inspector.

40 CFR 63.1022(c)(4)

(4) Written plan requirements.

40 CFR 63.1022(c)(4)(i)

(i) The owner or operator of equipment designated as unsafe-to-monitor according to the provisions of paragraph (c)(1) of this section shall have a written plan that requires monitoring of the equipment as frequently as practical during safe-to-monitor times, but not more frequently than the periodic monitoring schedule otherwise applicable, and repair of the equipment according to the procedures in §63.1024 if a leak is detected.

40 CFR 63.1022(c)(4)(ii)

(ii) The owner or operator of equipment designated as difficult-to-monitor according to the provisions of paragraph (c)(2) of this section shall have a written plan that requires monitoring of the equipment at least once per calendar year and repair of the equipment according to the procedures in §63.1024 if a leak is detected.

40 CFR 63.1022(d)

(d) Special equipment designations: Equipment that is unsafe-to-repair.

40 CFR 63.1022(d)(1)

(1) Designation and criteria.

Connectors subject to the provisions of §63.1024(e) may be designated unsafe-to-repair if the owner or operator determines that repair personnel would be exposed to an immediate danger as a consequence of complying with the repair requirements of this subpart, and if the connector will be repaired before the end of the next process unit or affected facility shutdown as specified in §63.1024(e)(2).

40 CFR 63.1022(d)(2)

(2) Identification of equipment.

The identity of connectors designated as unsafe-to-repair and an explanation why the connector is unsafe-to-repair shall be recorded.

40 CFR 63.1022(e)

(e) Special equipment designations: Compressors operating with an instrument reading of less than 500 parts per million above background.

Identify the compressors that the owner or operator elects to designate as operating with an instrument reading of less than 500 parts per million above background, under the provisions of §63.1031(f).

40 CFR 63.1022(f)

(f) Special equipment designations: Equipment in heavy liquid service.

The owner or operator of equipment in heavy liquid service shall comply with the requirements of either paragraph (f)(1) or (f)(2) of this section, as provided in paragraph (f)(3) of this section.

40 CFR 63.1022(f)(1)

(1) Retain information, data, and analyses used to determine that a piece of equipment is in heavy liquid service.

40 CFR 63.1022(f)(2)

(2) When requested by the Administrator, demonstrate that the piece of equipment or process is in heavy liquid service.

40 CFR 63.1022(f)(3)

(3) A determination or demonstration that a piece of equipment or process is in heavy liquid service shall include an analysis or demonstration that the process fluids do not meet the definition of "in light liquid service." Examples of information that could document this include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

40 CFR 63.1023 Instrument and sensory monitoring for leaks.

40 CFR 63.1023(a)

(a) Monitoring for leaks.

The owner or operator of a regulated source subject to this subpart shall monitor

regulated equipment as specified in paragraph (a)(1) of this section for instrument monitoring and paragraph (a)(2) of this section for sensory monitoring.

40 CFR 63.1023(a)(1)

(1) Instrument monitoring for leaks.

40 CFR 63.1023(a)(1)(i)

(i) Valves in gas and vapor service and in light liquid service shall be monitored pursuant to §63.1025(b).

40 CFR 63.1023(a)(1)(ii)

(ii) Pumps in light liquid service shall be monitored pursuant to §63.1026(b).

40 CFR 63.1023(a)(1)(iii)

(iii) Connectors in gas and vapor service and in light liquid service shall be monitored pursuant to §63.1027(b).

40 CFR 63.1023(a)(1)(iv)

(iv) Agitators in gas and vapor service and in light liquid service shall be monitored pursuant to §63.1028(c).

40 CFR 63.1023(a)(1)(v)

(v) Pressure relief devices in gas and vapor service shall be monitored pursuant to §63.1030(c).

40 CFR 63.1023(a)(1)(vi)

(vi) Compressors designated to operate with an instrument reading less than 500 parts per million above background, as described in §63.1022(e), shall be monitored pursuant to §63.1031(f).

40 CFR 63.1023(a)(2)

(2) Sensory monitoring for leaks.

40 CFR 63.1023(a)(2)(i)

(i) Pumps in light liquid service shall be observed pursuant to §§63.1026(b)(4) and (e)(1)(v).

40 CFR 63.1023(a)(2)(ii)

(ii) [Reserved].

40 CFR 63.1023(a)(2)(iii)

(iii) Agitators in gas and vapor service and in light liquid service shall be observed pursuant to §63.1028(c)(3) or (e)(1)(iv).

40 CFR 63.1023(a)(2)(iv)

(iv) [Reserved].

40 CFR 63.1023(b)

(b) Instrument monitoring methods.

Instrument monitoring, as required under this subpart, shall comply with the requirements specified in paragraphs (b)(1) through (b)(6) of this section.

40 CFR 63.1023(b)(1)

(1) Monitoring method.

Monitoring shall comply with Method 21 of 40 CFR part 60, appendix A, except as otherwise provided in this section.

40 CFR 63.1023(b)(2)

(2) Detection instrument performance criteria.

40 CFR 63.1023(b)(2)(i)

(i) Except as provided for in paragraph (b)(2)(ii) of this section, the detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in section 3.1.2, paragraph (a) of Method 21 shall be for the representative composition of the process fluid not each individual VOC in the stream. For process streams that contain nitrogen, air, water or other inerts that are not HAP or VOC, the representative stream response factor shall be determined on an inert-free basis. The response factor may be determined at any concentration for which monitoring for leaks will be conducted.

40 CFR 63.1023(b)(2)(ii)

(ii) If there is no instrument commercially available that will meet the performance criteria specified in paragraph (b)(2)(i) of this section, the instrument readings may be adjusted by multiplying by the representative response factor of the process fluid, calculated on an inert-free basis as described in paragraph (b)(2)(i) of this section.

40 CFR 63.1023(b)(3)

(3) Detection instrument calibration procedure.

The detection instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR part 60, appendix A.

40 CFR 63.1023(b)(4)

(4) Detection instrument calibration gas.

Calibration gases shall be zero air (less than 10 parts per million of hydrocarbon in air); and the gases specified in paragraph (b)(4)(i) of this section except as provided in paragraph (b)(4)(ii) of this section.

40 CFR 63.1023(b)(4)(i)

(i) Mixtures of methane in air at a concentration no more than 2,000 parts per million greater than the leak definition concentration of the equipment monitored. If the monitoring instrument's design allows for multiple calibration scales, then the lower scale shall be calibrated with a calibration gas that is no higher than 2,000 parts per million above the concentration specified as a leak, and the highest scale shall be calibrated with a calibration gas that is approximately equal to 10,000 parts per million. If only one scale on an instrument will be used during monitoring, the owner or operator need not calibrate the scales that will not be used during that day's monitoring.

40 CFR 63.1023(b)(4)(ii)

(ii) A calibration gas other than methane in air may be used if the instrument does not respond to methane or if the instrument does not meet the performance criteria specified in paragraph (b)(2)(i) of this section. In such cases, the calibration gas may be a mixture of one or more of the compounds to be measured in air.

40 CFR 63.1023(b)(5)

(5) Monitoring performance.

Monitoring shall be performed when the equipment is in regulated material service or is in use with any other detectable material.

40 CFR 63.1023(b)(6)

(6) Monitoring data.

Monitoring data obtained prior to the regulated source becoming subject to the referencing subpart that do not meet the criteria specified in paragraphs (b)(1) through (b)(5) of this section may still be used to qualify initially for less frequent monitoring under the provisions in §63.1025(a)(2), (b)(3) or (b)(4) for valves or §63.1027(b)(3) for connectors provided the departures from the criteria or from the specified monitoring frequency of §63.1025(b)(3) or (b)(4) or §63.1027(b)(3) are minor and do not significantly affect the quality of the data. Examples of minor departures are monitoring at a slightly different frequency (such as every 6 weeks instead of monthly or quarterly), following the performance criteria of section 3.1.2, paragraph (a) of Method 21 of Appendix A of 40 CFR part 60 instead of paragraph (b)(2) of this section, or monitoring using a different leak definition if the data would indicate the presence or absence of a leak at the

concentration specified in this subpart. Failure to use a calibrated instrument isnot considered a minor departure.

40 CFR 63.1023(c)

(c) Instrument monitoring using background adjustments.

The owner or operator may elect to adjust or not to adjust the instrument readings for background. If an owner or operator elects not to adjust instrument readings for background, the owner or operator shall monitor the equipment according to the procedures specified in paragraphs (b)(1) through (b)(5) of this section. In such cases, all instrument readings shall be compared directly to the applicable leak definition for the monitored equipment to determine whether there is a leak or to determine compliance with §63.1030(b) (pressure relief devices) or §63.1031(f) (alternative compressor standard). If an owner or operator elects to adjust instrument readings for background, the owner or operator shall monitor the equipment according to the procedures specified in paragraphs (c)(1) through (c)(4) of this section.

40 CFR 63.1023(c)(1)

(1) The requirements of paragraphs (b)(1) through (b)(5) of this section shall apply.

40 CFR 63.1023(c)(2)

(2) The background level shall be determined, using the procedures in Method 21 of 40 CFR part 60, appendix A.

40 CFR 63.1023(c)(3)

(3) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Method 21 of 40 CFR part 60, appendix A.

40 CFR 63.1023(c)(4)

(4) The arithmetic difference between the maximum concentration indicated by the instrument and the background level shall be compared to the applicable leak definition for the monitored equipment to determine whether there is a leak or to determine compliance with §63.1030(b) (pressure relief devices) or §63.1031(f) (alternative compressor standard).

40 CFR 63.1023(d)

(d) Sensory monitoring methods.

Sensory monitoring consists of visual, audible, olfactory, or any other detection method used to determine a potential leak to the atmosphere.

40 CFR 63.1023(e)

(e) Leaking equipment identification and records.

40 CFR 63.1023(e)(1)

(1) When each leak is detected pursuant to the monitoring specified in paragraph (a) of this section, a weatherproof and readily visible identification, shall be attached to the leaking equipment.

40 CFR 63.1023(e)(2)

(2) When each leak is detected, the information specified in §63.1024(f) shall be recorded and kept pursuant to the referencing subpart, except for the information for connectors complying with the 8 year monitoring period allowed under §63.1027(b)(3)(iii) shall be kept 5 years beyond the date of its last use.

40 CFR 63.1024 Leak repair.

40 CFR 63.1024(a)

(a) Leak repair schedule.

The owner or operator shall repair each leak detected as soon as practical, but not later than 15 calendar days after it is detected, except as provided in paragraphs (d) and (e) of this section. A first attempt at repair as defined in this subpart shall be made no later than 5 calendar days after the leak is detected. First attempt at repair for pumps includes, but is not limited to, tightening the packing gland nuts and/or ensuring that the seal flush is operating at design pressure and temperature. First attempt at repair for valves includes, but is not limited to, tightening the bonnet bolts, and/or replacing the bonnet bolts, and/or tightening the packing gland nuts, and/or injecting lubricant into the lubricated packing.

40 CFR 63.1024(b)

(b) [Reserved]

40 CFR 63.1024(c)

(c) Leak identification removal.

40 CFR 63.1024(c)(1)

(1) Valves and connectors in gas/vapor and light liquid service.

The leak identification on a valve in gas/vapor or light liquid service may be removed after it has been monitored as specified in §63.1025(d)(2), and no leak has been detected during that monitoring. The leak identification on a connector in gas/vapor or light liquid service may be removed after it has been monitored as specified in §63.1027(b)(3)(iv) and no leak has been detected during that monitoring.

40 CFR 63.1024(c)(2)

(2) Other equipment.

The identification that has been placed, pursuant to §63.1023(e)(1), on equipment determined to have a leak, except for a valve or for a connector in gas/vapor or light liquid service that is subject to the provisions of §63.1027(b)(3)(iv), may be removed after it is repaired.

40 CFR 63.1024(d)

(d) Delay of repair.

Delay of repair is allowed for any of the conditions specified in paragraphs (d)(1) through (d)(5) of this section. The owner or operator shall maintain a record of the facts that explain any delay of repairs and, where appropriate, why the repair was technically infeasible without a process unit shutdown.

40 CFR 63.1024(d)(1)

(1) Delay of repair of equipment for which leaks have been detected is allowed if repair within 15 days after a leak is detected is technically infeasible without a process unit or affected facility shutdown. Repair of this equipment shall occur as soon as practical, but no later than the end of the next process unit or affected facility shutdown, except as provided in paragraph (d)(5) of this section.

40 CFR 63.1024(d)(2)

(2) Delay of repair of equipment for which leaks have been detected is allowed for equipment that is isolated from the process and that does not remain in regulated material service.

40 CFR 63.1024(d)(3)

(3) Delay of repair for valves, connectors, and agitators is also allowed if the provisions of paragraphs (d)(3)(i) and (d)(3)(ii) of this section are met.

40 CFR 63.1024(d)(3)(i)

(i) The owner or operator determines that emissions of purged material resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair, and

40 CFR 63.1024(d)(3)(ii)

(ii) When repair procedures are effected, the purged material is collected and destroyed, collected and routed to a fuel gas system or process, or recovered in a control device complying with either §63.1034 or §63.1021(b) of this part.

40 CFR 63.1024(d)(4)

(4) Delay of repair for pumps is also allowed if the provisions of paragraphs (d)(4)(i) and (d)(4)(ii) of this section are met.

40 CFR 63.1024(d)(4)(i)

(i) Repair requires replacing the existing seal design with a new system that the owner or operator has determined under the provisions of §63.1035(d) will provide better performance or one of the specifications of paragraphs (d)(4)(i)(A) through (d)(4)(i)(C) of this section are met.

40 CFR 63.1024(d)(4)(i)(A)

(A) A dual mechanical seal system that meets the requirements of §63.1026(e)(1) will be installed;

40 CFR 63.1024(d)(4)(i)(B)

(B) A pump that meets the requirements of §63.1026(e)(2) will be installed; or

40 CFR 63.1024(d)(4)(i)(C)

(C) A system that routes emissions to a process or a fuel gas system or a closed vent system and control device that meets the requirements of §63.1026(e)(3) will be installed; and

40 CFR 63.1024(d)(4)(ii)

(ii) Repair is completed as soon as practical, but not later than 6 months after the leak was detected.

40 CFR 63.1024(d)(5)

(5) Delay of repair beyond a process unit or affected facility shutdown will be allowed for a valve if valve assembly replacement is necessary during the process unit or affected facility shutdown, and valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the second process unit or affected facility shutdown will not be allowed unless the third process unit or affected facility shutdown occurs sooner than 6 months after the first process unit or affected facility shutdown.

40 CFR 63.1024(e)

(e) Unsafe-to-repair—connectors.

Any connector that is designated, as described in §63.1022(d), as an unsafe-to-repair connector is exempt from the requirements of §63.1027(d), and paragraph (a) of this section.

40 CFR 63.1024(f)

(f) Leak repair records.

For each leak detected, the information specified in paragraphs (f)(1) through (f)(5) of

this section shall be recorded and maintained pursuant to the referencing subpart.

40 CFR 63.1024(f)(1)
(1) The date of first attempt to repair the leak.

40 CFR 63.1024(f)(2)
(2) The date of successful repair of the leak.

40 CFR 63.1024(f)(3)
(3) Maximum instrument reading measured by Method 21 of 40 CFR part 60, appendix A at the time the leak is successfully repaired or determined to be nonrepairable.

40 CFR 63.1024(f)(4)
(4) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak as specified in paragraphs (f)(4)(i)and (f)(4)(ii) of this section.

40 CFR 63.1024(f)(4)(i)
(i) The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. The written procedures may be included as part of the startup, shutdown, and malfunction plan, as required by the referencing subpart for the source, or may be part of a separate document that is maintained at the plant site. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.

40 CFR 63.1024(f)(4)(ii)
(ii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.

40 CFR 63.1024(f)(5)
(5) Dates of process unit or affected facility shutdowns that occur while the equipment is unrepaired.

40 CFR 63.1025 Valves in gas and vapor service and in light liquid service standards.

40 CFR 63.1025(a)
(a) Compliance schedule.

40 CFR 63.1025(a)(1)
(1) The owner or operator shall comply with this section no later than the compliance

dates specified in the referencing subpart.

40 CFR 63.1025(a)(2)

(2) The use of monitoring data generated before the regulated source became subject to the referencing subpart to qualify initially for less frequent monitoring is governed by the provisions of §63.1023(b)(6).

40 CFR 63.1025(b)

(b) Leak detection.

Unless otherwise specified in §63.1021(b) or paragraph (e) of this section, or the referencing subpart, the owner or operator shall monitor all valves at the intervals specified in paragraphs (b)(3) and/or (b)(4) of this sectionand shall comply with all other provisions of this section.

40 CFR 63.1025(b)(1)

(1) Monitoring method.

The valves shall be monitored to detect leaks by the method specified in §63.1023(b) and, as applicable, §63.1023(c).

40 CFR 63.1025(b)(2)

(2) Instrument reading that defines a leak.

The instrument reading that defines a leak is 500 parts per million or greater.

40 CFR 63.1025(b)(3)

(3) Monitoring frequency.

The owner or operator shall monitor valves for leaks at the intervals specified in paragraphs (b)(3)(i) through (b)(3)(v) of this section and shall keep the record specified in paragraph (b)(3)(vi) of this section.

40 CFR 63.1025(b)(3)(i)

(i) If at least the greater of 2 valves or 2 percent of the valves in a process unit leak, as calculated according to paragraph (c) of this section, the owner or operator shall monitor each valve once per month.

40 CFR 63.1025(b)(3)(ii)

(ii) At process units with less than the greater of 2 leaking valves or 2 percent leaking valves, the owner or operator shall monitor each valve once each quarter, except as provided in paragraphs (b)(3)(iii) through (b)(3)(v) of this section. Monitoring data generated before the regulated source became subject to the referencing subpart and meeting the criteria of

either §63.1023(b)(1) through (b)(5), or §63.1023(b)(6), may be used to qualify initially for less frequent monitoring under paragraphs (b)(3)(iii) through (b)(3)(v) of this section.

40 CFR 63.1025(b)(3)(iii)

(iii) At process units with less than 1 percent leaking valves, the owner or operator may elect to monitor each valve once every two quarters

40 CFR 63.1025(b)(3)(iv)

(iv) At process units with less than 0.5 percent leaking valves, the owner or operator may elect to monitor each valve once every four quarters.

40 CFR 63.1025(b)(3)(v)

(v) At process units with less than 0.25 percent leaking valves, the owner or operator may elect to monitor each valve once every 2 years.

40 CFR 63.1025(b)(3)(vi)

(vi) The owner or operator shall keep a record of the monitoring schedule for each process unit.

40 CFR 63.1025(b)(4)

(4) Valve subgrouping.

For a process unit or a group of process units to which this subpart applies, an owner or operator may choose to subdivide the valves in the applicable process unit or group of process units and apply the provisions of paragraph (b)(3) of this section to each subgroup. If the owner or operator elects to subdivide the valves in the applicable process unit or group of process units, then the provisions of paragraphs (b)(4)(i) through (b)(4)(viii) of this section apply.

40 CFR 63.1025(b)(4)(i)

(i) The overall performance of total valves in the applicable process unit or group of process units to be subdivided shall be less than 2 percent leaking valves, as detected according to paragraphs (b)(1) and (b)(2) of this section and as calculated according to paragraphs (c)(1)(ii)and (c)(2) of this section.

40 CFR 63.1025(b)(4)(ii)

(ii) The initial assignment or subsequent reassignment of valves to subgroups shall be governed by the provisions of paragraphs (b)(4)(ii)(A) through (b)(4)(ii)(C) of this section.

40 CFR 63.1025(b)(4)(ii)(A)

(A) The owner or operator shall determine which valves are assigned

to each subgroup. Valves with less than one year of monitoring data or valves not monitored within the last twelve months must be placed initially into the most frequently monitored subgroup until at least one year of monitoring data have been obtained.

40 CFR 63.1025(b)(4)(ii)(B)

(B) Any valve or group of valves can be reassigned from a less frequently monitored subgroup to a more frequently monitored subgroup provided that the valves to be reassigned were monitored during the most recent monitoring period for the less frequently monitored subgroup. The monitoring results must be included with that less frequently monitored subgroup's associated percent leaking valves calculation for that monitoring event.

40 CFR 63.1025(b)(4)(ii)(C)

(C) Any valve or group of valves can be reassigned from a more frequently monitored subgroup to a less frequently monitored subgroup provided that the valves to be reassigned have not leaked for the period of the less frequently monitored subgroup (e.g., for the last 12 months, if the valve or group of valves is to be reassigned to a subgroup being monitored annually). Nonrepairable valves may not be reassigned to a less frequently monitored subgroup.

40 CFR 63.1025(b)(4)(iii)

(iii) The owner or operator shall determine every 6 months if the overall performance of total valves in the applicable process unit or group of process units is less than 2 percent leaking valves and so indicate the performance in the next Periodic Report. If the overall performance of total valves in the applicable process unit or group of process units is 2 percent leaking valves or greater, the owner or operator shall no longer subgroup and shall revert to the program required in paragraphs (b)(1) through (b)(3) of this section for that applicable process unit or group of process units. An owner or operator can again elect to comply with the valve subgrouping procedures of paragraph (b)(4) of this section if future overall performance of total valves in the process unit or group of process units is again less than 2 percent. The overall performance of total valves in the applicable process unit or group of process units shall be calculated as a weighted average of the percent leaking valves of each subgroup according to Equation number 1:

$$\%V_{LO} = \frac{\sum_{i=1}^{n}\left(\%V_{Li} \times V_i\right)}{\sum_{i=1}^{n} V_i} \qquad \text{[Eq. 1]}$$

where:

%VLO =	Overall performance of total valves in the applicable process unit or group of process units
%VLi =	Percent leaking valves in subgroup i, most recent value calculated according to the procedures in paragraphs (c)(1)(ii) and (c)(2) of this section.
Vi =	Number of valves in subgroup i.
n =	Number of subgroups.

40 CFR 63.1025(b)(4)(iv)

(iv) The owner or operator shall maintain records specified in paragraphs (b)(4)(iv)(A) through (b)(4)(iv)(D) of this section.

40 CFR 63.1025(b)(4)(iv)(A)

(A) Which valves are assigned to each subgroup,

40 CFR 63.1025(b)(4)(iv)(B)

(B) Monitoring results and calculations made for each subgroup for each monitoring period,

40 CFR 63.1025(b)(4)(iv)(C)

(C) Which valves are reassigned, the last monitoring result prior to reassignment, and when they were reassigned, and

40 CFR 63.1025(b)(4)(iv)(D)

(D) The results of the semiannual overall performance calculation required in paragraph (b)(4)(iii) of this section.

40 CFR 63.1025(b)(4)(v)

(v) The owner or operator shall notify the Administrator no later than 30 days prior to the beginning of the next monitoring period of the decision to subgroup valves. The notification shall identify the participating process units and the number of valves assigned to each subgroup, if applicable, and may be included in the next Periodic Report.

40 CFR 63.1025(b)(4)(vi)

(vi) The owner or operator shall submit in the periodic reports the information

specified in paragraphs (b)(4)(vi)(A) and (b)(4)(vi)(B).

40 CFR 63.1025(b)(4)(vi)(A)

(A) Total number of valves in each subgroup, and

40 CFR 63.1025(b)(4)(vi)(B)

(B) Results of the semiannual overall performance calculation required by paragraph (b)(4)(iii) of this section.

40 CFR 63.1025(b)(4)(vii)

(vii) To determine the monitoring frequency for each subgroup, the calculation procedures of paragraph (c)(2) of this section shall be used.

40 CFR 63.1025(b)(4)(viii)

(viii) Except for the overall performance calculations required by paragraphs (b)(4)(i) and (iii) of this section, each subgroup shall be treated as if it were a process unit for the purposes of applying the provisions of this section.

40 CFR 63.1025(c)

(c) Percent leaking valves calculation.

40 CFR 63.1025(c)(1)

(1) Calculation basis and procedures.

40 CFR 63.1025(c)(1)(i)

(i) The owner or operator shall decide no later than the compliance date of this part or upon revision of an operating permit whether to calculate percent leaking valves on a process unit or group of process units basis. Once the owner or operator has decided, all subsequent percentage calculations shall be made on the same basis and this shall be the basis used for comparison with the subgrouping criteria specified in paragraph (b)(4)(i) of this section.

40 CFR 63.1025(c)(1)(ii)

(ii) The percent leaking valves for each monitoring period for each process unit or valve subgroup, as provided in paragraph (b)(4) of this section, shall be calculated using the following equation:

$$\%V_L = \left(V_L / V_T\right) \times 100 \qquad \text{[Eq. 2]}$$

where:

%VL = Percent leaking valves.
VL = Number of valves found leaking, excluding nonrepairable valves, as provided in paragraph (c)(3) of this section, and including those valves found leaking pursuant to paragraphs (d)(2)(iii)(A) and (d)(2)(iii)(B) of this section.
VT = The sum of the total number of valves monitored.

40 CFR 63.1025(c)(2)
(2) Calculation for monitoring frequency.

When determining monitoring frequency for each process unit or valve subgroup subject to monthly, quarterly, or semiannual monitoring frequencies, the percent leaking valves shall be the arithmetic average of the percent leaking valves from the last two monitoring periods. When determining monitoring frequency for each process unit or valve subgroup subject to annual or biennial (once every 2 years) monitoring frequencies, the percent leaking valves shall be the arithmetic average of the percent leaking valves from the last three monitoring periods.

40 CFR 63.1025(c)(3)
(3) Nonrepairable valves.

40 CFR 63.1025(c)(3)(i)
(i) Nonrepairable valves shall be included in the calculation of percent leaking valves the first time the valve is identified as leaking and nonrepairable and as required to comply with paragraph (c)(3)(ii) of this section. Otherwise, a number of nonrepairable valves (identified and included in the percent leaking valves calculation in a previous period) up to a maximum of 1 percent of the total number of valves in regulated material service at a process unit or affected facility may be excluded from calculation of percent leaking valves for subsequent monitoring periods.

40 CFR 63.1025(c)(3)(ii)
(ii) If the number of nonrepairable valves exceeds 1 percent of the total number of valves in regulated material service at a process unit or affected facility, the number of nonrepairable valves exceeding 1 percent of the total number of valves in regulated material service shall be included in the calculation of percent leaking valves.

40 CFR 63.1025(d)
(d) Leak repair.

40 CFR 63.1025(d)(1)
(1) If a leak is determined pursuant to paragraph (b), (e)(1), or (e)(2) of this section, then the leak shall be repaired using the procedures in §63.1024, as applicable.

40 CFR 63.1025(d)(2)

(2) After a leak has been repaired, the valve shall be monitored at least once within the first 3 months after its repair. The monitoring required by this paragraph is in addition to the monitoring required to satisfy the definition of repaired and first attempt at repair.

40 CFR 63.1025(d)(2)(i)

(i) The monitoring shall be conducted as specified in §63.1023(b) and (c) of this section, as appropriate, to determine whether the valve has resumed leaking.

40 CFR 63.1025(d)(2)(ii)

(ii) Periodic monitoring required by paragraph (b) of this section may be used to satisfy the requirements of this paragraph, if the timing of the monitoring period coincides with the time specified in this paragraph. Alternatively, other monitoring may be performed to satisfy the requirements of this paragraph, regardless of whether the timing of the monitoring period for periodic monitoring coincides with the time specified in this paragraph.

40 CFR 63.1025(d)(2)(iii)

(iii) If a leak is detected by monitoring that is conducted pursuant to paragraph (d)(2) of this section, the owner or operator shall follow the provisions of paragraphs (d)(2)(iii)(A) and (d)(2)(iii)(B) of this section, to determine whether that valve must be counted as a leaking valve for purposes of paragraph (c)(1)(ii) of this section.

40 CFR 63.1025(d)(2)(iii)(A)

(A) If the owner or operator elected to use periodic monitoring required by paragraph (b) of this section to satisfy the requirements of paragraph (d)(2) of this section, then the valve shall be counted as a leaking valve.

40 CFR 63.1025(d)(2)(iii)(B)

(B) If the owner or operator elected to use other monitoring, prior to the periodic monitoring required by paragraph (b) of this section, to satisfy the requirements of paragraph (d)(2) of this section, then the valve shall be counted as a leaking valve unless it is repaired and shown by periodic monitoring not to be leaking.

40 CFR 63.1025(e)

(e) Special provisions for valves.

40 CFR 63.1025(e)(1)

(1) Unsafe-to-monitor valves.

Any valve that is designated, as described in §63.1022(c)(1), as an unsafe-to-monitor valve is exempt from the requirements of paragraphs (b) and (d)(2) of this section and the owner or operator shall monitor the valve according to the written plan specified in §63.1022(c)(4).

40 CFR 63.1025(e)(2)
(2) Difficult-to-monitor valves.

Any valve that is designated, as described in §63.1022(c)(2), as a difficult-to-monitor valve is exempt from the requirements of paragraph (b) of this section and the owner or operator shall monitor the valve according to the written plan specified in §63.1022(c)(4).

40 CFR 63.1025(e)(3)
(3) Fewer than 250 valves.

Any equipment located at a plant site with fewer than 250 valves in regulated material service is exempt from the requirements for monthly monitoring specified in paragraph (b)(3)(i) of this section. Instead, the owner or operator shall monitor each valve in regulated material service for leaks once each quarter, as provided in paragraphs (e)(1) and (e)(2) of this section.

40 CFR 63.1026 Pumps in light liquid service standards.

40 CFR 63.1026(a)
(a) Compliance schedule.

The owner or operator shall comply with this section no later than the compliance dates specified in the referencing subpart.

40 CFR 63.1026(b)
(b) Leak detection.

Unless otherwise specified in §63.1021(b), §63.1036, §63.1037, or paragraph (e) of this section, the owner or operator shall monitor each pump to detect leaks and shall comply with all other provisions of this section.

40 CFR 63.1026(b)(1)
(1) Monitoring method and frequency.

The pumps shall be monitored monthly to detect leaks by the method specified in

§63.1023(b) and, as applicable, §63.1023(c).

40 CFR 63.1026(b)(2)

(2) Instrument reading that defines a leak.

The instrument reading that defines a leak is specified in paragraphs (b)(2)(i) through (b)(2)(iii) of this section.

40 CFR 63.1026(b)(2)(i)

(i) 5,000 parts per million or greater for pumps handling polymerizing monomers;

40 CFR 63.1026(b)(2)(ii)

(ii) 2,000 parts per million or greater for pumps in food/medical service; and

40 CFR 63.1026(b)(2)(iii)

(iii) 1,000 parts per million or greater for all other pumps.

40 CFR 63.1026(b)(3)

(3) Leak repair exception.

For pumps to which a 1,000 parts per million leak definition applies, repair is not required unless an instrument reading of 2,000 parts per million or greater is detected.

40 CFR 63.1026(b)(4)

(4) Visual inspection.

Each pump shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal. The owner or operator shall document that the inspection was conducted and the date of the inspection. If there are indications of liquids dripping from the pump seal at the time of the weekly inspection, the owner or operator shall follow the procedure specified in either paragraph (b)(4)(i) or (b)(4)(ii) of this section.

40 CFR 63.1026(b)(4)(i)

(i) The owner or operator shall monitor the pump as specified in §63.1023(b) and, as applicable, §63.1023(c). If the instrument reading indicates a leak as specified in paragraph (b)(2) of this section, a leak is detected and it shall be repaired using the procedures in §63.1024, except as specified in paragraph (b)(3) of this section; or

40 CFR 63.1026(b)(4)(ii)

(ii) The owner or operator shall eliminate the visual indications of liquids

dripping.

40 CFR 63.1026(c)

(c) Percent leaking pumps calculation.

40 CFR 63.1026(c)(1)

(1) The owner or operator shall decide no later than the compliance date of this part or upon revision of an operating permit whether to calculate percent leaking pumps on a process unit basis or group of process units basis. Once the owner or operator has decided, all subsequent percentage calculations shall be made on the same basis.

40 CFR 63.1026(c)(2)

(2) If, when calculated on a 6-month rolling average, at least the greater of ei ther 10 percent of the pumps in a process unit or three pumps in a process unit leak, the owner or operator shall implement a quality improvement program for pumps that complies with the requirements of §63.1035.

40 CFR 63.1026(c)(3)

(3) The number of pumps at a process unit or affected facility shall be the sum of all the pumps in regulated material service, except that pumps found leaking in a continuous process unit or affected facility within 1 month after start-up of the pump shall not count in the percent leaking pumps calculation for that one monitoring period only.

40 CFR 63.1026(c)(4)

(4) Percent leaking pumps shall be determined by the following equation:

$$\%P_L = \left(\left(P_L - P_S\right)/\left(P_T - P_S\right)\right) \times 100 \qquad [Eq.\ 3]$$

Where:

%PL = Percent leaking pumps

PL = Number of pumps found leaking as determined through monthly monitoring as required in paragraph (b)(1) of this section. Do not include results from inspection of unsafe-to-monitor pumps pursuant to paragraph (e)(6) of this section.

PS = Number of pumps leaking within 1 month of start-up during the current monitoring period.

PT = Total pumps in regulated material service, including those meeting the criteria in paragraphs (e)(1), (e)(2), (e)(3), and (e)(6) of this section.

40 CFR 63.1026(d)

(d) Leak repair.

If a leak is detected pursuant to paragraph (b) of this section, then the leak shall be repaired using the procedures in §63.1024, as applicable, unless otherwise specified in paragraph (b)(5) of this section for leaks identified by visual indications of liquids dripping.

40 CFR 63.1026(e)

(e) Special provisions for pumps.

40 CFR 63.1026(e)(1)

(1) Dual mechanical seal pumps.

Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of paragraph (b) of this section, provided the requirements specified in paragraphs (e)(1)(i) through (e)(1)(viii) of this section are met.

40 CFR 63.1026(e)(1)(i)

(i) The owner or operator determines, based on design considerations and operating experience, criteria applicable to the presence and frequency of drips and to the sensor that indicates failure of the seal system, the barrier fluid system, or both. The owner or operator shall keep records at the plant of the design criteria and an explanation of the design criteria; and any changes to these criteria and the reasons for the changes. This record must be available for review by an inspector.

40 CFR 63.1026(e)(1)(ii)

(ii) Each dual mechanical seal system shall meet the requirements specified in paragraph (e)(1)(ii)(A), (e)(1)(ii)(B), or (e)(1)(ii)(C) of this section.

40 CFR 63.1026(e)(1)(ii)(A)

(A) Each dual mechanical seal system is operated with the barrier fluid at a pressure that is at all times (except periods of startup, shutdown, or malfunction) greater than the pump stuffing box pressure; or

40 CFR 63.1026(e)(1)(ii)(B)

(B) Equipped with a barrier fluid degassing reservoir that is routed to a process or fuel gas system or connected by a closed-vent system to a control device that complies with the requirements of either §63.1034 or §63.1021(b) of this part; or

40 CFR 63.1026(e)(1)(ii)(C)

(C) Equipped with a closed-loop system that purges the barrier fluid into a process stream.

40 CFR 63.1026(e)(1)(iii)

(iii) The barrier fluid is not in light liquid service.

40 CFR 63.1026(e)(1)(iv)

(iv) Each barrier fluid system is equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.

40 CFR 63.1026(e)(1)(v)

(v) Each pump is checked by visual inspection each calendar week for indications of liquids dripping from the pump seal. The owner or operator shall document that the inspection was conducted and the date of the inspection. If there are indications of liquids dripping from the pump seal at the time of the weekly inspection, the owner or operator shall follow the procedure specified in paragraphs (e)(1)(v)(A)or (e)(1)(v)(B) of this sectionprior to the next required inspection.

40 CFR 63.1026(e)(1)(v)(A)

(A) The owner or operator shall monitor the pump as specified in §63.1023(b) and, as applicable, §63.1023(c), to determine if there is a leak of regulated material in the barrier fluid. If an instrument reading of 1,000 parts per million or greater is measured, a leak is detected and it shall be repaired using the procedures in §63.1024; or

40 CFR 63.1026(e)(1)(v)(B)

(B) The owner or operator shall eliminate the visual indications of liquids dripping.

40 CFR 63.1026(e)(1)(vi)

(vi) If indications of liquids dripping from the pump seal exceed the criteria established in paragraph (e)(1)(i) of this section, or if based on the criteria established in paragraph (e)(1)(i) of this section the sensor indicates failure of the seal system, the barrier fluid system, or both, a leak is detected.

40 CFR 63.1026(e)(1)(vii)

(vii) Each sensor as described in paragraph (e)(1)(iv) of this section is observed daily or is equipped with an alarm unless the pump is located within the boundary of an unmanned plant site.

40 CFR 63.1026(e)(1)(viii)

(viii) When a leak is detected pursuant to paragraph (e)(1)(vi) of this section, it shall be repaired as specified in §63.1024.

40 CFR 63.1026(e)(2)

(2) No external shaft.

Any pump that is designed with no externally actuated shaft penetrating the pump housing is exempt from the requirements of paragraph (b) of this section.

40 CFR 63.1026(e)(3)

(3) Routed to a process or fuel gas system or equipped with a closed vent system.

Any pump that is routed to a process or fuel gas system or equipped with a closed vent system capable of capturing and transporting leakage from the pump to a control device meeting the requirements of §63.1034 of this part or §63.1021(b) is exempt from the requirements of paragraph (b) of this section.

40 CFR 63.1026(e)(4)

(4) Unmanned plant site.

Any pump that is located within the boundary of an unmanned plant site is exempt from the weekly visual inspection requirement of paragraphs (b)(4) and (e)(1)(v) of this section, and the daily requirements of paragraph (e)(1)(vii) of this section, provided that each pump is visually inspected as often as practical and at least monthly.

40 CFR 63.1026(e)(5)

(5) 90 percent exemption.

If more than 90 percent of the pumps at a process unit or affected facility meet the criteria in either paragraph (e)(1) or (e)(2) of this section, the process unit or affected facility is exempt from the percent leaking calculation in paragraph (c) of this section.

40 CFR 63.1026(e)(6)

(6) Unsafe-to-monitor pumps.

Any pump that is designated, as described in §63.1022(c)(1), as an unsafe-to-monitor pump is exempt from the requirements of paragraph (b) of this section, the monitoring and inspection requirements of paragraphs (e)(1)(v) through (viii) of this section, and the owner or operator shall monitor and inspect the pump according to the written plan specified in §63.1022(c)(4).

40 CFR 63.1027 Connectors in gas and vapor service and in light liquid service standards.

40 CFR 63.1027(a)

(a) Compliance schedule.

The owner or operator shall monitor all connectors in each process unit initially for leaks by the later of either 12 months after the compliance date as specified in a referencing subpart or 12 months after initial startup. If all connectors in each process unit have been monitored for leaks prior to the compliance date specified in the referencing subpart, no initial monitoring is required provided either no process changes have been made since the monitoring or the owner or operator can determine that the results of the monitoring, with or without adjustments, reliably demonstrate compliance despite process changes. If required to monitor because of a process change, the owner or operator is required to monitor only those connectors involved in the process change.

40 CFR 63.1027(b)

(b) Leak detection.

Except as allowed in §63.1021(b), §63.1036, §63.1037, or as specified in paragraph (e) of this section, the owner or operator shall monitor all connectors in gas and vapor and light liquid service as specified in paragraphs (a) and (b)(3) of this section.

40 CFR 63.1027(b)(1)

(1) Monitoring method.

The connectors shall be monitored to detect leaks by the method specified in §63.1023(b) and, as applicable, §63.1023(c).

40 CFR 63.1027(b)(2)

(2) Instrument reading that defines a leak.

If an instrument reading greater than or equal to 500 parts per million is measured, a leak is detected.

40 CFR 63.1027(b)(3)

(3) Monitoring periods.

The owner or operator shall perform monitoring, subsequent to the initial monitoring required in paragraph (a) of this section, as specified in paragraphs (b)(3)(i) through (b)(3)(iii) of this section, and shall comply with the requirements of paragraphs (b)(3)(iv)and (b)(3)(v) of this section. The required period in which monitoring must be conducted shall be determined from paragraphs (b)(3)(i) through (b)(3)(iii) of this section using the monitoring results from the

preceding monitoring period. The percent leaking connectors shall be calculated as specified in paragraph (c) of this section.

40 CFR 63.1027(b)(3)(i)

(i) If the percent leaking connectors in the process unit was greater than or equal to 0.5 percent, then monitor within 12 months (1 year).

40 CFR 63.1027(b)(3)(ii)

(ii) If the percent leaking connectors in the process unit was greater than or equal to 0.25 percent but less than 0.5 percent, then monitor within 4 years. An owner or operator may comply with the requirements of this paragraph by monitoring at least 40 percent of the connectors within 2 years of the start of the monitoring period, provided all connectors have been monitored by the end of the 4 year monitoring period.

40 CFR 63.1027(b)(3)(iii)

(iii) If the percent leaking connectors in the process unit was less than 0.25 percent, then monitor as provided in paragraph (b)(3)(iii)(A) of this section and either paragraph (b)(3)(iii)(B) or (b)(3)(iii)(C) of this section, as appropriate.

40 CFR 63.1027(b)(3)(iii)(A)

(A) An owner or operator shall monitor at least 50 percent of the connectors within 4 years of the start of the monitoring period.

40 CFR 63.1027(b)(3)(iii)(B)

(B) If the percent leaking connectors calculated from the monitoring results in paragraph (b)(3)(iii)(A) of this section is greater than or equal to 0.35 percent of the monitored connectors, the owner or operator shall monitor as soon as practical, but within the next 6 months, all connectors that have not yet been monitored during the monitoring period. At the conclusion of monitoring, a new monitoring period shall be started pursuant to paragraph (b)(3) of this section, based on the percent leaking connectors of the total monitored connectors.

40 CFR 63.1027(b)(3)(iii)(C)

(C) If the percent leaking connectors calculated from the monitoring results in paragraph (b)(3)(iii)(A) of this section is less than 0.35 percent of the monitored connectors, the owner or operator shall monitor all connectors that have not yet been monitored within 8 years of the start of the monitoring period.

40 CFR 63.1027(b)(3)(iv)

(iv) If, during the monitoring conducted pursuant to paragraph (b)(3)(i) through (b)(3)(iii) of this section, a connector is found to be leaking, it shall be re-monitored once within 90 days after repair to confirm that it is not leaking.

40 CFR 63.1027(b)(3)(v)

(v) The owner or operator shall keep a record of the start date and end date of each monitoring period under this section for each process unit.

40 CFR 63.1027(c)

(c) Percent leaking connectors calculation.

For use in determining the monitoring frequency, as specified in paragraphs (a) and (b)(3) of this section, the percent leaking connectors as used in paragraphs (a) and (b)(3) of this section shall be calculated by using equation number 4.

$$\%C_L = C_L / C_t \times 100 \qquad \text{[Eq. 4]}$$

Where:

%CL = Percent leaking connectors as determined through periodic monitoring required in paragraphs (a) and (b)(3)(i) through (b)(3)(iii) of this section.

CL = Number of connectors measured at 500 parts per million or greater, by the method specified in §63.1023(b).

Ct = Total number of monitored connectors in the process unit or affected facility.

40 CFR 63.1027(d)

(d) Leak repair.

If a leak is detected pursuant to paragraphs (a) and (b) of this section, then the leak shall be repaired using the procedures in §63.1024, as applicable.

40 CFR 63.1027(e)

(e) Special provisions for connectors.

40 CFR 63.1027(e)(1)

(1) Unsafe-to-monitor connectors.

Any connector that is designated, as described in §63.1022(c)(1), as an unsafe-to-monitor connector is exempt from the requirements of paragraphs (a) and (b) of this section and the owner or operator shall monitor according to the written plan specified in §63.1022(c)(4).

40 CFR 63.1027(e)(2)

(2) Inaccessible, ceramic, or ceramic-lined connectors.

40 CFR 63.1027(e)(2)(i)

(i) Any connector that is inaccessible or that is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined), is exempt from the monitoring requirements of paragraphs (a) and (b) of this section, from the leak repair requirements of paragraph (d) of this section, and from the recordkeeping and reporting requirements of §§63.1038 and 63.1039. An inaccessible connector is one that meets any of the provisions specified in paragraphs (e)(2)(i)(A) through (e)(2)(i)(F) of this section, as applicable.

40 CFR 63.1027(e)(2)(i)(A)

(A) Buried;

40 CFR 63.1027(e)(2)(i)(B)

(B) Insulated in a manner that prevents access to the connector by a monitor probe;

40 CFR 63.1027(e)(2)(i)(C)

(C) Obstructed by equipment or piping that prevents access to the connector by a monitor probe;

40 CFR 63.1027(e)(2)(i)(D)

(D) Unable to be reached from a wheeled scissor-lift or hydraulic-type scaffold that would allow access to connectors up to 7.6 meters (25 feet) above the ground.

40 CFR 63.1027(e)(2)(i)(E)

(E) Inaccessible because it would require elevating the monitoring personnel more than 2 meters (7 feet) above a permanent support surface or would require the erection of scaffold;

40 CFR 63.1027(e)(2)(i)(F)

(F) Not able to be accessed at any time in a safe manner to perform monitoring. Unsafe access includes, but is not limited to, the use of a wheeled scissor-lift on unstable or uneven terrain, the use of a motorized man-lift basket in areas where an ignition potential exists, or access would require near proximity to hazards such as electrical lines, or would risk damage to equipment.

40 CFR 63.1027(e)(2)(ii)

(ii) If any inaccessible, ceramic or ceramic-lined connector is observed by visual, audible, olfactory, or other means to be leaking, the visual, audible,

olfactory, or other indications of a leak to the atmosphere shall be eliminated as soon as practical.

40 CFR 63.1028 Agitators in gas and vapor service and in light liquid service standards.

40 CFR 63.1028(a)
(a) Compliance schedule.

The owner or operator shall comply with this section no later than the compliance dates specified in the referencing subpart.

40 CFR 63.1028(b)
(b) [Reserved]

40 CFR 63.1028(c)
(c) Leak detection.

40 CFR 63.1028(c)(1)
(1) Monitoring method.

Each agitator seal shall be monitored monthly to detect leaks by the methods specified in §63.1023(b) and, as applicable, §63.1023(c), except as provided in §63.1021(b), §63.1036, §63.1037, or paragraph (e) of this section.

40 CFR 63.1028(c)(2)
(2) Instrument reading that defines a leak.

If an instrument reading equivalent of 10,000 parts per million or greater is measured, a leak is detected.

40 CFR 63.1028(c)(3)
(3) Visual inspection.

40 CFR 63.1028(c)(3)(i)
(i) Each agitator seal shall be checked by visual inspection each calendar week for indications of liquids dripping from the agitator seal. The owner or operator shall document that the inspection was conducted and the date of the inspection.

40 CFR 63.1028(c)(3)(ii)
(ii) If there are indications of liquids dripping from the agitator seal, the owner or operator shall follow the procedures specified in paragraphs (c)(3)(ii)(A)or (c)(3)(ii)(B) of this section prior to the next required

inspection.

40 CFR 63.1028(c)(3)(ii)(A)

(A) The owner or operator shall monitor the agitator seal as specified in §63.1023(b) and, as applicable, §63.1023(c), to determine if there is a leak of regulated material. If an instrument reading of 10,000 parts per million or greater is measured, a leak is detected, and it shall be repaired according to paragraph (d) of this section; or

40 CFR 63.1028(c)(3)(ii)(B)

(B) The owner or operator shall eliminate the indications of liquids dripping from the agitator seal.

40 CFR 63.1028(d)

(d) Leak repair.

If a leak is detected, then the leak shall be repaired using the procedures in §63.1024.

40 CFR 63.1028(e)

(e) Special provisions for agitators.

40 CFR 63.1028(e)(1)

(1) Dual mechanical seal.

Each agitator equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of paragraph (c) of this section, provided the requirements specified in paragraphs (e)(1)(i) through (e)(1)(vi) of this section are met.

40 CFR 63.1028(e)(1)(i)

(i) Each dual mechanical seal system shall meet the applicable requirements specified in paragraphs (e)(1)(i)(A), (e)(1)(i)(B), or (e)(1)(i)(C) of this section.

40 CFR 63.1028(e)(1)(i)(A)

(A) Operated with the barrier fluid at a pressure that is at all times (except during periods of startup, shutdown, or malfunction) greater than the agitator stuffing box pressure; or

40 CFR 63.1028(e)(1)(i)(B)

(B) Equipped with a barrier fluid degassing reservoir that is routed to a process or fuel gas system or connected by a closed-vent system to a control device that meets the requirements of either §63.1034 or

§63.1021(b); or

40 CFR 63.1028(e)(1)(i)(C)

(C) Equipped with a closed-loop system that purges the barrier fluid into a process stream.

40 CFR 63.1028(e)(1)(ii)

(ii) The barrier fluid is not in light liquid service.

40 CFR 63.1028(e)(1)(iii)

(iii) Each barrier fluid system is equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.

40 CFR 63.1028(e)(1)(iv)

(iv) Each agitator seal is checked by visual inspection each calendar week for indications of liquids dripping from the agitator seal. If there are indications of liquids dripping from the agitator seal at the time of the weekly inspection, the owner or operator shall follow the procedure specified in paragraphs (e)(1)(iv)(A) or (e)(1)(iv)(B) of this section prior to the next required inspection.

40 CFR 63.1028(e)(1)(iv)(A)

(A) The owner or operator shall monitor the agitator seal as specified in §63.1023(b) and, as applicable, §63.1023(c), to determine the presence of regulated material in the barrier fluid. If an instrument reading equivalent to or greater than 10,000 ppm is measured, a leak is detected and it shall be repaired using the procedures in §63.1024, or

40 CFR 63.1028(e)(1)(iv)(B)

(B) The owner or operator shall eliminate the visual indications of liquids dripping.

40 CFR 63.1028(e)(1)(v)

(v) Each sensor as described in paragraph (e)(1)(iii) of this section is observed daily or is equipped with an alarm unless the agitator seal is located within the boundary of an unmanned plant site.

40 CFR 63.1028(e)(1)(vi)

(vi) The owner or operator of each dual mechanical seal system shall meet the requirements specified in paragraphs (e)(1)(vi)(A) and (e)(1)(vi)(B).

40 CFR 63.1028(e)(1)(vi)(A)

(A) The owner or operator shall determine, based on design

considerations and operating experience, criteria that indicates failure of the seal system, the barrier fluid system, or both and applicable to the presence and frequency of drips. If indications of liquids dripping from the agitator seal exceed the criteria, or if, based on the criteria the sensor indicates failure of the seal system, the barrier fluid system, or both, a leak is detected and shall be repaired pursuant to §63.1024, as applicable.

40 CFR 63.1028(e)(1)(vi)(B)

(B) The owner or operator shall keep records of the design criteria and an explanation of the design criteria; and any changes to these criteria and the reasons for the changes.

40 CFR 63.1028(e)(2)

(2) No external shaft.

Any agitator that is designed with no externally actuated shaft penetrating the agitator housing is exempt from paragraph (c) of this section.

40 CFR 63.1028(e)(3)

(3) Routed to a process or fuel gas system or equipped with a closed vent system. Any agitator that is routed to a process or fuel gas system that captures and transports leakage from the agitator to a control device meeting the requirements of either §63.1034 or §63.1021(b) is exempt from the requirements of paragraph (c) of this section.

40 CFR 63.1028(e)(4)

(4) Unmanned plant site.

Any agitator that is located within the boundary of an unmanned plant site is exempt from the weekly visual inspection requirement of paragraphs (c)(3) and (e)(1)(iv) of this section, and the daily requirements of paragraph (e)(1)(v) of this section, provided that each agitator is visually inspected as often as practical and at least monthly.

40 CFR 63.1028(e)(5)

(5) Difficult-to-monitor agitator seals.

Any agitator seal that is designated, as described in §63.1022(c)(2), as a difficult-to-monitor agitator seal is exempt from the requirements of paragraph (c) of this section and the owner or operator shall monitor the agitator seal according to the written plan specified in §63.1022(c)(4).

40 CFR 63.1028(e)(6)

(6) Equipment obstructions.

Any agitator seal that is obstructed by equipment or piping that prevents access to the agitator by a monitor probe is exempt from the monitoring requirements of paragraph (c) of this section.

40 CFR 63.1028(e)(7)
(7) Unsafe-to-monitor agitator seals.

Any agitator seal that is designated, as described in §63.1022(c)(1), as an unsafe-to-monitor agitator seal is exempt from the requirements of paragraph (c) of this section and the owner or operator of the agitator seal monitors the agitator seal according to the written plan specified in §63.1022(c)(4).

40 CFR 63.1029 Pumps, valves, connectors, and agitators in heavy liquid service; pressure relief devices in liquid service; and instrumentation systems standards.

40 CFR 63.1029(a)
(a) Compliance schedule.

The owner or operator shall comply with this section no later than the compliance dates specified in the referencing subpart.

40 CFR 63.1029(b)
(b) Leak detection.

40 CFR 63.1029(b)(1)
(1) Monitoring method.

Unless otherwise specified in §63.1021(b), §63.1036, or §63.1037, the owner or operator shall comply with paragraphs (b)(1) and (b)(2) of this section. Pumps, valves, connectors, and agitators in heavy liquid service; pressure relief devices in light liquid or heavy liquid service; and instrumentation systems shall be monitored within 5 calendar days by the method specified in §63.1023(b) and, as applicable, §63.1023(c), if evidence of a potential leak to the atmosphere is found by visual, audible, olfactory, or any other detection method, unless the potential leak is repaired as required in paragraph (c) of this section.

40 CFR 63.1029(b)(2)
(2) Instrument reading that defines a leak.

If an instrument reading of 10,000 parts per million or greater for agitators, 5,000 parts per million or greater for pumps handling polymerizing monomers, 2,000

parts per million or greater for pumps in food and medical service, or 2,000 parts per million or greater for all other pumps (including pumps in food/medical service), or 500 parts per million or greater for valves, connectors, instrumentation systems, and pressure relief devices is measured pursuant to paragraph (b)(1) of this section, a leak is detected and shall be repaired pursuant to §63.1024, as applicable.

40 CFR 63.1029(c)

(c) Leak repair.

For equipment identified in paragraph (b) of this section that is not monitored by the method specified in §63.1023(b) and, as applicable, §63.1023(c), repaired shall mean that the visual, audible, olfactory, or other indications of a leak to the atmosphere have been eliminated; that no bubbles are observed at potential leak sites during a leak check using soap solution; or that the system will hold a test pressure.

40 CFR 63.1030 Pressure relief devices in gas and vapor service standards.

40 CFR 63.1030(a)

(a) Compliance schedule.

The owner or operator shall comply with this section no later than the compliance dates specified in the referencing subpart.

40 CFR 63.1030(b)

(b) Compliance standard.

Except during pressure releases as provided for in paragraph (c) of this section, or as otherwise specified in §§63.1036, 63.1037, or paragraphs (d) and (e) of this section, each pressure relief device in gas and vapor service shall be operated with an instrument reading of less than 500 parts per million as measured by the method specified in §63.1023(b) and, as applicable, §63.1023(c).

40 CFR 63.1030(c)

(c) Pressure relief requirements.

40 CFR 63.1030(c)(1)

(1) After each pressure release, the pressure relief device shall be returned to a condition indicated by an instrument reading of less than 500 parts per million, as soon as practical, but no later than 5 calendar days after each pressure release, except as provided in §63.1024(d).

40 CFR 63.1030(c)(2)

(2) The pressure relief device shall be monitored no later than five calendar days after

the pressure to confirm the condition indicated by an instrument reading of less than 500 parts per million above background, as measured by the method specified in §63.1023(b) and, as applicable, §63.1023(c).

40 CFR 63.1030(c)(3)

(3) The owner or operator shall record the dates and results of the monitoring required by paragraph (c)(2) of this section following a pressure release including the background level measured and the maximum instrument reading measured during the monitoring.

40 CFR 63.1030(d)

(d) Pressure relief devices routed to a process or fuel gas system or equipped with a closed vent system and control device. Any pressure relief device that is routed to a process or fuel gas system or equipped with a closed vent system capable of capturing and transporting leakage from the pressure relief device to a control device meeting the requirements of §63.1034 is exempt from the requirements of paragraphs (b) and (c) of this section.

40 CFR 63.1030(e)

(e) Rupture disk exemption.

Any pressure relief device that is equipped with a rupture disk upstream of the pressure relief device is exempt from the requirements of paragraphs (b) and (c) of this section provided the owner or operator installs a replacement rupture disk upstream of the pressure relief device as soon as practical after each pressure release but no later than 5 calendar days after each pressure release, except as provided in §63.1024(d).

40 CFR 63.1031 Compressors standards.

40 CFR 63.1031(a)

(a) Compliance schedule.

The owner or operator shall comply with this section no later than the compliance dates specified in the referencing subpart.

40 CFR 63.1031(b)

(b) Seal system standard.

Each compressor shall be equipped with a seal system that includes a barrier fluid system and that prevents leakage of process fluid to the atmosphere, except as provided in §§63.1021(b), 63.1036, 63.1037, and paragraphs (e) and (f) of this section. Each compressor seal system shall meet the applicable requirements specified in paragraph (b)(1), (b)(2), or (b)(3) of this section.

40 CFR 63.1031(b)(1)

(1) Operated with the barrier fluid at a pressure that is greater than the compressor stuffing box pressure at all times (except during periods of startup, shutdown, or malfunction); or

40 CFR 63.1031(b)(2)

(2) Equipped with a barrier fluid system degassing reservoir that is routed to a process or fuel gas system or connected by a closed-vent system to a control device that meets the requirements of either §63.1034 or §63.1021(b); or

40 CFR 63.1031(b)(3)

(3) Equipped with a closed-loop system that purges the barrier fluid directly into a process stream.

40 CFR 63.1031(c)

(c) Barrier fluid system.

The barrier fluid shall not be in light liquid service. Each barrier fluid system shall be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both. Each sensor shall be observed daily or shall be equipped with an alarm unless the compressor is located within the boundary of an unmanned plant site.

40 CFR 63.1031(d)

(d) Failure criterion and leak detection.

40 CFR 63.1031(d)(1)

(1) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both. If the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion, a leak is detected and shall be repaired pursuant to §63.1024, as applicable.

40 CFR 63.1031(d)(2)

(2) The owner or operator shall keep records of the design criteria and an explanation of the design criteria; and any changes to these criteria and the reasons for the changes.

40 CFR 63.1031(e)

(e) Routed to a process or fuel gas system or equipped with a closed vent system. A compressor is exempt from the requirements of paragraphs (b) through (d) of this section if it is equipped with a system to capture and transport leakage from the compressor drive shaft seal to a process or a fuel gas system or to a closed vent system that captures and transports leakage from the compressor to a control device meeting the requirements of either §63.1034 or §63.1021(b).

40 CFR 63.1031(f)

(f) Alternative compressor standard.

40 CFR 63.1031(f)(1)

(1) Any compressor that is designated, as described in §63.1022(e), as operating with an instrument reading of less than 500 parts per million above background shall operate at all times with an instrument reading of less than 500 parts per million. A compressor so designated is exempt from the requirements of paragraphs (b) through (d) of this section if the compressor is demonstrated, initially upon designation, annually, and at other times requested by the Administrator to be operating with an instrument reading of less than 500 parts per million above background, as measured by the method specified in §63.1023(b) and, as applicable, §63.1023(c).

40 CFR 63.1031(f)(2)

(2) The owner or operator shall record the dates and results of each compliance test including the background level measured and the maximum instrument reading measured during each compliance test.

40 CFR 63.1032 Sampling connection systems standards.

40 CFR 63.1032(a)

(a) Compliance schedule.

The owner or operator shall comply with this section no later than the compliance dates specified in the referencing subpart.

40 CFR 63.1032(b)

(b) Equipment requirement.

Each sampling connection system shall be equipped with a closed-purge, closed-loop, or closed vent system, except as provided in §§63.1021(b), 63.1036, 63.1037, or paragraph (d) of this section. Gases displaced during filling of the sample container are not required to be collected or captured.

40 CFR 63.1032(c)

(c) Equipment design and operation.

Each closed-purge, closed-loop, or closed vent system as required in paragraph (b) of this section shall meet the applicable requirements specified in paragraphs (c)(1) through (c)(5) of this section.

40 CFR 63.1032(c)(1)

(1) The system shall return the purged process fluid directly to a process line or to a fuel gas system that meets the requirements of either §63.1034 or §63.1021(b); or

40 CFR 63.1032(c)(2)

(2) [Reserved]

40 CFR 63.1032(c)(3)

(3) Be designed and operated to capture and transport all the purged process fluid to a control device that meets the requirements of either §63.1034 or §63.1021(b); or

40 CFR 63.1032(c)(4)

(4) Collect, store, and transport the purged process fluid to a system or facility identified in paragraph (c)(4)(i), (c)(4)(ii), or (c)(4)(iii) of this section.

40 CFR 63.1032(c)(4)(i)

(i) A waste management unit as defined in 40 CFR 63.111 or subpart G, if the waste management unit is subject to and operating in compliance with the provisions of 40 CFR part 63, subpart G, applicable to group 1 wastewater streams. If the purged process fluid does not contain any regulated material listed in Table 9 of 40 CFR part 63, subpart G, the waste management unit need not be subject to, and operated in compliance with the requirements of 40 CFR part 63, subpart G, applicable to group 1 wastewater steams provided the facility has a National Pollution Discharge Elimination System (NPDES) permit or sends the wastewater to an NPDES-permitted facility.

40 CFR 63.1032(c)(4)(ii)

(ii) A treatment, storage, or disposal facility subject to regulation under 40 CFR parts 262, 264, 265, or 266; or

40 CFR 63.1032(c)(4)(iii)

(iii) A facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, if the process fluids are not hazardous waste as defined in 40 CFR part 261.

40 CFR 63.1032(c)(5)

(5) Containers that are part of a closed purge system must be covered or closed when not being filled or emptied.

40 CFR 63.1032(d)

(d) In-situ sampling systems.

In-situ sampling systems and sampling systems without purges are exempt from the requirements of paragraphs (b) and (c) of this section.

40 CFR 63.1033 Open-ended valves or lines standards.

40 CFR 63.1033(a)
(a) Compliance schedule.

The owner or operator shall comply with this section no later than the compliance date specified in the referencing subpart.

40 CFR 63.1033(b)
(b) Equipment and operational requirements.

40 CFR 63.1033(b)(1)
(1) Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, except as provided in §§63.1021(b), 63.1036, 63.1037, and paragraphs (c) and (d) of this section. The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring process fluid flow through the open-ended valve or line, or during maintenance. The operational provisions of paragraphs (b)(2) and (b)(3) of this section also apply.

40 CFR 63.1033(b)(2)
(2) Each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the process fluid end is closed before the second valve is closed.

40 CFR 63.1033(b)(3)
(3) When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but shall comply with paragraph (b)(1) of this section at all other times.

40 CFR 63.1033(c)
(c) Emergency shutdown exemption.

Open-ended valves or lines in an emergency shutdown system that are designed to open automatically in the event of a process upset are exempt from the requirements of paragraph (b) of this section.

40 CFR 63.1033(d)
(d) Polymerizing materials exemption.

Open-ended valves or lines containing materials that would autocatalytically polymerize or, would present an explosion, serious overpressure, or other safety hazard if capped or equipped with a double block and bleed system as specified in paragraph (b) of this

section are exempt from the requirements of paragraph (b) of this section.

40 CFR 63.1034 Closed vent systems and control devices; or emissions routed to a fuel gas system or process standards.

40 CFR 63.1034(a)
(a) Compliance schedule.

The owner or operator shall comply with this section no later than the compliance date specified in the referencing subpart.

40 CFR 63.1034(b)
(b) Compliance standard.

40 CFR 63.1034(b)(1)
(1) Owners or operators routing emissions from equipment leaks to a fuel gas system or process shall comply with the provisions of subpart SS of this part, except as provided in §63.1002(b).

40 CFR 63.1034(b)(2)
(2) Owners or operators of closed vent systems and control devices used to comply with the provisions of this subpart shall comply with the provisions of subpart SS of this part and (b)(2)(i) through (b)(2)(iii) of this section, except as provided in §63.1002(b).

40 CFR 63.1034(b)(2)(i)
(i) Nonflare control devices shall be designed and operated to reduce emissions of regulated material vented to them with an efficiency of 95 percent or greater, or to an exit concentration of 20 parts per million by volume, whichever is less stringent. The 20 parts per million by volume standard is not applicable to the provisions of §63.1016.

40 CFR 63.1034(b)(2)(ii)
(ii) Enclosed combustion devices shall be designed and operated to reduce emissions of regulated material vented to them with an efficiency of 95 percent or greater, or to an exit concentration of 20 parts per million by volume, on a dry basis, corrected to 3 percent oxygen, whichever is less stringent, or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760°C (1400°F).

40 CFR 63.1034(b)(2)(iii)
(iii) Flares used to comply with the provisions of this subpart shall comply with the requirements of subpart SS of this part.

40 CFR 63.1035 Quality improvement program for pumps.

40 CFR 63.1035(a)

(a) Criteria.

If, on a 6-month rolling average, at least the greater of either 10 percent of the pumps in a process unit or affected facility (or plant site) or three pumps in a process unit or affected facility (or plant site) leak, the owner or operator shall comply with the requirements specified in paragraphs (a)(1) and (a)(2) of this section.

40 CFR 63.1035(a)(1)

(1) Pumps that are in food and medical service or in polymerizing monomer service shall comply with all requirements except for those specified in paragraph (d)(8) of this section.

40 CFR 63.1035(a)(2)

(2) Pumps that are not in food and medical or polymerizing monomer service shall comply with all of the requirements of this section.

40 CFR 63.1035(b)

(b) Exiting the QIP.

The owner or operator shall comply with the requirements of this section until the number of leaking pumps is less than the greater of either 10 percent of the pumps or three pumps, calculated as a 6-month rolling average, in the process unit or affected facility (or plant site). Once the performance level is achieved, the owner or operator shall comply with the requirements in §63.1026.

40 CFR 63.1035(c)

(c) Resumption of QIP.

If, in a subsequent monitoring period, the process unit or affected facility (or plant site) has greater than either 10 percent of the pumps leaking or three pumps leaking (calculated as a 6-month rolling average), the owner or operator shall resume the quality improvement program starting at performance trials.

40 CFR 63.1035(d)

(d) QIP requirements.

The quality improvement program shall meet the requirements specified in paragraphs (d)(1) through (d)(8) of this section.

40 CFR 63.1035(d)(1)

(1) The owner or operator shall comply with the requirements in §63.1026.

40 CFR 63.1035(d)(2)

(2) Data collection.

The owner or operator shall collect the data specified in paragraphs (d)(2)(i) through (d)(2)(v) of this section and maintain records for each pump in each process unit or affected facility (or plant site) subject to the quality improvement program. The data may be collected and the records may be maintained on a process unit, affected facility, or plant site basis.

40 CFR 63.1035(d)(2)(i)

(i) Pump type (e.g., piston, horizontal or vertical centrifugal, gear, bellows); pump manufacturer; seal type and manufacturer; pump design (e.g., external shaft, flanged body); materials of construction; if applicable, barrier fluid or packing material; and year installed.

40 CFR 63.1035(d)(2)(ii)

(ii) Service characteristics of the stream such as discharge pressure, temperature, flow rate, corrosivity, and annual operating hours.

40 CFR 63.1035(d)(2)(iii)

(iii) The maximum instrument readings observed in each monitoring observation before repair, response factor for the stream if appropriate, instrument model number, and date of the observation.

40 CFR 63.1035(d)(2)(iv)

(iv) If a leak is detected, the repair methods used and the instrument readings after repair.

40 CFR 63.1035(d)(2)(v)

(v) If the data will be analyzed as part of a larger analysis program involving data from other plants or other types of process units or affected facilities, a description of any maintenance or quality assurance programs used in the process unit or affected facility that are intended to improve emission performance.

40 CFR 63.1035(d)(3)

(3) The owner or operator shall continue to collect data on the pumps as long as the process unit or affected facility (or plant site) remains in the quality improvement program.

40 CFR 63.1035(d)(4)

(4) Pump or pump seal inspection.

The owner or operator shall inspect all pumps or pump seals that exhibited frequent seal failures and were removed from the process unit or affected facility due to leaks. The inspection shall determine the probable cause of the pump seal failure or of the pump leak and shall include recommendations, as appropriate, for design changes or changes in specifications to reduce leak potential.

40 CFR 63.1035(d)(5)(i)

(5) (i) Data analysis.

The owner or operator shall analyze the data collected to comply with the requirements of paragraph (d)(2) of this section to determine the services, operating or maintenance practices, and pump or pump seal designs or technologies that have poorer than average emission performance and those that have better than average emission performance. The analysis shall determine if specific trouble areas can be identified on the basis of service, operating conditions or maintenance practices, equipment design, or other process-specific factors.

40 CFR 63.1035(d)(5)(ii)

(ii) The analysis shall also be used to determine if there are superior performing pump or pump seal technologies that are applicable to the service(s), operating conditions, or pump or pump seal designs associated with poorer than average emission performance. A superior performing pump or pump seal technology is one with a leak frequency of less than 10 percent for specific applications in the process unit, affected facility, or plant site. A candidate superior performing pump or pump seal technology is one demonstrated or reported in the available literature or through a group study as having low emission performance and as being capable of achieving less than 10 percent leaking pumps in the process unit or affected facility (or plant site).

40 CFR 63.1035(d)(5)(iii)

(iii) The analysis shall include consideration of the information specified in paragraphs (d)(5)(iii)(A) through (d)(5)(iii)(C) of this section.

40 CFR 63.1035(d)(5)(iii)(A)

(A) The data obtained from the inspections of pumps and pump seals removed from the process unit or affected facility due to leaks;

40 CFR 63.1035(d)(5)(iii)(B)

(B) Information from the available literature and from the experience of other plant sites that will identify pump designs or technologies and operating conditions associated with low emission performance for specific services; and

40 CFR 63.1035(d)(5)(iii)(C)

(C) Information on limitations on the service conditions for the pump seal technology operating conditions as well as information on maintenance procedures to ensure continued low emission performance.

40 CFR 63.1035(d)(5)(iv)

(iv) The data analysis may be conducted through an inter- or intra-company program (or through some combination of the two approaches) and may be for a single process unit, a plant site, a company, or a group of process units.

40 CFR 63.1035(d)(5)(v)

(v) The first analysis of the data shall be completed no later than 18 months after the start of the quality improvement program. The first analysis shall be performed using data collected for a minimum of 6 months. An analysis of the data shall be done each year the process unit or affected facility is in the quality improvement program.

40 CFR 63.1035(d)(6)

(6) Trial evaluation program.

A trial evaluation program shall be conducted at each plant site for which the data analysis does not identify use of superior performing pump seal technology or pumps that can be applied to the areas identified as having poorer than average performance, except as provided in paragraph (d)(6)(v) of this section. The trial program shall be used to evaluate the feasibility of using in the process unit or affected facility (or plant site) the pump designs or seal technologies, and operating and maintenance practices that have been identified by others as having low emission performance.

40 CFR 63.1035(d)(6)(i)

(i) The trial evaluation program shall include on-line trials of pump seal technologies or pump designs and operating and maintenance practices that have been identified in the available literature or in analysis by others as having the ability to perform with leak rates below 10 percent in similar services, as having low probability of failure, or as having no external actuating mechanism in contact with the process fluid. If any of the candidate superior performing pump seal technologies or pumps is not included in the performance trials, the reasons for rejecting specific technologies from consideration shall be documented as required in paragraph (e)(3)(ii) of this section.

40 CFR 63.1035(d)(6)(ii)

(ii) The number of pump seal technologies or pumps in the trial evaluation program shall be the lesser of 1 percent or two pumps for programs involving single process units or affected facilities and the lesser of 1 percent or five pumps for programs involving a plant site or groups of process units or affected facilities. The minimum number of pumps or pump seal technologies in a trial program shall be one.

40 CFR 63.1035(d)(6)(iii)

(iii) The trial evaluation program shall specify and include documentation of the information specified in paragraphs (d)(6)(iii)(A) through (d)(6)(iii)(D) of this section.

40 CFR 63.1035(d)(6)(iii)(A)

(A) The candidate superior performing pump seal designs or technologies to be evaluated, the stages for evaluating the identified candidate pump designs or pump seal technologies, including the time period necessary to test the applicability;

40 CFR 63.1035(d)(6)(iii)(B)

(B) The frequency of monitoring or inspection of the equipment;

40 CFR 63.1035(d)(6)(iii)(C)

(C) The range of operating conditions over which the component will be evaluated; and

40 CFR 63.1035(d)(6)(iii)(D)

(D) Conclusions regarding the emission performance and the appropriate operating conditions and services for the trial pump seal technologies or pumps.

40 CFR 63.1035(d)(6)(iv)

(iv) The performance trials shall initially be conducted, at least, for a 6-month period beginning not later than 18 months after the start of the quality improvement program. No later than 24 months after the start of the quality improvement program, the owner or operator shall have identified pump seal technologies or pump designs that, combined with appropriate process, operating, and maintenance practices, operate with low emission performance for specific applications in the process unit or affected facility. The owner or operator shall continue to conduct performance trials as long as no superior performing design or technology has been identified, except as provided in paragraph (d)(6)(vi) of this section. The initial list of superior emission performance pump designs or pump seal technologies shall be amended in the future, as appropriate, as additional information and experience are obtained.

40 CFR 63.1035(d)(6)(v)

(v) Any plant site with fewer than 400 valves and owned by a corporation with fewer than 100 employees shall be exempt from trial evaluations of pump seals or pump designs. Plant sites exempt from the trial evaluations of pumps shall begin the pump seal or pump replacement program at the start of the fourth year of the quality improvement program.

40 CFR 63.1035(d)(6)(vi)

(vi) An owner or operator who has conducted performance trials on all alternative superior emission performance technologies suitable for the required applications in the process unit or affected facility may stop conducting performance trials provided that a superior performing design or technology has been demonstrated or there are no technically feasible alternative superior technologies remaining. The owner or operator shall prepare an engineering evaluation documenting the physical, chemical, or engineering basis for the judgment that the superior emission performance technology is technically infeasible or demonstrating that it would not reduce emissions.

40 CFR 63.1035(d)(7)

(7) Quality assurance program.

Each owner or operator shall prepare and implement a pump quality assurance program that details purchasing specifications and maintenance procedures for all pumps and pump seals in the process unit or affected facility. The quality assurance program may establish any number of categories, or classes, of pumps as needed to distinguish among operating conditions and services associated with poorer than average emission performance as well as those associated with better than average emission performance. The quality assurance program shall be developed considering the findings of the data analysis required under paragraph (d)(5) of this section; and, if applicable, the findings of the trial evaluation required in paragraph (d)(6) of this section; and the operating conditions in the process unit or affected facility. The quality assurance program shall be updated each year as long as the process unit or affected facility has the greater of either 10 percent or more leaking pumps or has three leaking pumps.

40 CFR 63.1035(d)(7)(i)

(i) The quality assurance program shall meet the requirements specified in paragraphs (d)(7)(i)(A) through (d)(7)(i)(D) of this section.

40 CFR 63.1035(d)(7)(i)(A)

(A) Establish minimum design standards for each category of pumps or pump seal technology. The design standards shall specify known critical parameters such as tolerance, manufacturer, materials of

construction, previous usage, or other applicable identified critical parameters;

40 CFR 63.1035(d)(7)(i)(B)

(B) Require that all equipment orders specify the design standard (or minimum tolerances) for the pump or the pump seal;

40 CFR 63.1035(d)(7)(i)(C)

(C) Provide for an audit procedure for quality control of purchased equipment to ensure conformance with purchase specifications. The audit program may be conducted by the owner or operator of the plant site or process unit or affected facility, or by a designated representative; and

40 CFR 63.1035(d)(7)(i)(D)

(D) Detail off-line pump maintenance and repair procedures. These procedures shall include provisions to ensure that rebuilt or refurbished pumps and pump seals will meet the design specifications for the pump category and will operate so that emissions are minimized.

40 CFR 63.1035(d)(7)(ii)

(ii) The quality assurance program shall be established no later than the start of the third year of the quality improvement program for plant sites with 400 or more valves or 100 or more employees; and no later than the start of the fourth year of the quality improvement program for plant sites with less than 400 valves and less than 100 employees.

40 CFR 63.1035(d)(8)

(8) Pump or pump seal replacement.

Three years after the start of the quality improvement program for plant sites with 400 or more valves or 100 or more employees and at the start of the fourth year of the quality improvement program for plant sites with less than 400 valves and less than 100 employees, the owner or operator shall replace, as described in paragraphs (d)(8)(i) and (d)(8)(ii) of this section, the pumps or pump seals that are not superior emission performance technology with pumps or pump seals that have been identified as superior emission performance technology and that comply with the quality assurance standards for the pump category. Superior emission performance technology is that category or design of pumps or pump seals with emission performance that when combined with appropriate process, operating, and maintenance practices, will result in less than 10 percent leaking pumps for specific applications in the process unit, affected facility, or plant site. Superior emission performance technology includes material or design changes to

the existing pump, pump seal, seal support system, installation of multiple mechanical seals or equivalent, or pump replacement.

40 CFR 63.1035(d)(8)(i)

(i) Pumps or pump seals shall be replaced at the rate of 20 percent per year based on the total number of pumps in light liquid service. The calculated value shall be rounded to the nearest nonzero integer value. The minimum number of pumps or pump seals shall be one. Pump replacement shall continue until all pumps subject to the requirements of §63.1026 are pumps determined to be superior performance technology.

40 CFR 63.1035(d)(8)(ii)

(ii) The owner or operator may delay replacement of pump seals or pumps with superior technology until the next planned process unit or affected facility shutdown, provided the number of pump seals and pumps replaced is equivalent to the 20 percent or greater annual replacement rate.

40 CFR 63.1035(d)(8)(iii)

(iii) The pumps shall be maintained as specified in the quality assurance program.

40 CFR 63.1035(e)

(e) QIP recordkeeping.

In addition to the records required by paragraph (d)(2) of this section, the owner or operator shall maintain records for the period of the quality improvement program for the process unit or affected facility as specified in paragraphs (e)(1) through (e)(6) of this section.

40 CFR 63.1035(e)(1)

(1) When using a pump quality improvement program as specified in this section, record the information specified in paragraphs (e)(1)(i) through (e)(1)(iii) of this section.

40 CFR 63.1035(e)(1)(i)

(i) The rolling average percent leaking pumps.

40 CFR 63.1035(e)(1)(ii)

(ii) Documentation of all inspections conducted under the requirements of paragraph (d)(4) of this section, and any recommendations for design or specification changes to reduce leak frequency.

40 CFR 63.1035(e)(1)(iii)

(iii) The beginning and ending dates while meeting the requirements of

paragraph (d) of this section.

40 CFR 63.1035(e)(2)

(2) If a leak is not repaired within 15 calendar days after discovery of the leak, the reason for the delay and the expected date of successful repair.

40 CFR 63.1035(e)(3)

(3) Records of all analyses required in paragraph (d) of this section. The records will include the information specified in paragraphs (e)(3)(i) through (e)(3)(iv) of this section.

40 CFR 63.1035(e)(3)(i)

(i) A list identifying areas associated with poorer than average performance and the associated service characteristics of the stream, the operating conditions and maintenance practices.

40 CFR 63.1035(e)(3)(ii)

(ii) The reasons for rejecting specific candidate superior emission performing pump technology from performance trials.

40 CFR 63.1035(e)(3)(iii)

(iii) The list of candidate superior emission performing valve or pump technologies, and documentation of the performance trial program items required under paragraph (d)(6)(iii) of this section.

40 CFR 63.1035(e)(3)(iv)

(iv) The beginning date and duration of performance trials of each candidate superior emission performing technology.

40 CFR 63.1035(e)(4)

(4) All records documenting the quality assurance program for pumps as specified in paragraph (d)(7) of this section, including records indicating that all pumps replaced or modified during the period of the quality improvement program are in compliance with the quality assurance.

40 CFR 63.1035(e)(5)

(5) Records documenting compliance with the 20 percent or greater annual replacement rate for pumps as specified in paragraph (d)(8) of this section.

40 CFR 63.1035(e)(6)

(6) Information and data to show the corporation has fewer than 100 employees, including employees providing professional and technical contracted services.

40 CFR 63.1036 Alternative means of emission limitation: Batch processes.

40 CFR 63.1036(a)

(a) General requirement.

As an alternative to complying with the requirements of §§63.1025 through 63.1033 and §63.1035, an owner or operator of a batch process that operates in regulated material service during the calendar year may comply with one of the standards specified in paragraphs (b) and (c) of this section, or the owner or operator may petition for approval of an alternative standard under the provisions of §63.1021(b). The alternative standards of this section provide the options of pressure testing or monitoring the equipment for leaks. The owner or operator may switch among the alternatives provided the change is documented as specified in paragraph (b)(7) of this section.

40 CFR 63.1036(b)

(b) Pressure testing of the batch equipment.

The following requirements shall be met if an owner or operator elects to use pressure testing of batch product-process equipment to demonstrate compliance with this subpart.

40 CFR 63.1036(b)(1)

(1) Reconfiguration.

Each time equipment is reconfigured for production of a different product or intermediate, the batch product-process equipment train shall be pressure-tested for leaks before regulated material is first fed to the equipment and the equipment is placed in regulated material service.

40 CFR 63.1036(b)(1)(i)

(i) When the batch product-process equipment train is reconfigured to produce a different product, pressure testing is required only for the new or disturbed equipment.

40 CFR 63.1036(b)(1)(ii)

(ii) Each batch product process that operates in regulated material service during a calendar year shall be pressure-tested at least once during that calendar year.

40 CFR 63.1036(b)(1)(iii)

(iii) Pressure testing is not required for routine seal breaks, such as changing hoses or filters, that are not part of the reconfiguration to produce a different product or intermediate.

40 CFR 63.1036(b)(2)

(2) Testing procedures.

The batch product process equipment shall be tested either using the procedures specified in paragraph (b)(5) of this section for pressure vacuum loss or with a liquid using the procedures specified in paragraph (b)(6) of this section.

40 CFR 63.1036(b)(3)

(3) Leak detection.

40 CFR 63.1036(b)(3)(i)

(i) For pressure or vacuum tests using a gas, a leak is detected if the rate of change in pressure is greater than 6.9 kilopascals (1 pound per square inch gauge) in 1 hour or if there is visible, audible, or olfactory evidence of fluid loss.

40 CFR 63.1036(b)(3)(ii)

(ii) For pressure tests using a liquid, a leak is detected if there are indications of liquids dripping or if there is other evidence of fluid loss.

40 CFR 63.1036(b)(4)

(4) Leak repair.

40 CFR 63.1036(b)(4)(i)

(i) If a leak is detected, it shall be repaired and the batch product-process equipment shall be retested before start-up of the process.

40 CFR 63.1036(b)(4)(ii)

(ii) If a batch product-process fails the retest (the second of two consecutive pressure tests), it shall be repaired as soon as practical, but not later than 30 calendar days after the second pressure test except as specified in paragraph (e) of this section.

40 CFR 63.1036(b)(5)

(5) Gas pressure test procedure for pressure or vacuum loss.

The procedures specified in paragraphs (b)(5)(i) through (b)(5)(v) of this section shall be used to pressure test batch product-process equipment for pressure or vacuum loss to demonstrate compliance with the requirements of paragraph (b)(3)(i) of this section.

40 CFR 63.1036(b)(5)(i)

(i) The batch product-process equipment train shall be pressurized with a gas to a pressure less than the set pressure of any safety relief devices or valves or to a pressure slightly above the operating pressure of the

equipment, or alternatively the equipment shall be placed under a vacuum.

40 CFR 63.1036(b)(5)(ii)

(ii) Once the test pressure is obtained, the gas source or vacuum source shall be shut off.

40 CFR 63.1036(b)(5)(iii)

(iii) The test shall continue for not less than 15 minutes unless it can be determined in a shorter period of time that the allowable rate of pressure drop or of pressure rise was exceeded. The pressure in the batch product-process equipment shall be measured after the gas or vacuum source is shut off and at the end of the test period. The rate of change in pressure in the batch product-process equipment shall be calculated using the following equation:

$$\Delta(P/t) = \left(\left|P_f - P_i\right|\right)/\left(t_f - t_i\right) \qquad [Eq.\ 5]$$

Where:

* (P/t) =	Change in pressure, pounds per square inch gauge per hour.
Pf =	Final pressure, pounds per square inch gauge.
Pi =	Initial pressure, pounds per square inch gauge.
tf - ti =	Elapsed time, hours.

40 CFR 63.1036(b)(5)(iv)

(iv) The pressure shall be measured using a pressure measurement device (gauge, manometer, or equivalent) that has a precision of ±2.5 millimeter mercury (0.10 inch of mercury) in the range of test pressure and is capable of measuring pressures up to the relief set pressure of the pressure relief device. If such a pressure measurement device is not reasonably available, the owner or operator shall use a pressure measurement device with a precision of at least ± 10 percent of the test pressure of the equipment and shall extend the duration of the test for the time necessary to detect a pressure loss or rise that equals a rate of 1 pound per square inch gauge per hour (7 kilopascals per hour).

40 CFR 63.1036(b)(5)(v)

(v) An alternative procedure may be used for leak testing the equipment if the owner or operator demonstrates the alternative procedure is capable of detecting a pressure loss or rise.

40 CFR 63.1036(b)(6)

(6) Pressure test procedure using test liquid.

The procedures specified in paragraphs (b)(6)(i) through (b)(6)(iv) of this section shall be used to pressure-test batch product-process equipment using a liquid to demonstrate compliance with the requirements of paragraph (b)(3)(ii) of this section.

40 CFR 63.1036(b)(6)(i)

(i) The batch product-process equipment train, or section of the equipment train, shall be filled with the test liquid (e.g., water, alcohol) until normal operating pressure is obtained. Once the equipment is filled, the liquid source shall be shut off.

40 CFR 63.1036(b)(6)(ii)

(ii) The test shall be conducted for a period of at least 60 minutes, unless it can be determined in a shorter period of time that the test is a failure.

40 CFR 63.1036(b)(6)(iii)

(iii) Each seal in the equipment being tested shall be inspected for indications of liquid dripping or other indications of fluid loss. If there are any indications of liquids dripping or of fluid loss, a leak is detected.

40 CFR 63.1036(b)(6)(iv)

(iv) An alternative procedure may be used for leak testing the equipment, if the owner or operator demonstrates the alternative procedure is capable of detecting losses of fluid.

40 CFR 63.1036(b)(7)

(7) Pressure testing recordkeeping.

The owner or operator of a batch product process who elects to pressure test the batch product process equipment train to demonstrate compliance with this subpart shall maintain records of the information specified in paragraphs (b)(7)(i) through (b)(7)(v) of this section.

40 CFR 63.1036(b)(7)(i)

(i) The identification of each product, or product code, produced during the calendar year. It is not necessary to identify individual items of equipment in a batch product process equipment train.

40 CFR 63.1036(b)(7)(ii)

(ii) Physical tagging of the equipment to identify that it is in regulated material service and subject to the provisions of this subpart is not

required. Equipment in a batch product process subject to the provisions of this subpart may be identified on a plant site plan, in log entries, or by other appropriate methods.

40 CFR 63.1036(b)(7)(iii)

(iii) The dates of each pressure test required in paragraph (b) of this section, the test pressure, and the pressure drop observed during the test.

40 CFR 63.1036(b)(7)(iv)

(iv) Records of any visible, audible, or olfactory evidence of fluid loss.

40 CFR 63.1036(b)(7)(v)

(v) When a batch product process equipment train does not pass two consecutive pressure tests, the information specified in paragraphs (b)(7)(v)(A) through (b)(7)(v)(E) of this section shall be recorded in a log and kept for 2 years:

40 CFR 63.1036(b)(7)(v)(A)

(A) The date of each pressure test and the date of each leak repair attempt.

40 CFR 63.1036(b)(7)(v)(B)

(B) Repair methods applied in each attempt to repair the leak.

40 CFR 63.1036(b)(7)(v)(C)

(C) The reason for the delay of repair.

40 CFR 63.1036(b)(7)(v)(D)

(D) The expected date for delivery of the replacement equipment and the actual date of delivery of the replacement equipment; and

40 CFR 63.1036(b)(7)(v)(E)

(E) The date of successful repair.

40 CFR 63.1036(c)

(c) Equipment monitoring.

The following requirements shall be met if an owner or operator elects to monitor the equipment in a batch process to detect leaks by the method specified in §63.1023(b) and, as applicable, §63.1023(c), to demonstrate compliance with this subpart.

40 CFR 63.1036(c)(1)

(1) The owner or operator shall comply with the requirements of §§63.1025 through 63.1035 as modified by paragraphs (c)(2) through (c)(4) of this section.

40 CFR 63.1036(c)(2)

(2) The equipment shall be monitored for leaks by the method specified in §63.1023(b) and, as applicable, §63.1023(c), when the equipment is in regulated material service or is in use with any other detectable material.

40 CFR 63.1036(c)(3)

(3) The equipment shall be monitored for leaks as specified in paragraphs (c)(3)(i) through (c)(3)(iv) of this section.

40 CFR 63.1036(c)(3)(i)

(i) Each time the equipment is reconfigured for the production of a new product, the reconfigured equipment shall be monitored for leaks within 30 days of start-up of the process. This initial monitoring of reconfigured equipment shall not be included in determining percent leaking equipment in the process unit or affected facility.

40 CFR 63.1036(c)(3)(ii)

(ii) Connectors shall be monitored in accordance with the requirements in §63.1027.

40 CFR 63.1036(c)(3)(iii)

(iii) Equipment other than connectors shall be monitored at the frequencies specified in table 1 to this subpart. The operating time shall be determined as the proportion of the year the batch product-process that is subject to the provisions of this subpart is operating.

40 CFR 63.1036(c)(3)(iv)

(iv) The monitoring frequencies specified in paragraph (c)(3)(iii) of this section are not requirements for monitoring at specific intervals and can be adjusted to accommodate process operations. An owner or operator may monitor anytime during the specified monitoring period (e.g., month, quarter, year), provided the monitoring is conducted at a reasonable interval after completion of the last monitoring campaign. For example, if the equipment is not operating during the scheduled monitoring period, the monitoring can be done during the next period when the process is operating.

40 CFR 63.1036(c)(4)

(4) f a leak is detected, it shall be repaired as soon as practical but not later than 15 calendar days after it is detected, except as provided in paragraph (e) of this section.

40 CFR 63.1036(d)

(d) Added equipment recordkeeping.

40 CFR 63.1036(d)(1)

(1) For batch product-process units or affected facilities that the owner or operator elects to monitor as provided under paragraph (c) of this section, the owner or operator shall prepare a list of equipment added to batch product process units or affected facilities since the last monitoring period required in paragraphs (c)(3)(ii)and (c)(3)(iii) of this section.

40 CFR 63.1036(d)(2)

(2) Maintain records demonstrating the proportion of the time during the calendar year the equipment is in use in a batch process that is subject to the provisions of this subpart. Examples of suitable documentation are records of time in use for individual pieces of equipment or average time in use for the process unit or affected facility. These records are not required if the owner or operator does not adjust monitoring frequency by the time in use, as provided in paragraph (c)(3)(iii) of this section.

40 CFR 63.1036(d)(3)

(3) Record and keep pursuant to the referencing subpart and this subpart, the date and results of the monitoring required in paragraph (c)(3)(i) of this section for equipment added to a batch product-process unit or affected facility since the last monitoring period required in paragraphs (c)(3)(ii) and (c)(3)(iii) of this section. If no leaking equipment is found during this monitoring, the owner or operator shall record that the inspection was performed. Records of the actual monitoring results are not required.

40 CFR 63.1036(e)

(e) Delay of repair.

Delay of repair of equipment for which leaks have been detected is allowed if the replacement equipment is not available providing the conditions specified in paragraphs (e)(1)and (e)(2) of this section are met.

40 CFR 63.1036(e)(1)

(1) Equipment supplies have been depleted and supplies had been sufficiently stocked before the supplies were depleted.

40 CFR 63.1036(e)(2)

(2) The repair is made no later than 10 calendar days after delivery of the replacement equipment.

40 CFR 63.1036(f)

(f) Periodic report contents.

For owners or operators electing to meet the requirements of paragraph (b) of this

section, the Periodic Report to be filed pursuant to §63.1039(b) shall include the information listed in paragraphs (f)(1) through (f)(4) of this section for each process unit.

40 CFR 63.1036(f)(1)
(1) Batch product process equipment train identification;

40 CFR 63.1036(f)(2)
(2) The number of pressure tests conducted;

40 CFR 63.1036(f)(3)
(3) The number of pressure tests where the equipment train failed the pressure test; and

40 CFR 63.1036(f)(4)
(4) The facts that explain any delay of repairs.

40 CFR 63.1037 Alternative means of emission limitation: Enclosed-vented process units or affected facilities.

40 CFR 63.1037(a)
(a) Use of closed vent system and control device.

Process units or affected facilities or portions of process units at affected facilities enclosed in such a manner that all emissions from equipment leaks are vented through a closed vent system to a control device or routed to a fuel gas system or process meeting the requirements of §63.1034 are exempt from the requirements of §§63.1025 through 63.1033 and 63.1035. The enclosure shall be maintained under a negative pressure at all times while the process unit or affected facility is in operation to ensure that all emissions are routed to a control device.

40 CFR 63.1037(b)
(b) Recordkeeping.

Owners and operators choosing to comply with the requirements of this section shall maintain the records specified in paragraphs (b)(1) through (b)(3) of this section.

40 CFR 63.1037(b)(1)
(1) Identification of the process unit(s) or affected facilities and the regulated materials they handle.

40 CFR 63.1037(b)(2)
(2) A schematic of the process unit or affected facility, enclosure, and closed vent system.

40 CFR 63.1037(b)(3)

(3) A description of the system used to create a negative pressure in the enclosure to ensure that all emissions are routed to the control device.

40 CFR 63.1038 Recordkeeping requirements.

40 CFR 63.1038(a)

(a) Recordkeeping system.

An owner or operator of more than one regulated source subject to the provisions of this subpart may comply with the recordkeeping requirements for these regulated sources in one recordkeeping system. The recordkeeping system shall identify each record by regulated source and the type of program being implemented (e.g., quarterly monitoring, quality improvement) for each type of equipment. The records required by this subpart are summarized in paragraphs (b) and (c) of this section.

40 CFR 63.1038(b)

(b) General equipment leak records.

40 CFR 63.1038(b)(1)

(1) As specified in §63.1022(a) and (b), the owner or operator shall keep general and specific equipment identification if the equipment is not physically tagged and the owner or operator is electing to identify the equipment subject to this subpart through written documentation such as a log or other designation.

40 CFR 63.1038(b)(2)

(2) The owner or operator shall keep a written plan as specified in §63.1022(c)(4) for any equipment that is designated as unsafe- or difficult-to-monitor.

40 CFR 63.1038(b)(3)

(3) The owner or operator shall maintain a record of the identity and an explanation as specified in §63.1022(d)(2) for any equipment that is designated as unsafe-to-repair.

40 CFR 63.1038(b)(4)

(4) As specified in §63.1022(e), the owner or operator shall maintain the identity of compressors operating with an instrument reading of less than 500 parts per million.

40 CFR 63.1038(b)(5)

(5) The owner or operator shall keep records associated with the determination that equipment is in heavy liquid service as specified in §63.1022(f).

40 CFR 63.1038(b)(6)

(6) The owner or operator shall keep records for leaking equipment as specified in §63.1023(e)(2).

40 CFR 63.1038(b)(7)

(7) The owner or operator shall keep records for leak repair as specified in §63.1024(f) and records for delay of repair as specified in §63.1024(d).

40 CFR 63.1038(c)

(c) Specific equipment leak records.

40 CFR 63.1038(c)(1)

(1) For valves, the owner or operator shall maintain the records specified in paragraphs (c)(1)(i) and (c)(1)(ii) of this section.

40 CFR 63.1038(c)(1)(i)

(i) The monitoring schedule for each process unit as specified in §63.1025(b)(3)(vi).

40 CFR 63.1038(c)(1)(ii)

(ii) The valve subgrouping records specified in §63.1025(b)(4)(iv), if applicable.

40 CFR 63.1038(c)(2)

(2) For pumps, the owner or operator shall maintain the records specified in paragraphs (c)(2)(i) through (c)(2)(iii) of this section.

40 CFR 63.1038(c)(2)(i)

(i) Documentation of pump visual inspections as specified in §63.1026(b)(4).

40 CFR 63.1038(c)(2)(ii)

(ii) Documentation of dual mechanical seal pump visual inspections as specified in §63.1026(e)(1)(v).

40 CFR 63.1038(c)(2)(iii)

(iii) For the criteria as to the presence and frequency of drips for dual mechanical seal pumps, records of the design criteria and explanations and any changes and the reason for the changes, as specified in §63.1026(e)(1)(i).

40 CFR 63.1038(c)(3)

(3) For connectors, the owner or operator shall maintain the monitoring schedule for each process unit as specified in §63.1027(b)(3)(v).

40 CFR 63.1038(c)(4)

(4) For agitators, the owner or operator shall maintain the following records:

40 CFR 63.1038(c)(4)(i)

(i) Documentation of agitator seal visual inspections as specified in §63.1028; and

40 CFR 63.1038(c)(4)(ii)

(ii) For the criteria as to the presence and frequency of drips for agitators, the owner or operator shall keep records of the design criteria and explanations and any changes and the reason for the changes, as specified in §63.1028(e)(1)(vi).

40 CFR 63.1038(c)(5)

(5) For pressure relief devices in gas and vapor or light liquid service, the owner or operator shall keep records of the dates and results of monitoring following a pressure release, as specified in §63.1030(c)(3).

40 CFR 63.1038(c)(6)

(6) For compressors, the owner or operator shall maintain the records specified in paragraphs (c)(6)(i) and (c)(6)(ii) of this section.

40 CFR 63.1038(c)(6)(i)

(i) For criteria as to failure of the seal system and/or the barrier fluid system, record the design criteria and explanations and any changes and the reason for the changes, as specified in §63.1031(d)(2).

40 CFR 63.1038(c)(6)(ii)

(ii) For compressors operating under the alternative compressor standard, record the dates and results of each compliance test as specified in §63.1031(f)(2).

40 CFR 63.1038(c)(7)

(7) For a pump QIP program, the owner or operator shall maintain the records specified in paragraphs (c)(7)(i) through (c)(7)(v) of this section.

40 CFR 63.1038(c)(7)(i)

(i) Individual pump records as specified in §63.1035(d)(2).

40 CFR 63.1038(c)(7)(ii)

(ii) Trial evaluation program documentation as specified in §63.1035(d)(6)(iii).

40 CFR 63.1038(c)(7)(iii)

(iii) Engineering evaluation documenting the basis for judgement that superior emission performance technology is not applicable as specified in §63.1035(d)(6)(vi).

40 CFR 63.1038(c)(7)(iv)
(iv) Quality assurance program documentation as specified in §63.1035(d)(7).

40 CFR 63.1038(c)(7)(v)
(v) QIP records as specified in §63.1035(e).

40 CFR 63.1038(c)(8)
(8) For process units complying with the batch process unit alternative, the owner or operator shall maintain the records specified in paragraphs (c)(8)(i) and (c)(8)(ii) of this section.

40 CFR 63.1038(c)(8)(i)
(i) Pressure test records as specified in §63.1036(b)(7).

40 CFR 63.1038(c)(8)(ii)
(ii) Records for equipment added to the process unit as specified in §63.1036(d).

40 CFR 63.1038(c)(9)
(9) For process units complying with the enclosed-vented process unit alternative, the owner or operator shall maintain the records for enclosed-vented process units as specified in §63.1037(b).

40 CFR 63.1039 Reporting requirements.

40 CFR 63.1039(a)
(a) Initial Compliance Status Report.

Each owner or operator shall submit an Initial Compliance Status Report according to the procedures in the referencing subpart. The notification shall include the information listed in paragraphs (a)(1) through (a)(3) of this section, as applicable.

40 CFR 63.1039(a)(1)
(1) The notification shall provide the information listed in paragraphs (a)(1)(i) through (a)(1)(iv) of this section for each process unit or affected facility subject to the requirements of this subpart.

40 CFR 63.1039(a)(1)(i)
(i) Process unit or affected facility identification.

40 CFR 63.1039(a)(1)(ii)

(ii) Number of each equipment type (e.g., valves, pumps) excluding equipment in vacuum service.

40 CFR 63.1039(a)(1)(iii)

(iii) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").

40 CFR 63.1039(a)(1)(iv)

(iv) Planned schedule for requirements in §§63.1025 and 63.1026.

40 CFR 63.1039(a)(2)

(2) The notification shall provide the information listed in paragraphs (a)(2)(i) and (a)(2)(ii) of this sectionfor each process unit or affected facility subject to the requirements of §63.1036(b).

40 CFR 63.1039(a)(2)(i)

(i) Batch products or product codes subject to the provisions of this subpart, and

40 CFR 63.1039(a)(2)(ii)

(ii) Planned schedule for pressure testing when equipment is configured for production of products subject to the provisions of this subpart.

40 CFR 63.1039(a)(3)

(3) The notification shall provide the information listed in paragraphs (a)(3)(i) and (a)(3)(ii) of this sectionfor each process unit or affected facility subject to the requirements in §63.1037.

40 CFR 63.1039(a)(3)(i)

(i) Process unit or affected facility identification.

40 CFR 63.1039(a)(3)(ii)

(ii) A description of the system used to create a negative pressure in the enclosure and the control device used to comply with the requirements of §63.1034 of this part.

40 CFR 63.1039(b)

(b) Periodic Reports.

The owner or operator shall report the information specified in paragraphs (b)(1) through (b)(8) of this section, as applicable, in the Periodic Report specified in the referencing subpart.

40 CFR 63.1039(b)(1)

(1) For the equipment specified in paragraphs (b)(1)(i) through (b)(1)(v) of this section, report in a summary format by equipment type, the number of components for which leaks were detected and for valves, pumps and connectors show the percent leakers, and the total number of components monitored. Also include the number of leaking components that were not repaired as required by §63.1024, and for valves and connectors, identify the number of components that are determined by §63.1025(c)(3) to be nonrepairable.

40 CFR 63.1039(b)(1)(i)

(i) Valves in gas and vapor service and in light liquid service pursuant to §63.1025(b) and (c).

40 CFR 63.1039(b)(1)(ii)

(ii) Pumps in light liquid service pursuant to §63.1026(b) and (c).

40 CFR 63.1039(b)(1)(iii)

(iii) Connectors in gas and vapor service and in light liquid service pursuant to §63.1027(b) and (c).

40 CFR 63.1039(b)(1)(iv)

(iv) Agitators in gas and vapor service and in light liquid service pursuant to §63.1028(c).

40 CFR 63.1039(b)(1)(v)

(v) Compressors pursuant to §63.1031(d).

40 CFR 63.1039(b)(2)

(2) Where any delay of repair is utilized pursuant to §63.1024(d), report that delay of repair has occurred and report the number of instances of delay of repair.

40 CFR 63.1039(b)(3)

(3) If applicable, report the valve subgrouping information specified in §63.1025(b)(4)(iv).

40 CFR 63.1039(b)(4)

(4) For pressure relief devices in gas and vapor service pursuant to §63.1030(b) and for compressors pursuant to §63.1031(f) that are to be operated at a leak detection instrument reading of less than 500 parts per million, report the results of all monitoring to show compliance conducted within the semiannual reporting period.

40 CFR 63.1039(b)(5)

(5) Report, if applicable, the initiation of a monthly monitoring program for valves pursuant to §63.1025(b)(3)(i).

40 CFR 63.1039(b)(6)

(6) Report, if applicable, the initiation of a quality improvement program for pumps pursuant to §63.1035.

40 CFR 63.1039(b)(7)

(7) Where the alternative means of emissions limitation for batch processes is utilized, report the information listed in §63.1036(f).

40 CFR 63.1039(b)(8)

(8) Report the information listed in paragraph (a) of this section for the Initial Compliance Status Report for process units or affected facilities with later compliance dates. Report any revisions to items reported in an earlier Initial Compliance Status Report if the method of compliance has changed since the last report.

Table 1 to Subpart UU.--Batch Processes Monitoring Frequency For Equipment Other Than Connectors

Operating time (% of year)	Equivalent continuous process monitoring frequency time in use		
	Monthly	Quarterly	Semiannually
0 to < 25%.....	Quarterly.....	Annually.....	Annually.
25 to < 50%.....	Quarterly.....	Semiannually.....	Annually.
50 to < 75%.....	Bimonthly.....	Three times.....	Semiannually.
75 to 100%.....	Monthly.....	Quarterly.....	Semiannually.

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 Actby 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 strated 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 partfor 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 ex penditures 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 dateof 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 submissionof 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 Vpermit 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 internalsystem 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 sectioneach 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 afinding 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 ac tions 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:

Vmax = (XH2-K1)* K2

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:

$$Vmax = 8.71 + 0.708(HT)$$

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, Specificiations, 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.