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

10/25/04

RE: Proposed Title V Chapter 3745-77 Permit
04-48-01-0414
DaimlerChrysler Corp

Attn: Genevieve Damico AR-18J
United States Environmental Protection Agency
Region V
77 West Jackson Blvd.
Chicago, IL 60604-3590

Dear Ms. Damico:

The proposed issuance of the Title V permit for DaimlerChrysler Corp, has been created in Ohio EPA's State Air Resources System (STARS) on 10/25/04, for review by USEPA. This proposed action is identified in STARS as 3-Title V Proposed Permit T+C covering the facility specific terms and conditions, and Title V Proposed Permit covering the general terms and conditions. This proposed permit will be processed for issuance as a final action after forty-five (45) days from USEPA's receipt of this certified letter if USEPA does not object to the proposed permit. Please contact me at (614) 644-3631 by the end of the forty-five (45) day review period if you wish to object to the proposed permit.

Very truly yours,

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

PROPOSED TITLE V PERMIT

Issue Date: 10/25/04	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: 04-48-01-0414 to:
DaimlerChrysler Corp
4400 Chrysler Drive
Toledo, OH 43608-4000

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

B008 (Hot water generator #1)
32.66 MMBtu/hour natural gas, TNAP

B009 (Hot water generator #2)
32.66 MMBtu/hour natural gas, TNAP

B010 (Hot water generator #3)
32.66 MMBtu/hour natural gas, TNAP

B011 (ASH 1-2)
12.02 MMBtu/hour natural gas air make-up unit, TNAP

B012 (ASH 1-3)
12.02 MMBtu/hour natural gas air make-up unit, TNAP

B013 (ASH 1-4)
15.03 MMBtu/hour natural gas air make-up unit, TNAP

B014 (ASH 2-3)
12.02 MMBtu/hour natural gas air make-up unit, TNAP

B015 (ASH 2-4)
15.03 MMBtu/hour natural gas air make-up unit, TNAP

B016 (ASH 1-5)
12.02 MMBtu/hour natural gas air make-up unit, TNAP

B017 (ASH 2-5)
12.02 MMBtu/hour natural gas air make-up unit, TNAP

B018 (ASH 1-6)
13.53 MMBtu/hour natural gas air make-up unit, TNAP

B019 (ASH 2-2)
12.02 MMBtu/hour natural gas air make-up unit, TNAP

B020 (ASH 1-8)
10.52 MMBtu/hour natural gas air make-up unit, TNAP

B021 (ASH 2-6)
13.53 MMBtu/hour natural gas air make-up unit, TNAP

B022 (ASH 2-8)
10.52 MMBtu/hour natural gas air make-up unit, TNAP

B023 (ASH 1-10)
15.03 MMBtu/hour natural gas air make-up unit, TNAP

B024 (ASH 2-10)
15.03 MMBtu/hour natural gas air make-up unit, TNAP

B025 (ASH A)
15.03 MMBtu/hour natural gas air make-up unit, TNAP

B026 (ASH B)
13.53 MMBtu/hour natural gas air make-up unit, TNAP

B027 (ASH C)
13.53 MMBtu/hour natural gas air make-up unit, TNAP

F001 (Plant Roadways and Parking Lots)
Plant-wide roadways and parking areas fugitive dust emissions, includes TNAP and Stickney plant

G002 (Gasoline Dispensing)
Gasoline dispensing operations with Stage II vapor control or ORVR control and gasoline UST with Stage I control, Stickney

G003 (Gasoline Fill Stations)
Gasoline dispensing operations with Stage II vapor control or ORVR control and gasoline AST with Stage I control, TNAP

K008 (Clean Shop Unit #1)
Clean Shop Booth #1, Stickney

K009 (Clean Shop Unit #2)
Clean Shop Booth #2, Stickney

K010 (Clean Shop Unit #3)
Clean Shop Booth #3, Stickney

K016 (Sound Deadener Booth)
Sound deadener applications (waterborne coatings), Stickney

K018 (Paint Repair Spoven #1)
Spoven #1, Stickney

K019 (Paint Repair Spoven #2)
Spoven #2, Stickney

K021 (E-Coat)
Electrocoat dip tank and ovens, TNAP

K022 (Powder Anti-chip)
Powder Anti-chip booth and oven, TNAP

K023 (Topcoat)
Topcoat line 1 and 2 booths and ovens, TNAP

K024 (Low bake repair with Spovens)
Off line low bake repair with Spoven 1 and 2, TNAP

K027 (Blackout)
Blackout booth, TNAP

K029 (Interior touch-up)
Interior paint repair booth, TNAP

P002 (Window Installation)
Window cleaner and primer applications, Stickney

P003 (Sealer & Adhesive Application)
Sealer and adhesive applications, Stickney

P004 (Misc. Solvents and Cleaners Application)
Plant wide miscellaneous solvent and cleaner applications, Stickney

P007 (Non-Production maint.material spraybth cleaning & purge)
Non-production maintenance materials, spray booth cleaning and purge applications, TNAP

P008 (Sealers and Adhesives)
Sealer and Adhesive Applications, TNAP

P009 (Misc. Solvents and Cleaners Application)
Non-photochemically reactive miscellaneous solvent and cleaner, applications, TNAP

P010 (Plant-Wide Misc. Solvents and Cleaners Application)
Plant wide photochemically reactive miscellaneous solvent and cleaner applications, TNAP

P011 (BIW Inspection and Grinding)
Body in White (BIW) inspection and grinding process,TNAP

P012 (Finish welding)
Bodyshop welding operations, TNAP

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 3745-77-08(E) 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. The emissions of CO, NOx, PM 10, SO2, and VOC from the Toledo North Assembly Plant (TNAP) facility shall not exceed 67.26, 231.93, 33, 17.75, and 1806.43 tons per year, respectively, as a rolling, 12-month total as established by PTI 04-01102.

2. The permittee shall maintain monthly records for the TNAP facility of the following information:

a. usage of each VOC containing material such as paints, solvents, sealers and adhesives;

b. VOC content and solids content (as appropriate) of these materials;

c. total and prorated (by emissions unit) natural gas and fuel oil usage;

d. the most recent complete and approved testing results of pollution control systems and related factors used in determining emissions; and

e. documentation for determination of emissions of monthly VOC emissions and conformance with VOC BAT limits to demonstrate compliance with these emission limitations.

3. The permittee shall submit deviation (excursion) reports that identify all exceedances of the rolling, 12-month emission limitations for CO, NOx, PM10, SO2, and/or VOC for the TNAP facility.

4. The permittee shall also submit annual reports that specify the TNAP facility-wide emissions of CO, NOx, PM10, SO2, and VOC for the previous calendar year. These reports shall be submitted by April 15 of each year.

5. Compliance with the rolling, 12-month emission limitations for CO, NOx, PM10, SO2, and/or VOC at the TNAP facility shall be demonstrated by calculations from the related record keeping requirements of Part III - Terms and Conditions for emissions units.

6. The permittee is subject to the applicable requirements of 40 CFR Part 63, Subpart IIII - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing as specified below.

Subpart IIII--National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks

[The following emissions units contained in this permit are subject to 40 CFR Part 63, Subpart IIII: K008, K009, K010, K018, K019, K021, K022, K023, K024, K027, K029, P002, P003, P004, P007, P008, and P009.]

What this Subpart Covers

7. §63.3080 What is the purpose of this subpart?

This subpart establishes national emission standards for hazardous air pollutants (NESHAP) for facilities which surface coat new automobile or new light-duty truck bodies or body parts for new automobiles or new light-duty trucks. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations.

8. §63.3081 Am I subject to this subpart?

(a) Except as provided in paragraph (c) of this section, the source category to which this subpart applies is automobile and light-duty truck surface coating.

(b) You are subject to this subpart if you own or operate a new, reconstructed, or existing affected source, as defined in §63.3082, that is located at a facility which applies topcoat to new automobile or new light-duty truck bodies or body parts for new automobiles or new light-duty trucks, and that is a major source, is located at a major source, or is part of a major source of emissions of hazardous air pollutants (HAP). A major source of HAP emissions is 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 any single HAP at a rate of 9.07 megagrams (Mg) (10 tons) or more per year or any combination of HAP at a rate of 22.68 Mg (25 tons) or more per year.

(c) This subpart does not apply to surface coating, surface preparation, or cleaning activities that meet the criteria of paragraph (c)(1) or (2) of this section.

(1) Surface coating subject to any other NESHAP in this part as of April 26, 2004 except as provided in §63.3082(c).

(2) Surface coating that occurs during research or laboratory activities or that is part of janitorial, building, and facility maintenance operations, including maintenance spray booths used for painting production equipment, furniture, signage, etc., for use within the plant.

9. §63.3082 What parts of my plant does this subpart cover?

(a) This subpart applies to each new, reconstructed, and existing affected source.

(b) The affected source is the collection of all of the items listed in paragraphs (b)(1) through (4) of this section that are used for surface coating of new automobile or new light-duty truck bodies, or body parts for new automobiles or new light-duty trucks:

(1) All coating operations as defined in §63.3176.

(2) All storage containers and mixing vessels in which coatings, thinners, and cleaning materials are stored or mixed.

(3) All manual and automated equipment and containers used for conveying coatings, thinners, and cleaning materials.

(4) All storage containers and all manual and automated equipment and containers used for conveying waste materials generated by a coating operation.

(c) In addition, you may choose to include in your affected source, and thereby make subject to the requirements of this subpart, any coating operations, as defined in §63.3176, which would otherwise be subject to the NESHAP for surface coating of miscellaneous metal parts and products (subpart MMMM of this part) or surface coating of plastic parts and products (subpart PPPP of this part) which apply coatings to parts intended for use in new automobiles or new light-duty trucks or as aftermarket repair or replacement parts for automobiles or light-duty trucks.

(d) For all coating operations which you choose to add to your affected source pursuant to paragraph (c) of this section:

(1) All associated storage containers and mixing vessels in which coatings, thinners, and cleaning materials are stored or mixed; manual and automated equipment and containers used for conveying coatings, thinners, and cleaning materials; and storage containers and manual and automated equipment and containers used for conveying waste materials are also included in your affected source and are subject to the requirements of this subpart.

(2) All cleaning and purging of equipment associated with the added surface coating operations is subject to the requirements of this subpart.

(3) You must identify and describe all additions to the affected source made pursuant to paragraph (c) of this section in the initial notification required in §63.3110(b).

(e) An affected source is a new affected source if you commenced its construction after December 24, 2002, and the construction is of a completely new automobile and light-duty truck assembly plant where previously no automobile and light-duty truck assembly plant had existed, a completely new automobile and light-duty truck paint shop where previously no automobile and light-duty truck paint shop had existed, or a new automobile and light-duty truck topcoat operation where previously no automobile and light-duty truck topcoat operation had existed.

(f) An affected source is reconstructed if its paint shop undergoes replacement of components to such an extent that:

(1) The fixed capital cost of the new components exceeded 50 percent of the fixed capital cost that would be required to construct a new paint shop; and

(2) It was technologically and economically feasible for the reconstructed source to meet the relevant standards established by the Administrator pursuant to section 112 of the Clean Air Act (CAA).

(g) An affected source is existing if it is not new or reconstructed.

10. §63.3083 When do I have to comply with this subpart?

The date by which you must comply with this subpart is called the compliance date. The compliance date for each type of affected source is specified in paragraphs (a) through (c) of this section. The compliance date begins the initial compliance period during which you conduct the initial compliance demonstrations described in §§63.3150, 63.3160, and 63.3170.

(a) For a new or reconstructed affected source, the compliance date is the applicable date in paragraph (a)(1) or (2) of this section:

(1) If the initial startup of your new or reconstructed affected source is before April 26, 2004, the compliance date is April 26, 2004.

(2) If the initial startup of your new or reconstructed affected source occurs after April 26, 2004, the compliance date is the date of initial startup of your affected source.

(b) For an existing affected source, the compliance date is April 26, 2007.

(c) For an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP emissions, the compliance date is specified in paragraphs (c)(1) and (2) of this section.

(1) For any portion of the source that becomes a new or reconstructed affected source subject to this subpart, the compliance date is the date of initial startup of the affected source or April 26, 2004, whichever is later.

(2) For any portion of the source that becomes an existing affected source subject to this subpart, the compliance date is the date 1 year after the area source becomes a major source or April 26, 2007, whichever is later.

(d) You must meet the notification requirements in §63.3110 according to the dates specified in that section and in subpart A of this part. Some of the notifications must be submitted before the compliance dates described in paragraphs (a) through (c) of this section.

Emission Limitations

11. §63.3090 What emission limits must I meet for a new or reconstructed affected source?

(a) Except as provided in paragraph (b) of this section, you must limit combined organic HAP emissions to the atmosphere from electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) to no more than 0.036 kilogram (kg)/liter

(0.30 pound (lb)/gallon (gal)) of coating solids deposited during each month, determined according to the requirements in §63.3161.

(b) If you meet the operating limits of §63.3092(a) or (b), you must either meet the emission limits of paragraph (a) of this section or limit combined organic HAP emissions to the atmosphere from primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) to no more than 0.060 kg/liter (0.50 lb/gal) of applied coating solids used during each month, determined according to the requirements in §63.3171. If you do not have an electrodeposition primer system, you must limit combined organic HAP emissions to the atmosphere from primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) to no more than 0.060 kg/liter (0.50 lb/gal) of applied coating solids used during each month, determined according to the requirements in §63.3171.

(c) You must limit average organic HAP emissions from all adhesive and sealer materials other than materials used as components of glass bonding systems to no more than 0.010 kg/kg (lb/lb) of adhesive and sealer material used during each month.

(d) You must limit average organic HAP emissions from all deadener materials to no more than 0.010 kg/kg (lb/lb) of deadener material used during each month.

(e) For coatings and thinners used in coating operations added to the affected source pursuant to §63.3082(c):

(1) Adhesive and sealer materials that are not components of glass bonding systems are subject to and must be included in your demonstration of compliance for paragraph (c) of this section.

(2) Deadener materials are subject to and must be included in your demonstration of compliance for paragraph (d) of this section.

(3) All other coatings and thinners are subject to and must be included in your demonstration of compliance for paragraphs (a) or (b) of this section.

(f) If your facility has multiple paint lines (e.g., two or more totally distinct paint lines each serving a distinct assembly line, or a facility with two or more paint lines sharing the same paint kitchen or mix room), then for the operations addressed in paragraphs (a) and (b) of this section:

(1) You may choose to use a single grouping under paragraph (a) of this section for all of your electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations.

(2) You may choose to use a single grouping under paragraph (b) of this section for all of your primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations as long as each of your electrodeposition primer systems meets the operating limits of §63.3092(a) or (b).

(3) You may choose to use one or more groupings under paragraph (a) of this section for the electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations from one or more of your paint lines; and one or more groupings under paragraph (b) of this section for the primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations from the remainder of your paint lines, as long as each electrodeposition primer system associated with each paint line you include in a grouping under paragraph (b) of this section meets the operating limits of §63.3092(a) or (b). For example, if your facility has three paint lines, you may choose to use one grouping under paragraph (a) of this section for two of the paint lines; and a separate grouping under paragraph (b) of this section for the third paint line, as long as the electrodeposition primer system associated with the paint line you include in the grouping under paragraph (b) of this section meets the operating limits of §63.3092(a) or (b). Alternatively, you may choose to use one grouping for two of the paint lines and a separate grouping of the same type for the third paint line. Again, each electrodeposition primer system associated with each paint line you include in a grouping under paragraph (b) of this section must meet the operating limits of §63.3092(a) or (b).

(4) You may choose to consider the electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations from each of your paint lines as a separate grouping under either paragraph (a) or paragraph (b) of this section. The electrodeposition primer system associated with each paint line you choose to consider in a grouping under paragraph (b) of this section must meet the operating limits of §63.3092(a) or (b). For example, if your facility has two paint lines, you may choose to use the grouping under paragraph (a) of this section for one paint line and the grouping under paragraph (b) of this section for the other paint line.

12. §63.3091 What emission limits must I meet for an existing affected source?

(a) Except as provided in paragraph (b) of this section, you must limit combined organic HAP emissions to the atmosphere from electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) to no more than 0.072 kg/liter 0.60 lb/gal) of coating solids deposited during each month, determined according to the requirements in §63.3161.

(b) If you meet the operating limits of §63.3092(a) or (b), you must either meet the emission limits of paragraph (a) of this section or limit combined organic HAP emissions to the atmosphere from primer-surfacer, topcoat, final repair, glass bonding primer, and glass

bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c**)** to no more than 0.132 kg/liter (1.10 lb/gal) of coating solids deposited during each month, determined according to the requirements in §63.3171. If you do not have an electrodeposition primer system, you must limit combined organic HAP emissions to the atmosphere from primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) to no more than 0.132 kg/liter (1.10 lb/gal) of coating solids deposited during each month, determined according to the requirements in §63.3171.

(c) You must limit average organic HAP emissions from all adhesive and sealer materials other than materials used as components of glass bonding systems to no more than 0.010 kg/kg (lb/lb) of adhesive and sealer material used during each month.

(d) You must limit average organic HAP emissions from all deadener materials to no more than 0.010 kg/kg (lb/lb) of deadener material used during each month.

(e) For coatings and thinners used in coating operations added to the affected source pursuant to §63.3082(c):

(1) Adhesive and sealer materials that are not components of glass bonding systems are subject to and must be included in your demonstration of compliance for paragraph (c) of this section.

(2) Deadener materials are subject to and must be included in your demonstration of compliance for paragraph (d) of this section.

(3) All other coatings and thinners are subject to and must be included in your demonstration of compliance for paragraphs (a) or (b) of this section.

(f) If your facility has multiple paint lines (e.g., two or more totally distinct paint lines each serving a distinct assembly line, or a facility with two or more paint lines sharing the same paint kitchen or mix room), then for the operations addressed in paragraphs (a) and (b) of this section:

(1) You may choose to use a single grouping under paragraph (a) of this section for all of your electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations.

(2) You may choose to use a single grouping under paragraph (b) of this section for all of your primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations, as long as each of your electrodeposition primer systems meets the operating limits of §63.3092(a) or (b).

(3) You may choose to use one or more groupings under paragraph (a) of this section for the electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations from one or more of your paint lines; and one or more groupings under paragraph (b) of this section for the primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations from the remainder of your paint lines, as long as each electrodeposition primer system associated with each paint line you include in a grouping under paragraph (b) of this section meets the operating limits of §63.3092(a) or (b). For example, if your facility has three paint lines, you may choose to use one grouping under paragraph (a) of this section for two of the paint lines and a separate grouping under paragraph (b) of this section for the third paint line, as long as the electrodeposition primer system associated with the paint line you include in the grouping under paragraph (b) of this section meets the operating limits of §63.3092(a) or (b). Alternatively, you may choose to use one grouping for two of the paint lines and a separate grouping of the same type for the third paint line. Again, each electrodeposition primer system associated with each paint line you include in a grouping under paragraph (b) of this section must meet the operating limits of §63.3092(a) or (b).

(4) You may choose to consider the electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations from each of your paint lines as a separate grouping under either paragraph (a) or paragraph (b) of this section. The electrodeposition primer system associated with each paint line you choose to consider in a grouping under paragraph (b) of this section must meet the operating limits of §63.3092(a) or (b). For example, if your facility has two paint lines, you may choose to use the grouping under paragraph (a) of this section for one paint line and the grouping under paragraph (b) of this section for the other paint line.

13. §63.3092 How must I control emissions from my electrodeposition primer system if I want to comply with the combined primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive emission limit?

If your electrodeposition primer system meets the requirements of either paragraph (a) or (b) of this section, you may choose to comply with the emission limits of §63.3090(b) or §63.3091(b) instead of the emission limits of §63.3090(a) or §63.3091(a).

(a) Each individual material added to the electrodeposition primer system contains no more than:

(1) 1.0 percent by weight of any organic HAP; and

(2) 0.10 percent by weight of any organic HAP which is an Occupational Safety and Health Administration (OSHA)- defined carcinogen as specified in 29 CFR 1910.1200(d)(4).

(b) Emissions from all bake ovens used to cure electrodeposition primers must be captured and ducted to a control device having a destruction or removal efficiency of at least 95 percent.

14. §63.3093 What operating limits must I meet?

(a) You are not required to meet any operating limits for any coating operation(s) without add-on controls.

(b) Except as provided in paragraph (d) of this section, for any controlled coating operation(s), you must meet the operating limits specified in Table 1 to this subpart. These operating limits apply to the emission capture and add-on control systems on the coating operation(s) for which you use this option, and you must establish the operating limits during the performance test according to the requirements in §63.3167. You must meet the operating limits at all times after you establish them.

(c) If you choose to meet the emission limitations of §63.3092(b) and the emission limits of §63.3090(b) or §63.3091(b), then except as provided in paragraph (d) of this section, you must operate the capture system and add-on control device used to capture and control emissions from your electrodeposition primer bake oven(s) so that they meet the operating limits specified in Table 1 to this subpart.

(d) If you use an add-on control device other than those listed in Table 1 to this subpart, or wish to monitor an alternative parameter and comply with a different operating limit, you must apply to the Administrator for approval of alternative monitoring under §63.8(f).

15. §63.3094 What work practice standards must I meet?

(a) [Reserved]

(b) You must develop and implement a work practice plan to minimize organic HAP emissions from the storage, mixing, and conveying of coatings, thinners, and cleaning materials used in, and waste materials generated by, all coating operations for which emission limits are established under §63.3090(a) through (d) or §63.3091(a) through (d). The plan must specify practices and procedures to ensure that, at a minimum, the elements specified in paragraphs (b)(1) through (5) of this section are implemented.

(1) All organic-HAP-containing coatings, thinners, cleaning materials, and waste materials must be stored in closed containers.

(2) The risk of spills of organic-HAP-containing coatings, thinners, cleaning materials, and waste materials must be minimized.

(3) Organic-HAP-containing coatings, thinners, cleaning materials, and waste materials must be conveyed from one location to another in closed containers or pipes.

(4) Mixing vessels, other than day tanks equipped with continuous agitation systems, which contain organic-HAP-containing coatings and other materials must be closed except when adding to, removing, or mixing the contents.

(5) Emissions of organic HAP must be minimized during cleaning of storage, mixing, and conveying equipment.

(c) You must develop and implement a work practice plan to minimize organic HAP emissions from cleaning and from purging of equipment associated with all coating operations for which emission limits are established under §63.3090(a) through (d) or §63.3091(a) through (d).

(1) The plan shall, at a minimum, address each of the operations listed in paragraphs (c)(1)(i) through (viii) of this section in which you use organic HAP-containing materials or in which there is a potential for emission of organic HAP.

(i) The plan must address vehicle body wipe emissions through one or more of the techniques listed in paragraphs (c)(1)(i)(A) through (E) of this section, or an approved alternative.

(A) Use of solvent-moistened wipes.

(B) Keeping solvent containers closed when not in use.

(C) Keeping wipe disposal/recovery containers closed when not in use.

(D) Use of tack-wipes.

(E) Use of solvents containing less than 1 percent organic HAP by weight.

(ii) The plan must address coating line purging emissions through one or more of the techniques listed in paragraphs (c)(1)(ii)(A) through (D) of this section, or an approved alternative.

(A) Air/solvent push-out.

(B) Capture and reclaim or recovery of purge materials (excluding applicator nozzles/tips).

(C) Block painting to the maximum extent feasible.

(D) Use of low-HAP or no-HAP solvents for purge.

(iii) The plan must address emissions from flushing of coating systems through one or more of the techniques listed in paragraphs (c)(1)(iii)(A) through (D) of this section, or an approved alternative.

(A) Keeping solvent tanks closed.

(B) Recovering and recycling solvents.

(C) Keeping recovered/recycled solvent tanks closed.

(D) Use of low-HAP or no-HAP solvents.

(iv) The plan must address emissions from cleaning of spray booth grates through one or more of the techniques listed in paragraphs (c)(1)(iv)(A) through (E) of this section, or an approved alternative.

(A) Controlled burn-off.

(B) Rinsing with high-pressure water (in place).

(C) Rinsing with high-pressure water (off line).

(D) Use of spray-on masking or other type of liquid masking.

(E) Use of low-HAP or no-HAP content cleaners.

(v) The plan must address emissions from cleaning of spray booth walls through one or more of the techniques listed in paragraphs (c)(1)(v)(A) through (E) of this section, or an approved alternative.

(A) Use of masking materials (contact paper, plastic sheet, or other similar type of material).

(B) Use of spray-on masking.

(C) Use of rags and manual wipes instead of spray application when cleaning walls.

(D) Use of low-HAP or no-HAP content cleaners.

(E) Controlled access to cleaning solvents.

(vi) The plan must address emissions from cleaning of spray booth equipment through one or more of the techniques listed in paragraphs (c)(1)(vi)(A) through (E) of this section, or an approved alternative.

(A) Use of covers on equipment (disposable or reusable).

(B) Use of parts cleaners (off-line submersion cleaning).

(C) Use of spray-on masking or other protective coatings.

(D) Use of low-HAP or no-HAP content cleaners.

(E) Controlled access to cleaning solvents.

(vii) The plan must address emissions from cleaning of external spray booth areas through one or more of the techniques listed in paragraphs (c)(1)(vii)(A) through (F) of this section, or an approved alternative.

(A) Use of removable floor coverings (paper, foil, plastic, or similar type of material).

(B) Use of manual and/or mechanical scrubbers, rags, or wipes instead of spray application.

(C) Use of shoe cleaners to eliminate coating track-out from spray booths.

(D) Use of booties or shoe wraps.

(E) Use of low-HAP or no-HAP content cleaners.

(F) Controlled access to cleaning solvents.

(viii) The plan must address emissions from housekeeping measures not addressed in paragraphs (c)(1)(i) through (vii) of this section through one or more of the techniques listed in paragraphs (c)(1)(viii)(A) through (C) of this section, or an approved alternative.

(A) Keeping solvent-laden articles (cloths, paper, plastic, rags, wipes, and similar items) in covered containers when not in use.

(B) Storing new and used solvents in closed containers.

(C) Transferring of solvents in a manner to minimize the risk of spills.

(2) Notwithstanding the requirements of paragraphs (c)(1)(i) through (viii) of this section, if the type of coatings used in any facility with surface coating operations subject to the requirements of this section are of such a nature that the need for one or more of the practices specified under paragraphs (c)(1)(i) through (viii) is eliminated, then the plan may include approved alternative or equivalent measures that are applicable or necessary during cleaning of storage, conveying, and application equipment.

(d) As provided in §63.6(g), we, the Environmental Protection Agency (EPA), may choose to grant you permission to use an alternative to the work practice standards in this section.

(e) The work practice plans developed in accordance with paragraphs (b) and (c) of this section are not required to be incorporated in your title V permit. Any revisions to the work practice plans developed in accordance with paragraphs (b) and (c) of this section do not constitute revisions to your title V permit.

(f) Copies of the current work practice plans developed in accordance with paragraphs (b) and (c) of this section, as well as plans developed within the preceding 5 years must be available on-site for inspection and copying by the permitting authority.

General Compliance Requirements

16. §63.3100 What are my general requirements for complying with this subpart?

(a) You must be in compliance with the emission limitations in §§63.3090 and 63.3091 at all times, as determined on a monthly basis.

(b) The coating operations must be in compliance with the operating limits for emission capture systems and add-on control devices required by §63.3093 at all times except during periods of startup, shutdown, and malfunction.

(c) You must be in compliance with the work practice standards in §63.3094 at all times.

(d) You must always operate and maintain your affected source including all air pollution control and monitoring equipment you use for purposes of complying with this subpart according to the provisions in §63.6(e)(1)(i).

(e) You must maintain a log detailing the operation and maintenance of the emission capture systems, add-on control devices, and continuous parameter monitors (CPM) during the period between the compliance date specified for your affected source in §63.3083 and the date when the initial emission capture system and add-on control device performance tests have been completed, as specified in §63.3160.

(f) If your affected source uses emission capture systems and add-on control devices, you must develop and implement a written startup, shutdown, and malfunction plan (SSMP) according to the provisions in §63.6(e)(3). The SSMP must address startup, shutdown, and corrective actions in the event of a malfunction of the emission capture system or the add-on control devices.

17. §63.3101 What parts of the General Provisions apply to me?

Table 2 to this subpart shows which parts of the General Provisions in §§63.1 through 63.15 apply to you.

Notifications, Reports, and Records

18. §63.3110 What notifications must I submit?

(a) General. You must submit the notifications in §§63.7(b) and (c), 63.8(f)(4), and 63.9(b) through (e) and (h) that apply to you by the dates specified in those sections, except as provided in paragraphs (b) and (c) of this section.

(b) Initial notification. You must submit the Initial Notification required by §63.9(b) for a new or reconstructed affected source no later than 120 days after initial startup or 120

days after April 26, 2004, whichever is later. For an existing affected source, you must submit the Initial Notification no later than 1 year after April 26, 2004. Existing sources that have previously submitted notifications of applicability of this rule pursuant to §112(j) of the CAA are not required to submit an initial notification under §63.9(b) except to identify and describe all additions to the affected source made pursuant to §63.3082(c).

(c) Notification of compliance status. If you have an existing source, you must submit the Notification of Compliance Status required by §63.9(h) no later than 30 days following the end of the initial compliance period described in §63.3160. If you have a new source, you must submit the Notification of Compliance Status required by §63.9(h) no later than 60 days after the first day of the first full month following completion of all applicable performance tests. The Notification of Compliance Status must contain the information specified in paragraphs (c)(1) through (12) of this section and in §63.9(h).

(1) Company name and address.

(2) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.

(3) Date of the report and beginning and ending dates of the reporting period. The reporting period is the initial compliance period described in §63.3160 that applies to your affected source.

(4) Identification of the compliance option specified in §63.3090(a) or (b) or §63.3091(a) or (b) that you used for electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) in the affected source during the initial compliance period.

(5) Statement of whether or not the affected source achieved the emission limitations for the initial compliance period.

(6) If you had a deviation, include the information in paragraphs (c)(6)(i) and (ii) of this section.

(i) A description and statement of the cause of the deviation.

(ii) If you failed to meet any of the applicable emission limits in §63.3090 or §63.3091, include all the calculations you used to determine the applicable emission rate or applicable average organic HAP content for the emission limit(s) that you failed to meet. You do not need to submit information provided by the materials suppliers or manufacturers, or test reports.

(7) All data and calculations used to determine the monthly average mass of organic HAP emitted per volume of applied coating solids from:

(i) The combined primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) if you were eligible for and chose to comply with the emission limits of §63.3090(b) or §63.3091(b); or

(ii) The combined electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c).

(8) All data and calculations used to determine compliance with the separate limits for electrodeposition primer in §63.3092(a) or (b) if you were eligible for and chose to comply with the emission limits of §63.3090(b) or §63.3091(b).

(9) All data and calculations used to determine the monthly mass average HAP content of materials subject to the emission limits of §63.3090(c) or (d) or the emission limits of §63.3091(c) or (d).

(10) All data and calculations used to determine the transfer efficiency for primer-surfacer and topcoat coatings, and for all coatings, except for deadener and for adhesive and sealer that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c).

(11) You must include the information specified in paragraphs (c)(11)(i) through (iii) of this section.

(i) For each emission capture system, a summary of the data and copies of the calculations supporting the determination that the emission capture system is a permanent total enclosure (PTE) or a measurement of the emission capture system efficiency. Include a description of the procedure followed for measuring capture efficiency, summaries of any capture efficiency tests conducted, and any calculations supporting the capture efficiency determination. If you use the data quality objective (DQO) or lower confidence limit (LCL) approach, you must also include the statistical calculations to show you meet the DQO or LCL criteria in appendix A to subpart KK of this part. You do not need to submit complete test reports.

(ii) A summary of the results of each add-on control device performance test. You do not need to submit complete test reports unless requested.

(iii) A list of each emission capture system's and add-on control device's operating limits and a summary of the data used to calculate those limits.

(12) A statement of whether or not you developed and implemented the work practice plans required by §63.3094(b) and (c).

19. §63.3120 What reports must I submit?

(a) Semiannual compliance reports. You must submit semiannual compliance reports for each affected source according to the requirements of paragraphs (a)(1) through (7) of this section. The semiannual compliance reporting requirements may be satisfied by reports required under other parts of the CAA, as specified in paragraph (a)(2) of this section.

(1) Dates. Unless the Administrator has approved a different schedule for submission of reports under §63.10(a), you must prepare and submit each semiannual compliance report according to the dates specified in paragraphs (a)(1)(i) through (iv) of this section.

(i) The first semiannual compliance report must cover the first semiannual reporting period which begins the day after the end of the initial compliance period described in §63.3160 that applies to your affected source and ends on June 30 or December 31, whichever occurs first following the end of the initial compliance period.

(ii) Each subsequent semiannual compliance report must cover the subsequent semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(iii) Each semiannual compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(iv) For each affected source that is subject to permitting regulations pursuant to 40 CFR part 70 or 40 CFR part 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), you may submit the first and subsequent compliance reports according to the dates the permitting authority has established instead of according to the date specified in paragraph (a)(1)(iii) of this section.

(2) Inclusion with title V report. If you have obtained a title V operating permit pursuant to 40 CFR part 70 or 40 CFR part 71, you must report all deviations as defined in this subpart in the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If you submit a semiannual compliance report pursuant to this section along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the semiannual compliance report includes all required information concerning deviations from any emission limit, operating limit, or work practice in this subpart, its submission shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report.

However, submission of a semiannual compliance report shall not otherwise affect any obligation you may have to report deviations from permit requirements to the permitting authority.

(3) General requirements. The semiannual compliance report must contain the information specified in paragraphs (a)(3)(i) through (iv) of this section, and the information specified in paragraphs (a)(4) through (9) and (c)(1) of this section that are applicable to your affected source.

(i) Company name and address.

(ii) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.

(iii) Date of report and beginning and ending dates of the reporting period. The reporting period is the 6-month period ending on June 30 or December 31.

(iv) Identification of the compliance option specified in §63.3090(b) or §63.3091(b) that you used for electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) in the affected source during the initial compliance period.

(4) No deviations. If there were no deviations from the emission limitations, operating limits, or work practices in §§63.3090, 63.3091, 63.3092, 63.3093, and 63.3094 that apply to you, the semiannual compliance report must include a statement that there were no deviations from the emission limitations during the reporting period. If you used control devices to comply with the emission limits, and there were no periods during which the continuous parameter monitoring systems (CPMS) were out of control as specified in §63.8(c)(7), the semiannual compliance report must include a statement that there were no periods during which the CPMS were out of control during the reporting period.

(5) Deviations: adhesive, sealer, and deadener. If there was a deviation from the applicable emission limits in §63.3090(c) and (d) or §63.3091(c) and (d), the semiannual compliance report must contain the information in paragraphs (a)(5)(i) through (iv) of this section.

(i) The beginning and ending dates of each month during which the monthly average organic HAP content exceeded the applicable emission limit in §63.3090(c) and (d) or §63.3091(c) and (d).

(ii) The volume and organic HAP content of each material used that is subject to the applicable organic HAP content limit.

(iii) The calculation used to determine the average monthly organic HAP content for the month in which the deviation occurred.

(iv) The reason for the deviation.

(6) Deviations: combined electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer and glass bonding adhesive, or combined primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c). If there was a deviation from the applicable emission limits in §63.3090(a) or (b) or §63.3091(a) or (b), the semiannual compliance report must contain the information in paragraphs (a)(6)(i) through (xiv) of this section.

(i) The beginning and ending dates of each month during which the monthly organic HAP emission rate from combined electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) exceeded the applicable emission limit in §63.3090(a) or §63.3091(a); or the monthly organic HAP emission rate from combined primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) exceeded the applicable emission limit in §63.3090(b) or §63.3091(b).

(ii) The calculation used to determine the monthly organic HAP emission rate in accordance with §63.3161 or §63.3171. You do not need to submit the background data supporting these calculations, for example information provided by materials suppliers or manufacturers, or test reports.

(iii) The date and time that any malfunctions of the capture system or add-on control devices used to control emissions from these operations started and stopped.

(iv) A brief description of the CPMS.

(v) The date of the latest CPMS certification or audit.

(vi) The date and time that each CPMS was inoperative, except for zero (low-level) and high-level checks.

(vii) The date and time period that each CPMS was out of control, including the information in §63.8(c)(8).

(viii) The date and time period of each deviation from an operating limit in Table 1 to this subpart; date and time period of each bypass of an add-on control device; and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(ix) A summary of the total duration and the percent of the total source operating time of the deviations from each operating limit in Table 1 to this subpart and the bypass of each add-on control device during the semiannual reporting period.

(x) A breakdown of the total duration of the deviations from each operating limit in Table 1 to this subpart and bypasses of each add-on control device during the semiannual reporting period into those that were due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes.

(xi) A summary of the total duration and the percent of the total source operating time of the downtime for each CPMS during the semiannual reporting period.

(xii) A description of any changes in the CPMS, coating operation, emission capture system, or add-on control devices since the last semiannual reporting period.

(xiii) For each deviation from the work practice standards, a description of the deviation, the date and time period of the deviation, and the actions you took to correct the deviation.

(xiv) A statement of the cause of each deviation.

(7) <u>Deviations: separate electrodeposition primer organic HAP content limit</u>. If you used the separate electrodeposition primer organic HAP content limits in §63.3092(a), and there was a deviation from these limits, the semiannual compliance report must contain the information in paragraphs (a)(7)(i) through (iii) of this section.

(i) Identification of each material used that deviated from the emission limit, and the dates and time periods each was used.

(ii) The determination of mass fraction of each organic HAP for each material identified in paragraph (a)(7)(i) of this section. You do not need to submit background data supporting this calculation, for example, information provided by material suppliers or manufacturers, or test reports.

(iii) A statement of the cause of each deviation.

(8) Deviations: separate electrodeposition primer bake oven capture and control limitations. If you used the separate electrodeposition primer bake oven capture and control limitations in §63.3092(b), and there was a deviation from these limitations, the semiannual compliance report must contain the information in paragraphs (a)(8)(i) through (xii) of this section.

(i) The beginning and ending dates of each month during which there was a deviation from the separate electrodeposition primer bake oven capture and control limitations in §63.3092(b).

(ii) The date and time that any malfunctions of the capture systems or control devices used to control emissions from the electrodeposition primer bake oven started and stopped.

(iii) A brief description of the CPMS.

(iv) The date of the latest CPMS certification or audit.

(v) The date and time that each CPMS was inoperative, except for zero (low-level) and high-level checks.

(vi) The date, time, and duration that each CPMS was out of control, including the information in §63.8(c)(8).

(vii) The date and time period of each deviation from an operating limit in Table 1 to this subpart; date and time period of each bypass of an add-on control device; and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(viii) A summary of the total duration and the percent of the total source operating time of the deviations from each operating limit in Table 1 to this subpart and the bypasses of each add-on control device during the semiannual reporting period.

(ix) A breakdown of the total duration of the deviations from each operating limit in Table 1 to this subpart and bypasses of each add-on control device during the semiannual reporting period into those that were due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes.

(x) A summary of the total duration and the percent of the total source operating time of the downtime for each CPMS during the semiannual reporting period.

(xi) A description of any changes in the CPMS, coating operation, emission capture system, or add-on control devices since the last semiannual reporting period.

(xii) A statement of the cause of each deviation.

(9) Deviations: work practice plans. If there was a deviation from an applicable work practice plan developed in accordance with §63.3094(b) or (c), the semiannual compliance report must contain the information in paragraphs (a)(9)(i) through (iii) of this section.

(i) The time period during which each deviation occurred.

(ii) The nature of each deviation.

(iii) The corrective action(s) taken to bring the applicable work practices into compliance with the work practice plan.

(b) Performance test reports. If you use add-on control devices, you must submit reports of performance test results for emission capture systems and add-on control devices no later than 60 days after completing the tests as specified in §63.10(d)(2). You must submit reports of transfer efficiency tests no later than 60 days after completing the tests as specified in §63.10(d)(2).

(c) Startup, shutdown, and malfunction reports. If you used add-on control devices and you had a startup, shutdown, or malfunction during the semiannual reporting period, you must submit the reports specified in paragraphs (c)(1) and (2) of this section.

(1) If your actions were consistent with your SSMP, you must include the information specified in §63.10(d) in the semiannual compliance report required by paragraph (a) of this section.

(2) If your actions were not consistent with your SSMP, you must submit an immediate startup, shutdown, and malfunction report as described in paragraphs (c)(2)(i) and (ii) of this section.

(i) You must describe the actions taken during the event in a report delivered by facsimile, telephone, or other means to the Administrator within 2 working days after starting actions that are inconsistent with the plan.

(ii) You must submit a letter to the Administrator within 7 working days after the end of the event, unless you have made alternative arrangements with the Administrator as specified in §63.10(d)(5)(ii). The letter must contain the information specified in §63.10(d)(5)(ii).

20. §63.3130 What records must I keep?

You must collect and keep records of the data and information specified in this section. Failure to collect and keep these records is a deviation from the applicable standard.

(a) A copy of each notification and report that you submitted to comply with this subpart, and the documentation supporting each notification and report.

(b) A current copy of information provided by materials suppliers or manufacturers, such as manufacturer's formulation data, or test data used to determine the mass fraction of organic HAP, the density and the volume fraction of coating solids for each coating, the mass fraction of organic HAP and the density for each thinner, and the mass fraction of organic HAP for each cleaning material. If you conducted testing to determine mass fraction of organic HAP, density, or volume fraction of coating solids, you must keep a copy of the complete test report. If you use information provided to you by the manufacturer or supplier of the material that was based on testing, you must keep the summary sheet of results provided to you by the manufacturer or supplier. If you use the results of an analysis conducted by an outside testing lab, you must keep a copy of the test report. You are not required to obtain the test report or other supporting documentation from the manufacturer or supplier.

(c) For each month, the records specified in paragraphs (c)(1) through (6) of this section.

(1) For each coating used for electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations and for each coating, except for deadener and for adhesive and sealer that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c), a record of the volume used in each month, the mass fraction organic HAP content, the density, and the volume fraction of solids.

(2) For each thinner used for electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations and for each thinner, except for thinner used for deadener and for adhesive and sealer that are not components of glass bonding systems**,** used in coating operations added to the affected source pursuant to §63.3082(c), a record of the volume used in each month, the mass fraction organic HAP content, and the density.

(3) For each deadener material and for each adhesive and sealer material, a record of the mass used in each month and the mass organic HAP content.

(4) A record of the calculation of the organic HAP emission rate for electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) for each month if subject to the emission rate limit of §63.3090(a) or §63.3091(a). This record must include all raw data, algorithms, and intermediate calculations. If the guidelines presented in the "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22), are used, you must keep records of all data input to this protocol. If these data are maintained as electronic files, the electronic files, as well as any paper copies must be maintained. These data must be provided to the permitting authority on request on paper, and in (if calculations are done electronically) electronic form.

(5) A record of the calculation of the organic HAP emission rate for primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) for each month if subject to the emission rate limit of §63.3090(b) or §63.3091(b), and a record of the weight fraction of each organic HAP in each material added to the electrodeposition primer system if subject to the limitations of §63.3092(a). This record must include all raw data, algorithms, and intermediate calculations. If the guidelines presented in the "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22), are used, you must keep records of all data input to this protocol. If these data are maintained as electronic files, the electronic files, as well as any paper copies must be maintained. These data must be provided to the permitting authority on request on paper, and in (if calculations are done electronically) electronic form.

(6) A record, for each month, of the calculation of the average monthly mass organic HAP content of:

(i) sealers and adhesives; and

(ii) deadeners.

(d) A record of the name and volume of each cleaning material used during each month.

(e) A record of the mass fraction of organic HAP for each cleaning material used during each month.

(f) A record of the density for each cleaning material used during each month.

(g) A record of the date, time, and duration of each deviation, and for each deviation, a record of whether the deviation occurred during a period of startup, shutdown, or malfunction.

(h) The records required by §63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction.

(i) For each capture system that is a PTE, the data and documentation you used to support a determination that the capture system meets the criteria in Method 204 of appendix M to 40 CFR part 51 for a PTE and has a capture efficiency of 100 percent, as specified in §63.3165(a).

(j) For each capture system that is not a PTE, the data and documentation you used to determine capture efficiency according to the requirements specified in §§63.3164 and 63.3165(b) through (f), including the records specified in paragraphs (j)(1) through (4) of this section that apply to you.

(1) Records for a liquid-to-uncaptured-gas protocol using a temporary total enclosure or building enclosure. Records of the mass of total volatile hydrocarbon (TVH), as measured by Method 204A or F of appendix M to 40 CFR part 51, for each material used in the coating operation, and the total TVH for all materials used during each capture efficiency test run, including a copy of the test report. Records of the mass of TVH emissions not captured by the capture system that exited the temporary total enclosure or building enclosure during each capture efficiency test run, as measured by Method 204D or E of appendix M to 40 CFR part 51, including a copy of the test report. Records documenting that the enclosure used for the capture efficiency test met the criteria in Method 204 of appendix M to 40 CFR part 51 for either a temporary total enclosure or a building enclosure.

(2) Records for a gas-to-gas protocol using a temporary total enclosure or a building enclosure. Records of the mass of TVH emissions captured by the emission capture system, as measured by Method 204B or C of appendix M to 40 CFR part 51, at the inlet to the add-on control device, including a copy of the test report. Records of the mass of TVH emissions not captured by the capture system that exited the temporary total enclosure or building enclosure during each capture efficiency test run, as measured by Method 204D or E of appendix M to 40 CFR part 51, including a copy of the test report. Records documenting that the enclosure used for the capture efficiency test met the criteria in Method 204 of appendix M to 40 CFR part 51 for either a temporary total enclosure or a building enclosure.

(3) Records for panel tests. Records needed to document a capture efficiency determination using a panel test as described in §63.3165(e) and (g), including a copy of the test report and calculations performed to convert the panel test results to percent capture efficiency values.

(4) Records for an alternative protocol. Records needed to document a capture efficiency determination using an alternative method or protocol, as specified in §63.3165(f), if applicable.

(k) The records specified in paragraphs (k)(1) and (2) of this section for each add-on control device organic HAP destruction or removal efficiency determination as specified in §63.3166.

(1) Records of each add-on control device performance test conducted according to §§63.3164 and 63.3166.

(2) Records of the coating operation conditions during the add-on control device performance test showing that the performance test was conducted under representative operating conditions.

(l) Records of the data and calculations you used to establish the emission capture and add-on control device operating limits as specified in §63.3167 and to document compliance with the operating limits as specified in Table 1 to this subpart.

(m) Records of the data and calculations you used to determine the transfer efficiency for primer-surfacer and topcoat coatings and for all coatings, except for deadener and for adhesive and sealer that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c).

(n) A record of the work practice plans required by §63.3094(b) and (c) and documentation that you are implementing the plans on a continuous basis. Appropriate documentation may include operational and maintenance records, records of documented inspections, and records of internal audits.

(o) Records pertaining to the design and operation of control and monitoring systems must be maintained on-site for the life of the equipment in a location readily available to plant operators and inspectors.

21. §63.3131 In what form and for how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review according to §63.10(b)(1). Where appropriate, the records may be maintained as electronic spreadsheets or as a database.

(b) Except as provided in §63.3130(o), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record, as specified in §63.10(b)(1).

(c) Except as provided in §63.3130(o), you must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record according to §63.10(b)(1). You may keep the records off site for the remaining 3 years.

Compliance Requirements for Adhesive, Sealer, and Deadener

22. §63.3150 By what date must I conduct the initial compliance demonstration?

You must complete the initial compliance demonstration for the initial compliance period according to the requirements of §63.3151. The initial compliance period begins on the applicable compliance date specified in §63.3083 and ends on the last day of the month following the compliance date. If the compliance date occurs on any day other than the first day of a month, then the initial compliance period extends through the end of that month plus the next month. You must determine the mass average organic HAP content of the materials used each month for each group of materials for which an emission limitation is established in §63.3090(c) and (d) or §63.3091(c) and (d). The initial compliance demonstration includes the calculations according to §63.3151 and supporting documentation showing that during the initial compliance period, the mass average organic HAP content for each group of materials was equal to or less than the applicable emission limits in §63.3090(c) and (d) or §63.3091(c) and (d).

23. §63.3151 How do I demonstrate initial compliance with the emission limitations?

You must separately calculate the mass average organic HAP content of the materials used during the initial compliance period for each group of materials for which an emission limit is established in §63.3090(c) and (d) or §63.3091(c) and (d). If every individual material used within a group of materials meets the emission limit for that group of materials, you may demonstrate compliance with that emission limit by documenting the name and the organic HAP content of each material used during the initial compliance period. If any individual material used within a group of materials exceeds the emission limit for that group of materials, you must determine the mass average organic HAP content according to the procedures of paragraph (d) of this section.

(a) Determine the mass fraction of organic HAP for each material used. You must determine the mass fraction of organic HAP for each material used during the compliance period by using one of the options in paragraphs (a)(1) through (5) of this section.

(1) Method 311 (appendix A to 40 CFR part 63). You may use Method 311 for determining the mass fraction of organic HAP. Use the procedures specified in paragraphs (a)(1)(i) and (ii) of this section when performing a Method 311 test.

(i) Count each organic HAP that is measured to be present at 0.1 percent by mass or more for OSHA-defined carcinogens, as specified in 29 CFR 1910.1200(d)(4), and at 1.0 percent by mass or more for other compounds. For example, if toluene (not an OSHA carcinogen) is measured to be 0.5 percent of the material by mass, you do not have to count it. Express the mass fraction of each organic HAP you count as a value truncated to four places after the decimal point (e.g., 0.3791).

(ii) Calculate the total mass fraction of organic HAP in the test material by adding up the individual organic HAP mass fractions and truncating the result to three places after the decimal point (e.g., 0.7638 truncates to 0.763).

(2) Method 24 (appendix A to 40 CFR part 60). For coatings, you may use Method 24 to determine the mass fraction of nonaqueous volatile matter and use that value as a substitute for mass fraction of organic HAP.

(3) Alternative method. You may use an alternative test method for determining the mass fraction of organic HAP once the Administrator has approved it. You must follow the procedure in §63.7(f) to submit an alternative test method for approval.

(4) Information from the supplier or manufacturer of the material. You may rely on information other than that generated by the test methods specified in paragraphs (a)(1) through (3) of this section, such as manufacturer's formulation data, if it represents each organic HAP that is present at 0.1 percent by mass or more for OSHA-defined carcinogens, as specified in 29 CFR 1910.1200(d)(4), and at 1.0 percent by mass or more for other compounds. For example, if toluene (not an OSHA carcinogen) is 0.5 percent of the material by mass, you do not have to

count it. If there is a disagreement between such information and results of a test conducted according to paragraphs (a)(1) through (3) of this section, then the test method results will take precedence, unless after consultation, the facility demonstrates to the satisfaction of the enforcement authority that the facility's data are correct.

(5) Solvent blends. Solvent blends may be listed as single components for some materials in data provided by manufacturers or suppliers. Solvent blends may contain organic HAP which must be counted toward the total organic HAP mass fraction of the materials. When neither test data nor manufacturer's data for solvent blends are available, you may use the default values for the mass fraction of organic HAP in the solvent blends listed in Table 3 or 4 to this subpart. If you use the tables, you must use the values in Table 3 for all solvent blends that match Table 3 entries, and you may only use Table 4 if the solvent blends in the materials you use do not match any of the solvent blends in Table 3 and you only know whether the blend is aliphatic or aromatic. However, if the results of a Method 311 test indicate higher values than those listed on Table 3 or 4 to this subpart, the Method 311 results will take precedence, unless after consultation, the facility demonstrates to the satisfaction of the enforcement authority that the data from Table 3 or 4 are correct.

(b) Determine the density of each material used. Determine the density of each material used during the compliance period from test results using ASTM Method D1475-98 (Reapproved 2003), "Standard Test Method for Density of Liquid Coatings, Inks, and Related Products" (incorporated by reference, see §63.14), or for powder coatings, test method A or test method B of ASTM Method D5965-02, "Standard Test Methods for Specific Gravity of Coating Powders," (incorporated by reference, see §63.14), or information from the supplier or manufacturer of the material. If there is disagreement between ASTM Method D1475-98 (Reapproved 2003) test results or ASTM Method D5965-02, test method A or test method B test results and the supplier's or manufacturer's information, the test results will take precedence unless after consultation, the facility demonstrates to the satisfaction of the enforcement authority that the facility's data are correct.

(c) Determine the volume of each material used. Determine the volume (liters) of each material used during each month by measurement or usage records.

(d) Determine the mass average organic HAP content for each group of materials. Determine the mass average organic HAP content of the materials used during the initial compliance period for each group of materials for which an emission limit is established in §63.3090(c) and (d) or §63.3091(c) and (d), using Equations 1 and 2 of this section.

(1) Calculate the mass average organic HAP content of adhesive and sealer materials other than components of the glass bonding system used in the initial compliance period using Equation 1 of this section:

$$C_{avg,as} = \frac{\sum_{j=1}^{r} (Vol_{as,j})(D_{as,j})(W_{as,j})}{\sum_{j=1}^{r} (Vol_{as,j})(D_{as,j})} \qquad \text{(Eq. 1)}$$

where:

$C_{avg,as}$ = Mass average organic HAP content of adhesives and sealer materials used, kg/kg.
$Vol_{as,j}$ = Volume of adhesive or sealer material, j, used, liters.
$D_{as,j}$ = Density of adhesive or sealer material, j, used, kg per liter.
$W_{as,j}$ = Mass fraction of organic HAP in adhesive or sealer material, j, kg/kg.
r = Number of adhesive and sealer materials used.

(2) Calculate the mass average organic HAP content of deadener materials used in the initial compliance period using Equation 2 of this section:

$$C_{avg,d} = \frac{\sum_{m=1}^{s} (Vol_{d,m})(D_{d,m})(W_{d,m})}{\sum_{m=1}^{s} (Vol_{d,m})(D_{d,m})} \qquad \text{(Eq. 2)}$$

where:

$C_{avg,d}$ = Mass average organic HAP content of deadener material used, kg/kg.
$Vol_{d,m}$ = Volume of deadener material, m, used, liters.
$D_{d,m}$ = Density of deadener material, m, used, kg per liter.
$W_{d,m}$ = Mass fraction of organic HAP in deadener material, m, kg/kg.
s = Number of deadener materials used.

(e) Compliance demonstration. The mass average organic HAP content for the compliance period must be less than or equal to the applicable emission limit in §63.3090(c) and (d) or §63.3091(c) and (d). You must keep all records as required by §§63.3130 and 63.3131. As part of the Notification of Compliance Status required by §63.3110, you must submit a statement that the coating operations were in compliance with the emission limitations during the initial compliance period because the mass average organic HAP content was less than or equal to the applicable emission limits in §63.3090(c) and (d) or §63.3091(c) and (d), determined according to this section.

24. §63.3152 How do I demonstrate continuous compliance with the emission limitations?

(a) To demonstrate continuous compliance, the mass average organic HAP content for each compliance period, determined according to §63.3151(a) through (d), must be less than or equal to the applicable emission limit in §63.3090(c) and (d) or §63.3091(c) and (d). A compliance period consists of 1 month. Each month after the end of the initial compliance period described in §63.3150 is a compliance period consisting of that month.

(b) If the mass average organic HAP emission content for any compliance period exceeds the applicable emission limit in §63.3090(c) and (d) or §63.3091(c) and (d), this is a deviation from the emission limitations for that compliance period and must be reported as specified in §§63.3110(c)(6) and 63.3120(a)(5).

(c) You must maintain records as specified in §§63.3130 and 63.3131.

Compliance Requirements for the Combined Electrodeposition Primer, Primer-Surfacer, Topcoat, Final Repair, Glass Bonding Primer, and Glass Bonding Adhesive Emission Limitations

25. §63.3160 By what date must I conduct performance tests and other initial compliance demonstrations?

(a) New and reconstructed affected sources. For a new or reconstructed affected source, you must meet the requirements of paragraphs (a)(1) through (4) of this section.

(1) All emission capture systems, add-on control devices, and CPMS must be installed and operating no later than the applicable compliance date specified in §63.3083. You must conduct a performance test of each capture system and add-on control device according to §§63.3164 through 63.3166 and establish the operating limits required by §63.3093 no later than 180 days after the applicable compliance date specified in §63.3083.

(2) You must develop and begin implementing the work practice plans required by §63.3094(b) and (c) no later than the compliance date specified in §63.3083.

(3) You must complete the initial compliance demonstration for the initial compliance period according to the requirements of §63.3161. The initial compliance period begins on the applicable compliance date specified in §63.3083 and ends on the last day of the month following the compliance date. If the compliance date occurs on any day other than the first day of a month, then the initial compliance period extends through the end of that month plus the next month. You must determine the mass of organic HAP emissions and volume of coating solids deposited in the initial compliance period. The initial compliance demonstration includes the results of emission capture system and add-on control device performance tests conducted according to §§63.3164 and 63.3166; supporting documentation showing that during the initial compliance period the organic HAP emission rate was equal to or less than the emission limit in §63.3090(a); the operating limits established during the performance tests and the

results of the continuous parameter monitoring required by §63.3168; and documentation of whether you developed and implemented the work practice plans required by §63.3094(b) and (c).

(4) You do not need to comply with the operating limits for the emission capture system and add-on control device required by §63.3093 until after you have completed the performance tests specified in paragraph (a)(1) of this section. Instead, you must maintain a log detailing the operation and maintenance of the emission capture system, add-on control device, and CPM during the period between the compliance date and the performance test. You must begin complying with the operating limits for your affected source on the date you complete the performance tests specified in paragraph (a)(1) of this section.

(b) Existing affected sources. For an existing affected source, you must meet the requirements of paragraphs (b)(1) through (3) of this section.

(1) All emission capture systems, add-on control devices, and CPMS must be installed and operating no later than the applicable compliance date specified in §63.3083. You must conduct a performance test of each capture system and add-on control device according to the procedures in §§63.3164 through 63.3166 and establish the operating limits required by §63.3093 no later than the compliance date specified in §63.3083.

(2) You must develop and begin implementing the work practice plans required by §63.3094(b) and (c) no later than the compliance date specified in §63.3083.

(3) You must complete the initial compliance demonstration for the initial compliance period according to the requirements of §63.3161. The initial compliance period begins on the applicable compliance date specified in §63.3083 and ends on the last day of the month following the compliance date. If the compliance date occurs on any day other than the first day of a month, then the initial compliance period extends through the end of that month plus the next month. You must determine the mass of organic HAP emissions and volume of coating solids deposited during the initial compliance period. The initial compliance demonstration includes the results of emission capture system and add-on control device performance tests conducted according to §§63.3164 and 63.3166; supporting documentation showing that during the initial compliance period the organic HAP emission rate was equal to or less than the emission limits in §63.3091(a); the operating limits established during the performance tests and the results of the continuous parameter monitoring required by §63.3168; and documentation of whether you developed and implemented the work practice plans required by §63.3094(b) and (c).

(c) You are not required to conduct an initial performance test to determine capture efficiency or destruction efficiency of a capture system or control device if you receive approval to use the results of a performance test that has been previously conducted on that capture system (either a previous stack test or a previous panel test) or control device. You are not required to conduct an initial test to determine transfer efficiency if

you receive approval to use the results of a test that has been previously conducted. Any such previous tests must meet the conditions described in paragraphs (c)(1) through (3) of this section.

(1) The previous test must have been conducted using the methods and conditions specified in this subpart.

(2) Either no process or equipment changes have been made since the previous test was performed or the owner or operator must be able to demonstrate that the results of the performance test reliably demonstrate compliance despite process or equipment changes.

(3) Either the required operating parameters were established in the previous test or sufficient data were collected in the previous test to establish the required operating parameters.

26. §63.3161 How do I demonstrate initial compliance?

(a) You must meet all of the requirements of this section to demonstrate initial compliance. To demonstrate initial compliance, the organic HAP emissions from the combined electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) must meet the applicable emission limitation in §63.3090(a) or §63.3091(a).

(b) Compliance with operating limits. Except as provided in §63.3160(a)(4), you must establish and demonstrate continuous compliance during the initial compliance period with the operating limits required by §63.3093, using the procedures specified in §§63.3167 and 63.3168.

(c) Compliance with work practice requirements. You must develop, implement, and document your implementation of the work practice plans required by §63.3094(b) and (c) during the initial compliance period, as specified in §63.3130.

(d) Compliance with emission limits. You must follow the procedures in paragraphs (e) through (o) of this section to demonstrate compliance with the applicable emission limit in §63.3090(a) or §63.3091(a). You may also use the guidelines presented in "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22) in making this demonstration.

(e) Determine the mass fraction of organic HAP, density and volume used. Follow the procedures specified in §63.3151(a) through (c) to determine the mass fraction of organic HAP and the density and volume of each coating and thinner used during each month.

(f) Determine the volume fraction of coating solids for each coating. You must determine the volume fraction of coating solids (liter of coating solids per liter of coating) for each

coating used during the compliance period by a test or by information provided by the supplier or the manufacturer of the material, as specified in paragraphs (f)(1) and (2) of this section. If test results obtained according to paragraph (f)(1) of this section do not agree with the information obtained under paragraph (f)(2) of this section, the test results will take precedence unless after consultation, the facility demonstrates to the satisfaction of the enforcement authority that the facility's data are correct.

(1) ASTM Method D2697-86 (Reapproved 1998) or ASTM Method D6093-97 (Reapproved 2003). You may use ASTM Method D2697-86 (Reapproved 1998), "Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings" (incorporated by reference, see §63.14), or ASTM Method D6093-97 (Reapproved 2003), "Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings" (incorporated by reference, see §63.14), to determine the volume fraction of coating solids for each coating. Divide the nonvolatile volume percent obtained with the methods by 100 to calculate volume fraction of coating solids.

(2) Information from the supplier or manufacturer of the material. You may obtain the volume fraction of coating solids for each coating from the supplier or manufacturer.

(g) Determine the transfer efficiency for each coating. You must determine the transfer efficiency for each primer-surfacer and topcoat coating, and for all coatings, except for deadener and for adhesive and sealer that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) using ASTM Method D5066-91 (Reapproved 2001), "Standard Test Method for Determination of the Transfer Efficiency Under Production Conditions for Spray Application of Automotive Paints-Weight Basis" (incorporated by reference, see §63.14), or the guidelines presented in "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22). You may conduct transfer efficiency testing on representative coatings and for representative spray booths as described in "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22). You may assume 100 percent transfer efficiency for electrodeposition primer coatings, glass bonding primers, and glass bonding adhesives. For final repair coatings, you may assume 40 percent transfer efficiency for air atomized spray and 55 percent transfer efficiency for electrostatic spray and high volume, low pressure spray.

(h) Calculate the total mass of organic HAP emissions before add-on controls. Calculate the total mass of organic HAP emissions before consideration of add-on controls from all coatings and thinners used during each month in the combined electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) using Equation 1 of this section:

$$H_{BC} = A + B \qquad \text{(Eq. 1)}$$

where:

H_{BC} = Total mass of organic HAP emissions before consideration of add-on controls during the month, kg.
A = Total mass of organic HAP in the coatings used during the month, kg, as calculated in Equation 1A of this section.
B = Total mass of organic HAP in the thinners used during the month, kg, as calculated in Equation 1B of this section.

(1) Calculate the kg organic HAP in the coatings used during the month using Equation 1A of this section:

$$A = \sum_{i=1}^{m} (Vol_{c,i})(D_{c,i})(W_{c,i}) \qquad \text{(Eq. 1A)}$$

where:

A	=	Total mass of organic HAP in the coatings used during the month, kg.
$Vol_{c,i}$	=	Total volume of coating, i, used during the month, liters.
$D_{c,i}$	=	Density of coating, i, kg coating per liter coating.
$W_{c,i}$	=	Mass fraction of organic HAP in coating, i, kg organic HAP per kg coating.
m	=	Number of different coatings used during the month.

(2) Calculate the kg of organic HAP in the thinners used during the month using Equation 1B of this section:

$$B = \sum_{j=1}^{n} (Vol_{t,j})(D_{t,j})(W_{t,j}) \qquad \text{(Eq. 1B)}$$

where:

B	=	Total mass of organic HAP in the thinners used during the month, kg.

$Vol_{t,j}$	=	Total volume of thinner, j, used during the month, liters.
$D_{t,j}$	=	Density of thinner, j, kg per liter.
$W_{t,j}$	=	Mass fraction of organic HAP in thinner, j, kg organic HAP per kg thinner.
n	=	Number of different thinners used during the month.

(i) Calculate the organic HAP emission reduction for each controlled coating operation. Determine the mass of organic HAP emissions reduced for each controlled coating operation during each month. The emission reduction determination quantifies the total organic HAP emissions captured by the emission capture system and destroyed or removed by the add-on control device. Use the procedures in paragraph (j) of this section to calculate the mass of organic HAP emission reduction for each controlled coating operation using an emission capture system and add-on control device other than a solvent recovery system for which you conduct liquid-liquid material balances. For each controlled coating operation using a solvent recovery system for which you conduct a liquid-liquid material balance, use the procedures in paragraph (k) of this section to calculate the organic HAP emission reduction.

(j) Calculate the organic HAP emission reduction for each controlled coating operation not using liquid-liquid material balances. For each controlled coating operation using an emission capture system and add-on control device other than a solvent recovery system for which you conduct liquid-liquid material balances, calculate the mass of organic HAP emission reduction for the controlled coating operation, excluding all periods of time in which a deviation, including a deviation during a period of startup, shutdown, or malfunction, from an operating limit or from any continuous parameter monitoring system requirement for the capture system or control device serving the controlled coating operation occurred, during the month using Equation 2 of this section. The calculation of mass of organic HAP emission reduction for the controlled coating operation during the month applies the emission capture system efficiency and add-on control device efficiency to the mass of organic HAP contained in the coatings and thinners that are used in the coating operation served by the emission capture system and add-on control device during each month. Except as provided in paragraph (p) of this section, for any period of time in which a deviation, including a deviation during a period of startup, shutdown, or malfunction, from an operating limit or from any CPMS requirement of the capture system or control device serving the controlled coating operation occurred, you must assume zero efficiency for the emission capture system and add-on control device. Equation 2 of this section treats the materials used during such a deviation as if they were used on an uncontrolled coating operation for the time period of the deviation.

$$H_{Cn} = \left(A_C + B_C - A_{unc} - B_{unc}\right)\left(\frac{CE}{100} x \frac{DRE}{100}\right) \qquad \textbf{(Eq. 2)}$$

where:

H_{Cn} = Mass of organic HAP emission reduction, excluding all periods of time in which a deviation, including a deviation during a period of startup, shutdown, or malfunction, from an operating limit or from any CPMS requirement for the capture system or control device serving the controlled coating operation occurred, for the controlled coating operation during the month, kg.

A_C = Total mass of organic HAP in the coatings used in the controlled coating operation during the month, kg, as calculated in Equation 2A of this section.

B_C = Total mass of organic HAP in the thinners used in the controlled coating operation during the month, kg, as calculated in Equation 2B of this section.

A_{unc} = Total mass of organic HAP in the coatings used during all periods of time in which a deviation, including a deviation during a period of startup, shutdown, or malfunction, from an operating limit or from any CPMS requirement for the capture system or control device serving the controlled coating operation occurred for the controlled coating operation during the month, kg, as calculated in Equation 2C of this section.

B_{unc} = Total mass of organic HAP in the thinners used during all periods of time in which a deviation, including a deviation during a period of startup, shutdown, or malfunction, from an operating limit or from any CPMS requirement for the capture system or control device serving the controlled coating operation occurred for the controlled coating operation during the month, kg, as calculated in Equation 2D of this section.

CE = Capture efficiency of the emission capture system vented to the add-on control device, percent. Use the test methods and procedures specified in §§63.3164 and 63.3165 to measure and record capture efficiency.

DRE = Organic HAP destruction or removal efficiency of the add-on control device, percent. Use the test methods and procedures in §§63.3164 and 63.3166 to measure and record the organic HAP destruction or removal efficiency.

(1) Calculate the mass of organic HAP in the coatings used in the controlled coating operation, kg, using Equation 2A of this section.

$$A_c = \sum_{i=1}^{m} (Vol_{c,i})(D_{c,i})(W_{c,i}) \qquad \textbf{(Eq. 2A)}$$

where:

A_C = Total mass of organic HAP in the coatings used in the controlled coating operation during the month, kg.

$Vol_{c,i}$ = Total volume of coating, i, used during the month, liters.

$D_{c,i}$ = Density of coating, i, kg per liter.

$W_{c,i}$ = Mass fraction of organic HAP in coating, i, kg per kg.

m = Number of different coatings used.

(2) Calculate the mass of organic HAP in the thinners used in the controlled coating operation, kg, using Equation 2B of this section.

$$B_c = \sum_{j=1}^{n} (Vol_{t,j})(D_{t,j})(W_{t,j}) \qquad \textbf{(Eq. 2B)}$$

where:

B_C = Total mass of organic HAP in the thinners used in the controlled coating operation during the month, kg.
$Vol_{t,j}$ = Total volume of thinner, j, used during the month, liters.
$D_{t,j}$ = Density of thinner, j, kg per liter.
$W_{t,j}$ = Mass fraction of organic HAP in thinner, j, kg per kg.
n = Number of different thinners used.

(3) Calculate the mass of organic HAP in the coatings used in the controlled coating operation during deviations specified in §63.3163(c) and (d), using Equation 2C of this section:

$$A_{unc} = \sum_{i=1}^{m} (VOLD_i)(D_i)(W_i) \qquad \textbf{(Eq. 2C)}$$

where:

A_{unc} = Total mass of organic HAP in the coatings used during all periods of time in which a deviation, including a deviation during a period of startup, shutdown, or malfunction, from an operating limit or from any CPMS requirement for the capture system or control device serving the controlled coating operation occurred for the controlled coating operation during the month, kg.
$VOLD_i$ = Total volume of coating, i, used in the controlled coating operation during deviations, liters.
D_i = Density of coating, i, kg per liter.
W_i = Mass fraction of organic HAP in coating, i, kg organic HAP per kg coating.
m = Number of different coatings.

(4) Calculate the mass of organic HAP in the thinners used in the controlled coating operation during deviations specified in §63.3163(c) and (d), using Equation 2D of this section:

$$B_{unc} = \sum_{j=1}^{n} (VOLD_j)(D_j)(W_j) \qquad \textbf{(Eq. 2D)}$$

where:

B_{unc}	=	Total mass of organic HAP in the thinners used during all periods of time in which a deviation, including a deviation during a period of startup, shutdown, or malfunction, from an operating limit or from any CPMS requirement for the capture system or control device serving the controlled coating operation occurred for the controlled coating operation during the month, kg.
$VOLD_j$	=	Total volume of thinner, j, used in the controlled coating operation during deviations, liters.
D_h	=	Density of thinner, j, kg per liter.
W_h	=	Mass fraction of organic HAP in thinner, j, kg organic HAP per kg coating.
n	=	Number of different thinners.

(k) <u>Calculate the organic HAP emission reduction for each controlled coating operation using liquid-liquid material balances</u>. For each controlled coating operation using a solvent recovery system for which you conduct liquid-liquid material balances, calculate the mass of organic HAP emission reduction for the coating operation controlled by the solvent recovery system using a liquid-liquid material balance during the month by applying the volatile organic matter collection and recovery efficiency to the mass of organic HAP contained in the coatings and thinners used in the coating operation controlled by the solvent recovery system during each month. Perform a liquid-liquid material balance for each month as specified in paragraphs (k)(1) through (6) of this section. Calculate the mass of organic HAP emission reduction by the solvent recovery system as specified in paragraph (k)(7) of this section.

(1) For each solvent recovery system, install, calibrate, maintain, and operate according to the manufacturer's specifications, a device that indicates the cumulative amount of volatile organic matter recovered by the solvent recovery system each month. The device must be initially certified by the manufacturer to be accurate to within $\pm$ 2.0 percent of the mass of volatile organic matter recovered.

(2) For each solvent recovery system, determine the mass of volatile organic matter recovered for the month, kg, based on measurement with the device required in paragraph (k)(1) of this section.

(3) Determine the mass fraction of volatile organic matter for each coating and thinner used in the coating operation controlled by the solvent recovery system during the month, kg volatile organic matter per kg coating. You may determine

the volatile organic matter mass fraction using Method 24 of 40 CFR part 60, appendix A, or an EPA approved alternative method, or you may use information provided by the manufacturer or supplier of the coating. In the event of any inconsistency between information provided by the manufacturer or supplier and the results of Method 24 of 40 CFR part 60, appendix A, or an approved alternative method, the test method results will govern unless after consultation, the facility demonstrates to the satisfaction of the enforcement authority that the facility's data are correct.

(4) Determine the density of each coating and thinner used in the coating operation controlled by the solvent recovery system during the month, kg per liter, according to §63.3151(b).

(5) Measure the volume of each coating and thinner used in the coating operation controlled by the solvent recovery system during the month, liters.

(6) Each month, calculate the solvent recovery system's volatile organic matter collection and recovery efficiency, using Equation 3 of this section:

$$R_V = 100 \frac{M_{VR}}{\sum_{i=1}^{m} Vol_i D_i WV_{c,i} + \sum_{j=1}^{n} Vol_j D_j WV_{t,j}} \qquad \textbf{(Eq. 3)}$$

where:

R_V	=	Volatile organic matter collection and recovery efficiency of the solvent recovery system during the month, percent.
M_{VR}	=	Mass of volatile organic matter recovered by the solvent recovery system during the month, kg.
Vol_i	=	Volume of coating, i, used in the coating operation controlled by the solvent recovery system during the month, liters.
D_i	=	Density of coating, i, kg per liter.
$WV_{c,i}$	=	Mass fraction of volatile organic matter for coating, i, kg volatile organic matter per kg coating.
Vol_j	=	Volume of thinner, j, used in the coating operation controlled by the solvent recovery system during the month, liters.
D_j	=	Density of thinner, j, kg per liter.
$WV_{t,j}$	=	Mass fraction of volatile organic matter for thinner, j, kg volatile organic matter per kg thinner.
m	=	Number of different coatings used in the coating operation controlled by the solvent recovery system during the month.

n = Number of different thinners used in the coating operation controlled by the solvent recovery system during the month.

(7) Calculate the mass of organic HAP emission reduction for the coating operation controlled by the solvent recovery system during the month, using Equation 4 of this section:

$$H_{CSR} = \left(A_{CSR} + B_{CSR}\right)\left(\frac{R_V}{100}\right) \qquad \textbf{(Eq. 4)}$$

where:

H_{CSR} = Mass of organic HAP emission reduction for the coating operation controlled by the solvent recovery system using a liquid-liquid material balance during the month, kg.

A_{CSR} = Total mass of organic HAP in the coatings used in the coating operation controlled by the solvent recovery system, kg, calculated using Equation 4A of this section.

B_{CSR} = Total mass of organic HAP in the thinners used in the coating operation controlled by the solvent recovery system, kg, calculated using Equation 4B of this section.

R_V = Volatile organic matter collection and recovery efficiency of the solvent recovery system, percent, from Equation 3 of this section.

(i) Calculate the mass of organic HAP in the coatings used in the coating operation controlled by the solvent recovery system, kg, using Equation 4A of this section.

$$A_{CSR} = \sum_{i=1}^{m} (Vol_{c,i})(D_{c,i})(W_{c,i}) \qquad \textbf{(Eq. 4A)}$$

where:

A_{CSR} = Total mass of organic HAP in the coatings used in the coating operation controlled by the solvent recovery system during the month, kg.

$Vol_{c,i}$ = Total volume of coating, i, used during the month in the coating operation controlled by the solvent recovery system, liters.

$D_{c,i}$ = Density of coating, i, kg per liter.

$W_{c,i}$	=	Mass fraction of organic HAP in coating, i, kg per kg.
m	=	Number of different coatings used.

(ii) Calculate the mass of organic HAP in the thinners used in the coating operation controlled by the solvent recovery system, kg, using Equation 4B of this section.

$$B_{CSR} = \sum_{j=1}^{n} (Vol_{t,j})(D_{t,j})(W_{t,j}) \qquad \text{(Eq. 4B)}$$

where:

B_{CSR}	=	Total mass of organic HAP in the thinners used in the coating operation controlled by the solvent recovery system during the month, kg.
$Vol_{t,j}$	=	Total volume of thinner, j, used during the month in the coating operation controlled by the solvent recovery system, liters.
$D_{t,j}$	=	Density of thinner, j, kg per liter.
$W_{t,j}$	=	Mass fraction of organic HAP in thinner, j, kg per kg.
n	=	Number of different thinners used.

(l) Calculate the total volume of coating solids deposited. Determine the total volume of coating solids deposited, liters, in the combined electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) using Equation 5 of this section:

$$V_{sdep} = \sum_{i=1}^{m} (Vol_{c,i})(V_{s,i})(TE_{c,i})/100 \qquad \text{(Eq. 5)}$$

where:

V_{sdep}	=	Total volume of coating solids deposited during the month, liters.
$Vol_{c,i}$	=	Total volume of coating, i, used during the month, liters.
$V_{s,i}$	=	Volume fraction of coating solids for coating, i, liter solids per liter coating, determined according to §63.3161(f).
$TE_{c,i}$	=	Transfer efficiency of coating, i, determined according to §63.3161(g), expressed as a decimal, for example 60 percent must be expressed as 0.60.
m	=	Number of coatings used during the month.

(m) <u>Calculate the mass of organic HAP emissions for each month</u>. Determine the mass of organic HAP emissions, kg, during each month, using Equation 6 of this section.

$$H_{HAP} = H_{BC} - \sum_{i=1}^{q} (H_{Cn,i}) - \sum_{j=1}^{r} (H_{CSR,j}) - \sum_{k=1}^{q} \sum_{m=1}^{Sk} (H_{DEV,k,m}) \qquad \textbf{(Eq. 6)}$$

where:

H_{HAP}	=	Total mass of organic HAP emissions for the month, kg.
H_{BC}	=	Total mass of organic HAP emissions before add-on controls from all the coatings and thinners used during the month, kg, determined according to paragraph (h) of this section.
$H_{Cn,i}$	=	Total mass of organic HAP emission reduction for controlled coating operation, i, not using a liquid-liquid material balance, excluding all periods of time in which a deviation, including a deviation during a period of startup, shutdown, or malfunction, from an operating limit or from any CPMS requirement for the capture system or control device serving the controlled coating operation occurred, for the controlled coating operation during the month, from Equation 2 of this section.
$H_{CSR,j}$	=	Total mass of organic HAP emission reduction for coating operation, j, controlled by a solvent recovery system using a liquid-liquid material balance, during the month, kg, from Equation 4 of this section.
$H_{DEV,k,m}$	=	Mass of organic HAP emission reduction, based on the capture system and control device efficiency approved under paragraph (p) of this section for period of deviation, m, for controlled coating operation, k, kg, as determined using Equation 8 of this section.
q	=	Number of controlled coating operations not using a liquid-liquid material balance.
r	=	Number of coating operations controlled by a solvent recovery system using a liquid-liquid material balance.

s_k = Number of periods of deviation in the month for which non-zero capture and control device efficiencies have been approved for controlled coating operation, k.

(n) Calculate the organic HAP emission rate for the month. Determine the organic HAP emission rate for the month, kg organic HAP per liter coating solids deposited, using Equation 7 of this section:

$$H_{rate} = (H_{HAP})/(V_{sdep}) \qquad \text{(Eq. 7)}$$

where:

H_{rate} = Organic HAP emission rate for the month compliance period, kg organic HAP per liter coating solids deposited.

H_{HAP} = Mass of organic HAP emissions for the month, kg, determined according to Equation 6 of this section.

V_{sdep} = Total volume of coating solids deposited during the month, liters, from Equation 5 of this section.

(o) Compliance demonstration. To demonstrate initial compliance, the organic HAP emissions from the combined electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) must be less than or equal to the applicable emission limitation in §63.3090(a) or §63.3091(a). You must keep all records as required by §§63.3130 and 63.3131. As part of the Notification of Compliance Status required by §63.3110, you must submit a statement that the coating operation(s) was (were) in compliance with the emission limitations during the initial compliance period because the organic HAP emission rate was less than or equal to the applicable emission limit in §63.3090(a) or §63.3091(a) and you achieved the operating limits required by §63.3093 and the work practice standards required by §63.3094.

(p) You may request approval from the Administrator to use non-zero capture efficiencies and add-on control device efficiencies for any period of time in which a deviation, including a deviation during a period of startup, shutdown, or malfunction, from an operating limit or from any CPMS requirement for the capture system or add-on control device serving a controlled coating operation occurred.

(1) If you have manually collected parameter data indicating that a capture system or add-on control device was operating normally during a CPMS malfunction, a CPMS out-of-control period, or associated repair, then these data may be used to support and document your request to use the normal capture efficiency or add-on control device efficiency for that period of deviation.

(2) If you have data indicating the actual performance of a capture system or add-on control device (e.g., capture efficiency measured at a reduced flow rate or add-on control device efficiency measured at a reduced thermal oxidizer temperature) during a deviation, including a deviation during a period of startup, shutdown, or malfunction, from an operating limit or from any CPMS requirement for the capture system or add-on control device serving a controlled coating operation, then these data may be used to support and document your request to use these values for that period of deviation.

(3) The organic HAP emission reduction achieved during each period of deviation, including a deviation during a period of startup, shutdown, or malfunction, from an operating limit or from any CPMS requirement for the capture system or add-on control device serving a controlled coating operation for which the Administrator has approved the use of non-zero capture efficiency and add-on control device efficiency values is calculated using Equation 8 of this section.

$$H_{DEV} = \left(A_{DEV} + B_{DEV}\right)\left(\frac{CE_{DEV}}{100}\right)\left(\frac{DRE_{DEV}}{100}\right) \qquad \textbf{(Eq. 8)}$$

where:

H_{DEV}	=	Mass of organic HAP emission reduction achieved during a period of deviation for the controlled coating operation, kg.
A_{DEV}	=	Total mass of organic HAP in the coatings used in the controlled coating operation during the period of deviation, kg, as calculated in Equation 8A of this section.
B_{DEV}	=	Total mass of organic HAP in the thinners used in the controlled coating operation during the period of deviation, kg, as calculated in Equation 8B of this section.
CE_{DEV}	=	Capture efficiency of the emission capture system vented to the add-on control device, approved for the period of deviation, percent.
DRE_{DEV}	=	Organic HAP destruction or removal efficiency of the add-on control device approved for the period of deviation, percent.

(4) Calculate the total mass of organic HAP in the coatings used in the controlled coating operation during the period of deviation using equation 8A of this section:

$$A_{DEV} = \sum_{i=i}^{m} \left(VOL_{CDEVi}\right)\left(D_{ci}\right)\left(W_{ci}\right) \qquad \textbf{(Eq. 8A)}$$

where:

A_{DEV}	=	Total mass of organic HAP in the coatings used in the controlled coating operation during the period of deviation, kg.
$Vol_{CDEV,i}$	=	total volume of coating, i, used in the controlled coating operation during the period of deviation, liters.
$D_{c,i}$	=	Density of coating, i, kg per liter.
$W_{c,i}$	=	Mass fraction of organic HAP in coating, i, kg per kg.
m	=	Number of different coatings used.

(5) Calculate the total mass of organic HAP in the thinners used in the controlled coating operation during the period of deviation using equation 8B of this section:

$$B_{DEV} = \sum_{j=i}^{n} (VOL_{TDEVj})(D_{tj})(W_{tj}) \qquad \textbf{(Eq. 8B)}$$

where:

B_{DEV}	=	Total mass of organic HAP in the thinners used in the controlled coating operation during the period of deviation, kg.
$Vol_{TDEV,j}$	=	Total volume of thinner, j, used in the controlled coating operation during the period of deviation, liters.
$D_{t,j}$	=	Density of thinner, j, kg per liter.
$W_{t,j}$	=	Mass fraction of organic HAP in thinner, j, kg per kg.
n	=	Number of different thinners used.

27. §63.3162 [Reserved]

28. §63.3163 How do I demonstrate continuous compliance with the emission limitations?

(a) To demonstrate continuous compliance with the applicable emission limit in §63.3090(a) or §63.3091(a), the organic HAP emission rate for each compliance period, determined according to the procedures in §63.3161, must be equal to or less than the applicable emission limit in §63.3090(a) or §63.3091(a). A compliance period consists of 1 month. Each month after the end of the initial compliance period described in §63.3160 is a compliance period consisting of that month. You must perform the calculations in §63.3161 on a monthly basis.

(b) If the organic HAP emission rate for any 1 month compliance period exceeded the applicable emission limit in §63.3090(a) or §63.3091(a), this is a deviation from the emission limitation for that compliance period and must be reported as specified in §§63.3110(c)(6) and 63.3120(a)(6).

(c) You must demonstrate continuous compliance with each operating limit required by §63.3093 that applies to you, as specified in Table 1 to this subpart.

(1) If an operating parameter is out of the allowed range specified in Table 1 to this subpart, this is a deviation from the operating limit that must be reported as specified in §§63.3110(c)(6) and 63.3120(a)(6).

(2) If an operating parameter deviates from the operating limit specified in Table 1 to this subpart, then you must assume that the emission capture system and add-on control device were achieving zero efficiency during the time period of the deviation except as provided in §63.3161(p).

(d) You must meet the requirements for bypass lines in §63.3168(b) for control devices other than solvent recovery systems for which you conduct liquid-liquid material balances. If any bypass line is opened and emissions are diverted to the atmosphere when the coating operation is running, this is a deviation that must be reported as specified in §63.3110(c)(6) and 63.3120(a)(6). For the purposes of completing the compliance calculations specified in §63.3161(k), you must assume that the emission capture system and add-on control device were achieving zero efficiency during the time period of the deviation.

(e) You must demonstrate continuous compliance with the work practice standards in §63.3094. If you did not develop a work practice plan, if you did not implement the plan, or if you did not keep the records required by §63.3130(n), this is a deviation from the work practice standards that must be reported as specified in §§63.3110(c)(6) and 63.3120(a)(6).

(f) If there were no deviations from the emission limitations, submit a statement as part of the semiannual compliance report that you were in compliance with the emission rate limitations during the reporting period because the organic HAP emission rate for each compliance period was less than or equal to the applicable emission limit in §63.3090(a) or §63.3091(a), and you achieved the operating limits required by §63.3093 and the work practice standards required by §63.3094 during each compliance period.

(g) During periods of startup, shutdown, or malfunction of the emission capture system, add-on control device, or coating operation that may affect emission capture or control device efficiency, you must operate in accordance with the SSMP required by §63.3100(f).

(h) Consistent with §§63.6(e) and 63.7(e)(1), deviations that occur during a period of startup, shutdown, or malfunction of the emission capture system, add-on control device, or coating operation that may affect emission capture or control device efficiency are not violations if you demonstrate to the Administrator's satisfaction that you were operating in accordance with the SSMP. The Administrator will determine whether deviations that occur during a period you identify as a startup, shutdown, or malfunction are violations according to the provisions in §63.6(e).

(i) [Reserved]

(j) You must maintain records as specified in §§63.3130 and 63.3131.

29. §63.3164 What are the general requirements for performance tests?

(a) You must conduct each performance test required by §63.3160 according to the requirements in §63.7(e)(1) and under the conditions in this section unless you obtain a waiver of the performance test according to the provisions in §63.7(h).

(1) Representative coating operation operating conditions. You must conduct the performance test under representative operating conditions for the coating operation. Operations during periods of startup, shutdown, or malfunction, and during periods of nonoperation do not constitute representative conditions. You must record the process information that is necessary to document operating conditions during the test and explain why the conditions represent normal operation.

(2) Representative emission capture system and add-on control device operating conditions. You must conduct the performance test when the emission capture system and add-on control device are operating at a representative flow rate, and the add-on control device is operating at a representative inlet concentration. You must record information that is necessary to document emission capture system and add-on control device operating conditions during the test and explain why the conditions represent normal operation.

(b) You must conduct each performance test of an emission capture system according to the requirements in §63.3165. You must conduct each performance test of an add-on control device according to the requirements in §63.3166.

30. §63.3165 How do I determine the emission capture system efficiency?

You must use the procedures and test methods in this section to determine capture efficiency as part of the performance test required by §63.3160. For purposes of this subpart, a spray booth air seal is not considered a natural draft opening in a PTE or a temporary total enclosure provided you demonstrate that the direction of air movement across the interface between the spray booth air seal and the spray booth is into the spray booth. For purposes of this subpart, a bake oven air seal is not considered a natural draft opening in a PTE or a temporary total enclosure provided you demonstrate that the direction of air movement across the interface between the bake oven air seal and the bake oven is into the bake oven. You may use lightweight strips of fabric or paper, or smoke tubes to make such demonstrations as part of showing that your capture system is a PTE or conducting a capture efficiency test using a temporary total enclosure. You cannot count air flowing from a spray booth air seal into a spray booth as air flowing through a natural draft opening into a PTE or into a temporary total enclosure unless you elect to treat that spray booth air seal as a natural draft opening. You cannot count air flowing from a bake oven air seal into a bake oven as air flowing through a natural draft opening into a PTE or into a temporary total enclosure unless you elect to treat that bake oven air seal as a natural draft opening.

(a) Assuming 100 percent capture efficiency. You may assume the capture system efficiency is 100 percent if both of the conditions in paragraphs (a)(1) and (2) of this section are met:

(1) The capture system meets the criteria in Method 204 of appendix M to 40 CFR part 51 for a PTE and directs all the exhaust gases from the enclosure to an add-on control device.

(2) All coatings and thinners used in the coating operation are applied within the capture system, and coating solvent flash-off and coating curing and drying occurs within the capture system. For example, this criterion is not met if parts enter the open shop environment when being moved between a spray booth and a curing oven.

(b) Measuring capture efficiency. If the capture system does not meet both of the criteria in paragraphs (a)(1) and (2) of this section, then you must use one of the four procedures described in paragraphs (c) through (f) of this section to measure capture efficiency. The capture efficiency measurements use TVH capture efficiency as a surrogate for organic HAP capture efficiency. For the protocols in paragraphs (c) and (d) of this section, the capture efficiency measurement must consist of three test runs. Each test run must be at least 3 hours duration or the length of a production run, whichever is longer, up to 8 hours. For the purposes of this test, a production run means the time required for a single part to go from the beginning to the end of production, which includes surface preparation activities and drying or curing time.

(c) Liquid-to-uncaptured-gas protocol using a temporary total enclosure or building enclosure. The liquid-to-uncaptured-gas protocol compares the mass of liquid TVH in materials used in the coating operation to the mass of TVH emissions not captured by the emission capture system. Use a temporary total enclosure or a building enclosure and the procedures in paragraphs (c)(1) through (6) of this section to measure emission capture system efficiency using the liquid-to-uncaptured-gas protocol.

(1) Either use a building enclosure or construct an enclosure around the coating operation where coatings and thinners are applied, and all areas where emissions from these applied coatings and thinners subsequently occur, such as flash-off, curing, and drying areas. The areas of the coating operation where capture devices collect emissions for routing to an add-on control device, such as the entrance and exit areas of an oven or spray booth, must also be inside the enclosure. The enclosure must meet the applicable definition of a temporary total enclosure or building enclosure in Method 204 of appendix M to 40 CFR part 51.

(2) Use Method 204A or F of appendix M to 40 CFR part 51 to determine the mass fraction of TVH liquid input from each coating and thinner used in the coating operation during each capture efficiency test run. To make the determination, substitute TVH for each occurrence of the term volatile organic compounds (VOC) in the methods.

(3) Use Equation 1 of this section to calculate the total mass of TVH liquid input from all the coatings and thinners used in the coating operation during each capture efficiency test run.

$$TVH_{used} = \sum_{i=1}^{n} (TVH_i)(Vol_i)(D_i) \qquad \text{(Eq. 1)}$$

where:

TVH_i	=	Mass fraction of TVH in coating or thinner, i, used in the coating operation during the capture efficiency test run, kg TVH per kg material.
Vol_i	=	Total volume of coating or thinner, i, used in the coating operation during the capture efficiency test run, liters.
D_i	=	Density of coating or thinner, i, kg material per liter material.
n	=	Number of different coatings and thinners used in the coating operation during the capture efficiency test run.

(4) Use Method 204D or E of appendix M to 40 CFR part 51 to measure the total mass, kg, of TVH emissions that are not captured by the emission capture system; they are measured as they exit the temporary total enclosure or building enclosure during each capture efficiency test run. To make the measurement, substitute TVH for each occurrence of the term VOC in the methods.

(i) Use Method 204D if the enclosure is a temporary total enclosure.

(ii) Use Method 204E if the enclosure is a building enclosure. During the capture efficiency measurement, all organic compound emitting operations inside the building enclosure, other than the coating operation for which capture efficiency is being determined, must be shut down, but all fans and blowers must be operating normally.

(5) For each capture efficiency test run, determine the percent capture efficiency of the emission capture system using Equation 2 of this section:

$$CE = \frac{(TVH_{used} - TVH_{uncaptured})}{TVH_{used}} \times 100 \qquad \text{(Eq. 2)}$$

where:

CE	=	Capture efficiency of the emission capture system vented to the add-on control device, percent.
TVH_{used}	=	Total mass of TVH liquid input used in the coating operation during the capture efficiency test run, kg.
$TVH_{uncaptured}$	=	Total mass of TVH that is not captured by the emission capture system and that exits from the temporary total enclosure or building enclosure during the capture efficiency test run, kg.

(6) Determine the capture efficiency of the emission capture system as the average of the capture efficiencies measured in the three test runs.

(d) Gas-to-gas protocol using a temporary total enclosure or a building enclosure. The gas-to-gas protocol compares the mass of TVH emissions captured by the emission capture system to the mass of TVH emissions not captured. Use a temporary total enclosure or a building enclosure and the procedures in paragraphs (d)(1) through (5) of this section to measure emission capture system efficiency using the gas-to-gas protocol.

(1) Either use a building enclosure or construct an enclosure around the coating operation where coatings and thinners are applied, and all areas where emissions from these applied coatings and thinners subsequently occur, such as flash-off, curing, and drying areas. The areas of the coating operation where capture devices collect emissions generated by the coating operation for routing to an add-on control device, such as the entrance and exit areas of an oven or a spray booth, must also be inside the enclosure. The enclosure must meet the applicable definition of a temporary total enclosure or building enclosure in Method 204 of appendix M to 40 CFR part 51.

(2) Use Method 204B or C of appendix M to 40 CFR part 51 to measure the total mass, kg, of TVH emissions captured by the emission capture system during each capture efficiency test run as measured at the inlet to the add-on control device. To make the measurement, substitute TVH for each occurrence of the term VOC in the methods.

(i) The sampling points for the Method 204B or C measurement must be upstream from the add-on control device and must represent total emissions routed from the capture system and entering the add-on control device.

(ii) If multiple emission streams from the capture system enter the add-on control device without a single common duct, then the emissions entering the add-on control device must be simultaneously or sequentially measured in each duct, and the total emissions entering the add-on control device must be determined.

(3) Use Method 204D or E of appendix M to 40 CFR part 51 to measure the total mass, kg, of TVH emissions that are not captured by the emission capture system; they are measured as they exit the temporary total enclosure or building enclosure during each capture efficiency test run. To make the measurement, substitute TVH for each occurrence of the term VOC in the methods.

(i) Use Method 204D if the enclosure is a temporary total enclosure.

(ii) Use Method 204E if the enclosure is a building enclosure. During the capture efficiency measurement, all organic compound emitting operations inside the building enclosure, other than the coating operation for which capture efficiency is being determined, must be shut down, but all fans and blowers must be operating normally.

(4) For each capture efficiency test run, determine the percent capture efficiency of the emission capture system using Equation 3 of this section:

$$CE = \frac{TVH_{captured}}{(TVH_{captured} + TVH_{uncaptured})} \times 100 \qquad \text{(Eq. 3)}$$

where:

CE	=	Capture efficiency of the emission capture system vented to the add-on control device, percent.
$TVH_{captured}$	=	Total mass of TVH captured by the emission capture system as measured at the inlet to the add-on control device during the emission capture efficiency test run, kg.
$TVH_{uncaptured}$	=	Total mass of TVH that is not captured by the emission capture system and that exits from the temporary total enclosure or building enclosure during the capture efficiency test run, kg.

(5) Determine the capture efficiency of the emission capture system as the average of the capture efficiencies measured in the three test runs.

(e) Panel testing to determine the capture efficiency of flash-off or bake oven emissions. You may conduct panel testing to determine the capture efficiency of flash-off or bake oven emissions using ASTM Method D5087-02, "Standard Test Method for Determining Amount of Volatile Organic Compound (VOC) Released from Solventborne Automotive Coatings and Available for Removal in a VOC Control Device (Abatement)" (incorporated by reference, see §63.14), ASTM Method D6266-00a, "Test Method for Determining the Amount of Volatile Organic Compound (VOC) Released from Waterborne Automotive Coatings and Available for Removal in a VOC Control Device (Abatement)" (incorporated by reference, see §63.14), or the guidelines presented in

"Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22). You may conduct panel testing on representative coatings as described in "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22). The results of these panel testing procedures are in units of mass of VOC per volume of coating solids deposited and must be converted to a percent value for use in this subpart. If you panel test representative coatings, then you may convert the panel test result for each representative coating either to a unique percent capture efficiency for each coating grouped with that representative coating by using coating specific values for the volume of coating solids deposited per volume of coating used, mass of VOC per volume of coating, volume fraction solids, transfer efficiency, density and mass fraction VOC in Equations 4 through 6 of this section; or to a composite percent capture efficiency for the group of coatings by using composite values for the group of coatings for the volume of coating solids deposited per volume of coating used and for the mass of VOC per volume of coating, and average values for the group of coatings for volume fraction solids, transfer efficiency, density and mass fraction VOC in Equations 4 through 6 of this section. If you panel test each coating, then you must convert the panel test result for each coating to a unique percent capture efficiency for that coating by using coating specific values for the volume of coating solids deposited per volume of coating used, mass of VOC per volume of coating, volume fraction solids, transfer efficiency, density, and mass fraction VOC in Equations 4 through 6 of this section. Panel test results expressed in units of mass of VOC per volume of coating solids deposited must be converted to percent capture efficiency using Equation 4 of this section. (An alternative for using panel test results expressed in units of mass of VOC per mass of coating solids deposited is presented in paragraph (e)(3) of this section.)

$$CE_i \text{ ' } (P_i)(V_{sdep,i})(100)/(VOC_i) \qquad \text{(Eq. 4)}$$

where:

CE_i	=	Capture efficiency for coating, i, or for the group of coatings including coating, i, for the flash-off area or bake oven for which the panel test is conducted, percent.
P_i	=	Panel test result for coating, i, or for the coating representing coating, i, in the panel test, kg of VOC per liter of coating solids deposited.
$V_{sdep,i}$	=	Volume of coating solids deposited per volume of coating used for coating, i, or composite volume of coating solids deposited per volume of coating used for the group of coatings including coating, i, in the spray booth(s) preceding the flash-off area or bake oven for which the panel test is conducted, liter of coating solids deposited per liter of coating used, from Equation 5 of this section.

VOC_i = Mass of VOC per volume of coating for coating, i, or composite mass of VOC per volume of coating for the group of coatings including coating, i, kg per liter, from Equation 6 of this section.

(1) Calculate the volume of coating solids deposited per volume of coating used for coating, i, or the composite volume of coating solids deposited per volume of coating used for the group of coatings including coating, i, used during the month in the spray booth(s) preceding the flash-off area or bake oven for which the panel test is conducted using equation 5 of this section:

$$V_{sdep,i} = (V_{s,i})(TE_{c,i}) \qquad \textbf{(Eq. 5)}$$

where:

$V_{sdep,i}$ = Volume of coating solids deposited per volume of coating used for coating, i, or composite volume of coating solids deposited per volume of coating used for the group of coatings including coating, i, in the spray booth(s) preceding the flash-off area or bake oven for which the panel test is conducted, liter of coating solids deposited per liter of coating used.

$V_{s,i}$ = Volume fraction of coating solids for coating, i, or average volume fraction of coating solids for the group of coatings including coating, i, liter coating solids per liter coating, determined according to §63.3161(f).

$TE_{c,i}$ = Transfer efficiency of coating, i, or average transfer efficiency for the group of coatings including coating, i, in the spray booth(s) for the flash-off area or bake oven for which the panel test is conducted determined according to §63.3161(g), expressed as a decimal, for example 60 percent must be expressed as 0.60. (Transfer efficiency also may be determined by testing representative coatings. The same coating groupings may be appropriate for both transfer efficiency testing and panel testing. In this case, all of the coatings in a panel test grouping would have the same transfer efficiency.)

(2) Calculate the mass of VOC per volume of coating for coating, i, or the composite mass of VOC per volume of coating for the group of coatings including coating, i, used during the month in the spray booth(s) preceding the flash-off area or bake oven for which the panel test is conducted, kg, using Equation 6 of this section:

$$VOC_i \text{ ' } (D_{c,i})(Wvoc_{c,i}) \qquad \text{(Eq. 6)}$$

where:

VOC_i	=	Mass of VOC per volume of coating for coating, i, or composite mass of VOC per volume of coating for the group of coatings including coating, i, used during the month in the spray booth(s) preceding the flash-off area or bake oven for which the panel test is conducted, kg VOC per liter coating.
Dc	=	Density of coating, i, or average density of the group of coatings including coating, i, kg coating per liter coating, density determined according to §63.3151(b).
$Wvoc_{c,i}$	=	Mass fraction of VOC in coating, i, or average mass fraction of VOC for the group of coatings including coating, i, kg VOC per kg coating, determined by Method 24 (appendix A to 40 CFR part 60) or the guidelines for combining analytical VOC content and formulation solvent content presented in "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22).

(3) As an alternative, you may choose to express the results of your panel tests in units of mass of VOC per mass of coating solids deposited and convert such results to a percent using Equation 7 of this section. If you panel test representative coatings, then you may convert the panel test result for each representative coating either to a unique percent capture efficiency for each coating grouped with that representative coating by using coating specific values for the mass of coating solids deposited per mass of coating used, mass fraction VOC, transfer efficiency, and mass fraction solids in Equations 7 and 8 of this section; or to a composite percent capture efficiency for the group of coatings by using composite values for the group of coatings for the mass of coating solids deposited per mass of coating used and average values for the mass of VOC per volume of coating, average values for the group of coatings for mass fraction VOC, transfer efficiency, and mass fraction solids in Equations 7 and 8 of this section. If you panel test each coating, then you must convert the panel test result for each coating to a unique percent capture efficiency for that coating by using coating specific values for the mass of coating solids deposited per mass of coating used, mass fraction VOC, transfer efficiency, and mass fraction solids in Equations 7 and 8 of this section. Panel test results expressed in units of mass of VOC per volume of coating solids deposited must be converted to percent capture efficiency using Equation 7 of this section:

$$CE_i \text{ ' } (P_{m,i})(W_{sdep,i})/(W_{voc,i}) \qquad \textbf{(Eq. 7)}$$

where:

CE_i	=	Capture efficiency for coating, i, or for the group of coatings including coating, i, for the flash-off area or bake oven for which the panel test is conducted, percent.
$P_{m,i}$	=	Panel test result for coating, i, or for the coating representing coating, i, in the panel test, kg of VOC per kg of coating solids deposited.
$W_{sdep,i}$	=	Mass of coating solids deposited per mass of coating used for coating i, or composite mass of coating solids deposited per mass of coating used for the group of coatings including coating, i, in the spray booth(s) preceding the flash-off area or bake oven for which the panel test is conducted, kg of solids deposited per kg of coating used, from Equation 8 of this section.
$Wvoc_{c,i}$	=	Mass fraction of VOC in coating, i, or average mass fraction of VOC for the group of coatings including coating, i, kg VOC per kg coating, determined by Method 24 (appendix A to 40 CFR part 60) or the guidelines for combining analytical VOC content and formulation solvent content presented in "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22).

(4) Calculate the mass of coating solids deposited per mass of coating used for each coating or the composite mass of coating solids deposited per mass of coating used for each group of coatings used during the month in the spray booth(s) preceding the flash-off area or bake oven for which the panel test is conducted using equation 8 of this section:

$$W_{sdep,i} \text{ ' } (W_{s,i})(TE_{c,i}) \qquad \textbf{(Eq. 8)}$$

where:

$W_{sdep,i}$ = Mass of coating solids deposited per mass of coating used for coating, i, or composite mass of coating solids deposited per mass of coating used for the group of coatings including coating, i, in the spray booth(s) preceding the flash-off area or bake oven for which the panel test is conducted, kg coating solids deposited per kg coating used.

$W_{s,i}$ = Mass fraction of coating solids for coating, i, or average mass fraction of coating solids for the group of coatings including coating, i, kg coating solids per kg coating, determined by Method 24 (appendix A to 40 CFR part 60) or the guidelines for combining analytical VOC content and formulation solvent content presented in "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22).

$TE_{c,i}$ = Transfer efficiency of coating, i, or average transfer efficiency for the group of coatings including coating, i, in the spray booth(s) for the flash-off area or bake oven for which the panel test is conducted determined according to §63.3161(g), expressed as a decimal, for example 60 percent must be expressed as 0.60. (Transfer efficiency also may be determined by testing representative coatings. The same coating groupings may be appropriate used for both transfer efficiency testing and panel testing. In this case, all of the coatings in a panel test grouping would have the same transfer efficiency.)

(f) Alternative capture efficiency procedure. As an alternative to the procedures specified in paragraphs (c) through (e) and (g) of this section, you may determine capture efficiency using any other capture efficiency protocol and test methods that satisfy the criteria of either the DQO or LCL approach as described in appendix A to subpart KK of this part.

(g) Panel testing to determine the capture efficiency of spray booth emissions from solvent-borne coatings. You may conduct panel testing to determine the capture efficiency of spray booth emissions from solvent-borne coatings using the procedure in appendix A to this subpart.

31. §63.3166 How do I determine the add-on control device emission destruction or removal efficiency?

You must use the procedures and test methods in this section to determine the add-on control device emission destruction or removal efficiency as part of the performance test required by §63.3160. You must conduct three test runs as specified in §63.7(e)(3), and each test run must last at least 1 hour.

(a) For all types of add-on control devices, use the test methods specified in paragraphs (a)(1) through (5) of this section.

(1) Use Method 1 or 1A of appendix A to 40 CFR part 60, as appropriate, to select sampling sites and velocity traverse points.

(2) Use Method 2, 2A, 2C, 2D, 2F, or 2G of appendix A to 40 CFR part 60, as appropriate, to measure gas volumetric flow rate.

(3) Use Method 3, 3A, or 3B of appendix A to 40 CFR part 60, as appropriate, for gas analysis to determine dry molecular weight. The ANSI/ASME PTC 19.10-1981, "Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]" (incorporated by reference, see §63.14), may be used as an alternative to Method 3B.

(4) Use Method 4 of appendix A to 40 CFR part 60 to determine stack gas moisture.

(5) Methods for determining gas volumetric flow rate, dry molecular weight, and stack gas moisture must be performed, as applicable, during each test run.

(b) Measure total gaseous organic mass emissions as carbon at the inlet and outlet of the add-on control device simultaneously, using either Method 25 or 25A of appendix A to 40 CFR part 60, as specified in paragraphs (b)(1) through (3) of this section. You must use the same method for both the inlet and outlet measurements.

(1) Use Method 25 if the add-on control device is an oxidizer and you expect the total gaseous organic concentration as carbon to be more than 50 parts per million by volume (ppmv) at the control device outlet.

(2) Use Method 25A if the add-on control device is an oxidizer and you expect the total gaseous organic concentration as carbon to be 50 ppmv or less at the control device outlet.

(3) Use Method 25A if the add-control device is not an oxidizer.

(c) If two or more add-on control devices are used for the same emission stream, then you must measure emissions at the outlet of each device. For example, if one add-on control device is a concentrator with an outlet for the high-volume, dilute stream that has been treated by the concentrator, and a second add-on control device is an oxidizer with an outlet for the low-volume, concentrated stream that is treated with the oxidizer, you must measure emissions at the outlet of the oxidizer and the high volume dilute stream outlet of the concentrator.

(d) For each test run, determine the total gaseous organic emissions mass flow rates for the inlet and the outlet of the add-on control device, using Equation 1 of this section. If there is more than one inlet or outlet to the add-on control device, you must calculate the total gaseous organic mass flow rate using Equation 1 of this section for each inlet and each outlet and then total all of the inlet emissions and total all of the outlet emissions.

$$M_f = Q_{sd} C_c (12)(0.0416)(10^{-6}) \quad \textbf{(Eq. 1)}$$

where:

M_f	=	Total gaseous organic emissions mass flow rate, kg per hour (kg/h).
C_c	=	Concentration of organic compounds as carbon in the vent gas, as determined by Method 25 or Method 25A, ppmv, dry basis.
Q_{sd}	=	Volumetric flow rate of gases entering or exiting the add-on control device, as determined by Method 2, 2A, 2C, 2D, 2F, or 2G, dry standard cubic meters per hour (dscm/h).
0.0416	=	Conversion factor for molar volume, kg-moles per cubic meter (mol/m^3) (@ 293 Kelvin (K) and 760 millimeters of mercury (mmHg)).

(e) For each test run, determine the add-on control device organic emissions destruction or removal efficiency using Equation 2 of this section:

$$DRE = \frac{M_{fi} - M_{fo}}{M_{fi}} (100) \quad \textbf{(Eq.2)}$$

where:

DRE	=	Organic emissions destruction or removal efficiency of the add-on control device, percent.
M_{fi}	=	Total gaseous organic emissions mass flow rate at the inlet(s) to the add-on control device, using Equation 1 of this section, kg/h.
M_{fo}	=	Total gaseous organic emissions mass flow rate at the outlet(s) of the add-on control device, using Equation 1 of this section, kg/h.

(f) Determine the emission destruction or removal efficiency of the add-on control device as the average of the efficiencies determined in the three test runs and calculated in Equation 2 of this section.

32. §63.3167 How do I establish the add-on control device operating limits during the performance test?

During the performance test required by §63.3160 and described in §§63.3164 and 63.3166, you must establish the operating limits required by §63.3093 according to this section, unless you have received approval for alternative monitoring and operating limits under §63.8(f) as specified in §63.3093.

(a) Thermal oxidizers. If your add-on control device is a thermal oxidizer, establish the operating limit according to paragraphs (a)(1) through (3) of this section.

(1) During the performance test, you must monitor and record the combustion temperature at least once every 15 minutes during each of the three test runs. You must monitor the temperature in the firebox of the thermal oxidizer or immediately downstream of the firebox before any substantial heat exchange occurs.

(2) Use all valid data collected during the performance test to calculate and record the average combustion temperature maintained during the performance test. This average combustion temperature is the minimum operating limit for your thermal oxidizer.

(3) As an alternative, if the latest operating permit issued before April 26, 2007 for the thermal oxidizer at your facility contains record keeping and reporting requirements for the combustion temperature that are consistent with the requirements for thermal oxidizers in 40 CFR 60.395(c), then you may set the minimum operating limit for the combustion temperature for each such thermal oxidizer at your affected source at 28 degrees Celsius (50 degrees Fahrenheit) below the average combustion temperature during the performance test of that thermal oxidizer. If you do not have an operating permit for the thermal oxidizer at your facility and the latest construction permit issued before April 26, 2007 for the thermal oxidizer at your facility contains recordkeeping and reporting requirements for the combustion temperature that are consistent with the requirements for thermal oxidizers in 40 CFR 60.395(c), then you may set the minimum operating limit for the combustion temperature for each such thermal oxidizer at your affected source at 28 degrees Celsius (50 degrees Fahrenheit) below the average combustion temperature during the performance test of that thermal oxidizer. If you use this as the minimum operating limit for a thermal oxidizer, then you must keep the combustion temperature set point on that thermal oxidizer no lower than 14 degrees Celsius (25 degrees Fahrenheit) below the lower of that set point during the performance test for that thermal oxidizer and the average combustion temperature maintained during the performance test for that thermal oxidizer.

(b) Catalytic oxidizers. If your add-on control device is a catalytic oxidizer, establish the operating limits according to either paragraphs (b)(1) through (3) or paragraphs (b)(4) through (6) of this section.

(1) During the performance test, you must monitor and record the temperature just before the catalyst bed and the temperature difference across the catalyst bed at least once every 15 minutes during each of the three test runs.

(2) Use all valid data collected during the performance test to calculate and record the average temperature just before the catalyst bed and the average temperature difference across the catalyst bed maintained during the performance test. The minimum operating limits for your catalytic oxidizer are the average temperature

just before the catalyst bed maintained during the performance test of that catalytic oxidizer and 80 percent of the average temperature difference across the catalyst bed maintained during the performance test of that catalytic oxidizer, except during periods of low production the latter minimum operating limit is to maintain a positive temperature gradient across the catalyst bed. A low production period is when production is less than 80 percent of production rate during the performance test of that catalytic oxidizer.

(3) As an alternative, if the latest operating permit issued before April 26, 2007 for the catalytic oxidizer at your facility contains recordkeeping and reporting requirements for the temperature before the catalyst bed that are consistent with the requirements for catalytic oxidizers in 40 CFR 60.395(c), then you may set the minimum operating limits for each such catalytic oxidizer at your affected source at 28 degrees Celsius (50 degrees Fahrenheit) below the average temperature just before the catalyst bed maintained during the performance test for that catalytic oxidizer and 80 percent of the average temperature difference across the catalyst bed maintained during the performance test for that catalytic oxidizer, except during periods of low production the latter minimum operating limit is to maintain a positive temperature gradient across the catalyst bed. If you do not have an operating permit for the catalytic oxidizer at your facility and the latest construction permit issued before April 26, 2007 for the catalytic oxidizer at your facility contains recordkeeping and reporting requirements for the temperature before the catalyst bed that are consistent with the requirements for catalytic oxidizers in 40 CFR 60.395(C), then you may set the minimum operating limits for each such catalytic oxidizer at your affected source at 28 degrees Celsius (50 degrees Fahrenheit) below the average temperature just before the catalyst bed maintained during the performance test for that catalytic oxidizer and 80 percent of the average temperature difference across the catalyst bed maintained during the performance test for that catalytic oxidizer, except during periods of low production the latter minimum operating limit is to maintain a positive temperature gradient across the catalyst bed. A low production period is when production is less than 80 percent of production rate during the performance test. If you use 28 degrees Celsius (50 degrees Fahrenheit) below the average temperature just before the catalyst bed maintained during the performance test as the minimum operating limits for a catalytic oxidizer, then you must keep the set point for the temperature just before the catalyst bed on that catalytic oxidizer no lower than 14 degrees Celsius (25 degrees Fahrenheit) below the lower of that set point during the performance test for that catalytic oxidizer and the average temperature just before the catalyst bed maintained during the performance test for that catalytic oxidizer.

(4) As an alternative to monitoring the temperature difference across the catalyst bed, you may monitor the temperature at the inlet to the catalyst bed and implement a site-specific inspection and maintenance plan for your catalytic oxidizer as specified in paragraph (b)(6) of this section. During the performance test, you must monitor and record the temperature just before the catalyst bed at least once every 15 minutes during each of the three test runs. Use all valid data collected during the performance test to calculate and record the average temperature just

before the catalyst bed during the performance test. This is the minimum operating limit for your catalytic oxidizer.

(5) If the latest operating permit issued before April 26, 2007 for the catalytic oxidizer at your facility contains recordkeeping and reporting requirements for the temperature before the catalyst bed that are consistent with the requirements for catalytic oxidizers in 40 CFR 60.395(c), then you may set the minimum operating limit for each such catalytic oxidizer at your affected source at 28 degrees Celsius (50 degrees Fahrenheit) below the average temperature just before the catalyst bed maintained during the performance test for that catalytic oxidizer. If you do not have an operating permit for the catalytic oxidizer at your facility and the latest construction permit issued before April 26, 2007 for the catalytic oxidizer at your facility contains recordkeeping and reporting requirements for the temperature before the catalyst bed that are consistent with the requirements for catalytic oxidizers in 40 CFR 60.395(c), then you may set the minimum operating limit for each such catalytic oxidizer at your affected source at 28 degrees Celsius (50 degrees Fahrenheit) below the average temperature just before the catalyst bed maintained during the performance test for that catalytic oxidizer. If you use this as the minimum operating limit for a catalytic oxidizer, then you must keep the set point for the temperature just before the catalyst bed on that catalytic oxidizer no lower than 14 degrees Celsius (25 degrees Fahrenheit) below the lower of that set point during the performance test for that catalytic oxidizer and the average temperature just before the catalyst bed maintained during the performance test for that catalytic oxidizer.

(6) You must develop and implement an inspection and maintenance plan for your catalytic oxidizer(s) for which you elect to monitor according to paragraph (b)(4) or (5) of this section. The plan must address, at a minimum, the elements specified in paragraphs (b)(6)(i) through (iii) of this section.

(i) Annual sampling and analysis of the catalyst activity (i.e., conversion efficiency) following the oxidizer manufacturer's or catalyst supplier's recommended procedures.

(ii) Monthly inspection of the oxidizer system, including the burner assembly and fuel supply lines for problems and, as necessary, adjustment of the equipment to assure proper air-to-fuel mixtures.

(iii) Annual internal and monthly external visual inspection of the catalyst bed to check for channeling, abrasion, and settling. If problems are found, you must replace the catalyst bed and conduct a new performance test to determine destruction efficiency according to §63.3166.

(c) <u>Regenerative carbon adsorbers</u>. If your add-on control device is a regenerative carbon adsorber, establish the operating limits according to paragraphs (c)(1) and (2) of this section.

(1) You must monitor and record the total regeneration desorbing gas (e.g., steam or nitrogen) mass flow for each regeneration cycle and the carbon bed temperature after each carbon bed regeneration and cooling cycle for the regeneration cycle either immediately preceding or immediately following the performance test.

(2) The operating limits for your carbon adsorber are the minimum total desorbing gas mass flow recorded during the regeneration cycle and the maximum carbon bed temperature recorded after the cooling cycle.

(d) Condensers. If your add-on control device is a condenser, establish the operating limits according to paragraphs (d)(1) and (2) of this section.

(1) During the performance test, you must monitor and record the condenser outlet (product side) gas temperature at least once every 15 minutes during each of the three test runs.

(2) Use all valid data collected during the performance test to calculate and record the average condenser outlet (product side) gas temperature maintained during the performance test. This average condenser outlet gas temperature is the maximum operating limit for your condenser.

(e) Concentrators. If your add-on control device includes a concentrator, you must establish operating limits for the concentrator according to paragraphs (e)(1) and (2) of this section.

(1) During the performance test, you must monitor and record the desorption gas inlet temperature at least once every 15 minutes during each of the three runs of the performance test.

(2) Use all valid data collected during the performance test to calculate and record the average desorption gas inlet temperature. The minimum operating limit for the concentrator is 8 degrees Celsius (15 degrees Fahrenheit) below the average desorption gas inlet temperature maintained during the performance test for that concentrator. You must keep the set point for the desorption gas inlet temperature no lower than 6 degrees Celsius (10 degrees Fahrenheit) below the lower of that set point during the performance test for that concentrator and the average desorption gas inlet temperature maintained during the performance test for that concentrator.

(f) Emission capture systems. For each capture device that is not part of a PTE that meets the criteria of §63.3165(a) and that is not capturing emissions from a downdraft spray booth or from a flash-off area or bake oven associated with a downdraft spray booth, establish an operating limit for either the gas volumetric flow rate or duct static pressure, as specified in paragraphs (f)(1) and (2) of this section. The operating limit for a PTE is specified in Table 1 to this subpart.

(1) During the capture efficiency determination required by §63.3160 and described in §§63.3164 and 63.3165, you must monitor and record either the gas volumetric

flow rate or the duct static pressure for each separate capture device in your emission capture system at least once every 15 minutes during each of the three test runs at a point in the duct between the capture device and the add-on control device inlet.

(2) Calculate and record the average gas volumetric flow rate or duct static pressure for the three test runs for each capture device, using all valid data. This average gas volumetric flow rate or duct static pressure is the minimum operating limit for that specific capture device.

33. §63.3168 What are the requirements for continuous parameter monitoring system installation, operation, and maintenance?

(a) General. You must install, operate, and maintain each CPMS specified in paragraphs (c), (e), (f), and (g) of this section according to paragraphs (a)(1) through (6) of this section. You must install, operate, and maintain each CPMS specified in paragraphs (b) and (d) of this section according to paragraphs (a)(3) through (5) of this section.

(1) The CPMS must complete a minimum of one cycle of operation for each successive 15-minute period. You must have a minimum of four equally spaced successive cycles of CPMS operation in 1 hour.

(2) You must determine the average of all recorded readings for each successive 3-hour period of the emission capture system and add-on control device operation.

(3) You must record the results of each inspection, calibration, and validation check of the CPMS.

(4) You must maintain the CPMS at all times and have available necessary parts for routine repairs of the monitoring equipment.

(5) You must operate the CPMS and collect emission capture system and add-on control device parameter data at all times that a controlled coating operation is operating, except during monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, if applicable, calibration checks and required zero and span adjustments).

(6) You must not use emission capture system or add-on control device parameter data recorded during monitoring malfunctions, associated repairs, out-of-control periods, or required quality assurance or control activities when calculating data averages. You must use all the data collected during all other periods in calculating the data averages for determining compliance with the emission capture system and add-on control device operating limits.

(7) A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the CPMS to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions. Any period

for which the monitoring system is out of control and data are not available for required calculations is a deviation from the monitoring requirements.

(b) Capture system bypass line. You must meet the requirements of paragraphs (b)(1) and (2) of this section for each emission capture system that contains bypass lines that could divert emissions away from the add-on control device to the atmosphere.

(1) You must monitor or secure the valve or closure mechanism controlling the bypass line in a nondiverting position in such a way that the valve or closure mechanism cannot be opened without creating a record that the valve was opened. The method used to monitor or secure the valve or closure mechanism must meet one of the requirements specified in paragraphs (b)(1)(i) through (iv) of this section.

(i) Flow control position indicator. Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow control position indicator that takes a reading at least once every 15 minutes and provides a record indicating whether the emissions are directed to the add-on control device or diverted from the add-on control device. The time of occurrence and flow control position must be recorded, as well as every time the flow direction is changed. The flow control position indicator must be installed at the entrance to any bypass line that could divert the emissions away from the add-on control device to the atmosphere.

(ii) Car-seal or lock-and-key valve closures. Secure any bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. You must visually inspect the seal or closure mechanism at least once every month to ensure that the valve is maintained in the closed position, and the emissions are not diverted away from the add-on control device to the atmosphere.

(iii) Valve closure monitoring. Ensure that any bypass line valve is in the closed (nondiverting) position through monitoring of valve position at least once every 15 minutes. You must inspect the monitoring system at least once every month to verify that the monitor will indicate valve position.

(iv) Automatic shutdown system. Use an automatic shutdown system in which the coating operation is stopped when flow is diverted by the bypass line away from the add-on control device to the atmosphere when the coating operation is running. You must inspect the automatic shutdown system at least once every month to verify that it will detect diversions of flow and shut down the coating operation.

(2) If any bypass line is opened, you must include a description of why the bypass line was opened and the length of time it remained open in the semiannual compliance reports required in §63.3120.

(c) Thermal oxidizers and catalytic oxidizers. If you are using a thermal oxidizer or catalytic oxidizer as an add-on control device (including those used to treat desorbed concentrate streams from concentrators or carbon adsorbers), you must comply with the requirements in paragraphs (c)(1) through (3) of this section:

(1) For a thermal oxidizer, install a gas temperature monitor in the firebox of the thermal oxidizer or in the duct immediately downstream of the firebox before any substantial heat exchange occurs.

(2) For a catalytic oxidizer, install a gas temperature monitor upstream of the catalyst bed. If you establish the operating parameters for a catalytic oxidizer under §63.3167(b)(1) through (3), you must also install a gas temperature monitor downstream of the catalyst bed. The temperature monitors must be in the gas stream immediately before and after the catalyst bed to measure the temperature difference across the bed. If you establish the operating parameters for a catalytic oxidizer under §63.3167(b)(4) through (6), you need not install a gas temperature monitor downstream of the catalyst bed.

(3) For all thermal oxidizers and catalytic oxidizers, you must meet the requirements in paragraphs (a)(1) through (6) and (c)(3)(i) through (vii) of this section for each gas temperature monitoring device.

(i) Locate the temperature sensor in a position that provides a representative temperature.

(ii) Use a temperature sensor with a measurement sensitivity of 4 degrees Fahrenheit or 0.75 percent of the temperature value, whichever is larger.

(iii) Shield the temperature sensor system from electromagnetic interference and chemical contaminants.

(iv) If a gas temperature chart recorder is used, it must have a measurement sensitivity in the minor division of at least 20 degrees Fahrenheit.

(v) Perform an electronic calibration at least semiannually according to the procedures in the manufacturer's owners manual. Following the electronic calibration, you must conduct a temperature sensor validation check in which a second or redundant temperature sensor placed nearby the process temperature sensor must yield a reading within 30 degrees Fahrenheit of the process temperature sensor reading.

(vi) Conduct calibration and validation checks any time the sensor exceeds the manufacturer's specified maximum operating temperature range or install a new temperature sensor.

(vii) At least monthly, inspect components for integrity and electrical connections for continuity, oxidation, and galvanic corrosion.

(d) Regenerative carbon adsorbers. If you are using a regenerative carbon adsorber as an add-on control device, you must monitor the total regeneration desorbing gas (e.g., steam or nitrogen) mass flow for each regeneration cycle, the carbon bed temperature after each regeneration and cooling cycle, and comply with paragraphs (a)(3) through (5) and (d)(1) and (2) of this section.

(1) The regeneration desorbing gas mass flow monitor must be an integrating device having a measurement sensitivity of plus or minus 10 percent, capable of recording the total regeneration desorbing gas mass flow for each regeneration cycle.

(2) The carbon bed temperature monitor must have a measurement sensitivity of 1 percent of the temperature (as expressed in degrees Fahrenheit) recorded or 1 degree Fahrenheit, whichever is greater, and must be capable of recording the temperature within 15 minutes of completing any carbon bed cooling cycle.

(e) Condensers. If you are using a condenser, you must monitor the condenser outlet (product side) gas temperature and comply with paragraphs (a)(1) through (6) and (e)(1) and (2) of this section.

(1) The gas temperature monitor must have a measurement sensitivity of 1 percent of the temperature (expressed in degrees Fahrenheit) recorded or 1 degree Fahrenheit, whichever is greater.

(2) The temperature monitor must provide a gas temperature record at least once every 15 minutes.

(f) Concentrators. If you are using a concentrator, such as a zeolite wheel or rotary carbon bed concentrator, you must install a temperature monitor in the desorption gas stream. The temperature monitor must meet the requirements in paragraphs (a)(1) through (6) and (c)(3) of this section.

(g) Emission capture systems. The capture system monitoring system must comply with the applicable requirements in paragraphs (g)(1) and (2) of this section.

(1) For each flow measurement device, you must meet the requirements in paragraphs (a)(1) through (6) and (g)(1)(i) through (iv) of this section.

(i) Locate a flow sensor in a position that provides a representative flow measurement in the duct from each capture device in the emission capture system to the add-on control device.

(ii) Reduce swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.

(iii) Conduct a flow sensor calibration check at least semiannually.

(iv) At least monthly, inspect components for integrity, electrical connections for continuity, and mechanical connections for leakage.

(2) For each pressure drop measurement device, you must comply with the requirements in paragraphs (a)(1) through (6) and (g)(2)(i) through (vi) of this section.

(i) Locate the pressure tap(s) in a position that provides a representative measurement of the pressure drop across each opening you are monitoring.

(ii) Minimize or eliminate pulsating pressure, vibration, and internal and external corrosion.

(iii) Check pressure tap pluggage daily.

(iv) Using an inclined manometer with a measurement sensitivity of 0.0002 inch water, check gauge calibration quarterly and transducer calibration monthly.

(v) Conduct calibration checks any time the sensor exceeds the manufacturer's specified maximum operating pressure range or install a new pressure sensor.

(vi) At least monthly, inspect components for integrity, electrical connections for continuity, and mechanical connections for leakage.

Compliance Requirements for the Combined Primer-Surfacer, Topcoat, Final Repair, Glass Bonding Primer, and Glass Bonding Adhesive Emission Limitations and the Separate Electrodeposition Primer Emission Limitations

34. §63.3170 By what date must I conduct performance tests and other initial compliance demonstrations?

(a) New and reconstructed affected sources. For a new or reconstructed affected source, you must meet the requirements of paragraphs (a)(1) through (4) of §63.3160.

(b) Existing affected sources. For an existing affected source, you must meet the requirements of paragraphs (b)(1) through (3) of §63.3160.

35. §63.3171 How do I demonstrate initial compliance?

(a) You must meet all of the requirements of this section to demonstrate initial compliance. To demonstrate initial compliance, the organic HAP emissions from the combined primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) must meet the applicable

emission limitation in §63.3090(b) or §63.3091(b); and the organic HAP emissions from the electrodeposition primer operation must meet the applicable emissions limitations in §63.3092(a) or (b).

(b) Compliance with operating limits. Except as provided in §63.3160(a)(4), you must establish and demonstrate continuous compliance during the initial compliance period with the operating limits required by §63.3093, using the procedures specified in §§63.3167 and 63.3168.

(c) Compliance with work practice requirements. You must develop, implement, and document your implementation of the work practice plans required by §63.3094(b) and (c) during the initial compliance period, as specified in §63.3130.

(d) Compliance with emission limits. You must follow the procedures in §63.3161(e) through (n), excluding materials used in electrodeposition primer operations, to demonstrate compliance with the applicable emission limit in §63.3090(b) or §63.3091(b). You must follow the procedures in paragraph (e) of this section to demonstrate compliance with the emission limit in §63.3092(a), or paragraphs (f) through (g) of this section to demonstrate compliance with the emission limitations in §63.3092(b).

(e) Determine the mass fraction of each organic HAP in each material used in the electrodeposition primer operation. You must determine the mass fraction of each organic HAP for each material used in the electrodeposition primer operation during the compliance period by using one of the options in paragraphs (e)(1) through (3) of this section.

(1) Method 311 (appendix A to 40 CFR part 63). You may use Method 311 for determining the mass fraction of each organic HAP.

(2) Alternative method. You may use an alternative test method for determining the mass fraction of organic HAP once the Administrator has approved it. You must follow the procedure in §63.7(f) to submit an alternative test method for approval.

(3) Information from the supplier or manufacturer of the material. You may rely on information other than that generated by the test methods specified in paragraphs (e)(1) and (2) of this section, such as manufacturer's formulation data, if it represents each organic HAP that is present at 0.1 percent by mass or more for OSHA-defined carcinogens, as specified in 29 CFR 1910.1200(d)(4), and at 1.0 percent by mass or more for other compounds. If there is a disagreement between such information and results of a test conducted according to paragraph (e)(1) or (2) of this section, then the test method results will take precedence unless after consultation, the facility demonstrates to the satisfaction of the enforcement authority that the facility's data are correct.

(f) Capture of electrodeposition bake oven emissions. You must show that the electrodeposition bake oven meets the criteria in sections 5.3 through 5.5 of Method 204

of appendix M to 40 CFR part 51 and directs all of the exhaust gases from the bake oven to an add-on control device.

(g) Control of electrodeposition bake oven emissions. Determine the efficiency of each control device on each electrodeposition bake oven using the procedures in §§63.3164 and 63.3166.

(h) Compliance demonstration. To demonstrate initial compliance, the organic HAP emissions from the combined primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) must meet the applicable emission limitation in §63.3090(b) or §63.3091(b); the organic HAP emissions from the electrodeposition primer operation must meet the applicable emissions limitations in §63.3092(a) or (b). You must keep all records as required by §§63.3130 and 63.3131. As part of the Notification of Compliance Status required by §63.3110, you must submit a statement that the coating operation(s) was (were) in compliance with the emission limitations during the initial compliance period because the organic HAP emission rate from the combined primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations plus all coatings and thinners, except for deadener materials and for adhesive and sealer materials that are not components of glass bonding systems, used in coating operations added to the affected source pursuant to §63.3082(c) was less than or equal to the applicable emission limit in §63.3090(b) or §63.3091(b), and the organic HAP emissions from the electrodeposition primer operation met the applicable emissions limitations in §63.3092(a) or (b), and you achieved the operating limits required by §63.3093 and the work practice standards required by §63.3094.

36. §63.3172 [Reserved]

37. §63.3173 How do I demonstrate continuous compliance with the emission limitations?

(a) To demonstrate continuous compliance with the applicable emission limit in §63.3090(b) or §63.3091(b), the organic HAP emission rate for each compliance period determined according to the procedures in §63.3171 must be equal to or less than the applicable emission limit in §63.3090(b) or §63.3091(b). A compliance period consists of 1 month. Each month after the end of the initial compliance period described in §63.3170 is a compliance period consisting of that month. You must perform the calculations in §63.3171 on a monthly basis.

(b) If the organic HAP emission rate for any 1 month compliance period exceeded the applicable emission limit in §63.3090(b) or §63.3091(b), this is a deviation from the emission limitation for that compliance period and must be reported as specified in §§63.3110(c)(6) and 63.3120(a)(6).

(c) You must meet the requirements of §63.3163(c) through (j).

Other Requirements and Information

38. §63.3175 Who implements and enforces this subpart?

(a) This subpart can be implemented and enforced by us, EPA, or a delegated authority such as your State, local, or tribal agency. If the Administrator has delegated authority to your State, local, or tribal agency, then that agency (as well as EPA) has the authority to implement and enforce this subpart. You should contact your EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to your State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the EPA Administrator and are not transferred to the State, local, or tribal agency.

(c) The authorities that will not be delegated to State, local, or tribal agencies are listed in paragraphs (c)(1) through (4) of this section:

(1) Approval of alternatives to the work practice standards in §63.3094 under §63.6(g).

(2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f) and as defined in §63.90.

(3) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90.

(4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90.

39. §63.3176 What definitions apply to this subpart?

Terms used in this subpart are defined in the CAA, in the General Provisions of this part, and in this section as follows:

Add-on control device means an air pollution control device, such as a thermal oxidizer or carbon adsorber, that reduces pollution in an air stream by destruction or removal before discharge to the atmosphere.

Add-on control device efficiency means the ratio of the emissions collected or destroyed by an add-on air pollution control device to the total emissions that are introduced into the control device, expressed as a percentage.

Adhesive means any chemical substance that is applied for the purpose of bonding two surfaces together.

Adhesive and sealer material means adhesives, sealers and thinners added to adhesives or sealers.

Anti-chip coating means a specialty type of coating designed to reduce stone chipping damage. It is applied on selected vehicle surfaces that are exposed to impingement by stones and other road debris. It is typically applied after the electrodeposition primer and before the topcoat Anti-chip coatings are a type of primer-surfacer.

Automobile means a motor vehicle designed to carry up to eight passengers, excluding vans, sport utility vehicles, and motor vehicles designed primarily to transport light loads of property. See also Light-duty truck.

Automobile and/or light-duty truck assembly plant means facilities involved primarily in assembly of automobiles and light-duty trucks, including coating facilities and processes.

Bake oven air seal means an entry or entry vestibule to or an exit or exit vestibule from a bake oven which isolates the bake oven from the area immediately preceding (for an entry or entry vestibule) or immediately following (for an exit or exit vestibule) the bake oven. No significant VOC generating activity takes place in a bake oven air seal. Fresh air is supplied into a bake oven air seal and is then directed in part into the bake oven and in part into the area immediately preceding or immediately following the bake oven.

Basecoat/clearcoat means a topcoat system applied to exterior and selected interior vehicle surfaces primarily to provide an aesthetically pleasing appearance and acceptable durability performance. It consists of a layer of pigmented basecoat color coating, followed directly by a layer of a clear or semitransparent coating. It may include multiple layers of color coats or tinted clear materials.

Blackout coating means a type of specialty coating applied on selected vehicle surfaces (including areas of the engine compartment visible through the grill, and window and pillar trim) to provide a cosmetic appearance. Typically black or dark gray color. Blackout coating may be included in either the primer-surfacer or topcoat operations.

Body part means exterior parts such as hoods, fenders, doors, roof, quarter panels, decklids, tail gates, and cargo beds. Body parts were traditionally made of sheet metal, but now are also made of plastic. Bumpers, fascia, and cladding are not body parts.

Capture device means a hood, enclosure, room, floor sweep, or other means of containing or collecting emissions and directing those emissions into an add-on air pollution control device.

Capture efficiency or capture system efficiency means the portion (expressed as a percentage) of the pollutants from an emission source that is delivered to an add-on control device.

Capture system means one or more capture devices intended to collect emissions generated by a coating operation in the use of coatings, both at the point of application and at subsequent points where emissions from the coatings occur, such as flash-off, drying, or curing. As used in this subpart, multiple capture devices that collect emissions generated by a coating operation are considered a single capture system.

Catalytic oxidizer means a device for oxidizing pollutants or waste materials via flame and heat incorporating a catalyst to aid the combustion at lower operating temperature.

Cleaning material means a solvent used to remove contaminants and other materials such as dirt, grease, oil, and dried (e.g., depainting) or wet coating from a substrate before or after coating application; or from equipment associated with a coating operation, such as spray booths, spray guns, tanks, and hangers. Thus, it includes any cleaning material used on substrates or equipment or both.

Coating means a material applied to a substrate for decorative, protective, or functional purposes. Such materials include, but are not limited to, paints, sealants, caulks, inks, adhesives, primers, deadeners, and maskants. Decorative, protective, or functional materials that consist only of protective oils for metal, acids, bases, or any combination of these substances are not considered coatings for the purposes of this subpart.

Coating operation means equipment used to apply coating to a substrate (coating application) and to dry or cure the coating after application. A single coating operation always includes at least the point at which a coating is applied and all subsequent points in the affected source where organic HAP emissions from that coating occur. There may be multiple coating operations in an affected source. Coating application with hand-held nonrefillable aerosol containers, touchup bottles, touchup markers, marking pens, or pinstriping equipment is not a coating operation for the purposes of this subpart. The application of temporary materials such as protective oils and "travel waxes" that are designed to be removed from the vehicle before it is delivered to a retail purchaser is not a coating operation for the purposes of this subpart.

Coating solids means the nonvolatile portion of the coating.

Container means a receptacle, such as a can, vessel, tote, or tank, in which coatings, solvents or cleaning materials are held, stored, mixed, or carried.

Continuous parameter monitoring system (CPMS) means the total equipment that may be required to meet the data acquisition and availability requirements of this subpart; used to sample, condition (if applicable), analyze, and provide a record of coating operation, or capture system, or add-on control device parameters.

Controlled coating operation means a coating operation from which some or all of the organic HAP emissions are routed through an emission capture system and add-on control device.

Day tank means tank with agitation and pumping system used for mixing and continuous circulation of coatings from the paint storage area to the spray booth area of the paint shop.

Deadener means a specialty coating applied to selected vehicle surfaces for the purpose of reducing the sound of road noise in the passenger compartment.

Deadener material means deadener and thinner added to deadener.

Deposited solids means the coating solids which remain on the substrate or object being painted.

Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limit, operating limit, or work practice standard; or

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limit or operating limit or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

A deviation is not always a violation.

Electrodeposition primer or electrocoating primer means a process of applying a protective, corrosion-resistant waterborne primer on exterior and interior surfaces that provides thorough coverage of recessed areas. It is a dip coating method that uses an electrical field to apply or deposit the conductive coating onto the part. The object being painted acts as an electrode that is oppositely charged from the particles of paint in the dip tank. Also referred to as E-Coat, Uni-Prime, and ELPO Primer.

Emission limitation means an emission limit, operating limit, or work practice standard.

Final repair means the operations performed and coating(s) applied to completely-assembled motor vehicles or to parts that are not yet on a completely assembled motor vehicle to correct damage or imperfections in the coating. The curing of the coatings applied in these operations is accomplished at a lower temperature than that used for curing primer-surfacer and topcoat. This lower temperature cure avoids the need to send parts that are not yet on a completely assembled vehicle through the same type of curing process used for primer-surfacer and topcoat and is necessary to protect heat sensitive components on completely assembled motor vehicles.

Flash-off area means the portion of a coating process between the coating application station and the next coating application station or drying oven where solvent begins to evaporate from the coated vehicle.

Glass bonding adhesive means an adhesive used to bond windshield or other glass to an automobile or light-duty truck body.

Glass bonding primer means a primer applied to windshield or other glass, or to body openings to prepare the glass or body openings for the application of glass bonding adhesive, or the installation of adhesive bonded glass.

Guide coat means Primer-surfacer.

In-line repair means the operation performed and coating(s) applied to correct damage or imperfections in the topcoat on parts that are not yet on a completely assembled motor vehicle.

The curing of the coatings applied in these operations is accomplished at essentially the same temperature as that used for curing the previously applied topcoat. Also referred to as high bake repair or high bake reprocess. In-line repair is considered part of topcoat.

Light-duty truck means vans, sport utility vehicles, and motor vehicles designed primarily to transport light loads of property with gross vehicle weight rating of 8,500 lbs or less.

Manufacturer's formulation data means data on a material (such as a coating) that are supplied by the material manufacturer based on knowledge of the ingredients used to manufacture that material, rather than based on testing of the material with the test methods specified in §§63.3151 and 63.3161. Manufacturer's formulation data may include, but are not limited to, information on density, organic HAP content, volatile organic matter content, and coating solids content.

Mass fraction of organic HAP means the ratio of the mass of organic HAP to the mass of a material in which it is contained, expressed as kg of organic HAP per kg of material.

Month means a calendar month or a pre-specified period of 28 days to 35 days to allow for flexibility in record keeping when data are based on a business accounting period.

Organic HAP content means the mass of organic HAP per mass of coating material.

Paint line means a set of coating operations which includes a topcoat operation and, if present, includes electrodeposition primer, primer-surfacer, final repair, glass bonding primer and glass bonding adhesive operations in which the same new automobile or new light-duty truck bodies, or body parts for new automobiles, or new light-duty trucks are coated. The most typical paint line consists of a set of electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, and glass bonding adhesive operations in which the same new automobile or new light-duty truck bodies are coated.

Paint shop means the collection of all areas at the facility in which new automobile or new light-duty truck bodies, or body parts for new automobiles or new light-duty trucks are phosphated and coated (including application, flash-off, drying and curing of electrodeposition primer, primer-surfacer, topcoat, final repair, glass bonding primer, glass bonding adhesive, deadener, adhesives and sealers); all coating operations added to the affected source pursuant to §63.3082(c); all areas at the facility in which substrates or equipment are cleaned relating to the coating of new automobile or new light-duty truck bodies, the coating of body parts for new automobiles or new light-duty trucks, or coating operations added to the affected source pursuant to §63.3082(c); and all areas at the facility used for storage, mixing, conveying and waste handling of coatings, thinners and cleaning materials related to the coating of new automobile or new light-duty truck bodies, the coating of body parts for new automobiles or new light-duty trucks, or coating operations added to the affected source pursuant to §63.3082(c). If there is no application of topcoat to new automobile or new light-duty truck bodies, or body parts for new automobiles or new light-duty trucks at the facility, then for purposes of this subpart the facility does not have a paint shop.

Permanent total enclosure (PTE) means a permanently installed enclosure that meets the criteria of Method 204 of appendix M, 40 CFR part 51, for a PTE and that directs all the exhaust gases from the enclosure to an add-on control device.

Primer-surfacer means an intermediate protective coating applied on the electrodeposition primer and under the topcoat. It provides adhesion, protection, and appearance properties to the total finish. Also called a guide coat or surfacer. Anti-chip coatings are a type of primer-surfacer.

Purge/clean operation means the process of flushing paint out and cleaning the spray lines when changing colors or to remove undesired material. It includes use of air and solvents to clean the lines.

Purge capture means the capture of purge solvent and materials into a closed collection system immediately after purging the system. It is used to prevent the release of organic HAP emissions and includes the disposal of the captured purge material.

Purge material means the coating and associated cleaning solvent materials expelled from the spray system during the process of cleaning the spray lines and applicators when color-changing or to maintain the cleanliness of the spray system.

Protective oil means an organic material that is applied to metal for the purpose of providing lubrication or protection from corrosion without forming a solid film. This definition of protective oil includes, but is not limited to, lubricating oils, evaporative oils (including those that evaporate completely), and extrusion oils.

Research or laboratory operations means surface coating for which the primary purpose is research and development of new processes and products, that is conducted under the close supervision of technically trained personnel, and that is not part of the manufacture of final or intermediate products for commercial purposes, except in a de minimis manner.

Responsible official means responsible official as defined in 40 CFR 70.2.

Sealer means a high solids, high viscosity material, generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating. The primary purpose of sealers is to fill body joints completely so that there is no intrusion of water, gases or corrosive materials into the passenger area of the body compartment. Also referred to as sealants.

Spray booth means a ventilated structure housing automatic and/or manual spray application equipment for coating operations. Includes facilities for the capture and entrapment of particulate overspray.

Spray booth air seal means an entry vestibule to or exit vestibule from a spray booth which isolates the spray booth from the area immediately preceeding (for an entry vestibule) or immediately following (for an exit vestibule) the spray booth. No coating application or other VOC generating activity takes place in a spray booth air seal. Fresh air is supplied into a spray booth air seal and is then directed in part into the spray booth and in part into the area immediately preceeding or immediately following the spray booth.

Startup, initial means the first time equipment is used in a facility to produce a salable product.

Surface preparation means use of a cleaning material on a portion of or all of a substrate. This includes use of a cleaning material to remove dried coating, which is sometimes called "depainting."

Surfacer means Primer-surfacer.

Tack-wipe means solvent impregnated cloth used to remove dust from surfaces prior to application of coatings.

Temporary total enclosure means an enclosure constructed for the purpose of measuring the capture efficiency of pollutants emitted from a given source as defined in Method 204 of appendix M, 40 CFR part 51.

Thermal oxidizer means a device for oxidizing air pollutants or waste materials via flame and heat.

Thinner means an organic solvent that is added to a coating after the coating is received from the supplier.

Topcoat means the final coating system applied to provide the final color and/or a protective finish. The topcoat may be a monocoat color or basecoat/clearcoat system. In-line repair and two-tone are part of topcoat.

Total volatile hydrocarbon (TVH) means the total amount of nonaqueous volatile organic matter determined according to Methods 204 and 204A through F of appendix M to 40 CFR part 51 and substituting the term TVH each place in the methods where the term VOC is used. The TVH includes both VOC and non-VOC.

Touchup bottle means a glass or metal bottle of less than 0.10 liter volume furnished with a brush that is permanently attached to the bottle closure.

Transfer efficiency means the ratio of the amount of coating solids deposited onto the surface of the object to the total amount of coating solids sprayed while applying the coating to the object.

Uncontrolled coating operation means a coating operation from which none of the organic HAP emissions are routed through an emission capture system and add-on control device.

Volatile organic compound (VOC) means any compound defined as VOC in 40 CFR 51.100(s).

Volume fraction of coating solids means the ratio of the volume of coating solids (also known as volume of nonvolatiles) to the volume of coating; liters of coating solids per liter of coating.

Tables to Subpart IIII of Part 63

40. Table 1 to Subpart IIII of Part 63. Operating Limits for Capture Systems and Add-On Control Devices

If you are required to comply with operating limits by §63.3093, you must comply with the applicable operating limits in the following table:

For the following device...	You must meet the following operating limit...	And you must demonstrate continuous compliance with the operating limit by
1. thermal oxidizer	**a**. the average combustion temperature in any 3-hour period must not fall below the combustion temperature limit established according to §63.3167(a).	**i.** collecting the combustion temperature data according to §63.3168(c); **ii.** reducing the data to 3-hour block averages; **and** **iii.** maintaining the 3-hour average combustion temperature at or above the temperature limit.
2. catalytic oxidizer	**a.** the average temperature measured just before the catalyst bed in any 3-hour period must not fall below the limit established according to §63.3167(b); **and either**	**i.** collecting the temperature data according to §63.3168(c); **ii.** reducing the data to 3-hour block averages; **and** **iii.** maintaining the 3-hour average temperature before the catalyst bed at or above the temperature limit.
	b. ensure that the average temperature difference across the catalyst bed in any 3-hour period does not fall below the temperature difference limit established according to §63.3167(b)(2); **or**	**i.** collecting the temperature data according to §63.3168(c); **ii.** reducing the data to 3-hour block averages; **and** **iii.** maintaining the 3-hour average temperature difference at or above the temperature difference limit; **or**
	c. develop and implement an inspection and maintenance plan according to §63.3167(b)(4).	**i.** maintaining an up-to-date inspection and maintenance plan, records of annual catalyst activity checks, records of monthly inspections of the oxidizer system, and records of the annual internal inspections of the catalyst bed. If a problem is discovered during a monthly or annual inspection required by §63.3167(b)(4), you must take corrective action as soon as practicable consistent with the manufacturer's recommendations.

3. regenerative carbon adsorber	**a.** the total regeneration desorbing gas (e.g., steam or nitrogen) mass flow for each carbon bed regeneration cycle must not fall below the total regeneration desorbing gas mass flow limit established according to §63.3167(c).	**i.** measuring the total regeneration desorbing gas (e.g., steam or nitrogen) mass flow for each regeneration cycle according to §63.3168(d); **and** **ii.** maintaining the total regeneration desorbing gas mass flow at or above the mass flow limit.
	b. the temperature of the carbon bed after completing each regeneration and any cooling cycle must not exceed the carbon bed temperature limit established according to §63.3167(c).	**i.** measuring the temperature of the carbon bed after completing each regeneration and any cooling cycle according to §63.3168(d); **and** **ii.** operating the carbon beds such that each carbon bed is not returned to service until completing each regeneration and any cooling cycle until the recorded temperature of the carbon bed is at or below the temperature limit.
4. condenser	**a**. the average condenser outlet (product side) gas temperature in any 3-hour period must not exceed the temperature limit established according to §63.3167(d).	**i.** collecting the condenser outlet (product side) gas temperature according to §63.3168(e); **ii.** reducing the data to 3-hour block averages; **and** **iii.** maintaining the 3-hour average gas temperature at the outlet at or below the temperature limit.

5. concen-trators, including zeolite wheels and rotary carbon adsorbers	**a.** the average desorption gas inlet temperature in any 3-hour period must not fall below the limit established according to §63.3167(e).	**i.** collecting the temperature data according to §63.3168(f); **ii.** reducing the data to 3-hour block averages; **and** **iii.** maintaining the 3-hour average temperature at or above the temperature limit.
6. emission capture system that is a PTE	**a.** the direction of the air flow at all times must be into the enclosure; **and either** **b.** the average facial velocity of air through all natural draft openings in the enclosure must be at least 200 feet per minute; **or** **c.** the pressure drop across the enclosure must be at least 0.007 inch water, as established in Method 204 of appendix M to 40 CFR part 51.	**i.** collecting the direction of air flow, **and either** the facial velocity of air through all natural draft openings according to §63.3168(g)(1) **or** the pressure drop across the enclosure according to §63.3168(g)(2); **and** **ii.** maintaining the facial velocity of air flow through all natural draft openings or the pressure drop at or above the facial velocity limit or pressure drop limit, and maintaining the direction of air flow into the enclosure at all times.
7. emission capture system that is not a PTE	**a**. the average gas volumetric flow rate or duct static pressure in each duct between a capture device and add-on control device inlet in any 3-hour period must not fall below the average volumetric flow rate or duct static pressure limit established for that capture device according to §63.3167(f).	**i.** collecting the gas volumetric flow rate or duct static pressure for each capture device according to §63.3168(g); **ii.** reducing the data to 3-hour block averages; **and** **iii.** maintaining the 3-hour average gas volumetric flow rate or duct static pressure for each capture device at or above the gas volumetric flow rate or duct static pressure limit.

41. Table 2 to Subpart IIII of Part 63. Applicability of General Provisions to Subpart IIII of Part 63

You must comply with the applicable General Provisions requirements according to the following table:

Citation	Subject	Applicable to subpart IIII	Explanation
§63.1(a)(1)-(12)	General Applicability	Yes	
§63.1(b)(1)-(3)	Initial Applicability Determination	Yes	Applicability to subpart IIII is also specified in §63.3081.
§63.1(c)(1)	Applicability After Standard Established	Yes	
§63.1(c)(2)	Applicability of Permit Program for Area Sources	No	Area sources are not subject to subpart IIII.
§63.1(c)(5)	Extensions and Notifications	Yes	
§63.1(e)	Applicability of Permit Program Before Relevant Standard is Set	Yes	
§63.2	Definitions	Yes	Additional definitions are specified in §63.3176.
§63.3(a)-(c)	Units and Abbreviations	Yes	
§63.4(a)(1)-(5)	Prohibited Activities	Yes	
§63.4(b)-(c)	Circumvention/ Fragmentation	Yes	
§63.5(a)	Preconstruc-tion Review Applicability	Yes	
§63.5(b)(1)-(6)	Requirements for Existing, Newly Constructed, and Reconstructed Sources	Yes	

§63.5(d)	Application for Approval of Construction/ Reconstruction	Yes	
§63.5(e)	Approval of Construction/ Reconstruction	Yes	
§63.5(f)	Approval of Construction/ Reconstruction Based on Prior State Review	Yes	
§63.6(a)	Compliance With Standards and Maintenance Requirements - Applicability	Yes	
§63.6(b)(1)-(7)	Compliance Dates for New and Reconstructed Sources	Yes	Section 63.3083 specifies the compliance dates.
§63.6(c)(1)-(5)	Compliance Dates for Existing Sources	Yes	Section 63.3083 specifies the compliance dates.
§63.6(e)(1)-(2)	Operation and Maintenance	Yes	
§63.6(e)(3)	SSMP	Yes	Only sources using an add-on control device to comply with the standard must complete SSMP.
§63.6(f)(1)	Compliance Except During Startup, Shutdown, and Malfunction	Yes	Applies only to sources using an add-on control device to comply with the standards.
§63.6(f)(2)-(3)	Methods for Determining Compliance	Yes	
§63.6(g)(1)-(3)	Use of an Alternative Standard	Yes	

§63.6(h)	Compliance With Opacity/ Visible Emission Standards	No	Subpart IIII does not establish opacity standards and does not require continuous opacity monitoring systems (COMS).
§63.6(i)	Extension of Compliance	Yes	
§63.6(j)	Presidential Compliance Exemption	Yes	
§63.7(a)(1)	Performance Test Requirements - Applicability	Yes	Applies to all affected sources. Additional requirements for performance testing are specified in §§63.3164 and 63.3166.
§63.7(a)(2)	Performance Test Requirements - Dates	Yes	Applies only to performance tests for capture system and control device efficiency at sources using these to comply with the standards. Section 63.3160 specifies the schedule for performance test requirements that are earlier than those specified in §63.7(a)(2).
§63.7(a)(3)	Performance Tests Required By the Administrator	Yes	
§63.7(b)-(e)	Performance Test Requirements - Notification, Quality Assurance, Facilities Necessary for Safe Testing Conditions During Test	Yes	Applies only to performance tests for capture system and add-on control device efficiency at sources using these to comply with the standards.

§63.7(f)	Performance Test Requirements - Use of Alternative Test Method	Yes	Applies to all test methods except those used to determine capture system efficiency.
§63.7(g)-(h)	Performance Test Requirements - Data Analysis, Recordkeeping, Reporting, Waiver of Test	Yes	Applies only to performance tests for capture system and add-on control device efficiency at sources using these to comply with the standards.
§63.8(a)(1)-(3)	Monitoring Requirements - Applicability	Yes	Applies only to monitoring of capture system and add-on control device efficiency at sources using these to comply with the standards. Additional requirements for monitoring are specified in §63.3168.
§63.8(a)(4)	Additional Monitoring Requirements	No	Subpart IIII does not have monitoring requirements for flares.
§63.8(b)	Conduct of Monitoring	Yes	
§63.8(c)(1)-(3)	Continuous Monitoring Systems (CMS) Operation and Maintenance	Yes	Applies only to monitoring of capture system and add-on control device efficiency at sources using these to comply with the standards. Additional requirements for CMS operations and maintenance are specified in §63.3168.

§63.8(c)(4)	CMS	No	Section 63.3168 specifies the requirements for the operation of CMS for capture systems and add-on control devices at sources using these to comply with the standards.
§63.8(c)(5)	COMS	No	Subpart IIII does not have opacity or visible emission standards.
§63.8(c)(6)	CMS Requirements	No	Section 63.3168 specifies the requirements for monitoring systems for capture systems and add-on control devices at sources using these to comply with the standards.
§63.8(c)(7)	CMS Out-of-Control Periods	No	
§63.8(c)(8)	CMS Out-of-Control Periods Reporting	No	Section 63.3120 requires reporting of CMS out-of-control periods.
§63.8(d)-(e)	Quality Control Program and CMS Performance Evaluation	No	Subpart IIII does not require the use of continuous emissions monitoring systems.
§63.8(f)(1)-(5)	Use of an Alternative Monitoring Method	Yes	
§63.8(f)(6)	Alternative to Relative Accuracy Test	No	Subpart IIII does not require the use of continuous emissions monitoring systems.
§63.8(g)(1)-(5)	Data Reduction	No	Sections 63.3167 and 63.3168 specify monitoring data reduction.

§63.9(a)-(d)	Notification Requirements	Yes	
§63.9(e)	Notification of Performance Test	Yes	Applies only to capture system and add-on control device performance tests at sources using these to comply with the standards.
§63.9(f)	Notification of Visible Emissions/ Opacity Test	No	Subpart IIII does not have opacity or visible emission standards.
§63.9(g)(1)-(3)	Additional Notifications When Using CMS	No	Subpart IIII does not require the use of continuous emissions monitoring systems.
§63.9(h)	Notification of Compliance Status	Yes	Section 63.3110 specifies the dates for submitting the notification of compliance status.
§63.9(i)	Adjustment of Submittal Deadlines	Yes	
§63.9(j)	Change in Previous Information	Yes	
§63.10(a)	Recordkeeping/Reporting - Applicability and General Information	Yes	
§63.10(b)(1)	General Recordkeeping Requirements	Yes	Additional requirements are specified in §§63.3130 and 63.3131.
§63.10(b)(2)(i)-(v)	Recordkeeping Relevant to Startup, Shutdown, and Malfunction Periods and CMS	Yes	Requirements for startup, shutdown, and malfunction records only apply to capture systems and add-on control devices used to comply with the standards.

§63.10(b)(2)(vi)-(xi)		Yes	
§63.10(b)(2)(xii)	Records	Yes	
§63.10(b)(2)(xiii)		No	Subpart IIII does not require the use of continuous emissions monitoring systems.
§63.10(b)(2)(xiv)		Yes	
§63.10(b)(3)	Recordkeeping Requirements for Applicability Determinations	Yes	
§63.10(c)(1)-(6)	Additional Recordkeeping Requirements for Sources with CMS	Yes	
§63.10(c)(7)-(8)		No	The same records are required in §63.3120(a)(6).
§63.10(c)(9)-(15)		Yes	
§63.10(d)(1)	General Reporting Requirements	Yes	Additional requirements are specified in §63.3120.
§63.10(d)(2)	Report of Performance Test Results	Yes	Additional requirements are specified in §63.3120(b).
§63.10(d)(3)	Reporting Opacity or Visible Emissions Observations	No	Subpart IIII does not require opacity or visible emissions observations.
§63.10(d)(4)	Progress Reports for Sources With Compliance Extensions	Yes	

§63.10(d)(5)	Startup, Shutdown, and Malfunction Reports	Yes	Applies only to capture systems and add-on control devices used to comply with the standards.
§63.10(e) (1)-(2)	Additional CMS Reports	No	Subpart IIII does not require the use of continuous emissions monitoring systems.
§63.10(e)(3)	Excess Emissions/CMS Performance Reports	No	Section 63.3120(b) specifies the contents of periodic compliance reports.
§63.10(e)(4)	COMS Data Reports	No	Subpart IIII does not specify requirements for opacity or COMS.
§63.10(f)	Recordkeeping/ Reporting Waiver	Yes	
§63.11	Control Device Requirements/ Flares	No	Subpart IIII does not specify use of flares for compliance.
§63.12	State Authority and Delegations	Yes	
§63.13	Addresses	Yes	
§63.14	Incorporation by Reference	Yes	
§63.15	Availability of Information/ Confidential-ity	Yes	

42. Table 3 to Subpart IIII of Part 63. Default Organic HAP Mass Fraction for Solvents and Solvent Blends

You may use the mass fraction values in the following table for solvent blends for which you do not have test data or manufacturer's formulation data:

Solvent/Solvent blend	CAS. No.	Average Organic HAP Mass Fraction	Typical Organic HAP, Percent by Mass
1. Toluene	108-88-3	1.0	Toluene
2. Xylene(s)	1330-20-7	1.0	Xylenes, ethylbenzene
3. Hexane	110-54-3	0.5	n-hexane
4. n-Hexane	110-54-3	1.0	n-hexane
5. Ethylbenzene	100-41-4	1.0	Ethylbenzene
6. Aliphatic 140		0	None
7. Aromatic 100		0.02	1% xylene, 1% cumene
8. Aromatic 150		0.09	Naphthalene
9. Aromatic naphtha	64742-95-6	0.02	1% xylene, 1% cumene
10. Aromatic solvent	64742-94-5	0.1	Naphthalene
11. Exempt mineral spirits	8032-32-4	0	None
12. Ligroines (VM & P)	8032-32-4	0	None
13. Lactol spirits	64742-89-6	0.15	Toluene
14. Low aromatic white spirit	64742-82-1	0	None
15. Mineral spirits	64742-88-7	0.01	Xylenes
16. Hydrotreated naphtha	64742-48-9	0	None
17. Hydrotreated light distillate	64742-47-8	0.001	Toluene
18. Stoddard solvent	8052-41-3	0.01	Xylenes
19. Super high-flash naphtha	64742-95-6	0.05	Xylenes
20. Varsol® solvent	8052-49-3	0.01	0.5% xylenes, 0.5% ethylbenzene
21. VM & P naphtha	64742-89-8	0.06	3% toluene, 3% xylene
22. Petroleum distillate mixture	68477-31-6	0.08	4% naphthalene, 4% biphenyl

43. Table 4 to Subpart IIII of Part 63. Default Organic HAP Mass Fraction for Petroleum Solvent Groups[a]

You may use the mass fraction values in the following table for solvent blends for which you do not have test data or manufacturer's formulation data:

Solvent Type	Average Organic HAP Mass Fraction	Typical Organic HAP, Percent by Mass
Aliphatic[b]	0.03	1% Xylene, 1% Toluene, and 1% Ethylbenzene
Aromatic[c]	0.06	4% Xylene, 1% Toluene, and 1% Ethylbenzene

a Use this table only if the solvent blend does not match any of the solvent blends in Table 3 to this subpart, and you only know whether the blend is aliphatic or aromatic.

b e.g., Mineral Spirits 135, Mineral Spirits 150 EC, Naphtha, Mixed Hydrocarbon, Aliphatic Hydrocarbon, Aliphatic Naphtha, Naphthol Spirits, Petroleum Spirits, Petroleum Oil, Petroleum Naphtha, Solvent Naphtha, Solvent Blend.

c e.g., Medium-flash Naphtha, High-flash Naphtha, Aromatic Naphtha, Light Aromatic Naphtha, Light Aromatic Hydrocarbons, Aromatic Hydrocarbons, Light Aromatic Solvent.

44. Appendix A to Subpart IIII of Part 63--Determination of Capture Efficiency of Automobile and Light-Duty Truck Spray Booth Emissions from Solvent-borne Coatings Using Panel Testing

1. Applicability, Principle, and Summary of Procedure.

1.1 Applicability.

This procedure applies to the determination of capture efficiency of automobile and light-duty truck spray booth emissions from solvent-borne coatings using panel testing. This procedure can be used to determine capture efficiency for partially controlled spray booths (e.g., automated spray zones controlled and manual spray zones not controlled) and for fully controlled spray booths.

1.2 Principle.

The volatile organic compounds (VOC) associated with the coating solids deposited on a part (or panel) in a controlled spray booth zone (or group of contiguous controlled spray booth zones) partition themselves between the VOC that volatilize in the controlled spray booth zone (principally between the spray gun and the part) and the VOC that remain on the part (or panel)

when the part (or panel) leaves the controlled spray booth zone. For solvent-borne coatings essentially all of the VOC associated with the coating solids deposited on a part (or panel) in a controlled spray booth zone that volatilize in the controlled spray booth zone pass through the waterwash and are exhausted from the controlled spray booth zone to the control device.

The VOC associated with the overspray coating solids in a controlled spray booth zone partition themselves between the VOC that volatilize in the controlled spray booth zone and the VOC that are still tied to the overspray coating solids when the overspray coating solids hit the waterwash. For solvent-borne coatings almost all of the VOC associated with the overspray coating solids that volatilize in the controlled spray booth zone pass through the waterwash and are exhausted from the controlled spray booth zone to the control device. The exact fate of the VOC still tied to the overspray coating solids when the overspray coating solids hit the waterwash is unknown. This procedure assumes that none of the VOC still tied to the overspray coating solids when the overspray coating solids hit the waterwash are captured and delivered to the control device. Much of this VOC may become entrained in the water along with the overspray coating solids. Most of the VOC that become entrained in the water along with the overspray coating solids leave the water, but the point at which this VOC leave the water is unknown. Some of the VOC still tied to the overspray coating solids when the overspray coating solids hit the waterwash may pass through the waterwash and be exhausted from the controlled spray booth zone to the control device.

This procedure assumes that the portion of the VOC associated with the overspray coating solids in a controlled spray booth zone that volatilizes in the controlled spray booth zone, passes through the waterwash and is exhausted from the controlled spray booth zone to the control device is equal to the portion of the VOC associated with the coating solids deposited on a part (or panel) in that controlled spray booth zone that volatilizes in the controlled spray booth zone, passes through the waterwash, and is exhausted from the controlled spray booth zone to the control device. This assumption is equivalent to treating all of the coating solids sprayed in the controlled spray booth zone as if they are deposited coating solids (i.e., assuming 100 percent transfer efficiency) for purposes of using a panel test to determine spray booth capture efficiency.

This is a conservative (low) assumption for the portion of the VOC associated with the overspray coating solids in a controlled spray booth zone that volatilizes in the controlled spray booth zone. Thus, this assumption results in an underestimate of conservative capture efficiency. The overspray coating solids have more travel time and distance from the spray gun to the waterwash than the deposited coating solids have between the spray gun and the part (or panel). Therefore, the portion of the VOC associated with the overspray coating solids in a controlled spray booth zone that volatilizes in the controlled spray booth zone should be greater than the portion of the VOC associated with the coating solids deposited on a part (or panel) in that controlled spray booth zone that volatilizes in that controlled spray booth zone.

1.3 Summary of Procedure.

A panel test is performed to determine the mass of VOC that remains on the panel when the panel leaves a controlled spray booth zone. The total mass of VOC associated with the coating solids deposited on the panel is calculated.

The percent of the total VOC associated with the coating solids deposited on the panel in the controlled spray booth zone that remains on the panel when the panel leaves the controlled section of the spray booth is then calculated from the ratio of the two previously determined masses. The percent of the total VOC associated with the coating solids deposited on the panel in the controlled spray booth zone that is captured and delivered to the control device equals 100 minus this percentage. (The mass of VOC associated with the coating solids deposited on the panel which is volatilized and captured in the controlled spray booth zone equals the difference between the total mass of VOC associated with the coating solids deposited on the panel and the mass of VOC remaining with the coating solids deposited on the panel when the panel leaves the controlled spray booth zone.)

The percent of the total VOC associated with the coating sprayed in the controlled spray booth zone that is captured and delivered to the control device is assumed to be equal to the percent of the total VOC associated with the coating solids deposited on the panel in the controlled spray booth zone that is captured and delivered to the control device. The percent of the total VOC associated with the coating sprayed in the entire spray booth that is captured and delivered to the control device can be calculated by multiplying the percent of the total VOC associated with the coating sprayed in the controlled spray booth zone that is captured and delivered to the control device by the fraction of coating sprayed in the spray booth that is sprayed in the controlled spray booth zone.

2. Procedure.

You may conduct panel testing to determine the capture efficiency of spray booth emissions. You must follow the instructions and calculations in this appendix A, and use the panel testing procedures in ASTM Method D5087-02, "Standard Test Method for Determining Amount of Volatile Organic Compound (VOC) Released from Solventborne Automotive Coatings and Available for Removal in a VOC Control Device (Abatement)" (incorporated by reference, see §63.14), or the guidelines presented in "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22). You must weigh panels at the points described in section 2.3 of this appendix A and perform calculations as described in sections 3 and 4 of this appendix A. You may conduct panel tests on the production paint line in your facility or in a laboratory simulation of the production paint line in your facility.

You may conduct panel testing on representative coatings as described in "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22). If you panel test representative coatings, then you may calculate either a unique percent capture efficiency value for each coating grouped with that representative coating, or a composite percent capture efficiency value for the group of coatings. If you panel test each coating, then you must convert the panel test result for each coating to a unique percent capture efficiency value for that coating.

2.1 Identification of Controlled Spray Booth Zones.

You must identify each controlled spray booth zone or each group of contiguous controlled spray booth zones to be tested. (For example, a controlled bell zone immediately followed by a

controlled robotic zone.) Separate panel tests are required for non-contiguous controlled spray booth zones. The flash zone between the last basecoat zone and the first clearcoat zone makes these zones non-contiguous.

2.2 Where to Apply Coating to the Panel.

If you are conducting a panel test for a single controlled spray booth zone, then you must apply coating to the panel only in that controlled spray booth zone. If you are conducting a panel test for a group of contiguous controlled spray booth zones, then you must apply coating to the panel only in that group of contiguous controlled spray booth zones.

2.3 How to Process and When to Weigh the Panel.

The instructions in this section pertain to panel testing of coating, i, or of the coating representing the group of coatings that includes coating, i.

2.3.1 You must weigh the blank panel. (Same as in bake oven panel test.) The mass of the blank panel is represented by $W_{blank,i}$ (grams).

2.3.2 Apply coating, i, or the coating representing coating, i, to the panel in the controlled spray booth zone or group of contiguous controlled spray booth zones being tested (in plant test), or in a simulation of the controlled spray booth zone or group of contiguous controlled spray booth zones being tested (laboratory test).

2.3.3 Remove and weigh the wet panel as soon as the wet panel leaves the controlled spray booth zone or group of contiguous controlled spray booth zones being tested. (Different than bake oven panel test.) This weighing must be conducted quickly to avoid further evaporation of VOC. The mass of the wet panel is represented by $W_{wet,i}$ (grams).

2.3.4 Return the wet panel to the point in the coating process or simulation of the coating process where it was removed for weighing.

2.3.5 Allow the panel to travel through the rest of the coating process in the plant or laboratory simulation of the coating process. You must not apply any more coating to the panel after it leaves the controlled spray booth zone (or group of contiguous controlled spray booth zones) being tested. The rest of the coating process or simulation of the coating process consists of:

2.3.5.1 All of the spray booth zone(s) or simulation of all of the spray booth zone(s) located after the controlled spray booth zone or group of contiguous controlled spray booth zones being tested and before the bake oven where the coating applied to the panel is cured,

2.3.5.2 All of the flash-off area(s) or simulation of all of the flash-off area(s) located after the controlled spray booth zone or group of contiguous controlled spray booth zones being tested and before the bake oven where the coating applied to the panel is cured, and

2.3.5.3 The bake oven or simulation of the bake oven where the coating applied to the panel is cured.

2.3.6 After the panel exits the bake oven, you must cool and weigh the baked panel. (Same as in bake oven panel test.) The mass of the baked panel is represented by $W_{baked,i}$ (grams).

3. Panel Calculations.

The instructions in this section pertain to panel testing of coating, i, or of the coating representing the group of coatings that includes coating, i.

3.1 The mass of coating solids (from coating, i, or from the coating representing coating, i, in the panel test) deposited on the panel equals the mass of the baked panel minus the mass of the blank panel as shown in Equation A-1.

$$\mathbf{W_{sdep,i} = W_{baked,i} - W_{blank,i}} \qquad \textbf{(Eq. A-1)}$$

where:

$W_{sdep,i}$ = Mass of coating solids (from coating, i, or from the coating representing coating, i, in the panel test) deposited on the panel, grams.

3.2 The mass of VOC (from coating, i, or from the coating representing coating, i, in the panel test) remaining on the wet panel when the wet panel leaves the controlled spray booth zone or group of contiguous controlled spray booth zones being tested equals the mass of the wet panel when the wet panel leaves the controlled spray booth zone or group of contiguous controlled spray booth zones being tested minus the mass of the baked panel as shown in Equation A-2.

$$\mathbf{W_{rem,i} = W_{wet,i} - W_{baked,i}} \qquad \textbf{(Eq. A-2)}$$

where:

$W_{rem,i}$ = Mass of VOC (from coating, i, or from the coating representing coating, i, in the panel test) remaining on the wet panel when the wet panel leaves the controlled spray booth zone or group of contiguous controlled spray booth zones being tested, grams.

3.3 Calculate the mass of VOC (from coating, i, or from the coating representing coating, i, in the panel test) remaining on the wet panel when the wet panel leaves the controlled spray booth zone or group of contiguous controlled spray booth zones being tested per mass of coating solids deposited on the panel as shown in Equation A-3.

$$\mathbf{P_{m,i} = (W_{rem,i}) / (W_{sdep,i})} \qquad \textbf{(Eq. A-3)}$$

where:

$P_{m,i}$ = Mass of VOC (from coating, i, or from the coating representing coating, i, in the panel test) remaining on the wet panel when the wet panel leaves the controlled spray booth zone or group of contiguous controlled spray booth zones being tested per mass of coating solids deposited on the panel, grams of VOC remaining per gram of coating solids deposited.

$W_{rem,i}$ = Mass of VOC (from coating, i, or from the coating representing coating, i, in the panel test) remaining on the wet panel when the wet panel leaves the controlled spray booth zone or group of contiguous controlled spray booth zones being tested, grams.

$W_{sdep,i}$ = Mass of coating solids (from coating, i, or from the coating representing coating, i, in the panel test) deposited on the panel, grams.

4. Converting Panel Result to Percent Capture.

The instructions in this section pertain to panel testing of for coating, i, or of the coating representing the group of coatings that includes coating, i.

4.1 If you panel test representative coatings, then you may convert the panel test result for each representative coating from section 3.3 of this appendix A either to a unique percent capture efficiency value for each coating grouped with that representative coating by using coating specific values for the mass fraction coating solids and mass fraction VOC in section 4.2 of this appendix A, or to a composite percent capture efficiency value for the group of coatings by using the average values for the group of coatings for mass fraction coating solids and mass fraction VOC in section 4.2 of this appendix A. If you panel test each coating, then you must convert the panel test result for each coating to a unique percent capture efficiency value by using coating specific values for the mass fraction coating solids and mass fraction VOC in section 4.2 of this appendix A. The mass fraction of VOC in the coating and the mass fraction of solids in the coating must be determined by Method 24 (appendix A to 40 CFR part 60) or by following the guidelines for combining analytical VOC content and formulation solvent content presented in "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22).

4.2 The percent of VOC for coating, i, or composite percent of VOC for the group of coatings including coating, i, associated with the coating solids deposited on the panel that remains on the wet panel when the wet panel leaves the controlled spray booth zone or group of contiguous controlled spray booth zones being tested is calculated using Equation A-4.

$$\mathbf{Pvoc_{pan,i} = (P_{m,i})(W_{s,i})(100) / (Wvoc_{c,i})} \quad \textbf{(Eq. A-4)}$$

where:

$Pvoc_{pan,i}$ = Percent of VOC for coating, i, or composite percent of VOC for the group of coatings including coating, i, associated with the coating solids deposited on the panel that remains on the wet panel when the wet panel leaves the controlled spray booth zone (or group of contiguous controlled spray booth zones) being tested, percent.

$P_{m,i}$ = Mass of VOC (from coating, i, or from the coating representing coating, i, in the panel test) remaining on the wet panel when the wet panel leaves the controlled spray booth zone or group of contiguous controlled spray booth zones being tested per mass of coating solids deposited on the panel, grams of VOC remaining per gram of coating solids deposited.

$W_{s,i}$ = Mass fraction of coating solids for coating, i, or average mass fraction of coating solids for the group of coatings including coating, i, grams coating solids per gram coating, determined by Method 24 (appendix A to 40 CFR part 60) or by following the guidelines for combining analytical VOC content and formulation solvent content presented in "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22).

$Wvoc_{c,i}$ = Mass fraction of VOC in coating, i, or average mass fraction of VOC for the group of coatings including coating, i, grams VOC per grams coating, determined by Method 24 (appendix A to 40 CFR part 60) or the guidelines for combining analytical VOC content and formulation solvent content presented in "Protocol for Determining Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations," EPA-450/3-88-018 (Docket ID No. OAR-2002-0093 and Docket ID No. A-2001-22).

4.3 The percent of VOC for coating, i, or composite percent of VOC for the group of coatings including coating, i, associated with the coating sprayed in the controlled spray booth zone (or group of contiguous controlled spray booth zones) being tested that is captured in the controlled spray booth zone or group of contiguous controlled spray booth zones being tested, $CE_{zone,i}$ (percent), is calculated using Equation A-5.

$$\mathbf{CE_{zone,i} = 100 - Pvoc_{pan,i}} \quad \textbf{(Eq. A-5)}$$

where:

$CE_{zone,i}$ = Capture efficiency for coating, i, or for the group of coatings including coating, i, in the controlled spray booth zone or group of contiguous controlled spray booth zones being tested as a percentage of the VOC in the coating, i, or of the group of coatings including coating, i, sprayed in the controlled spray booth zone or group of contiguous controlled spray booth zones being tested, percent.

4.4 Calculate the percent of VOC for coating, i, or composite percent of VOC for the group of coatings including coating, i, associated with the entire volume of coating, i, or with the total volume of all of the coatings grouped with coating, i, sprayed in the entire spray booth that is captured in the controlled spray booth zone or group of contiguous controlled spray booth zones being tested, using Equation A-6. The volume of coating, i, or of the group of coatings including coating, i, sprayed in the controlled spray booth zone or group of contiguous controlled spray booth zones being tested, and the volume of coating, i, or of the group of coatings including coating, i, sprayed in the entire spray booth may be determined from gun on times and fluid flow rates or from direct measurements of coating usage.

$$\mathbf{CE_i = (CE_{zone,i})(V_{zone,i}) / (V_{booth,i})} \quad \textbf{(Eq. A-6)}$$

where:

CE_i	=	Capture efficiency for coating, i, or for the group of coatings including coating, i, in the controlled spray booth zone (or group of contiguous controlled spray booth zones) being tested as a percentage of the VOC in the coating, i, or of the group of coatings including coating, i, sprayed in the entire spray booth in which the controlled spray booth zone (or group of contiguous controlled spray booth zones) being tested, percent.
$V_{zone,i}$	=	Volume of coating, i, or of the group of coatings including coating, i, sprayed in the controlled spray booth zone or group of contiguous controlled spray booth zones being tested, liters.
$V_{booth,i}$	=	Volume of coating, i, or of the group of coatings including coating, i, sprayed in the entire spray booth containing the controlled spray booth zone (or group of contiguous controlled spray booth zones) being tested, liters.

4.5 If you conduct multiple panel tests for the same coating or same group of coatings in the same spray booth (either because the coating or group of coatings is controlled in non-contiguous zones of the spray booth, or because you choose to conduct separate panel tests for contiguous controlled spray booth zones), then you may add the result from section 4.4 for each such panel test to get the total capture efficiency for the coating or group of coatings over all of the controlled zones in the spray booth for the coating or group of coatings.

45. ***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 DDDDD, in accordance with 40 CFR Parts 63.7480 through 63.7575 (including the Table(s) and Appendix(ices) referenced in Subpart DDDDD), which are included in the text of Attachment 1 hereto, and are hereby incorporated into this permit as if fully rewritten.***

Ordinarily, these requirements would be incorporated into Part II of this Title V permit; however, incorporating Subpart DDDDD into Part II of this Title V 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.

The following emissions units in this permit are subject to the aforementioned requirements: emissions units B008, B009, B010 and the ovens associated with K021, K022, K023, and K024.

40 CFR Part 63 Subpart A General Provisions

[The following emissions units contained in this permit are subject to 40 CFR Part 63, Subpart A: B008, B009, B010, K008, K009, K010, K018, K019, K021, K022, K023, K024, K027, K029, P002, P003, P004, P007, P008, and P009.]

46. 40 CFR 63.1 Applicability.

(a) General.

(1) Terms used throughout this part are defined in 40 CFR 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 40 CFR 63.2.

(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.

(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.

(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.

(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.

(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.

(5) [Reserved]

(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.

(7)-(9) [Reserved]

(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.

(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.

(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 40 CFR 63.9(i).

(b) Initial applicability determination for this part.

(1) The provisions of this part apply to the owner or operator of any stationary source that:

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

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

(2) [Reserved]

(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 40 CFR 63.10(b)(3).

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

(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.

(2) Except as provided in 40 CFR 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:

(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);

(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

(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.

(3)-(4) [Reserved]

(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.

(d) [Reserved]

(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.

47. 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,ö 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,ö 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,ö and the procedures for adopting an alternative definition of affected source,ö shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002.

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

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

Alternative test method means any method of sampling and analyzing for an air pollutant that is not a test method in this chapter and that has been demonstrated 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 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 a 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 enforceableö 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 enforceableö;

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

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

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

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

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

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

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

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

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 which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. 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,ö 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,ö which will be the same as the affected sourceö 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.

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).

Pollution Prevention means source reduction as defined under the Pollution Prevention Act (42 U.S.C. 13101-13109). The definition is as follows:

(1) Source reduction is any practice that:

(i) Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

(ii) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

(2) The term source reduction includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

(3) The term source reduction does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service.

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 40 CFR 63.1(a)(4), and all applicable appendices of this part or of other parts of this chapter that are referenced in that standard.

Responsible official means one of the following:

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

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

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

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

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

(4) For affected sources (as defined in this part) applying for or subject to a title V permit: responsible officialö 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.

Source at a Performance Track member facility means a major or area source located at a facility which has been accepted by EPA for membership in the Performance Track Program (as described at www.epa.gov/PerformanceTrack) and is still a member of the Program. The Performance Track Program is a voluntary program that encourages continuous environmental improvement through the use of environmental management systems, local community outreach, and measurable results.

Standard conditions means a temperature of 293 K (68oF) 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 section 112(l)) are open for normal business. Saturdays, Sundays, and official Federal (or where delegated, State) holidays are not working days.

48. 40 CFR 63.3 Units and abbreviations.

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

(a) System International (SI) units of measure:

A = ampere
g = gram

Hz = hertz
J = joule
K = degree Kelvin
kg = kilogram
l = liter
m = meter
m 3 = cubic meter
mg = milligram = 10−3 gram
ml = milliliter = 10−3 liter
mm = millimeter = 10−3 meter
Mg = megagram = 10 6 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 Ω = ohm Ig = microgram = 10−6 gram Il = microliter = 10−6 liter

(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
ft 2 = square feet
ft 3 = cubic feet
gal = gallon
gr = grain
g-eq = gram equivalent
g-mole = gram mole
hr = hour
in. = inch
in. H2 O = 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
yd 2 = square yards
yr = year

(c) Miscellaneous:

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

49. 40 CFR 63.4 Prohibited activities and circumvention.

(a) Prohibited activities.

(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.

(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.

(3)-(5) [Reserved]

(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:

(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;

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

(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.

50. 40 CFR 63.5 Preconstruction review and notification requirements.

(a) Applicability.

(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.

(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.

(b) Requirements for existing, newly constructed, and reconstructed sources.

(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.

(2) [Reserved]

(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:

(i) Construct a new affected source that is major-emitting and subject to such standard;

(ii) Reconstruct an affected source that is major-emitting and subject to such standard; or

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

(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 40 CFR 63.9(b).

(5) [Reserved]

(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.

(c) [Reserved]

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

(1) General application requirements.

(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 40 CFR 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.

(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:

(A) The applicant's name and address;

(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 40 CFR 63.2 or in the relevant standard;

(C) The address (i.e., physical location) or proposed address of the source;

(D) An identification of the relevant standard that is the basis of the application;

(E) The expected date of the beginning of actual construction or reconstruction;

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

(G) [Reserved]

(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

(I) [Reserved]

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

(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 40 CFR 63.9(h) (see 40 CFR 63.9(h)(5)).

(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.

(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:

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

(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;

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

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

(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.

(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.

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

(e) Approval of construction or reconstruction.

(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.

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

(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;

(B) The estimated life of the source after the replacements compared to the life of a comparable entirely new source;

(C) The extent to which the components being replaced cause or contribute to the emissions from the source; and

(D) Any economic or technical limitations on compliance with relevant standards that are inherent in the proposed replacements.

(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.

(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.

(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:

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

(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.

(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.

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

(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

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

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

(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:

(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.

(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.

(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 40 CFR 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).

51. 40 CFR 63.6 Compliance with standards and maintenance requirements.

(a) Applicability.

(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 40 CFR 63.1(a)(4) unless:

(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

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

(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.

(b) Compliance dates for new and reconstructed sources.

(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.

(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.

(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 section 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:

(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 stringentö 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

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

(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.

(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 40 CFR 63.9(d).

(6) [Reserved]

(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.

(c) Compliance dates for existing sources.

(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.

(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.

(3)-(4) [Reserved]

(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.

(d) [Reserved]

(e) Operation and maintenance requirements.

(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. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. 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.

(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.

(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.

(2) [Reserved]

(3) Startup, shutdown, and malfunction plan.

(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, and 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:

(A) Ensure that, at all times, the owner or operator operates and maintains each affected source, including associated air pollution control and monitoring equipment, in a manner which satisfies the general duty to minimize emissions established by paragraph (e)(1)(i) of this section;

(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

(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).

(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.

(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,ö 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 40 CFR 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 40 CFR 63.10(d)(5).

(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 any applicable emission limitation in 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 40 CFR 63.10(d)(5) (unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator).

(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. The Administrator may at any time request in writing that the owner or operator submit a copy of any

startup, shutdown, and malfunction plan (or a portion thereof) which is maintained at the affected source or in the possession of the owner or operator. Upon receipt of such a request, the owner or operator must promptly submit a copy of the requested plan (or a portion thereof) to the Administrator. The Administrator must request that the owner or operator submit a particular startup, shutdown, or malfunction plan (or a portion thereof) whenever a member of the public submits a specific and reasonable request to examine or to receive a copy of that plan or portion of a plan. The owner or operator may elect to submit the required copy of any startup, shutdown, and malfunction plan to the Administrator in an electronic format. If the owner or operator claims that any portion of such a startup, shutdown, and malfunction plan is confidential business information entitled to protection from disclosure under section 114(c) of the Act or 40 CFR 2.301, the material which is claimed as confidential must be clearly designated in the submission.

(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 or submitted when requested by the Administrator.

(vii) Based on the results of a determination made under paragraph (e)(1)(i) 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 must require appropriate revisions to a startup, shutdown, and malfunction plan, if the Administrator finds that the plan:

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

(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 the general duty to minimize emissions established by paragraph (e)(1)(i) of this section;

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

(D) Includes an event that does not meet the definition of startup, shutdown, or malfunction listed in 40 CFR 63.2.

(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 40 CFR 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, or 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.

(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.

(f) Compliance with nonopacity emission standards:

(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.

(2) Methods for determining compliance.

(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 40 CFR 63.7, unless otherwise specified in an applicable subpart of this part.

(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 40 CFR 63.6(e) and applicable subparts of this part.

(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:

(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;

(B) The performance test was conducted under representative operating conditions for the source;

(C) The performance test was conducted and the resulting data were reduced using EPA-approved test methods and procedures, as specified in 40 CFR 63.7(e) of this subpart; and

(D) The performance test was appropriately quality-assured, as specified in 40 CFR 63.7(c).

(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.

(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.

(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.

(g) Use of an alternative nonopacity emission standard.

(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.

(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 40 CFR 63.7 and 40 CFR 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 40 CFR 63.7 and 40 CFR 63.8.

(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.

(h) Compliance with opacity and visible emission standards:

(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.

(2) Methods for determining compliance.

(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.

(ii) [Reserved]

(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

(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;

(B) The opacity or visible emission test was conducted under representative operating conditions for the source;

(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 40 CFR 63.7(e); and

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

(3) [Reserved]

(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 40 CFR 63.9(f), if such observations are required for the source by a relevant standard.

(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:

(i) For the purpose of demonstrating initial compliance, opacity or visible emission observations shall be conducted concurrently with the initial performance test required in 40 CFR 63.7 unless one of the following conditions applies:

(A) If no performance test under 40 CFR 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 40 CFR 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

(B) If visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under 40 CFR 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 40 CFR 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.

(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).

(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 40 CFR 63.10(d).

(iv) [Reserved]

(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.

(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.

(7) Use of a continuous opacity monitoring system

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(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 40 CFR 63.7 and shall furnish the Administrator a written report of the monitoring results in accordance with the provisions of 40 CFR 63.10(e)(4).

(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 40 CFR 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 40 CFR 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 40 CFR 63.7, unless the owner or operator notifies the Administrator in writing to the contrary not later than with the notification under 40 CFR 63.7(b) of the date the subsequent performance test is scheduled to begin.

(iii) For the purposes of determining compliance with the opacity emission standard during a performance test required under 40 CFR 63.7 using COMS data, the COMS data shall be reduced to 6-minute averages over the duration of the mass emission performance test.

(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 40 CFR 63.8(e), that the COMS has been properly maintained, operated, and data quality-assured, as specified in 40 CFR 63.8(c) and 40 CFR 63.8(d), and that the resulting data have not been altered in any way.

(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 40 CFR 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.

(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 40 CFR 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.

(9) Adjustment to an opacity emission standard.

(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 40 CFR 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.

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

(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;

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

(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.

(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.

(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.

(i) Extension of compliance with emission standards.

(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.

(2) Extension of compliance for early reductions and other reductions

(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.

(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.

(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).

(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.

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

(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.

(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.

(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.

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

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

(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:

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

(2) The date by which final compliance is to be achieved.

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

(4) The date by which final compliance is to be achieved;

(C)(D)

(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.

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

(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.

(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.

(10) The extension will be in writing and will

(i) Identify each affected source covered by the extension;

(ii) Specify the termination date of the extension;

(iii) Specify the dates by which steps toward compliance are to be taken, if appropriate;

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

(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

(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.

(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.

(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.

(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.

(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

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

(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.

(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.

(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.

(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.

(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

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

(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.

(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.

(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:

(i) Notice of the reason for termination; and

(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.

(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.

(15) [Reserved]

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

(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.

52. 40 CFR 63.7 Performance testing requirements.

(a) Applicability and performance test dates.

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

(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.

(i)-(viii) [Reserved]

(ix) When an emission standard promulgated under this part is more stringent than the standard proposed (see 40 CFR 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.

(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.

(b) Notification of performance test.

(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.

(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.

(c) Quality assurance program.

(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.

(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.

(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.

(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.

(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.

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

(3) Approval of site-specific test plan.

(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

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

(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.

(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:

(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);

(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.

(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

(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

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

(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.

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

(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.

(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:

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

(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

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

(2) Safe sampling platform(s);

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

(4) Utilities for sampling and testing equipment; and

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

(e) Conduct of performance tests.

(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 40 CFR 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.

(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

(i) Specifies or approves, in specific cases, the use of a test method with minor changes in methodology (see definition in 40 CFR 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

(ii) Approves the use of an intermediate or major change or alternative to a test method (see definitions in 40 CFR 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

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

(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.

(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

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

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

(iii) Extreme meteorological conditions occur; or

(iv) Other circumstances occur that are beyond the owner or operator's control.

(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.

(f) Use of an alternative test method

(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.

(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.

(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;

(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

(iii) Submits the results of the Method 301 validation process along with thnotification 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.

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

(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.

(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 40 CFR 63.7(f).

(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.

(g) Data analysis, recordkeeping, and reporting.

(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 completedö 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 40 CFR 63.9(i)). The results of the performance test shall be submitted as part of

the notification of compliance status required under 40 CFR 63.9(h). Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the appropriate permitting authority.

(2) [Reserved]

(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.

(h) Waiver of performance tests.

(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.

(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.

(3) Request to waive a performance test.

(i) If a request is made for an extension of compliance under 40 CFR 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.

(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 40 CFR 63.6(i), 40 CFR 63.9(h), and 40 CFR 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.

(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.

(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

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

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

(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

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

(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.

53. 40 CFR 63.8 Monitoring requirements.

(a) Applicability.

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

(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.

(3) [Reserved]

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

(b) Conduct of monitoring.

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

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

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

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

(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.

(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

(A) Approved by the Administrator; or

(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).

(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.

(c) Operation and maintenance of continuous monitoring systems.

(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.

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

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

(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 40 CFR 63.6(e)(3).

(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).

(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.

(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 40 CFR 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.

(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:

(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.

(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.

(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.

(6) The owner or operator of a CMS that is not a CPMS, which is installed in accordance with the provisions of this part and the applicable CMS performance specification(s), must check the zero (low-level) and high-level calibration drifts at least once daily in accordance with the written procedure specified in the performance evaluation plan developed under paragraphs (e)(3)(i) and (ii) of this section. The zero (low-level) and high-level calibration drifts must be adjusted, at a minimum, whenever the 24-hour zero (low-level) drift exceeds two times the limits of the applicable performance specification(s) specified in the relevant standard. The system shall allow the amount of excess zero (low-level) and high-level drift measured at the 24-hour interval checks to be recorded and quantified whenever specified. For COMS, all optical and instrumental surfaces exposed to the effluent gases must be cleaned prior to performing the zero (low-level) and high-level drift adjustments; the optical surfaces and instrumental surfaces must be cleaned when the cumulative automatic zero compensation, if applicable, exceeds 4 percent opacity. The CPMS must be calibrated prior to use for the purposes of complying with this section. The CPMS must be checked daily for indication that the system is responding. If the CPMS system includes an internal system check, results must be recorded and checked daily for proper operation.

(7) (i) A CMS is out of control if

(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

(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

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

(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.

(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 40 CFR 63.10(e)(3).

(d) Quality control program.

(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.

(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:

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

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

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

(iv) Data recording, calculations, and reporting;

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

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

(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.

(e) Performance evaluation of continuous monitoring systems

(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.

(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 40 CFR 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.

(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.

(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.

(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).

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

(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 40 CFR 63.7(c)(3), the following conditions shall apply:

(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);

(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.

(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 Administrators failure to approve or disapprove a plan in a timely manner shall:

(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

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

(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 40 CFR 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 40 CFR 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 40 CFR 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 40 CFR 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 40 CFR 63.7(a), or as otherwise specified in the relevant standard.

(5) Reporting performance evaluation results.

(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 40 CFR 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.

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under 40 CFR 63.7 and described in 40 CFR 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 40 CFR 63.7 is conducted.

(f) Use of an alternative monitoring method.

(1) General. Until permission to use an alternative monitoring procedure (minor, intermediate, or major changes; see definition in 40 CFR 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.

(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:

(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;

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

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

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

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

(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;

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

(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

(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.

(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.

(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 40 CFR 63.7(f).

(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 40 CFR 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.

(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.

(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.

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

(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:

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

(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.

(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.

(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 40 CFR 63.8(f).

(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:

(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 40 CFR 63.7, or other tests performed following the criteria in 40 CFR 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 2 if 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.

(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.

(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.

(g) Reduction of monitoring data.

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

(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 40 CFR 63.2.

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

(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).

(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 40 CFR 63.10(b)(2)(vii)(A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

54. 40 CFR 63.9 Notification requirements.

(a) Applicability and general information.

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

(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.

(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.

(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 40 CFR 63.13).

(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.

(b) Initial notifications.

(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.

(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.

(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 40 CFR 63.5(d) of this subpart, if relevant, to fulfill the initial notification requirements of this paragraph.

(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:

(i) The name and address of the owner or operator;

(ii) The address (i.e., physical location) of the affected source;

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

(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

(v) A statement of whether the affected source is a major source or an area source.

(3) [Reserved]

(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 40 CFR 63.5(d) must provide the following information in writing to the Administrator:

(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 40 CFR 63.5(d)(1)(i); and

(ii)-(iv) [Reserved]

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

(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 40 CFR 63.5(d) must provide the following information in writing to the Administrator:

(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

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

(iii) Unless the owner or operator has requested and received prior permission from the Administrator to submit less than the information in 40 CFR 63.5(d), the notification must include the information required on the application for approval of construction or reconstruction as specified in 40 CFR 63.5(d)(1)(i).

(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 40 CFR 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 40 CFR 63.6(i)(4) through 40 CFR 63.6(i)(6).

(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 40 CFR 63.6(b)(3) and 40 CFR 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.

(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 40 CFR 63.7(c), if requested by the Administrator, and to have an observer present during the test.

(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 40 CFR 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 40 CFR 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.

(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:

(1) A notification of the date the CMS performance evaluation under 40 CFR 63.8(e) is scheduled to begin, submitted simultaneously with the notification of the performance test date required under 40 CFR 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 40 CFR 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;

(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 40 CFR 63.7 in lieu of Method 9 or other opacity emissions test method data, as allowed by 40 CFR 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

(3) A notification that the criterion necessary to continue use of an alternative to relative accuracy testing, as provided by 40 CFR 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.

(h) Notification of compliance status.

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

(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:

(A) The methods that were used to determine compliance;

(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;

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

(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;

(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);

(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

(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.

(ii) The notification must be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity 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. Notifications may be combined as long as the due date requirement for each notification is met.

(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.

(4) [Reserved]

(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 40 CFR 63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of 40 CFR 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.

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

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

(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.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(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.

(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.

(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.

(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.

55. 40 CFR 63.10 Recordkeeping and reporting requirements.

(a) Applicability and general information.

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

(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.

(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.

(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 40 CFR 63.13).

(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.

(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 40 CFR 63.9(i).

(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 40 CFR 63.9(i).

(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 60, part 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 40 CFR 63.9(i).

(b) General recordkeeping requirements.

(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.

(2) The owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of:

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

(ii) The occurrence and duration of each malfunction of the required air pollution control and monitoring equipment;

(iii) All required maintenance performed on the air pollution control and monitoring equipment;

(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 40 CFR 63.6(e)(3));

(v) All information necessary to demonstrate conformance with the affected source's startup, shutdown, and malfunction plan (see 40 CFR 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,ö or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);

(vi) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);

(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);

(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.

(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.

(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.

(viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;

(ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;

(x) All CMS calibration checks;

(xi) All adjustments and maintenance performed on CMS;

(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;

(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 40 CFR 63.8(f)(6); and

(xiv) All documentation supporting initial notifications and notifications of compliance status under 40 CFR 63.9.

(3) Recordkeeping requirement for applicability determinations. If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under this part) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any. The requirements to determine applicability of a standard under 40 CFR 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.

(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

(1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);

(2)-(4) [Reserved]

(5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;

(6) The date and time identifying each period during which the CMS was out of control, as defined in 40 CFR 63.8(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;

(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;

(9) [Reserved]

(10) The nature and cause of any malfunction (if known);

(11) The corrective action taken or preventive measures adopted;

(12) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;

(13) The total process operating time during the reporting period; and

(14) All procedures that are part of a quality control program developed and implemented for CMS under 40 CFR 63.8(d).

(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 40 CFR 63.6(e), provided that such plan and records adequately address the requirements of paragraphs (c)(10) through (c)(12).

(d) General reporting requirements.

(1) Notwithstanding the requirements in this paragraph or paragraph (e) of this section, and except as provided in 40 CFR 63.16, 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).

(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 40 CFR 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 40 CFR 63.9(h).

(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 40 CFR 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 40 CFR 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.

(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 40 CFR 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.

(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 40 CFR 63.6(e)(3)), the owner or operator shall state such information in a startup, shutdown, and malfunction report. Such a report shall identify any instance where any 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 affected source's startup, shutdown, and malfunction plan, but the source does not exceed any applicable emission limitation in the relevant emission standard. Such a report shall also include the number, duration, and a brief description for each type of

malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. 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.

(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, and the source exceeds any applicable emission limitation in the relevant emission standard, the owner or operator shall report the actions taken for that event within 2 working days after commencing actions inconsistent with the plan followed by a letter within 7 working days after the end of the event. The immediate report required under this paragraph (d)(5)(ii) 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 describing all excess emissions and/or parameter monitoring exceedances which 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 (d)(5)(ii) are specified in 40 CFR 63.9(i).

(e) Additional reporting requirements for sources with continuous monitoring systems

(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.

(2) Reporting results of continuous monitoring system performance evaluations.

(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 40 CFR 63.8(e), simultaneously with the results of the performance test required under 40 CFR 63.7, unless otherwise specified in the relevant standard.

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under 40 CFR 63.7 and described in 40 CFR 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 40 CFR 63.8(e). The copies shall be furnished at least 15 calendar days before the performance test required under 40 CFR 63.7 is conducted.

(3) Excess emissions and continuous monitoring system performance report and summary report.

(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

(A) More frequent reporting is specifically required by a relevant standard;

(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

(C) [Reserved]

(D) The affected source is complying with the Performance Track Provisions of 40 CFR 63.16, which allows less frequent reporting.

(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:

(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;

(B) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the relevant standard; and

(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.

(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.

(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.

(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 40 CFR 63.8(c)(7) and 40 CFR 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.

(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:

(A) The company name and address of the affected source;

(B) An identification of each hazardous air pollutant monitored at the affected source;

(C) The beginning and ending dates of the reporting period;

(D) A brief description of the process units;

(E) The emission and operating parameter limitations specified in the relevant standard(s);

(F) The monitoring equipment manufacturer(s) and model number(s);

(G) The date of the latest CMS certification or audit;

(H) The total operating time of the affected source during the reporting period;

(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;

(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;

(K) A description of any changes in CMS, processes, or controls since the last reporting period;

(L) The name, title, and signature of the responsible official who is certifying the accuracy of the report; and (M) The date of the report.

(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.

(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.

(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 40 CFR 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.

(f) Waiver of record keeping or reporting requirements.

(1) Until a waiver of a record keeping 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.

(2) Record keeping 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.

(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 40 CFR 63.6(i), any required compliance progress report or

compliance status report required under this part (such as under 40 CFR 63.6(i) and 40 CFR 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.

(4) The Administrator will approve or deny a request for a waiver of recordkeeping or reporting requirements under this paragraph when he/she

(i) Approves or denies an extension of compliance; or

(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

(iii) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

(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.

(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.

56. 40 CFR 63.11 Control device requirements.

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

(b) Flares.

(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.

(2) Flares shall be steam-assisted, air-assisted, or non-assisted.

(3) Flares shall be operated at all times when emissions may be vented to them.

(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.

(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.

(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.

(i) (A) Flares shall be used that have a diameter of 3 inches or greater, are nonassisted, have a hydrogen content of 8.0 percent (by volume) or greater, and are designed for and operated with an exit velocity less than 37.2 m/sec (122 ft/sec) and less than the velocity Vmax, as determined by the following equation:

$$V_{max} = (X_{H2} - K_1)* K_2$$

where:

Vmax = Maximum permitted velocity, m/sec.
K1 = Constant, 6.0 volume-percent hydrogen.
K2 = Constant, 3.9(m/sec)/volume-percent hydrogen.
XH2 = The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946 77.
(Incorporated by reference as specified in 40 CFR 63.14).

(B) The actual exit velocity of a flare shall be determined by the method specified in paragraph (b)(7)(i) of this section.

(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:

H_T = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25oC and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20oC.

K = Constant =

1.740×10^{-7} (1/ppmv)(g-mole/scm)(MJ/kcal)

where the standard temperature for (g-mole/scm) is 20oC.

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 40 CFR 63.14).

Hi = Net heat of combustion of sample component i, kcal/g-mole at 25oC 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 40 CFR 63.14) if published values are not available or cannot be calculated.

n = Number of sample components.

(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 Method 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.

(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).

(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:

Log10(Vmax)=(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.

(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.

57. 40 CFR 63.12 State authority and delegations.

(a) The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from

(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;

(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

(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.

(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.

(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.

(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.

58. 40 CFR 63.13 Addresses of State air pollution control agencies and EPA Regional Offices.

(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, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303-3104.

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, RCRA, and Toxics Division, U.S. Environmental Protection Agency, 901 N. 5th Street, 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.

(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.

(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.

59. 40 CFR 63.14 Incorporations by reference.

Link to an amendment published at 69 FR 22623, Apr. 26, 2004.

(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 National Archives and Records Administration (NARA), at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html .

(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.

(1) ASTM D523-89, Standard Test Method for Specular Gloss, IBR approved for 40 CFR 63.782.

(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.

(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.

(4) ASTM D1475-90, Standard Test Method for Density of Paint, Varnish Lacquer, and Related Products, IBR approved for 40 CFR 63.788, Appendix A.

(5) ASTM D1946-77, 90, 94, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for 40 CFR 63.11(b)(6).

(6) ASTM D2369-93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved for 40 CFR 63.788, Appendix A.

(7) ASTM D2382-76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for 40 CFR 63.11(b)(6).

(8) ASTM D2879-83, 96, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved for 40 CFR 63.111 and 40 CFR 63.2406.

(9) ASTM D3257-93, Standard Test Methods for Aromatics in Mineral Spirits by Gas Chromatography, IBR approved for 40 CFR 63.786(b).

(10) ASTM 3695-88, Standard Test Method for Volatile Alcohols in Water by Direct Aqueous-Injection Gas Chromatography, IBR approved for 40 CFR 63.365(e)(1) of Subpart O.

(11) ASTM D3792-91, Standard Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for 40 CFR 63.788, Appendix A.

(12) ASTM D3912-80, Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for 40 CFR 63.782.

(13) ASTM D4017-90, 96a, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved for 40 CFR 63.788, Appendix A.

(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 40 CFR 63.782.

(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 40 CFR 63.782.

(16) ASTM D4809-95, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), IBR approved for 40 CFR 63.11(b)(6).

(17) ASTM E180-93, Standard Practice for Determining the Precision of ASTM Methods for Analysis and Testing of Industrial Chemicals, IBR approved for 40 CFR 63.786(b).

(18) ASTM E260-91, 96, General Practice for Packed Column Gas Chromatography, IBR approved for 40 CFR 40 CFR 63.750(b)(2) and 63.786(b)(5).

(19)-(20) [Reserved]

(21) ASTM D2099-00, Standard Test Method for Dynamic Water Resistance of Shoe Upper Leather by the Maeser Water Penetration Tester, IBR approved for 40 CFR 63.5350.

(22)-(23) [Reserved]

(24) ASTM D2697-86 (Reapproved 1998), Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings, IBR approved for 40 CFR 40 CFR 63.3521(b)(1), 63.3941(b)(1), 63.4141(b)(1), 63.4741(b)(1), 63.4941(b)(1), and 63.5160(c).

(25) ASTM D6093-97 (Reapproved 2003), Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer, IBR approved for 40 CFR 40 CFR 63.3521(b)(1), 63.3941(b)(1), 63.4141(b)(1), 63.4741(b)(1), 63.4941(b)(1), and 63.5160(c).

(26) ASTM D1475-98, Standard Test Method for Density of Liquid Coatings, Inks, and Related Products, IBR approved for 40 CFR 40 CFR 63.3941(b)(4), 63.3941(c), 63.3951(c), 63.4141(b)(3), 63.4141(c), and 63.4551(c).

(27) ASTM D 6522-00, Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, IBR approved for 40 CFR 63.9307(c)(2).

(28) [Reserved]

(29) ASTM D6420-99, Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, IBR approved for 40 CFR 40 CFR 63.5799 and 63.5850.

(30) ASTM E 515-95 (Reapproved 2000), Standard Test Method for Leaks Using Bubble Emission Techniques, IBR approved for 40 CFR 63.425(i)(2).

(31) ASTM D5291-02, Standard Test Methods for Instrumental Determination of Carbon, Hydrogen, and Nitrogen in Petroleum Products and Lubricants, IBR approved for 40 CFR 63.3981, appendix A.

(32) ASTM D5965-02, Standard Test Methods for Specific Gravity of Coating Powders, IBR approved for 40 CFR 63.3951(c).

(33) ASTM D6053-00, Standard Test Method for Determination of Volatile Organic Compound (VOC) Content of Electrical Insulating Varnishes, IBR approved for 40 CFR 63.3981, appendix A.

(34) E145-94 (Reapproved 2001), Standard Specification for Gravity-Convection and Forced-Ventilation Ovens, IBR approved for 40 CFR 63.4581, Appendix A.

(c) The materials listed below are available for purchase from the American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005.

(1) API Publication 2517, Evaporative Loss from External Floating-Roof Tanks, Third Edition, February 1989, IBR approved for 40 CFR 63.111 and 40 CFR 63.2406.

(2) API Publication 2518, Evaporative Loss from Fixed-roof Tanks, Second Edition, October 1991, IBR approved for 40 CFR 63.150(g)(3)(i)(C) of subpart G of this part.

(3) API Manual of Petroleum Measurement Specifications (MPMS) Chapter 19.2, Evaporative Loss From Floating-Roof Tanks (formerly API Publications 2517 and 2519), First Edition, April 1997, IBR approved for 40 CFR 63.1251 of subpart GGG of this part.

(d) State and Local Requirements. The materials listed below are available at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC.

(1) California Regulatory Requirements Applicable to the Air Toxics Program, January 5, 1999, IBR approved for 40 CFR 63.99(a)(5)(ii) of subpart E of this part.

(2) New Jersey's Toxic Catastrophe Prevention Act Program, (July 20, 1998), Incorporation By Reference approved for 40 CFR 63.99 (a)(30)(i) of subpart E of this part.

(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.

(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 40 CFR 63.99(a)(8)(i) of subpart E of this part.

(iii) State of Delaware Regulations Governing the Control of Air Pollution (October 2000), IBR approved for 40 CFR 63.99(a)(8)(ii)-(v) of subpart E of this part.

(4) Massachusetts Regulations Applicable to Hazardous Air Pollutants (July 2002). Incorporation By Reference approved for 40 CFR 63.99(a)(21)(ii) of subpart E of this part.

(5) New Hampshire Regulations Applicable to Hazardous Air Pollutants, March, 2003. Incorporation by Reference approved for 40 CFR 63.99(a)(29)(iii) of subpart E of this part.

(e) The materials listed below are available for purchase from the National Institute of Standards and Technology, Springfield, VA 22161, (800) 553-6847.

(1) Handbook 44, Specificiations, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices 1998, IBR approved for 40 CFR 63.1303(e)(3).

(2) [Reserved]

(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 40 CFR 63.457(c)(3)(ii) of subpart S of this part.

(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.

(1) AOAC Official Method 978.01 Phosphorus (Total) in Fertilizers, Automated Method, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

(2) AOAC Official Method 969.02 Phosphorus (Total) in Fertilizers, Alkalimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

(3) AOAC Official Method 962.02 Phosphorus (Total) in Fertilizers, Gravimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

(4) AOAC Official Method 957.02 Phosphorus (Total) in Fertilizers, Preparation of Sample Solution, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

(5) AOAC Official Method 929.01 Sampling of Solid Fertilizers, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

(6) AOAC Official Method 929.02 Preparation of Fertilizer Sample, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

(7) AOAC Official Method 958.01 Phosphorus (Total) in Fertilizers, Spectrophotometric Molybdovanadophosphate Method, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

(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.

(1) Section IX, Methods of Analysis for Phosphate Rock, No. 1 Preparation of Sample, IBR approved for 40 CFR 63.606(c)(3)(ii) and 40 CFR 63.626(c)(3)(ii).

(2) Section IX, Methods of Analysis for Phosphate Rock, No. 3 PhosphorusP2O5 or Ca3(PO4)2, Method A-Volumetric Method, IBR approved for 40 CFR 63.606(c)(3)(ii) and 40 CFR 63.626(c)(3)(ii).

(3) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method BGravimetric Quimociac Method, IBR approved for 40 CFR 63.606(c)(3)(ii) and 40 CFR 63.626(c)(3)(ii).

(4) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method CSpectrophotometric Method, IBR approved for 40 CFR 63.606(c)(3)(ii) and 40 CFR 63.626(c)(3)(ii).

(5) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method AVolumetric Method, IBR approved for 40 CFR 63.606(c)(3)(ii), 40 CFR 63.626(c)(3)(ii), and 40 CFR 63.626(d)(3)(v).

(6) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method BGravimetric Quimociac Method, IBR approved for 40 CFR 63.606(c)(3)(ii), 40 CFR 63.626(c)(3)(ii), and 40 CFR 63.626(d)(3)(v).

(7) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method CSpectrophotometric Method, IBR approved for 40 CFR 63.606(c)(3)(ii), 40 CFR 63.626(c)(3)(ii), and 40 CFR 63.626(d)(3)(v).

(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.

(1) ASME standard number QHO-1-1994, Standard for the Qualification and Certification of Hazardous Waste Incinerator Operators,ö IBR approved for 40 CFR 63.1206(c)(6)(iii).

(2) ASME standard number QHO-1a-1996 Addenda to QHO-1-1994, Standard for the Qualification and Certification of Hazardous Waste Incinerator Operators,ö IBR approved for 40 CFR 63.1206(c)(6)(iii).

(3) ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus],ö IBR approved for 40 CFR 40 CFR 63.865(b), 63.3360(e)(1)(iii), 63.3545(a)(3), 63.3555(a)(3), 63.4166(a)(3), 63.4362(a)(3), 63.4766(a)(3), 63.4965(a)(3), 63.5160(d)(1)(iii), 63.9307(c)(2), and 69.9323(a)(3).

(j) The following material is available for purchase from: British Standards Institute, 389 Chiswick High Road, London W4 4AL, United Kingdom.

(1) BS EN 1593:1999, Non-destructive Testing: Leak Testing: Bubble Emission Techniques, IBR approved for 40 CFR 63.425(i)(2).

(2) [Reserved]

(k) The following material may be obtained from U.S. EPA, Office of Solid Waste (5305W), 1200 Pennsylvania Avenue, NW., Washington, DC 20460:

(1) Method 9071B, n-Hexane Extractable Material(HEM) for Sludge, Sediment, and Solid Samples,ö (Revision 2, April 1998) as published in EPA Publication SW-846: Test Methods for Evaluating Solid Waste, Physical/Chemical Methods.ö The incorporation by reference of Method 9071B is approved for Section 63.7824(e) of Subpart FFFFF of this part.

60. 40 CFR 63.15 Availability of information and confidentiality.

(a) Availability of information.

(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.

(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.

(b) Confidentiality.

(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.

(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.

61. 40 CFR 63.16 Performance Track Provisions.

(a) Notwithstanding any other requirements in this part, an affected source at any major source or any area source at a Performance Track member facility, which is subject to regular periodic reporting under any subpart of this part, may submit such periodic reports at an interval that is twice the length of the regular period specified in the applicable subparts; provided, that for sources subject to permits under 40 CFR part 70 or 71 no interval so calculated for any report of the results of any required monitoring may be less frequent than once in every six months.

(b) Notwithstanding any other requirements in this part, the modifications of reporting requirements in paragraph (c) of this section apply to any major source at a Performance Track member facility which is subject to requirements under any of the subparts of this part and which has:

(1) Reduced its total HAP emissions to less than 25 tons per year;

(2) Reduced its emissions of each individual HAP to less than 10 tons per year; and

(3) Reduced emissions of all HAPs covered by each MACT standard to at least the level required for full compliance with the applicable emission standard.

(c) For affected sources at any area source at a Performance Track member facility and which meet the requirements of paragraph (b)(3) of this section, or for affected sources at any major source that meet the requirements of paragraph (b) of this section:

(1) If the emission standard to which the affected source is subject is based on add-on control technology, and the affected source complies by using add-on control technology, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is meeting the emission standard by continuing to use that control technology. The affected source must continue to meet all relevant monitoring and recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).

(2) If the emission standard to which the affected source is subject is based on add-on control technology, and the affected source complies by using pollution prevention, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is continuing to use

pollution prevention to reduce HAP emissions to levels at or below those required by the applicable emission standard. The affected source must maintain records of all calculations that demonstrate the level of HAP emissions required by the emission standard as well as the level of HAP emissions achieved by the affected source. The affected source must continue to meet all relevant monitoring and recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).

(3) If the emission standard to which the affected source is subject is based on pollution prevention, and the affected source complies by using pollution prevention and reduces emissions by an additional 50 percent or greater than required by the applicable emission standard, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is continuing to use pollution prevention to reduce HAP emissions by an additional 50 percent or greater than required by the applicable emission standard. The affected source must maintain records of all calculations that demonstrate the level of HAP emissions required by the emission standard as well as the level of HAP emissions achieved by the affected source. The affected source must continue to meet all relevant monitoring and recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).

(4) Notwithstanding the provisions of paragraphs (c)(1) through (3), of this section, for sources subject to permits under 40 CFR part 70 or 71, the results of any required monitoring and recordkeeping must be reported not less frequently than once in every six months.

62. The following insignificant emissions units are located at this facility:

B003 - Hastings heater #1 (PTI 04-322);
B004 - Hastings heater #2 (PTI 04-322);
B005 - Hastings heater #3 (PTI 04-322);
B006 - Hastings heater #4 (PTI 04-322);
B007 - Hastings heater #5 (PTI 04-322); and
T001 - windshield washer fluid storage tank (PTI 04-830).

Each insignificant emissions unit at this facility must comply with all applicable State and federal regulations, as well as any emission limitations and/or control requirements contained within the identified permit to install for the emissions unit. Insignificant emissions units listed above that are not subject to specific permit to install requirements are subject to one or more applicable requirements contained in the SIP-approved versions of OAC Chapters 3745-17, 3745-18, and 3745-21.

B. State Only Enforceable Section

1. This permit allows the use of the coatings and cleanup materials specified by the permittee in the application for PTI number 04-1102. In conjunction with the best available technology requirements of OAC rule 3745-31-05, the Toluene 2,4 diisocyanate, Formaldehyde, Phosphoric acid, Triethanolamine, Nitric acid, Ethanolamine, Glycerine, Vinyl chloride, Benzene, Vinyl acetate, n-Butyl alcohol, Ethylene glycol monobutyl ether (2-butoxy ethanol), 1,2,4-Trimethylbenzene, Diisobutyl ketone, Isobutyl alcohol, Toluene, Methyl isobutyl ketone, Methyl amyl ketone, Cumene, Methanol, Propylene glycol methyl ether, Ethylbenzene, Xylene, 3-Methyl butyl acetate (i.e., isoamyl acetate), n-Amyl acetate, Methyl ethyl ketone, Tetrahydrofuran, Dipropylene glycol monomethyl ether, Methyl n-propyl ketone, Isobutyl acetate, Butyl Acetate, Natural gasoline, Isopropyl alcohol, Isopropyl acetate, Aromatic Controlled Naphtha, Mineral Spirits, VM&P Naphtha (Mineral Spirits), Petroleum naphtha, Petroleum distillates, Naphthol Spirits, Solvent naphtha light aliphatic, Aromatic solvent 150, Light aromatic solvent naphtha, Odorless mineral spirits, Mineral Spirits (Hydrocarbons), Petroleum Distillates, Ethyl acetate, Heptane, Acetone and Ethanol emission concentrations specified in this permit were established in accordance with the Ohio EPA's "Air Toxics Policy" and are based on both the coating and cleanup material formulation data and the design parameters of the emissions unit's exhaust system, as specified in the application. Compliance with the Ohio EPA's "Air Toxics Policy" was demonstrated for each pollutant based on the "ISCST3" model and a comparison of the predicted 1 hour maximum ground-level concentration to the MAGLC.

2. Any of the following changes may be deemed a "modification" to the emissions unit and, as such, prior notification to and approval from the Toledo Division of Environmental Services is required, including the possible issuance of modifications to PTI number 04-1102 and the operating permit:

a. any changes in the composition of the coatings or cleanup materials, or the use of new coatings or cleanup materials, that would result in the emission of a compound with a lower Threshold Limit Value (TLV), as indicated in the most recent version of the handbook entitled "American Conference of Governmental Industrial Hygienists (ACGIH)," than the lowest TLV value specified in the above table;

b. any change to the emissions unit or its exhaust parameters (e.g., increased emission rate, reduction of exhaust gas flow rate, and decreased stack height) that would result in an exceedance of any MAGLC specified in the above table; and

c. any change to the emissions unit or its method of operation that would either require an increase in the emission limitation(s) established by this permit or would otherwise be considered a "modification" as defined in OAC rule 3745-31-01.

3. 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:

Z001 - plantwide miscellaneous storage tanks;
Z003 - plantwide miscellaneous fluid fill operations;

Z004 - plant wide water wash systems;
Z005 - clean shop sanding booth;
Z006 - plantwide parts washers and cleaners; and
Z007 - plantwide heaters.

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Hot water generator #1 (B008)
Activity Description: 32.66 MMBtu/hour natural gas, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
32.66 mmBtu/hour natural gas boiler, with low NOx burners	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 8.3 tpy of CO, 13 tpy of nitrogen oxides (NOx), 1.9 tpy of particulate emissions (as PM10), 0.0006 lb of sulfur dioxide (SO2)/mmBtu of actual heat input, 18 tpy of SO2, 0.38 tpy of volatile organic compounds (VOC), 5% opacity as a 6-minute average, and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.083 lb of NOx/mmBtu of actual heat input 0.0056 lb of PM10/mmBtu of actual heat input, and 0.0054 lb of VOC/mmBtu of actual heat input
	OAC rule 3745-17-07(A)(1)	See section A.I.2.b.
	OAC rule 3745-17-10(B)(1)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.

OAC rule 3745-21-08(B)	None, see section A.I.2.d.
OAC rule 3745-23-06(B)	None, see section A.I.2.e.
40 CFR Part 60, Subpart Dc	Record keeping per section A.III.1.
40 CFR Part 63, Subpart DDDDD	See section A.I.2.f.
40 CFR Part 63, Subpart A	See section A.I.2.g.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rules 3745-18-06(A), 3745-21-08(B), 3745-23-06(B), 3745-31-10 through 3745-31-20, and 40 CFR Part 60, Subpart Dc.

2.b The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emission unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

2.f Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.46 through A.74, for the requirements of 40 CFR Part 63, Subpart DDDDD; - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. The requirements of 40 CFR Part 63, Subpart DDDDD will become applicable to this emissions unit upon final promulgation in the Federal Register.

2.g Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit, but this does not preclude the permittee from burning landfill gas after the appropriate permit(s) have been obtained.

III Monitoring and/or Recordkeeping

1. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

2. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

5% opacity as a 6-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lb/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

8.3 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.083 lb of NOx/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.050 lb NOx/mmBtu ((50 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

13 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.083 lb/mmBtu) by the emissions unit's maximum heat input capacity (32.66 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0056 lb of PM10/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0056 lb PM10/mmBtu ((5.7 lbs PM/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. AP-42 states that all particulate from this process is presumed to be less than 1.0 micron in diameter. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with Methods 201 and 202 of 40 CFR Part 51, Appendix M. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

1.9 tpy of PM10

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term PM10 emission limitation (0.0056 lb/mmBtu) by the emissions unit's maximum heat input capacity (32.66 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.h Emission Limitation:

0.0006 lb of SO2/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0006 lb SO2/mmBtu ((0.6 lb/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98, or OAC rule 3745-18-04(G)(3). If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 6 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.i Emission Limitation:

18 tpy of SO2

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term SO2 emission limitation (0.0006 lb/mmBtu) by the emissions unit's maximum heat input capacity (32.66 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.j Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.k Emission Limitation:

0.38 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

None

Emissions Unit: **Hot water generator #1 (B008)**

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Hot water generator #2 (B009)
Activity Description: 32.66 MMBtu/hour natural gas, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
32.66 mmBtu/hour natural gas boiler, with low NOx burners	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 8.3 tpy of CO, 13 tpy of nitrogen oxides (NOx), 1.9 tpy of particulate emissions (as PM10), 0.0006 lb of sulfur dioxide (SO2)/mmBtu of actual heat input, 18 tpy of SO2, 0.38 tpy of volatile organic compounds (VOC), 5% opacity as a 6-minute average, and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.083 lb of NOx/mmBtu of actual heat input 0.0056 lb of PM10/mmBtu of actual heat input, and 0.0054 lb of VOC/mmBtu of actual heat input
	OAC rule 3745-17-07(A)(1)	See section A.I.2.b.
	OAC rule 3745-17-10(B)(1)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.

OAC rule 3745-21-08(B)	None, see section A.I.2.d.
OAC rule 3745-23-06(B)	None, see section A.I.2.e.
40 CFR Part 60, Subpart Dc	Record keeping per section A.III.1.
40 CFR Part 63, Subpart DDDDD	See section A.I.2.f.
40 CFR Part 63, Subpart A	See section A.I.2.g.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rules 3745-18-06(A), 3745-21-08(B), 3745-23-06(B), 3745-31-10 through 3745-31-20, and 40 CFR Part 60, Subpart Dc.

2.b The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emission unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

2.f Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.46 through A.74, for the requirements of 40 CFR Part 63, Subpart DDDDD; - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. The requirements of 40 CFR Part 63, Subpart DDDDD will become applicable to this emissions unit upon final promulgation in the Federal Register.

2.g Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit, but this does not preclude the permittee from burning landfill gas after the appropriate permit(s) have been obtained.

III Monitoring and/or Recordkeeping

1. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

2. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

5% opacity as a 6-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

8.3 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.083 lb of NOx/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.050 lb NOx/mmBtu ((50 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

13 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.083 lb/mmBtu) by the emissions unit's maximum heat input capacity (32.66 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0056 lb of PM10/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0056 lb PM10/mmBtu ((5.7 lbs PM/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. AP-42 states that all particulate from this process is presumed to be less than 1.0 micron in diameter. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with Methods 201 and 202 of 40 CFR Part 51, Appendix M. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

1.9 tpy of PM10

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term PM10 emission limitation (0.0056 lb/mmBtu) by the emissions unit's maximum heat input capacity (32.66 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.h Emission Limitation:

0.0006 lb of SO2/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0006 lb SO2/mmBtu ((0.6 lb/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98, or OAC rule 3745-18-04(G)(3). If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 6 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.i Emission Limitation:

18 tpy of SO2

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term SO2 emission limitation (0.0006 lb/mmBtu) by the emissions unit's maximum heat input capacity (32.66 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.j Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.k Emission Limitation:

0.38 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

None

Emissions Unit: Hot water generator #2 (B009)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Hot water generator #3 (B010)
Activity Description: 32.66 MMBtu/hour natural gas, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
32.66 mmBtu/hour natural gas boiler, with low NOx burners	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 8.3 tpy of CO, 13 tpy of nitrogen oxides (NOx), 1.9 tpy of particulate emissions (as PM10), 0.0006 lb of sulfur dioxide (SO2)/mmBtu of actual heat input, 18 tpy of SO2, 0.38 tpy of volatile organic compounds (VOC), 5% opacity as a 6-minute average, and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.083 lb of NOx/mmBtu of actual heat input 0.0056 lb of PM10/mmBtu of actual heat input, and 0.0054 lb of VOC/mmBtu of actual heat input
	OAC rule 3745-17-07(A)(1)	See section A.I.2.b.
	OAC rule 3745-17-10(B)(1)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.

OAC rule 3745-21-08(B)	None, see section A.I.2.d.
OAC rule 3745-23-06(B)	None, see section A.I.2.e.
40 CFR Part 60, Subpart Dc	Record keeping per section A.III.1.
40 CFR Part 63, Subpart DDDDD	See section A.I.2.f.
40 CFR Part 63, Subpart A	See section A.I.2.g.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rules 3745-18-06(A), 3745-21-08(B), 3745-23-06(B), 3745-31-10 through 3745-31-20, and 40 CFR Part 60, Subpart Dc.

2.b The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emission unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

2.f Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.46 through A.74, for the requirements of 40 CFR Part 63, Subpart DDDDD; - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. The requirements of 40 CFR Part 63, Subpart DDDDD will become applicable to this emissions unit upon final promulgation in the Federal Register.

2.g Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit, but this does not preclude the permittee from burning landfill gas after the appropriate permit(s) have been obtained.

III Monitoring and/or Recordkeeping

1. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

2. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

5% opacity as a 6-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

8.3 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.083 lb of NOx/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.050 lb NOx/mmBtu ((50 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

13 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.083 lb/mmBtu) by the emissions unit's maximum heat input capacity (32.66 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0056 lb of PM10/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0056 lb PM10/mmBtu ((5.7 lbs PM/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. AP-42 states that all particulate from this process is presumed to be less than 1.0 micron in diameter. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with Methods 201 and 202 of 40 CFR Part 51, Appendix M. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

1.9 tpy of PM10

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term PM10 emission limitation (0.0056 lb/mmBtu) by the emissions unit's maximum heat input capacity (32.66 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.h Emission Limitation:

0.0006 lb of SO2/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0006 lb SO2/mmBtu ((0.6 lb/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98, or OAC rule 3745-18-04(G)(3). If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 6 of 40 CFR Part 60 Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.i Emission Limitation:

18 tpy of SO2

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term SO2 emission limitation (0.0006 lb/mmBtu) by the emissions unit's maximum heat input capacity (32.66 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.j Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.k Emission Limitation:

0.38 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

None

Emissions Unit: **Hot water generator #3 (B010)**

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 1-2 (B011)
Activity Description: 12.02 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
12.02 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 2.4 tpy of CO, 9.8 tpy of nitrogen oxides (NOx), 0.20 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

2.4 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

9.8 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.140 lb/mmBtu) by the emissions unit's maximum heat input capacity (12.02 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.20 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 1-2 (B011)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 1-3 (B012)
Activity Description: 15.03 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
15.03 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 2.4 tpy of CO, 9.8 tpy of nitrogen oxides (NOx), 0.20 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

2.4 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

9.8 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.140 lb/mmBtu) by the emissions unit's maximum heat input capacity (15.03 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.20 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 1-3 (B012)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 1-4 (B013)
Activity Description: 15.03 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
15.03 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 2.4 tpy of CO, 9.8 tpy of nitrogen oxides (NOx), 0.20 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

2.4 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

9.8 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.140 lb/mmBtu) by the emissions unit's maximum heat input capacity (15.03 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.20 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 1-4 (B013)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 2-3 (B014)
Activity Description: 12.02 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
12.02 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 2.4 tpy of CO, 9.8 tpy of nitrogen oxides (NOx), 0.20 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

Emissions Unit: ASH 2-3 (B014)

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

2.4 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

9.8 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.140 lb/mmBtu) by the emissions unit's maximum heat input capacity (12.02 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.20 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 2-3 (B014)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 2-4 (B015)
Activity Description: 15.03 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
15.03 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 2.4 tpy of CO, 9.8 tpy of nitrogen oxides (NOx), 0.20 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

2.4 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

9.8 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.140 lb/mmBtu) by the emissions unit's maximum heat input capacity (15.03 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.20 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 2-4 (B015)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 1-5 (B016)
Activity Description: 12.02 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
12.02 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 2.4 tpy of CO, 9.8 tpy of nitrogen oxides (NOx), 0.20 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

Emissions Unit: ASH 1-5 (B016)

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

2.4 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

9.8 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.140 lb/mmBtu) by the emissions unit's maximum heat input capacity (12.02 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.20 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 1-5 (B016)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 2-5 (B017)
Activity Description: 12.02 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
12.02 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 2.1 tpy of CO, 8.6 tpy of nitrogen oxides (NOx), 0.17 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

2.1 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

8.6 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.140 lb/mmBtu) by the emissions unit's maximum heat input capacity (12.02 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.17 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 2-5 (B017)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 1-6 (B018)
Activity Description: 13.53 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
13.53 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 2.1 tpy of CO, 8.6 tpy of nitrogen oxides (NOx), 0.17 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

2.1 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

8.6 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.140 lb/mmBtu) by the emissions unit's maximum heat input capacity (13.53 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.17 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 1-6 (B018)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 2-2 (B019)
Activity Description: 12.02 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
12.02 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 1.9 tpy of CO, 8.0 tpy of nitrogen oxides (NOx), 0.16 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

Emissions Unit: ASH 2-2 (B019)

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

1.9 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

8.0 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.140 lb/mmBtu) by the emissions unit's maximum heat input capacity (12.02 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.16 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 2-2 (B019)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 1-8 (B020)
Activity Description: 10.52 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
10.52 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 1.9 tpy of CO, 8.0 tpy of nitrogen oxides (NOx), 0.16 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

1.9 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

8.0 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.140 lb/mmBtu) by the emissions unit's maximum heat input capacity (10.52 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.16 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 1-8 (B020)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 2-6 (B021)
Activity Description: 13.53 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
13.53 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 1.9 tpy of CO, 8.0 tpy of nitrogen oxides (NOx), 0.16 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

Emissions Unit: ASH 2-6 (B021)

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

1.9 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

8.0 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 100 lbs of NOx/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.16 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 2-6 (B021)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 2-8 (B022)
Activity Description: 10.52 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
10.52 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 1.9 tpy of CO, 8.0 tpy of nitrogen oxides (NOx), 0.16 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

1.9 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

8.0 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.140 lb/mmBtu) by the emissions unit's maximum heat input capacity (10.52 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.16 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 2-8 (B022)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 1-10 (B023)
Activity Description: 15.03 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
15.03 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 1.9 tpy of CO, 8.0 tpy of nitrogen oxides (NOx), 0.16 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

1.9 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

8.0 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 100 lbs of NOx/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.16 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 1-10 (B023)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH 2-10 (B024)
Activity Description: 15.03 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
15.03 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 1.9 tpy of CO, 8.0 tpy of nitrogen oxides (NOx), 0.16 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

1.9 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

8.0 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 100 lbs of NOx/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.16 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH 2-10 (B024)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH A (B025)
Activity Description: 15.03 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
15.03 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 1.9 tpy of CO, 7.7 tpy of nitrogen oxides (NOx), 0.16 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

1.9 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

7.7 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 100 lbs of NOx/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.16 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH A (B025)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH B (B026)
Activity Description: 13.53 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
13.53 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 1.8 tpy of CO, 7.4 tpy of nitrogen oxides (NOx), 0.15 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

1.8 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

7.4 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 100 lbs of NOx/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.15 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH B (B026)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: ASH C (B027)
Activity Description: 13.53 MMBtu/hour natural gas air make-up unit, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
13.53 mmBtu/hr direct-fired natural gas air make-up unit with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 1.9 tpy of CO, 7.4 tpy of nitrogen oxides (NOx), 0.15 tpy of volatile organic compounds (VOC), and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	0.140 lb of NOx/mmBtu actual heat input, and 0.0054 lb of VOC/mmBtu actual heat input.
	OAC rule 3745-17-07(B)(1)	20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B), B(3)(b)	See section A.I.2.b.
	OAC rule 3745-18-06(A)	See section A.I.2.c.
	OAC rule 3745-21-08(B)	None, see section A.I.2.d.
	OAC rule 3745-23-06(B)	None, see section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-21-08(B), OAC rule 3745-23-06(B), and OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall employ reasonably available control measures for the purpose of ensuring compliance with this applicable requirement including the exclusive combustion of natural gas in this emissions unit.

2.c OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.d The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

2.e The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

Emissions Unit: ASH C (B027)

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lbs/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

1.9 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.d Emission Limitation:

0.140 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lbs/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

7.7 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 100 lbs of NOx/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.f Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lbs/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.g Emission Limitation:

0.15 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

VI Miscellaneous Requirements

1. For the purpose of determining the total annual emissions from this emissions unit, the permittee may utilize the most recent emission factors specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Tables 1.4-1 and 1.4-2.

Emissions Unit: ASH C (B027)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Plant Roadways and Parking Lots (F001)
Activity Description: Plant-wide roadways and parking areas fugitive dust emissions, includes TNAP and Stickney plant

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Paved roadways and parking areas (see section A.I.2.a.); Stickney Plant	OAC rule 3745-17-07(B)(4)	No visible particulate emissions except for 6 minutes during any 60-minute period.
	OAC rule 3745-17-08(B), (B)(7), (B)(8), (B)(9)	Reasonably available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (see sections A.I.2.b, A.I.2.d, A.I.2.e, A.I.2.f and A.I.2.g).
Paved roadways and parking areas (see section A.I.2.a.); TNAP	OAC rule 3745-31-05(A)(3), established by PTI 04-01102	No visible particulate emissions except for 1 minute during any 60-minute period, and best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (see sections A.I.2.c, A.I.2.d, A.I.2.f, A.I.2.g and A.I.2.h).
	OAC rule 3745-17-07(B)(4)	See section A.I.2.i.
	OAC rules 3745-17-08(B), (B)(7), (B)(8) and (B)(9)	See section A.I.2.i.

2. Additional Terms and Conditions

2.a The paved roadways and parking areas that are covered by this permit and subject to the requirements of OAC rules 3745-17-07 and 3745-17-08 are listed below:

Stickney Plant paved roadways:

Office Road

Stickney Plant paved parking areas:

Truck lot A
West parking lot
Visitor parking lot
Shipping lot

The paved roadways and parking areas that are covered by this permit and subject to the requirements of OAC rule 3745-31-05(A)(3) are listed below:

TNAP paved roadways:

Loop Road
T/C/F Avenue 3
Paint Avenue 4
Body Avenue 5

TNAP paved parking areas:

Truck marshalling lot B
North parking lot
South parking lot
Shipping lot A
Shipping lot B

2.b The permittee shall employ reasonably available control measures on all Stickney Plant paved roadways and parking areas for the purpose of ensuring compliance with the above-mentioned applicable requirements. The permittee shall treat the paved roadways and parking areas by flushing with water, sweeping, and/or watering at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.

2.c The permittee shall employ best available control measures on all TNAP paved roadways and parking areas for the purpose of ensuring compliance with the above-mentioned applicable requirements. The permittee shall treat the paved roadways and parking areas by flushing with water, sweeping, and/or watering at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.

2.d The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth and/or other material from paved streets onto which such material has been deposited by trucking or earth moving equipment or erosion by water or other means.

2.e The permittee shall employ reasonably available control measures on the unpaved shoulders of all Stickney Plant paved roadways for the purpose of ensuring compliance with the above-mentioned applicable requirements. The permittee shall treat the unpaved shoulders of all paved roadways with water and/or any other suitable dust suppression chemicals at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.

2.f The needed frequencies of implementation of the control measures shall be determined by the permittee's inspections pursuant to the monitoring section of this permit. Implementation of the control measures shall not be necessary for a roadway or parking area that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Implementation of any control measure may be suspended if unsafe or hazardous driving conditions would be created by its use.

2.g Open-bodied vehicles transporting materials likely to become airborne shall have such materials covered at all times if the control measure is necessary for the materials being transported.

2.h Particulate emissions shall not exceed 0.32 lb/hr and 1.4 tpy for roadways and parking areas at TNAP.

2.i The emission limitations specified by this rule are equivalent to, or less stringent than, the emission limitations established pursuant to OAC rule 3745-31-05(A)(3).

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

1. Except as otherwise provided in this section, the permittee shall perform inspections of the roadways and parking areas in accordance with the following frequencies:

paved roadways and parking areas	minimum inspection frequency
all	weekly

The purpose of the inspections is to determine the need for implementing the control measures specified in section A.I.2. The inspections shall be performed during representative, normal traffic conditions. No inspection shall be necessary for a roadway or parking area that is covered

with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Any required inspection that is not performed due to any of the above-identified events shall be performed as soon as such event(s) has (have) ended, except if the next required inspection is within one week.

After the permittee has performed weekly inspections of the paved roadways and parking areas for one calendar quarter and no visible particulate emissions of fugitive dust have been observed, the permittee may begin inspections of the paved roadways and parking areas once per month. If visible particulate emissions of fugitive dust are observed during subsequent monthly inspections, the permittee shall return to an inspection frequency of once per week until no visible particulate emissions of fugitive dust are observed for another calendar quarter. All inspections shall be performed during representative, normal traffic conditions. Such modified inspection frequencies would not be considered a minor or significant modification that would be subject to the Title V permit modification requirements in paragraphs (C)(1) and (C)(3) of OAC rule 3745-77-08.

2. The permittee shall maintain separate records of the following information for the Stickney Plant and TNAP for a minimum of five years:

   a. the date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;

   b. the date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;

   c. the dates the control measures were implemented; and

   d. on a calendar quarter basis, the total number of days the control measures were implemented and the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.

   The information required in section A.III.2.d. shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

IV Reporting Requirements

1. The permittee shall submit quarterly deviation reports that identify any of the following occurrences:

   a. each period during which an inspection was not performed by the required frequency, excluding an inspection which was not performed due to an exemption for snow and/or ice cover or precipitation; and

   b. each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.

2. The deviation reports shall be submitted in accordance with the requirements specified in Part I - General Term and Condition A.1.c.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

Stickney Plant roadways and parking areas: no visible particulate emissions except for 6 minutes during any 60-minute period.

TNAP roadways and parking areas: no visible particulate emissions except for 1 minute during any 60-minute period.

Applicable Compliance Method:

Compliance with these emission limitations shall be determined in accordance with Test Method 22 as set forth in "Appendix on Test Methods" in 40 CFR, Part 60 ("Standards of Performance for New Stationary Sources," as such Appendix existed on July 1, 1996, and the modifications listed in paragraphs (B)(4)(a) through (B)(4)(d) of OAC rule 3745-17-03.*

*The procedures relating to Test Method 22 reflect the settlement agreement reached between Ohio EPA and the Ohio Electric Utilities concerning the Utilities' appeal to the Ohio Environmental Review Appeals Commission of the 1991 revisions and additions to OAC Chapter 3745-17. The revised rule containing the procedures was adopted by the Director of Ohio EPA in December, 1997. The USEPA and the Ohio Electric Utilities have agreed to consider the procedures as federally enforceable during the time from the effective date of this permit to the effective date of USEPA approval of the procedures as a revision to the Ohio SIP for particulate matter.

1.b Emission Limitation:

0.32 lb/hr and 1.4 tpy of particulate emissions

Applicable Compliance Method:

Compliance with the best available control measures specified in section A.I.1 shall be considered an adequate demonstration of compliance.

VI Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Gasoline Dispensing (G002)
Activity Description: Gasoline dispensing operations with ORVR control and gasoline UST with Stage I control, Stickney

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Gasoline dispensing facility with Onboard Refueling Vapor Recovery (ORVR) and one 20,000-gallon underground gasoline storage tank, tank ID: 000-01-007 with a Stage I vapor recovery system; Stickney Plant.	OAC rule 3745-31-05(A)(3) (PTI 04-830)	See sections A.I.2.a and A.I.2.b below. The requirements of this rule also include compliance with the requirements of OAC rules 3745-21-09(R), 3745-21-09(DDD), and 3745-31-05(C).
	OAC rule 3745-31-05(C), netting limitations established by PTI 04-830	2.3 tons of volatile organic compound (VOC) emissions per rolling, 12-month period.
	OAC rule 3745-21-09(R)	Stage I vapor control - 90% control efficiency for VOCs, submerged fill See section A.I.2. c below.
	OAC rule 3745-21-09(DDD)	95% overall control efficiency for VOCs (See A.I.2.a below.)

2. **Additional Terms and Conditions**

2.a All the vehicles filled by this gasoline dispensing facility shall be equipped with an ORVR system that achieves a 95% overall control efficiency for VOCs and meets the requirements of 40 CFR 86.099-8. Because an ORVR control system is employed, the

other requirements of OAC rule 3745-21-09(DDD) relating to Stage II control systems are not relevant.

2.b The permittee shall restrict the throughput of this emissions unit to a maximum 1,925,000 gallons of gasoline per rolling, 12-month period.

2.c The permittee shall not cause, allow or permit the transfer of gasoline in this emissions unit unless the following Stage I requirements are met:

i. Any stationary storage tank which stores gasoline at the gasoline dispensing facility is equipped with a submerged fill pipe; and

ii. For any transfer of gasoline from a delivery vessel to a stationary storage tank located at the gasoline dispensing facility, the vapors displaced from the stationary storage tank are processed by one of the following systems:

A. a vapor balance system which is designed and operated to route at least 90 percent by weight of the VOC in the displaced vapors to the delivery vessel and which is equipped with a means to prevent the discharge of displaced vapors from an unconnected vapor line; or

B. a vapor control system which is designed and operated to recover at least 90 percent by weight of the VOC in the displaced vapors.

II Operational Restrictions

1. The permittee shall comply with the following operational restrictions for the Stage I vapor control system:

a. The vapor balance system shall be kept in good working order and shall be used at all times during the transfer of gasoline.

b. There shall be no leaks in the delivery vessel pressure/vacuum relief valves and hatch covers.

c. There shall be no leaks in the vapor lines or liquid lines during the transfer of gasoline.

d. The transfer of gasoline from a delivery vessel to a stationary storage tank shall be conducted by use of submerged fill into the storage tank. The submerged fill pipe(s) are to be installed so they are within six (6) inches of the bottom of the storage tank.

e. All fill caps shall be "in place" and clamped during normal storage conditions.

f. The permittee shall repair within 15 days any leak from the vapor balance system or vapor control system which is employed to meet the requirements of paragraph (R)(1) of OAC rule 3745-21-09 when such leak is equal to or greater than 100 percent of the lower explosive limit as propane, as determined under paragraph (K) of OAC rule 3745-21-10.

III Monitoring and/or Recordkeeping

1. The permittee shall maintain records of the results of any leak checks, including, at a minimum, the following information for the Stage I vapor recovery system:

   a. Date of inspection.

   b. Findings (may indicate no leaks discovered or location, nature, and severity of each leak).

   c. Leak determination method.

   d. Corrective action (date each leak repaired and reasons for any repair interval in excess of 15 calendar days).

   e. Inspector's name and signature.

2. The permittee shall maintain monthly records of the quantity of gasoline delivered to the facility, and shall calculate and record monthly the total quantity of gasoline delivered to the facility during each rolling, 12-month period.

IV Reporting Requirements

1. Any leak from the Stage I vapor balance system or vapor control system that is not repaired within 15 days after identification shall be reported to the Director within 30 days after the repair is completed.

2. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the gasoline throughput, in gallons per rolling, 12-month period exceeded 1,925,000 gallons. The quarterly reports shall be submitted in accordance with paragraph A.1.c. of Part I, General Terms and Conditions, of this permit.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

Stage I vapor control - 90% control efficiency for VOCs, submerged fill .

Applicable Compliance Method:

Compliance shall be determined through the operational restrictions of section A.II.1 and the monitoring and record keeping requirements of section A.III.1.

1.b Emission Limitation:

2.3 tons of VOC emissions per rolling, 12-month period

Applicable Compliance Method:

Compliance with the annual allowable OC emission limitation shall be determined by summing the OC emissions from the gasoline storage tank's filling and dispensing operations. This calculation shall be based on the annual gasoline throughput using either the EPA "TANKS" program or AP-42 emission factors. The emissions from the fueling of vehicles with ORVR shall be determined by multiplying the gallons of gasoline dispensed by an emission factor of 0.2 gram of VOC/gallon of gasoline (Federal Register/Vol.59. No.66/ Wednesday April 6, 1994/ Rules and Regulations).

1.c Emission Limitation:
95% overall control efficiency for VOC's

Applicable Compliance Method:
Compliance with this emission limitation shall be based upon USEPA's measurements of the ORVR system for each vehicle model produced at this facility and as documented in the USEPA's certificate of conformity. The permittee shall maintain records of all such certificates of conformity for the vehicles produced at this facility.

VI Miscellaneous Requirements

None

Emissions Unit: Gasoline Dispensing (G002)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Gasoline Fill Stations (G003)
Activity Description: Gasoline dispensing operations with ORVR control and gasoline AST with Stage I control, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Gasoline dispensing facility with Onboard Refueling Vapor Recovery (ORVR) and one 12,000-gallon gasoline storage tank, tank ID: No. 6 with a Stage I vapor recovery system; TNAP.	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	34.0 tpy of volatile organic compound (VOC) emissions See section A.I.2.a below.
	OAC rules 3745-31-10 through 3745-31-20	The requirements of this rule also include compliance with the requirements of OAC rules 3745-21-09(R) and 3745-21-09(DDD).
	OAC rule 3745-21-09(R)	Stage I vapor control - 90% control efficiency for VOCs, submerged fill. See section A.I.2.c below.
	OAC rule 3745-21-09(DDD)	95% overall control efficiency for VOCs (See section A.I.2.b below.)

2. **Additional Terms and Conditions**

2.a The requirements of this rule also include compliance with the requirements of OAC rules 3745-31-10 thru 20.

2.b All the vehicles filled by this gasoline dispensing facility shall be equipped with an ORVR system that achieves a 95% overall control efficiency for VOCs and meets the

requirements of 40 CFR 86.099-8. Because an ORVR control system is employed, the other requirements of OAC rule 3745-21-09(DDD) relating to Stage II control systems are not relevant.

2.c The permittee shall not cause, allow or permit the transfer of gasoline in this emissions unit unless the following Stage I requirements are met:

i. Any stationary storage tank which stores gasoline at the gasoline dispensing facility is equipped with a submerged fill pipe; and

ii. For any transfer of gasoline from a delivery vessel to a stationary storage tank located at the gasoline dispensing facility, the vapors displaced from the stationary storage tank are processed by one of the following systems:

A. a vapor balance system which is designed and operated to route at least 90 percent by weight of the VOC in the displaced vapors to the delivery vessel and which is equipped with a means to prevent the discharge of displaced vapors from an unconnected vapor line; or

B. a vapor control system which is designed and operated to recover at least 90 percent by weight of the VOC in the displaced vapors.

II Operational Restrictions

1. The permittee shall comply with the following operational restrictions for the Stage I vapor control system:

a. The vapor balance system shall be kept in good working order and shall be used at all times during the transfer of gasoline.

b. There shall be no leaks in the delivery vessel pressure/vacuum relief valves and hatch covers.

c. There shall be no leaks in the vapor lines or liquid lines during the transfer of gasoline.

d. The transfer of gasoline from a delivery vessel to a stationary storage tank shall be conducted by use of submerged fill into the storage tank. The submerged fill pipe(s) are to be installed so they are within six (6) inches of the bottom of the storage tank.

e. All fill caps shall be "in place" and clamped during normal storage conditions.

f. The permittee shall repair within 15 days any leak from the vapor balance system or vapor control system which is employed to meet the requirements of paragraph (R)(1) of OAC rule 3745-21-09 when such leak is equal to or greater than 100 percent of the lower explosive limit as propane, as determined under paragraph (K) of OAC rule 3745-21-10.

III Monitoring and/or Recordkeeping

1. The permittee shall maintain records of the results of any leak checks, including, at a minimum, the following information for the Stage I vapor recovery system:

   a. Date of inspection.

   b. Findings (may indicate no leaks discovered or location, nature, and severity of each leak).

   c. Leak determination method.

   d. Corrective action (date each leak repaired and reasons for any repair interval in excess of 15 calendar days).

   e. Inspector's name and signature.

2. The permittee shall maintain monthly records of the quantity of gasoline delivered to the facility, and shall calculate and record monthly:

   a. the total quantity of gasoline delivered to the facility during each rolling, 12-month period; and

   b. the rolling, 12-month total emissions of VOC from this emissions unit.

IV Reporting Requirements

1. Any leak from the Stage I vapor balance system or vapor control system that is not repaired within 15 days after identification shall be reported to the Director within 30 days after the repair is completed.

2. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the annual emissions of VOC exceeds the applicable limitation. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

Stage I vapor control - 90% control efficiency for VOCs, submerged fill.

Applicable Compliance Method:

Compliance shall be determined through the operational restrictions of section A.II.1 and the monitoring and record keeping requirements of section A.III.1.

1.b Emission Limitation:

34.0 tpy of VOC emissions

Applicable Compliance Method:

Compliance with the annual allowable OC emission limitation shall be determined by summing the OC emissions from the gasoline storage tank's filling and dispensing operations. This calculation shall be based on the annual gasoline throughput using either the EPA "TANKS" program or AP-42 emission factors. The emissions from the fueling of vehicles with ORVR shall be determined by multiplying the gallons of gasoline dispensed by an emission factor of 0.2 gram of VOC/gallon of gasoline (Federal Register/Vol.59. No.66/ Wednesday April 6, 1994/ Rules and Regulations).

1.c Emission Limitation:
95% overall control efficiency for VOC's

Applicable Compliance Method:
Compliance with this emission limitation shall be based upon USEPA's measurements of the ORVR system for each vehicle model produced at this facility and as documented in the USEPA's certificate of conformity. The permittee shall maintain records of all such certificates of conformity for the vehicles produced at this facility.

VI Miscellaneous Requirements

None

Emissions Unit: Gasoline Fill Stations (G003)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Clean Shop Unit #1 (K008)
Activity Description: Emission unit combined to form Z009, Stickney

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Automotive off-line repair booth w/ dry filtration, activated carbon filters and low temperature infra-red oven	OAC rule 3745-31-05(A)(3) (PTI 04-747)	38.4 lbs/day of volatile organic compounds (VOC) for emissions units K008, K009, and K010 combined, and see section A.I.2.a.
	OAC rule 3745-31-05(C)	6.0 tpy of VOC as a rolling, 12-month summation for emissions units K008, K009, and K010, combined
	OAC rule 3745-17-07(B)	Visible particulate fugitive emissions from any building egress point shall not exceed 20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B)	See section A.I.2.c.
	OAC rule 3745-21-09(C)(1)(d)	4.8 lbs of VOC/gallon of coating, excluding water and exempt solvents
	40 CFR Part 63, Subpart IIII	See section A.I.2.d.
	40 CFR Part 63, Subpart A	See section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-17-07(B), OAC rule 3745-17-08, OAC rule 3745-21-09(C)(1)(d) and OAC rule 3745-31-05(C).

2.b The permittee is not claiming any emission reduction credits from the activated carbon filters.

2.c The permittee shall employ reasonably available control measures (RACM) with a collection efficiency that is sufficient to minimize or eliminate visible particulate emissions of fugitive dust at the point(s) of capture to the extent possible with good engineering design [see A.II.1 below].

2.d Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.e Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall operate the dry filtration system whenever this emissions unit is in operation.

III Monitoring and/or Recordkeeping

1. The permittee shall maintain records that document any day when the dry filtration system was not in service when coating was being applied.

2. When using complying coatings (i.e., each coating contains a maximum of 4.8 lbs of VOC/gal, excluding water and exempt solvents), the permittee shall collect and record the following information each month for emissions units K008 through K010, individually:

   a. the name and identification number of each coating, as applied; and

   b. the VOC content (excluding water and exempt solvents) and the daily number of gallons (excluding water and exempt solvents) of each coating, as applied.

3. When calculating a daily volume-weighted average VOC content, the permittee shall collect and record the following information each day for emissions units K008 through K010, individually:

a. the name and identification number of each coating, as applied;

b. the VOC content (excluding water and exempt solvents) and the number of gallons (excluding water and exempt solvents) of each coating, as applied;

c. the volume-weighted average VOC content of all coatings, as applied, calculated in accordance with the equation specified in paragraph (B)(9) of OAC rule 3745-21-10 for CVOC,2; and

d. the calculated VOC emissions, in lbs of VOC/day and tons of VOC/rolling, 12-month period, for emissions units K008 through K010. The VOC emissions shall be calculated using the VOC content and the number of gallons in section A.III.2.b above and a factor of 2,000 lbs/ton.

The permittee shall notify the Toledo Division of Environmental Services, in advance, when daily averaging will be used instead of monthly record keeping.

Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

4. The permittee shall collect and record the following information each month for emissions units K008, K009 and K010, combined, for the purpose of determining average daily and annual VOC emissions:

a. the name and identification number of each coating, as applied;

b. the VOC content of each coating (excluding water and exempt solvents), as applied;

c. the number of gallons (excluding water and exempt solvents) of each coating employed;

d. the name and identification of each cleanup material employed;

e. the VOC content of each cleanup material, in pounds per gallon;

f. the number of gallons of each cleanup material employed;

g. the total VOC emissions from all coatings and cleanup materials employed, in pounds or tons;

h. the rolling 12-month summation of emissions from all coatings and cleanup materials employed, in tons per year;

i. the number of days in which one or more of the emissions units was in operation; and

j. the daily average VOC emissions rate for emissions units K008, K009 and K010 combined, (g)/(i), in pounds per day.

IV Reporting Requirements

1. The permittee shall notify the Toledo Division of Environmental Services in writing of any record when the dry filtration system was not in service when coating was being applied. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days after the event occurs.

2. The permittee shall notify the Toledo Division of Environmental Services in writing of any monthly record showing the use of noncomplying coatings. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days following the end of the calendar month.

3. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the pounds of VOC total per day or the tons of VOC total per rolling, 12-month period for K008 through K010 exceeds the applicable limitations. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average from any building egress points

Applicable Compliance Method:

If required, compliance shall be determined through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 using the methods and procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

4.8 lbs VOC/gal of coating, excluding water and exempt solvents

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of section A.III.2 or A.III.3, as appropriate. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rule 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR

Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services. If, pursuant to Method 24, 40 CFR Part 60, Appendix A, the permittee determines that Method 24 or 24A cannot be used for a particular coating or ink, the permittee shall so notify the Administrator of the USEPA and shall use formulation data for that coating to demonstrate compliance until the USEPA provides alternative analytical procedures or alternative precision statements for Method 24 or 24A.

1.c Emission Limitation:

38.4 lbs/day of VOC for emissions units K008, K009, and K010, combined

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the monitoring and record keeping requirements of section A.III.4.

1.d Emission Limitation:

6.0 tpy of VOC as a rolling, 12-month summation for emissions units K008, K009, and K010, combined

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the monitoring and record keeping requirements of section A.III.4.

VI Miscellaneous Requirements

1. Should any coating formulations cause a nuisance odor, or process changes cause an increase in the quantity or intensity of odors emitted from this facility, as determined by the Toledo Division of Environmental Services, the company shall take corrective action to reduce the impact of the odors. The time schedule for the corrective action shall be approved by the Toledo Division of Environmental Services.

Emissions Unit: Clean Shop Unit #1 (K008)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Clean Shop Unit #2 (K009)
Activity Description: Emission unit combined to form Z009, Stickney

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Automotive off-line repair booth w/ dry filtration, activated carbon filters and low temperature infra-red oven	OAC rule 3745-31-05(A)(3) (PTI 04-747)	38.4 lbs/day of volatile organic compounds (VOC) for emissions units K008, K009, and K010 combined, and see section A.I.2.a.
	OAC rule 3745-31-05(C)	6.0 tpy of VOC as a rolling, 12-month summation for emissions units K008, K009, and K010, combined
	OAC rule 3745-17-07(B)	Visible particulate fugitive emissions from any building egress point shall not exceed 20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B)	See section A.I.2.c.
	OAC rule 3745-21-09(C)(1)(d)	4.8 lbs of VOC/gallon of coating, excluding water and exempt solvents
	40 CFR Part 63, Subpart IIII	See section A.I.2.d.
	40 CFR Part 63, Subpart A	See section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-17-07(B), OAC rule 3745-17-08, OAC rule 3745-21-09(C)(1)(d) and OAC rule 3745-31-05(C).

2.b The permittee is not claiming any emission reduction credits from the activated carbon filters.

2.c The permittee shall employ reasonably available control measures (RACM) with a collection efficiency that is sufficient to minimize or eliminate visible particulate emissions of fugitive dust at the point(s) of capture to the extent possible with good engineering design [see A.II.1 below].

2.d Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.e Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall operate the dry filtration system whenever this emissions unit is in operation.

III Monitoring and/or Recordkeeping

1. The permittee shall maintain records that document any day when the dry filtration system was not in service when coating was being applied.

2. When using complying coatings (i.e., each coating contains a maximum of 4.8 lbs of VOC/gal, excluding water and exempt solvents), the permittee shall collect and record the following information each month for emissions units K008 through K010, individually:

   a. the name and identification number of each coating, as applied; and

   b. the VOC content (excluding water and exempt solvents) and the daily number of gallons (excluding water and exempt solvents) of each coating, as applied.

3. When calculating a daily volume-weighted average VOC content, the permittee shall collect and record the following information each day for emissions units K008 through K010, individually:

a. the name and identification number of each coating, as applied;

b. the VOC content (excluding water and exempt solvents) and the number of gallons (excluding water and exempt solvents) of each coating, as applied;

c. the volume-weighted average VOC content of all coatings, as applied, calculated in accordance with the equation specified in paragraph (B)(9) of OAC rule 3745-21-10 for CVOC,2; and

d. the calculated VOC emissions, in lbs of VOC/day and tons of VOC/rolling, 12-month period, for emissions units K008 through K010. The VOC emissions shall be calculated using the VOC content and the number of gallons in section A.III.2.b above and a factor of 2,000 lbs/ton.

The permittee shall notify the Toledo Division of Environmental Services, in advance, when daily averaging will be used instead of monthly record keeping.

Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

4. The permittee shall collect and record the following information each month for emissions units K008, K009 and K010, combined, for the purpose of determining average daily and annual VOC emissions:

a. the name and identification number of each coating, as applied;

b. the VOC content of each coating (excluding water and exempt solvents), as applied;

c. the number of gallons (excluding water and exempt solvents) of each coating employed;

d. the name and identification of each cleanup material employed;

e. the VOC content of each cleanup material, in pounds per gallon;

f. the number of gallons of each cleanup material employed;

g. the total VOC emissions from all coatings and cleanup materials employed, in pounds or tons;

h. the rolling 12-month summation of emissions from all coatings and cleanup materials employed, in tons per year;

i. the number of days in which one or more of the emissions units was in operation; and

j. the daily average VOC emissions rate for emissions units K008, K009 and K010 combined, (g)/(i), in pounds per day.

IV Reporting Requirements

1. The permittee shall notify the Toledo Division of Environmental Services in writing of any record when the dry filtration system was not in service when coating was being applied. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days after the event occurs.

2. The permittee shall notify the Toledo Division of Environmental Services in writing of any monthly record showing the use of noncomplying coatings. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days following the end of the calendar month.

3. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the pounds of VOC total per day or the tons of VOC total per rolling, 12-month period for K008 through K010 exceeds the applicable limitations. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average from any building egress points

Applicable Compliance Method:

If required, compliance shall be determined through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 using the methods and procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

4.8 lbs VOC/gal of coating, excluding water and exempt solvents

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of section A.III.2 or A.III.3, as appropriate. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rule 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR

Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services. If, pursuant to Method 24, 40 CFR Part 60, Appendix A, the permittee determines that Method 24 or 24A cannot be used for a particular coating or ink, the permittee shall so notify the Administrator of the USEPA and shall use formulation data for that coating to demonstrate compliance until the USEPA provides alternative analytical procedures or alternative precision statements for Method 24 or 24A.

1.c Emission Limitation:

38.4 lbs/day of VOC for emissions units K008, K009, and K010, combined

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the monitoring and record keeping requirements of section A.III.4.

1.d Emission Limitation:

6.0 tpy of VOC as a rolling, 12-month summation for emissions units K008, K009, and K010, combined

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the monitoring and record keeping requirements of section A.III.4.

VI Miscellaneous Requirements

1. Should any coating formulations cause a nuisance odor, or process changes cause an increase in the quantity or intensity of odors emitted from this facility, as determined by the Toledo Division of Environmental Services, the company shall take corrective action to reduce the impact of the odors. The time schedule for the corrective action shall be approved by the Toledo Division of Environmental Services.

Emissions Unit: Clean Shop Unit #2 (K009)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Clean Shop Unit #3 (K010)
Activity Description: Emission unit combined to form Z009, Stickney

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Automotive off-line repair booth w/ dry filtration, activated carbon filters and low temperature infra-red oven	OAC rule 3745-31-05(A)(3) (PTI 04-747)	38.4 lbs/day of volatile organic compounds (VOC) for emissions units K008, K009, and K010 combined, and see section A.I.2.a.
	OAC rule 3745-31-05(C)	6.0 tpy of VOC as a rolling, 12-month summation for emissions units K008, K009, and K010, combined
	OAC rule 3745-17-07(B)	Visible particulate fugitive emissions from any building egress point shall not exceed 20% opacity as a 3-minute average.
	OAC rule 3745-17-08(B)	See section A.I.2.c.
	OAC rule 3745-21-09(C)(1)(d)	4.8 lbs of VOC/gallon of coating, excluding water and exempt solvents
	40 CFR Part 63, Subpart IIII	See section A.I.2.d.
	40 CFR Part 63, Subpart A	See section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-17-07(B), OAC rule 3745-17-08, OAC rule 3745-21-09(C)(1)(d) and OAC rule 3745-31-05(C).

2.b The permittee is not claiming any emission reduction credits from the activated carbon filters.

2.c The permittee shall employ reasonably available control measures (RACM) with a collection efficiency that is sufficient to minimize or eliminate visible particulate emissions of fugitive dust at the point(s) of capture to the extent possible with good engineering design [see A.II.1 below].

2.d Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.e Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall operate the dry filtration system whenever this emissions unit is in operation.

III Monitoring and/or Recordkeeping

1. The permittee shall maintain records that document any day when the dry filtration system was not in service when coating was being applied.

2. When using complying coatings (i.e., each coating contains a maximum of 4.8 lbs of VOC/gal, excluding water and exempt solvents), the permittee shall collect and record the following information each month for emissions units K008 through K010, individually:

   a. the name and identification number of each coating, as applied; and

   b. the VOC content (excluding water and exempt solvents) and the daily number of gallons (excluding water and exempt solvents) of each coating, as applied.

3. When calculating a daily volume-weighted average VOC content, the permittee shall collect and record the following information each day for emissions units K008 through K010, individually:

a. the name and identification number of each coating, as applied;

b. the VOC content (excluding water and exempt solvents) and the number of gallons (excluding water and exempt solvents) of each coating, as applied;

c. the volume-weighted average VOC content of all coatings, as applied, calculated in accordance with the equation specified in paragraph (B)(9) of OAC rule 3745-21-10 for CVOC,2; and

d. the calculated VOC emissions, in lbs of VOC/day and tons of VOC/rolling, 12-month period, for emissions units K008 through K010. The VOC emissions shall be calculated using the VOC content and the number of gallons in section A.III.2.b above and a factor of 2,000 lbs/ton.

The permittee shall notify the Toledo Division of Environmental Services, in advance, when daily averaging will be used instead of monthly record keeping.

Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

4. The permittee shall collect and record the following information each month for emissions units K008, K009 and K010, combined, for the purpose of determining average daily and annual VOC emissions:

a. the name and identification number of each coating, as applied;

b. the VOC content of each coating (excluding water and exempt solvents), as applied;

c. the number of gallons (excluding water and exempt solvents) of each coating employed;

d. the name and identification of each cleanup material employed;

e. the VOC content of each cleanup material, in pounds per gallon;

f. the number of gallons of each cleanup material employed;

g. the total VOC emissions from all coatings and cleanup materials employed, in pounds or tons;

h. the rolling 12-month summation of emissions from all coatings and cleanup materials employed, in tons per year;

i. the number of days in which one or more of the emissions units was in operation; and

j. the daily average VOC emissions rate for emissions units K008, K009 and K010 combined, (g)/(i), in pounds per day.

IV Reporting Requirements

1. The permittee shall notify the Toledo Division of Environmental Services in writing of any record when the dry filtration system was not in service when coating was being applied. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days after the event occurs.

2. The permittee shall notify the Toledo Division of Environmental Services in writing of any monthly record showing the use of noncomplying coatings. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days following the end of the calendar month.

3. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the pounds of VOC total per day or the tons of VOC total per rolling, 12-month period for K008 through K010 exceeds the applicable limitations. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

20% opacity as a 3-minute average from any building egress points

Applicable Compliance Method:

If required, compliance shall be determined through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 using the methods and procedures specified in OAC rule 3745-17-03(B)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

4.8 lbs VOC/gal of coating, excluding water and exempt solvents

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of section A.III.2 or A.III.3, as appropriate. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rule 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR

Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services. If, pursuant to Method 24, 40 CFR Part 60, Appendix A, the permittee determines that Method 24 or 24A cannot be used for a particular coating or ink, the permittee shall so notify the Administrator of the USEPA and shall use formulation data for that coating to demonstrate compliance until the USEPA provides alternative analytical procedures or alternative precision statements for Method 24 or 24A.

1.c Emission Limitation:

38.4 lbs/day of VOC for emissions units K008, K009, and K010, combined

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the monitoring and record keeping requirements of section A.III.4.

1.d Emission Limitation:

6.0 tpy of VOC as a rolling, 12-month summation for emissions units K008, K009, and K010, combined

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the monitoring and record keeping requirements of section A.III.4.

VI Miscellaneous Requirements

1. Should any coating formulations cause a nuisance odor, or process changes cause an increase in the quantity or intensity of odors emitted from this facility, as determined by the Toledo Division of Environmental Services, the company shall take corrective action to reduce the impact of the odors. The time schedule for the corrective action shall be approved by the Toledo Division of Environmental Services.

Emissions Unit: Clean Shop Unit #3 (K010)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Paint Repair Spoven #1 (K018)
Activity Description: Emission unit combined to form Z009, Stickney

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Automotive off-line repair (low temperature bake) Spoven (combination spray booth and electric oven) w/ dry filtration	OAC rule 3745-31-05(A)(3) (PTI 04-830)	9.8 lbs/day of volatile organic compounds (VOC) 0.12 ton/month of VOC, and see section A.I.2.a.
	OAC rule 3745-31-05(C)	1.5 tons of VOC/rolling, 12-month period.
	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)	0.551 lb/hr of particulate emissions
	OAC rule 3745-21-09(C)(1)(d)	4.8 lbs of VOC/gallon of coating, excluding water and exempt solvents.
	40 CFR Part 63, Subpart IIII	See section A.I.2.b.
	40 CFR Part 63, Subpart A	See section A.I.2.c.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-07(A)(1), 3745-17-11(B), 3745-21-09(C)(1)(d), and 3745-31-05(C).

2.b Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.c Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall operate the dry filtration system whenever this emissions unit is in operation.

2. The coating usage shall not exceed 51 gallons per month in this emissions unit.

III Monitoring and/or Recordkeeping

1. The permittee shall maintain records that document any day when the dry filtration system was not in service when coating was being applied.

2. When using complying coatings (i.e., each coating contains a maximum of 4.8 lbs of VOC/gal, excluding water and exempt solvents), the permittee shall collect and record the following information each month:

   a. the name and identification number of each coating, as applied; and

   b. the VOC content (excluding water and exempt solvents) and the daily number of gallons (excluding water and exempt solvents) of each coating, as applied.

3. When calculating a daily volume-weighted average VOC content, the permittee shall collect and record the following information each day:

   a. the name and identification number of each coating, as applied;

   b. the VOC content (excluding water and exempt solvents) and the number of gallons (excluding water and exempt solvents) of each coating, as applied;

   c. the volume-weighted average VOC content of all coatings, as applied, calculated in accordance with the equation specified in paragraph (B)(9) of OAC rule 3745-21-10 for CVOC,2; and

d. the calculated VOC emissions, in lbs of VOC/day and tons of VOC/rolling, 12-month period. The VOC emissions shall be calculated using the VOC content and the number of gallons in section A.III.2.b above and a factor of 2,000 lbs/ton.

The permittee shall notify the Toledo Division of Environmental Services, in advance, when daily averaging will be used instead of monthly record keeping.

Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

4. The permittee shall collect and record the following information each month for the purpose of determining average daily, monthly and annual VOC emissions :

a. the name and identification number of each coating, as applied;

b. the VOC content of each coating (excluding water and exempt solvents), as applied;

c. the number of gallons (excluding water and exempt solvents) of each coating employed;

d. the total number of gallons (excluding water and exempt solvents) of all coatings employed, calculated as a summation of the quantities recorded in (c) above;

e. the name and identification of each cleanup material employed;

f. the VOC content of each cleanup material, in pounds per gallon;

g. the number of gallons of each cleanup material employed;

h. the total VOC emissions from all coatings and cleanup materials employed, in tons per month;

i. the rolling 12-month summation of emissions from all coatings and cleanup materials employed, in tons per year;

j. the number of days the emissions units was in operation; and

k. the daily average VOC emissions rate, (h)/(j), in pounds per day.

IV Reporting Requirements

1. The permittee shall notify the Toledo Division of Environmental Services in writing of any record when the dry filtration system was not in service when coating was being applied. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days after the event occurs.

2. The permittee shall notify the Toledo Division of Environmental Services in writing of any record showing the use of noncomplying coatings. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days after the exceedance occurs.

3. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the coating usage, lbs of VOC/day, tons of VOC/month, and/or tons of VOC/rolling, 12-month period exceeds the applicable limitation. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

0.551 pound of particulate emissions per hour.

Applicable Compliance Method:

To determine the actual worst case particulate emission rate, the following equation shall be used:

E = (M) x (1-TE) x (1-CE)

where:

E = particulate emission rate (lbs/hr)

M = maximum coating solids usage rate (lbs/hr)

TE = transfer efficiency, which is the ratio of the amount of coating solids deposited on the coated part to the amount of coating solids used

CE = control efficiency of the control equipment - If more than one piece of control equipment is used in series, the equation should be multiplied by additional (1-CE) terms for each additional piece of equipment.

If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in OAC rule 3745-17-03(B)(10).

1.b Emission Limitation:

20% opacity as a 6-minute average, except as provided by the rule

Applicable Compliance Method:

If required, compliance shall be determined through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 using the methods and procedures specified in OAC rule 3745-17-03(B)(1). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

4.8 lbs VOC/gallon of coating, excluding water and exempt solvents

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of section A.III.2 or A.III.3, as appropriate. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rule(s) 3745-21-09(C)(2) and 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services. If, pursuant to Method 24, 40 CFR Part 60, Appendix A, the permittee determines that Method 24 or 24A cannot be used for a particular coating or ink, the permittee shall so notify the Administrator of the USEPA and shall use formulation data for that coating to demonstrate compliance until the USEPA provides alternative analytical procedures or alternative precision statements for Method 24 or 24A.

1.d Emission Limitation:

9.8 lbs/day of VOC

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the record keeping requirements of section A.III.4.

1.e Emission Limitation:

0.12 ton/month of VOC

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the record keeping requirements of section A.III.4.

1.f Emission Limitation:

1.5 tons of VOC per rolling, 12-month period

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the record keeping requirements of section A.III.4.

VI Miscellaneous Requirements

1. Should any coating formulations cause a nuisance odor, or process changes cause an increase in the quantity or intensity of odors emitted from this facility, as determined by the Toledo Division of Environmental Services, the company shall take corrective action to reduce the impact of the odors. The time schedule for the corrective action shall be approved by the Toledo Division of Environmental Services.

Emissions Unit: Paint Repair Spoven #1 (K018)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Paint Repair Spoven #2 (K019)
Activity Description: Emission unit combined to form Z009, Stickney

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Automotive off-line repair (low temperature bake) Spoven (combination spray booth and electric oven) w/ dry filtration	OAC rule 3745-31-05(A)(3) (PTI 04-830)	9.8 lbs/day of volatile organic compounds (VOC) 0.12 ton/month of VOC, and see section A.I.2.a.
	OAC rule 3745-31-05(C)	1.5 tons of VOC/rolling, 12-month period.
	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)	0.551 lb/hr of particulate emissions
	OAC rule 3745-21-09(C)(1)(d)	4.8 lbs of VOC/gallon of coating, excluding water and exempt solvents.
	40 CFR Part 63, Subpart IIII	See section A.I.2.b.
	40 CFR Part 63, Subpart A	See section A.I.2.c.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-07(A)(1), 3745-17-11(B), 3745-21-09(C)(1)(d), and 3745-31-05(C).

2.b Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.c Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall operate the dry filtration system whenever this emissions unit is in operation.

2. The permittee shall comply with the emission limitation for VOC by the exclusive use of compliance coatings, i.e., each coating utilized shall comply with the applicable emission limitation as applied.

3. The coating usage shall not exceed 51 gallons per month in this emissions unit.

III Monitoring and/or Recordkeeping

1. The permittee shall maintain records that document any day when the dry filtration system was not in service when coating was being applied.

2. When using complying coatings (i.e., each coating contains a maximum of 4.8 lbs of VOC/gal, excluding water and exempt solvents), the permittee shall collect and record the following information each month:

   a. the name and identification number of each coating, as applied; and

   b. the VOC content (excluding water and exempt solvents) and the daily number of gallons (excluding water and exempt solvents) of each coating, as applied.

3. When calculating a daily volume-weighted average VOC content, the permittee shall collect and record the following information each day:

   a. the name and identification number of each coating, as applied;

   b. the VOC content (excluding water and exempt solvents) and the number of gallons (excluding water and exempt solvents) of each coating, as applied;

c. the volume-weighted average VOC content of all coatings, as applied, calculated in accordance with the equation specified in paragraph (B)(9) of OAC rule 3745-21-10 for CVOC,2; and

d. the calculated VOC emissions, in lbs of VOC/day and tons of VOC/rolling, 12-month period. The VOC emissions shall be calculated using the VOC content and the number of gallons in section A.III.2.b above and a factor of 2,000 lbs/ton.

The permittee shall notify the Toledo Division of Environmental Services, in advance, when daily averaging will be used instead of monthly record keeping.

Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

4. The permittee shall collect and record the following information each month for the purpose of determining average daily, monthly and annual VOC emissions :

a. the name and identification number of each coating, as applied;

b. the VOC content of each coating (excluding water and exempt solvents), as applied;

c. the number of gallons (excluding water and exempt solvents) of each coating employed;

d. the total number of gallons (excluding water and exempt solvents) of all coatings employed, calculated as a summation of the quantities recorded in (c) above;

e. the name and identification of each cleanup material employed;

f. the VOC content of each cleanup material, in pounds per gallon;

g. the number of gallons of each cleanup material employed;

h. the total VOC emissions from all coatings and cleanup materials employed, in tons per month;

i. the rolling 12-month summation of emissions from all coatings and cleanup materials employed, in tons per year;

j. the number of days the emissions units was in operation; and

k. the daily average VOC emissions rate, (h)/(j), in pounds per day.

IV Reporting Requirements

1. The permittee shall notify the Toledo Division of Environmental Services in writing of any record when the dry filtration system was not in service when coating was being applied. The

notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days after the event occurs.

2. The permittee shall notify the Toledo Division of Environmental Services in writing of any record showing the use of noncomplying coatings. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days after the exceedance occurs.

3. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the coating usage, lbs of VOC/day, tons of VOC/month, and/or tons of VOC/rolling, 12-month period exceeds the applicable limitation. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

0.551 pound of particulate emissions per hour.

Applicable Compliance Method:

To determine the actual worst case particulate emission rate, the following equation shall be used:

E = (M) x (1-TE) x (1-CE)

where:

E = particulate emission rate (lbs/hr)

M = maximum coating solids usage rate (lbs/hr)

TE = transfer efficiency, which is the ratio of the amount of coating solids deposited on the coated part to the amount of coating solids used

CE = control efficiency of the control equipment - If more than one piece of control equipment is used in series, the equation should be multiplied by additional (1-CE) terms for each additional piece of equipment.

If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in OAC rule 3745-17-03(B)(10).

1.b Emission Limitation:

20% opacity as a 6-minute average, except as provided by the rule

Applicable Compliance Method:

If required, compliance shall be determined through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 using the methods and procedures specified in OAC rule 3745-17-03(B)(1). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.c Emission Limitation:

4.8 lbs VOC/gallon of coating, excluding water and exempt solvents

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of section A.III.2 or A.III.3, as appropriate. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rule(s) 3745-21-09(C)(2) and 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services. If, pursuant to Method 24, 40 CFR Part 60, Appendix A, the permittee determines that Method 24 or 24A cannot be used for a particular coating or ink, the permittee shall so notify the Administrator of the USEPA and shall use formulation data for that coating to demonstrate compliance until the USEPA provides alternative analytical procedures or alternative precision statements for Method 24 or 24A.

1.d Emission Limitation:

9.8 lbs/day of VOC

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the record keeping requirements of section A.III.4.

1.e Emission Limitation:

0.12 ton/month of VOC

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the record keeping requirements of section A.III.4.

1.f Emission Limitation:

1.5 tons of VOC per rolling, 12-month period

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the record keeping requirements of section A.III.4.

VI Miscellaneous Requirements

1. Should any coating formulations cause a nuisance odor, or process changes cause an increase in the quantity or intensity of odors emitted from this facility, as determined by the Toledo Division of Environmental Services, the company shall take corrective action to reduce the impact of the odors. The time schedule for the corrective action shall be approved by the Toledo Division of Environmental Services.

Emissions Unit: Paint Repair Spoven #2 (K019)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: E-Coat (K021)
Activity Description: Electrocoat dip tank and ovens, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Electrodeposition (E-Coat) prime coat of automobile bodies with regenerative thermal oxidizer (RTO) on oven exhaust	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	52.01 tons of volatile organic compounds (VOC)/rolling, 12-month period, 5% opacity as a 6-minute average from the RTO stack, and see sections A.I.2.a and A.I.2.b.
	OAC rules 3745-31-10 through 3745-31-20 (PTI 04-01102)	0.23 lb of VOC/gallon of applied coating solids.
	OAC rule 3745-21-09(C)(1)(a)(ii) thru (iv)	See section A.I.2.c.
	40 CFR Part 60, Subpart MM	See section A.I.2.c.
26.0 mmBtu/hr indirect fired, natural gas drying oven combustion emissions	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	2.7 tpy of carbon monoxide (CO), 13 tpy of nitrogen oxides (NOx), 1.6 tpy of particulate emissions as PM10, 0.078 tpy of sulfur dioxide (SO2), 0.36 tpy of VOC, 5% opacity as a 6-minute average from each oven combustion stack, and

	see section A.I.2.d.
OAC rule 3745-31-10 through 3745-31-20 (PTI 04-01102)	0.083 lb of CO/mmBtu of actual heat input, 0.100 lb of NOx/mmBtu of actual heat input, 0.0056 lb of PM10/mmBtu of actual heat input, 0.0006 lb of SO2/mmBtu of actual heat input, and 0.0054 lb of VOC/mmBtu of actual heat input.
OAC rule 3745-17-07(A)(1)	See section A.I.2.c.
OAC rule 3745-17-10(B)(1)	See section A.I.2.c.
OAC rule 3745-18-06(A)	See section A.I.2.e.
OAC rules 3745-21-08(B) and 3745-23-06(B)	See section A.I.2.f.
40 CFR Part 63, Subpart IIII	See section A.I.2.g.
40 CFR Part 63, Subpart DDDDD	See section A.I.2.h.
40 CFR Part 63, Subpart A	See section A.I.2.i.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rules 3745-31-10 through 3745-31-20.

2.b The permittee shall operate and maintain a thermal incinerator, with a 100 percent capture efficiency and a minimum of 95 percent control efficiency, to control VOC emissions from the drying oven. The thermal incinerator shall be operated and maintained in accordance with the manufacturer's recommendations.

2.c The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).

2.d The requirements of this rule also include compliance with the requirements of OAC rules 3745-18-06(A), 3745-23-06(B), and 3745-31-10 through 3745-31-20.

2.e OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.f The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

2.g Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.h Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.46 through A.74, for the requirements of 40 CFR Part 63, Subpart DDDDD; - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. The requirements of 40 CFR Part 63, Subpart DDDDD will become applicable to this emissions unit upon final promulgation in the Federal Register.

2.i Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The average combustion temperature within the thermal incinerator, for any 3-hour block of time when the incinerator is in operation as a VOC control device for emissions fee or compliance purposes, shall not be below the average temperature during the most recent emission test that demonstrated the emissions unit was in compliance.

2. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. The permittee shall operate and maintain a continuous temperature monitor and recorder which measures and records the combustion temperature within the firebox of the thermal incinerator when the incinerator is in operation. Each temperature measurement device shall be installed, calibrated, and maintained according to accepted practice and the manufacturer's specifications, with any modifications deemed necessary by the permittee and approved by the Toledo Division of Environmental Services. The device shall have an accuracy of the greater of 0.75 percent of the temperature being measured expressed in degrees Celsius or 2.5 Celsius degrees. Each temperature measurement device shall be equipped with a recording device so that a permanent record is produced. The temperature monitor and recorder shall be calibrated, operated and maintained in accordance with the manufacturer's recommendations.

2. The permittee shall collect and record the following information for each month for the coating line and control equipment:

   a. the name and identification number of each coating, as applied;

   b. the mass of VOC per volume of coating solids, as applied, the volume solids content, as applied, and the volume, as applied, of each coating;

   c. the maximum VOC content (in mass of VOC per volume of applied coating solids) or the daily volume-weighted average VOC content (in mass of VOC per volume of applied coating solids) of all the coatings;

   d. the calculated, controlled VOC emission rate, in mass of VOC per volume of applied coating solids. The controlled VOC emission rate shall be calculated using (i) either the maximum VOC content or the daily volume-weighted VOC content recorded in accordance with section A.III.2.c above and (ii) the overall control efficiency for the control equipment as determined during the most recent emission test that demonstrated that the emissions unit was in compliance;

   e. the calculated, controlled VOC emissions, in tons of VOC/month and tons of VOC/rolling, 12-month period. The controlled VOC emissions shall be calculated using the controlled VOC emission rate in section A.III.2.d above and the volume solids content per month from section A.III.2.b above and a factor of 2,000 lbs/ton;

f. a log or record of operating time for the capture (collection) system, control device, monitoring equipment, and the associated emissions unit; and

g. all 3-hour blocks of time during which the average combustion temperature within the thermal incinerator, when the emissions unit was in operation, was below the average temperature during the most recent emission test that demonstrated that the emissions unit was in compliance.

Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

3. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

4. The permittee shall comply with the applicable monitoring and record keeping requirements in 40 CFR Parts 60.394 and 60.395.

IV Reporting Requirements

1. The permittee shall submit quarterly temperature deviation (excursion) reports that identify all 3-hour blocks of time during which the average combustion temperature within the thermal incinerator, when the emissions unit was in operation, was below the average temperature during the most recent emission test that demonstrated that the emissions unit was in compliance. The permittee shall also report every 3-hour period during which the average temperature measured is more than 28 Celsius degrees (50 degrees Fahrenheit) less than the average temperature during the most recent control device performance test.

   If no such periods occur, the owner or operator shall submit a negative report.

2. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the tons of VOC/rolling, 12-month period exceeds the applicable limitation. The notification shall include a copy of such record.

3. The permittee shall submit quarterly deviation (excursion) reports that identify all monthly records showing that the calculated, controlled VOC emission rate exceeds the applicable mass of VOC per volume of applied coating solids limitation. The notification shall include a copy of such record.

4. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

5. The permittee shall comply with the applicable reporting requirements in 40 CFR Part 60.395.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

0.23 lb of VOC/gallon of applied coating solids

Applicable Compliance Method:

The permittee shall use the procedures in 40 CFR Part 60.393 for determining the monthly volume-weighted average mass of VOC emitted per volume of applied solids.

1.b Emission Limitation:

52.01 tons of VOC/rolling, 12-month period

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the record keeping requirements of section A.III.4.

1.c Emission Limitation:

5% opacity as a 6-minute average from the RTO stack

Applicable Compliance Method:

If required, compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.d Emission Limitation:

100 percent capture efficiency and a minimum of 95 percent control efficiency from the RTO.

Applicable Compliance Method:

If required, the permittee shall perform additional emission tests, conducted in accordance with USEPA Method 25 of 40 CFR Part 60, Appendix A, USEPA Methods 204 through 204F of 40 CFR Part 51, Appendix M, and the methods and procedures of OAC rule 3745-21-10(C).

1.e Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lb/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.f Emission Limitation:

2.7 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.g Emission Limitation:

0.100 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lb/mmscf)/1020 Btu/scf)) in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.h Emission Limitation:

13 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.100 lb/mmBtu) by the emissions unit's maximum heat input capacity (26.0 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.i Emission Limitation:

0.0056 lb of PM10/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0056 lb PM10/mmBtu ((5.7 lb PM/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. AP-42 states that all particulate from this process is presumed to be less than 1.0 micron in diameter. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with Methods 201 and 202 of 40 CFR Part 51, Appendix M, and procedures specified in OAC rule 3745-17-03(B)(9). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.j Emission Limitation:

1.6 tpy of PM10

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term PM10 emission limitation (0.0056 lb/mmBtu) by the emissions unit's maximum heat input capacity (26.0 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.k Emission Limitation:

0.0006 lb of SO2/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0006 lb SO2/mmBtu ((0.6 lb/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98, or OAC rule 3745-18-04(G)(3). If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 6 of 40 CFR Part 60 Appendix A, using the methods and procedures specified in OAC rule 3745-18-04. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.l Emission Limitation:

0.078 tpy of SO2

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term SO2 emission limitation (0.0006 lb/mmBtu) by the emissions unit's maximum heat input capacity (26.0 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.m Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lb/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A, using the methods and procedures specified in OAC rule 3745-21-10. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.n Emission Limitation:

0.36 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.o Emission Limitation:

5% opacity as a 6-minute average from each oven combustion stack

Applicable Compliance Method:

If required, compliance shall be demonstrated through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

VI Miscellaneous Requirements

1. Should any coating formulations cause a nuisance odor, or process changes cause an increase in the quantity or intensity of odors emitted from this facility, as determined by the Toledo Division of Environmental Services, the company shall take corrective action to reduce the impact of the

odors. The time schedule for the corrective action shall be approved by the Toledo Division of Environmental Services.

Emissions Unit: E-Coat (K021)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Powder Anti-chip (K022)
Activity Description: Powder Anti-chip booth and oven, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Electrostatic powder anti-chip primer surfacer operation, as defined in 40 CFR Part 60, Subpart MM (see guide coat operation, 60.391), with particulate filtration for overspray, discharging within the building	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	3.25 tons of volatile organic compounds (VOC) per rolling, 12-month period, and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20 (PTI 04-01102)	See section A.I.2.b.
	OAC rule 3745-21-09(C)(1)(a)(v)	The permittee has provided supplemental information that indicates that the emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rules 3745-31-10 through 3745-31-20.
	40 CFR Part 60, Subpart MM	1.40 kgs of VOC/liter (11.7 lbs of VOC/gal) of applied coating solids on a monthly basis.
35.8 mmBtu/hr natural gas curing oven combustion emissions	OAC rule 3745-31-05(A)(3)	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input, 3.4 tpy of CO, 16 tpy of nitrogen oxides (NOx),

(PTI 04-01102)	2.0 tpy of particulate emissions as PM10, 0.0006 lb of sulfur dioxide (SO2)/mmBtu of actual heat input, 0.098 tpy of SO2, 0.46 tpy of VOC, 5% opacity as a 6-minute average from each oven combustion stack, and see section A.I.2.c.
OAC rules 3745-31-10 through 3745-31-20 (PTI 04-01102)	0.100 lb of NOx/mmBtu of actual heat input, 0.012 lb of PM10/mmBtu of actual heat input, and 0.0054 lb of VOC/mmBtu of actual heat input. See section A.I.2.d.
OAC rule 3745-17-07(A)(1)	See section A.I.2.d.
OAC rule 3745-17-10(B)(1)	See section A.I.2.e.
OAC rule 3745-18-06(A)	See section A.I.2.f.
OAC rules 3745-21-08(B) and 3745-23-06(B)	See section A.I.2.g.
40 CFR Part 63, Subpart IIII	See section A.I.2.h.
40 CFR Part 63, Subpart DDDDD	See section A.I.2.i.
40 CFR Part 63, Subpart A	

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rules 3745-31-10 through 3745-31-20.

2.b The requirements established pursuant to this rule are equivalent to the requirements of 40 CFR Part 60, Subpart MM.

2.c The requirements of this rule also include compliance with the requirements of OAC rule 3745-18-06(A), OAC rule 3745-23-06(B), OAC rules 3745-31-10 through 3745-31-20.

2.d The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).

2.e OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.f The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

2.g Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.h Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.46 through A.74, for the requirements of 40 CFR Part 63, Subpart DDDDD; - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. The requirements of 40 CFR Part 63, Subpart DDDDD will become applicable to this emissions unit upon final promulgation in the Federal Register.

2.i Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions units.

2. [40 CFR 60.393(c)]
The owner or operator shall use the following procedures for determining the monthly volume weighted average mass of VOC emitted per volume of applied coating solids.

   a. The owner or operator shall use the following procedures for each affected facility which does not use a capture system and a control device to comply with the applicable emission limit specified under 40 CFR Part 60.392.

      i. Calculate the volume-weighted average mass of VOC per volume of applied coating solids for each calendar month for each affected facility. The owner or operator shall determine the composition of the coatings by formulation data supplied by the manufacturer of the coating or from data determined by an analysis of each coating, as received, by Method 24. The Administrator may require the owner or operator who uses formulation data supplied by the manufacturer of the coating to determine data used in the calculation of the VOC content of coatings by Method 24 or an equivalent or alternative method. The owner or operator shall determine from company records on a monthly basis the volume of coating consumed, as received, and the mass of solvent used for thinning purposes. The volume-weighted average of the total mass of VOC per volume of coating solids used each calendar month will be determined by the following procedures.

         (a) Calculate the mass of VOC used in each calendar month for each affected facility by the following equation where ``n" is the total number of coatings used and ``m" is the total number of VOC solvents used:

$$M_o + M_d = \sum_{i=1}^{n} L_{ci} D_{ci} W_{oi} + \sum_{j=1}^{m} L_{dj} D_{dj}$$

[$\sum L_{dj} D_{dj}$ will be zero if no VOC solvent is added to the coatings, as received].

         (b) Calculate the total volume of coating solids used in each calendar month for each affected facility by the following equation where ``n" is the total number of coatings used:

$$L_s = \sum_{i=1}^{n} L_{ci} V_{si}$$

(c) Select the appropriate transfer efficiency (T) from the following tables for each surface coating operation:

Application Method	Transfer Efficiency
Air Atomized Spray (waterborne coating)	0.39
Air Atomized Spray (solvent-borne coating)	0.50
Manual Electrostatic Spray	0.75
Automatic Electrostatic Spray	0.95
Electrodeposition	1.00

The values in the table above represent an overall system efficiency which includes a total capture of purge. If a spray system uses line purging after each vehicle and does not collect any of the purge material, the following table shall be used:

Application Method	Transfer Efficiency
Air Atomized Spray (waterborne coating)	0.30
Air Atomized Spray (solvent-borne coating)	0.40
Manual Electrostatic Spray	0.62
Automatic Electrostatic Spray	0.75

If the owner or operator can justify to the Administrator's satisfaction that other values for transfer efficiencies are appropriate, the Administrator will approve their use on a case-by-case basis. The permittee is currently using a transfer efficiency of 97% for the powder anti-chip coating which was derived based upon in-house material balance calculations.

(i) When more than one application method (l) is used on an individual surface coating operation, the owner or operator shall perform an analysis to determine an average transfer efficiency by the following equation where ``n'' is the total number of coatings used and ``p'' is the total number of application methods:

$$T = \frac{\sum_{i=1}^{n} T_l V_{si} L_{cil}}{\sum_{l=1}^{p} L_s}$$

(d) Calculate the volume-weighted average mass of VOC per volume of applied coating solids (G) during each calendar month for each affected facility by the following equation:

$G = (M_o + M_d) / (L_s T)$

(e) For each EDP prime coat operation, calculate the turnover ratio (R_T) by the following equation:

$R_T = L_S / L_E$, truncated after 3 decimal places.

Then calculate or select the appropriate limit according to 40 CFR Part 60.392(a).

ii. If the volume weighted average mass of VOC per volume of applied coating solids (G), calculated on a calendar month basis, is less than or equal to the applicable emission limit specified in 40 CFR Part 60.392, the affected facility is in compliance. Each monthly calculation is a performance test for the purpose of this subpart.

3. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

2. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the calculated VOC emission rate exceeds the applicable mass of VOC per volume of coating solids limitation. The notification shall include a copy of such record.

3. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the tons of VOC/rolling, 12-month period exceeds the applicable limitation. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

3.25 tons of VOC per rolling, 12-month period

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the record keeping requirements of section A.III.2. Where applicable, the permittee shall use OAC rule 3745-21-10(B) and the procedures in 40 CFR Part 60.393 for determining the monthly volume-weighted average mass of VOC emitted per volume of applied solids.

1.b Emission Limitation:

1.40 kgs of VOC/liter (11.7 lbs of VOC/gal) of applied coating solids on a monthly basis

Applicable Compliance Method:

The permittee shall use the procedures in 40 CFR Part 60.393 for determining the monthly volume-weighted average mass of VOC emitted per volume of applied solids.

1.c Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lb/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.d Emission Limitation:

3.4 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of CO/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.e Emission Limitation:

0.100 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lb/mmscf)/1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.f Emission Limitation:

16 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term NOx emission limitation (0.100 lb/mmBtu) by the emissions unit's maximum heat input capacity (35.8 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.g Emission Limitation:

0.012 lb of PM10/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0056 lb PM10/mmBtu ((5.7 lb PM/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. AP-42 states that all particulate from this process is presumed to be less than 1.0 micron in diameter. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with Methods 201 and 202 of 40 CFR Part 51, Appendix M, and procedures specified in OAC rule 3745-17-03(B)(9). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.h Emission Limitation:

2.0 tpy of PM10

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term PM10 emission limitation (0.012 lb/mmBtu) by the emissions unit's maximum heat input capacity (35.8 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.i Emission Limitation:

0.0006 lb of SO2/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0006 lb SO2/mmBtu ((0.6 lb/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98, or OAC rule 3745-18-04(G)(3). If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 6 of 40 CFR Part 60 Appendix A, using the methods and procedures specified in OAC rule 3745-18-04. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.j Emission Limitation:

0.098 tpy of SO2

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term SO2 emission limitation (0.0006 lb/mmBtu) by the emissions unit's maximum heat input capacity (35.8 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.k Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lb/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A, using the methods and procedures specified in OAC rule 3745-21-10. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.l Emission Limitation:

0.46 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.m Emission Limitation:

5% opacity as a 6-minute average from each oven combustion stack

Applicable Compliance Method:

If required, compliance shall be determined through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

VI Miscellaneous Requirements

1. Should any coating formulations cause a nuisance odor, or process changes cause an increase in the quantity or intensity of odors emitted from this facility, as determined by the Toledo Division of Environmental Services, the company shall take corrective action to reduce the impact of the odors. The time schedule for the corrective action shall be approved by the Toledo Division of Environmental Services.

Emissions Unit: Powder Anti-chip (K022)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Topcoat (K023)
Activity Description: Topcoat line 1 and 2 booths and ovens, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
2 automotive topcoat booths w/ water wash filtration, using waterborne basecoat and solventborne clearcoat with regenerative thermal oxidizer (RTO) on 2 clearcoat drying oven exhausts	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	2.8 tons of particulate emissions (as PM10)/rolling, 12-month period, 768.68 tons of volatile organic compounds (VOC)/rolling, 12-month period, 5% opacity as a 6-minute average from the RTO stack, and see sections A.I.2.a and A.I.2.b.
	OAC rules 3745-31-10 through 3745-31-20 (PTI 04-01102)	8.63 lbs of VOC/gallon of applied coating solids on a monthly basis.
	OAC rule 3745-17-07(A)(1)	See section A.I.2.c.
	OAC rule 3745-17-11(B)	0.63 lbs/hr of particulate emissions (as PM10).
	OAC rule 3745-21-09(C)(1)(c)	The permittee has provided supplemental information that indicates that the emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rules 3745-31-10 through 3745-31-20.
2 natural gas infrared flash tunnels and 2 indirect fired, drying ovens at		

22.2 mmBtu/hr each; combustion emissions		See section A.I.2.c.
	40 CFR Part 60, Subpart MM	0.083 lb of carbon monoxide (CO)/mmBtu of actual heat input,
	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	6.1 tpy of CO, 14 tpy of nitrogen oxides (NOx), 3.5 tpy of PM10, 0.0006 lb of sulfur dioxide (SO2)/mmBtu of actual heat input, 0.17 tpy of SO2, 0.81 tpy of VOC, 5% opacity as a 6-minute average from each oven combustion stack, and see section A.I.2.d.
	OAC rules 3745-31-10 through 3745-31-20 (PTI 04-01102)	0.100 lb of NOx/mmBtu of actual heat input, 0.0056 lb of PM10/mmBtu of actual heat input, and 0.0054 lb of VOC/mmBtu of actual heat input.
	OAC rule 3745-17-07(A)(1)	See section A.I.2.c.
	OAC rule 3745-17-10(B)(1)	See section A.I.2.c.
	OAC rule 3745-18-06(A)	See section A.I.2.e.
	OAC rules 3745-21-08(B) and 3745-23-06(B)	See section A.I.2.f.
	40 CFR Part 63, Subpart IIII	See section A.I.2.g.
	40 CFR Part 63, Subpart DDDDD	See section A.I.2.h.
	40 CFR Part 63, Subpart A	See section A.I.2.i.

2. Additional Terms and Conditions

2.a The permittee shall operate and maintain a thermal incinerator, with a 100 percent capture efficiency and a minimum of 95 percent control efficiency, to control VOC

emissions from the drying oven. The thermal incinerator shall be operated and maintained in accordance with the manufacturer's recommendations.

2.b The requirements of this rule also include compliance with the requirements of OAC rule 3745-17-11(B) and OAC rules 3745-31-10 through 3745-31-20.

2.c The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).

2.d The requirements of this rule also include compliance with the requirements of OAC rules 3745-18-06(A), 3745-23-06(B), and 3745-31-10 through 3745-31-20.

2.e OAC rule 3745-18-06(A) does not establish SO2 emission limitations for the fuel burning equipment associated with this emissions unit because the emissions unit only employs natural gas as fuel. However, OAC rule 3745-18-06(A) requires that the natural gas being combusted meet certain fuel quality restrictions (a heat content greater than 950 Btu per standard cubic foot and a sulfur content less than 0.6 pound per million standard cubic feet). Because the natural gas being burned in this emissions unit is the standard, pipeline quality natural gas supplied to industrial, commercial, and residential users throughout the State, it is assumed that it meets the fuel quality restrictions; and no monitoring, record keeping or reporting requirements are necessary to ensure ongoing compliance with OAC rule 3745-18-06(A).

2.f The permittee has satisfied the "best available control techniques and operating practices" required pursuant to OAC rule 3745-21-08(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

On November 5, 2002, OAC rule 3745-21-08 was revised to delete paragraph (B); therefore, paragraph (B) is no longer part of the State regulations. However, that rule revision has not yet been submitted to the U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revisions to OAC rule 3745-21-08, the requirement to satisfy the "best available control techniques and operating practices" still exists as part of the federally-approved SIP for Ohio.

The permittee has satisfied the "latest available control techniques and operating practices" required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in Permit to Install 04-01102.

2.g Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.h Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.46 through A.74, for the requirements of 40 CFR Part 63, Subpart DDDDD; - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. The requirements of 40 CFR Part 63, Subpart DDDDD will become applicable to this emissions unit upon final promulgation in the Federal Register.

2.i Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall burn only natural gas as fuel in this emissions unit.

2. The permittee shall operate the water wash systems whenever this emissions unit is in operation.

3. The average combustion temperature within the thermal incinerator, for any 3-hour block of time when the incinerator is in operation as a VOC control device for emissions fee or compliance purposes, shall not be below the average temperature during the most recent emission test that demonstrated the emissions unit was in compliance.

III Monitoring and/or Recordkeeping

1. For each day during which the permittee burns a fuel other than natural gas, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

2. The permittee shall maintain records that document any day when the water wash system was not in service when coating was being applied.

3. The permittee shall operate and maintain a continuous temperature monitor and recorder which measures and records the combustion temperature within the firebox of the thermal incinerator when the incinerator is in operation. Each temperature measurement device shall be installed, calibrated, and maintained according to accepted practice and the manufacturer's specifications, with any modifications deemed necessary by the permittee and approved by the Toledo Division of Environmental Services. The device shall have an accuracy of the greater of 0.75 percent of the temperature being measured expressed in degrees Celsius or 2.5 Celsius degrees. Each temperature measurement device shall be equipped with a recording device so that a permanent record is produced. The temperature monitor and recorder shall be calibrated, operated and maintained in accordance with the manufacturer's recommendations.

4. The permittee shall collect and record for each day a log or record of the operating time for the capture (collection) system, control device(s), monitoring equipment, and the associated emissions unit.

5. The permittee shall collect and record the following information for each month for the coating line and control equipment:

   a. the name and identification number of each coating, as applied;

   b. the mass of VOC per volume of coating solids, as applied, the volume solids content, as applied, and the volume, as applied, of each coating;

   c. the maximum VOC content (in mass of VOC per volume of applied coating solids) or the daily volume-weighted average VOC content (in mass of VOC per volume of applied coating solids) of all the coatings;

   d. the calculated, controlled VOC emission rate, in mass of VOC per volume of applied coating solids. The controlled VOC emission rate shall be calculated using (i) either the maximum VOC content or the daily volume-weighted VOC content recorded in accordance with section A.III.5.c above and (ii) the overall control efficiency for the control equipment as determined during the most recent emission test that demonstrated that the emissions unit was in compliance;

   e. the calculated, controlled VOC emissions, in tons of VOC/month and tons of VOC/rolling, 12-month period. The controlled VOC emissions shall be calculated using the controlled VOC emission rate in section A.III.5.d above and the volume solids content per month from section A.III.5.b above and a factor of 2,000 lbs/ton;

   f. all 3-hour blocks of time during which the average combustion temperature within the thermal incinerator, when the emissions unit was in operation, was below the average temperature during the most recent emission test that demonstrated that the emissions unit was in compliance.

   Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

6. The permittee shall maintain monthly records of the amounts of natural gas combusted in this emissions unit during each month prorated to a daily basis.

IV Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs. This reporting provision is not subject to the negative declaration requirement specified in General Term and Condition B.6.

2. The permittee shall notify the Toledo Division of Environmental Services in writing of any record that the water wash system was not in service when coating was being applied. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days after the event occurs.

3. The permittee shall submit quarterly temperature deviation (excursion) reports that identify all 3-hour blocks of time during which the average combustion temperature within the thermal incinerator, when the emissions unit was in operation, was below the average temperature during the most recent emission test that demonstrated that the emissions unit was in compliance. The permittee shall also report every 3-hour period during which the average temperature measured is more than 28 degrees Celsius (50 degrees Fahrenheit) less than the average temperature during the most recent control device performance test.

   If no such periods occur, the owner or operator shall submit a negative report.

4. The permittee shall submit quarterly deviation (excursion) reports that identify all monthly records showing that the calculated, controlled VOC emission rate exceeds the applicable mass of VOC per volume of applied coating solids limitation. The notification shall include a copy of such record. If no such instances have occurred during a particular quarter, a report stating this shall be submitted.

5. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the tons of VOC/rolling, 12-month period exceeds the applicable limitation. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

0.63 lb/hr of particulate emissions (as PM10)

Applicable Compliance Method:

The use of adequate control equipment, as demonstrated by the log or record of congruent operating times for the emissions unit, capture (collection) system and control device(s) required by sections A.III.2 and A.III.4 shall be considered adequate demonstration of compliance. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the procedures specified in Methods 1 through 5 of 40 CFR Part 60, Appendix A. All PE captured in the front half of a Method 5 test will be considered to be equivalent to PM10.

1.b Emission Limitation:

2.8 tons of particulate emissions/rolling, 12-month period

Applicable Compliance Method:

The tpy emission limitation was developed by multiplying the hourly allowable particulate emission limitation (0.63 lb/hr) by the maximum annual hours of operation (8,760 hours), and

then dividing by 2,000 lbs per ton. Therefore, if compliance is shown with the lb/hr limitation, compliance shall also be shown with the annual emission limitation.

1.c Emission Limitation:

5% opacity as a 6-minute average from the RTO stack

Applicable Compliance Method:

If required, compliance shall be determined through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.d Emission Limitation:

8.63 lbs of VOC/gallon of applied coating solids on a monthly basis.

Applicable Compliance Method:

The permittee shall use the procedures in 40 CFR Part 60.393 for determining the monthly volume-weighted average mass of VOC emitted per volume of applied solids. Where applicable, compliance shall also be demonstrated pursuant to the methods and procedures set forth in the "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", EPA-450-3-88-018, dated December 1988, and any subsequent revision approved by the USEPA and the State of Ohio Environmental Protection Agency.

Compliance may be determined through the monitoring and record keeping requirements of section A.III.1. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rule(s) 3745-21-09(C)(2) and 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.e Emission Limitation:

768.68 tons of VOC/per rolling, 12-month period

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the record keeping requirements of section A.III.5.

1.f Emission Limitation:

100 percent capture efficiency and a minimum of 95 percent control efficiency from the RTO

Applicable Compliance Method:

If required, the permittee shall perform additional emission tests, conducted in accordance with USEPA Method 25 of 40 CFR Part 60, Appendix A, USEPA Methods 204 through 204F of 40 CFR Part 51, Appendix M, and the methods and procedures of OAC rule 3745-21-10(C).

1.g Emission Limitation:

0.083 lb of CO/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.083 lb CO/mmBtu ((84 lb/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 10 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.h Emission Limitation:

6.1 tpy of CO

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 84 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.i Emission Limitation:

0.100 lb of NOx/mmBtu of actual heat input.

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.099 lb NOx/mmBtu ((100 lb/mmscf)/1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 7 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.j Emission Limitation:

14 tpy of NOx

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 100 lbs of NOx/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-1, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.k Emission Limitation:

0.0056 lb of PM10/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0056 lb PM10/mmBtu ((5.7 lb PM/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. AP-42 states that all particulate from this process is presumed to be less than 1.0 micron in diameter. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with Methods 201 and 202 of 40 CFR Part 51, Appendix M. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.l Emission Limitation:

3.5 tpy of PM10

Applicable Compliance Method:

Compliance with this emission limitation may be demonstrated by multiplying the short-term PM10 emission limitation (0.0056 lb/mmBtu) by the emissions unit's maximum heat input capacity (44.4 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.m Emission Limitation:

0.0006 lb of SO2/mmBtu actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0006 lb SO2/mmBtu ((0.6 lb/mmscf)/(1020 Btu/scf)) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98, or OAC rule 3745-18-04(G)(3). If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 6 of 40 CFR Part 60 Appendix A, using the methods and procedures specified in OAC rule

3745-18-04. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.n Emission Limitation:

0.17 tpy of SO2

Applicable Compliance Method:

This emission limitation was developed by multiplying the allowable SO2 emission limitation (of 0.0006 lb/mmBtu) by the maximum fuel heat input rate (44.4 mmBtu/hour), and by the actual annual hours of operation, and then dividing by 2,000 lbs per ton. Therefore, if compliance is shown with the short term (lb/mmBtu) limitation, compliance shall also be shown with the annual emission limitation. Compliance with this emission limitation may be demonstrated by multiplying the short-term SO2 emission limitation (0.0006 lb/mmBtu) by the emissions unit's maximum heat input capacity (44.4 mmBtu/hour), by 8760 hrs/yr and dividing by 2000 lbs/ton.

1.o Emission Limitation:

0.0054 lb of VOC/mmBtu of actual heat input

Applicable Compliance Method:

Compliance may be based upon an emission factor of 0.0054 lb VOC/mmBtu ((5.5 lb/mmscf)/(1020 Btu/scf) specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98. If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1 through 4 and 25 or 25A of 40 CFR Part 60, Appendix A, using the methods and procedures specified in OAC rule 3745-21-10. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.p Emission Limitation:

0.81 tpy of VOC

Applicable Compliance Method:

Compliance with this emission limitation shall be determined by multiplying an emission factor of 5.5 lbs of VOC/mmscf (specified in USEPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Table 1.4-2, dated 7/98) by the actual annual natural gas usage for this emissions unit, in mmscf/yr, and dividing by 2000 lbs/ton.

1.q Emission Limitation:

5% opacity as a 6-minute average from each oven combustion stack

Applicable Compliance Method:

If required, compliance shall be determined through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

2. The permittee shall conduct, or have conducted, emission testing for this emissions unit in accordance with the following requirements:

   a. Emission testing shall be conducted within 12 months prior to permit expiration to demonstrate compliance with the capture and control efficiency limitations for VOC for one representative booth/oven:

      i. the capture efficiency shall be determined in accordance with the test methods and procedures specified in 40 CFR Part 60.393; and

      ii. the control efficiency (i.e., the percent reduction in mass emissions between the inlet and outlet of the control system) shall be determined in accordance with the test methods and procedures specified in Methods 18, 25, or 25A, as appropriate, of 40 CFR Part 60, Appendix A. The test methods and procedures selected shall be based on a consideration of the diversity of the organic species present and their total concentration, and on a consideration of the potential presence of interfering gases. Alternate U.S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

   b. Initial emission testing, required by PTI 04-01102, shall be completed within 6 months after issuance of this permit to demonstrate compliance with the allowable mass emission rate for particulates from the booth. The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s): Methods 1 through 5 of 40 CFR Part 60, Appendix A. Alternative U.S. EPA-approved test methods may be used with prior approval from the Ohio EPA.

   c. The test(s) shall be conducted while the emissions unit is operating at or near its maximum capacity, unless otherwise specified or approved by the Toledo Division of Environmental Services.

   Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Toledo Division of Environmental Services. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in the Toledo Division of Environmental Services' refusal to accept the results of the emission test(s).

   Personnel from the Toledo Division of Environmental Services shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that

the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.

A comprehensive written report on the results of the emission test(s) shall be signed by the person or persons responsible for the tests and submitted to the Toledo Division of Environmental Services within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the Toledo Division of Environmental Services.

VI Miscellaneous Requirements

1. Should any coating formulations cause a nuisance odor, or process changes cause an increase in the quantity or intensity of odors emitted from this facility, as determined by the Toledo Division of Environmental Services, the company shall take corrective action to reduce the impact of the odors. The time schedule for the corrective action shall be approved by the Toledo Division of Environmental Services.

Emissions Unit: Topcoat (K023)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Low bake repair with Spovens (K024)
Activity Description: Off line low bake repair with Spoven 1 and 2, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Automotive off-line repair (low temperature bake) Spoven (combination spray booth and electric oven) w/ dry filtration	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	28 tons of volatile organic compounds (VOC)/rolling, 12-month period, 2.4 tpy of particulate emissions (as PM10), 5% opacity as a 6-minute average, and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20 (PTI 04-01102)	See section A.I.2.b.
	OAC rule 3745-17-07(A)(1)	See section A.I.2.c.
	OAC rule 3745-17-11(B)	0.551 lb/hr of particulate emissions (as PM10).
	OAC rule 3745-21-09(C)(1)(d)	4.8 lbs of VOC/gallon of coating, excluding water and exempt solvents.
	40 CFR Part 63, Subpart IIII	See section A.I.2.d.
	40 CFR Part 63, Subpart DDDDD	See section A.I.2.e.

40 CFR Part 63, Subpart A	See section A.I.2.f.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-11(B), 3745-21-09(C)(1)(d) and 3745-31-10 through 3745-31-20.

2.b The requirements established pursuant to this rule are equivalent to the requirements of OAC rules 3745-17-11(B) and 3745-21-09(C)(1)(d).

2.c The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).

2.d Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.e Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.46 through A.74, for the requirements of 40 CFR Part 63, Subpart DDDDD; - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. The requirements of 40 CFR Part 63, Subpart DDDDD will become applicable to this emissions unit upon final promulgation in the Federal Register.

2.f Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall operate the dry filtration system whenever this emissions unit is in operation.

III Monitoring and/or Recordkeeping

1. The permittee shall maintain records that document any day when the dry filtration system was not in service when coating was being applied.

2. When using complying coatings (i.e., each coating contains a maximum of 4.8 lbs of VOC/gal, excluding water and exempt solvents), the permittee shall collect and record the following information each month:

   a. the name and identification number of each coating, as applied; and

   b. the VOC content (excluding water and exempt solvents) and the daily number of gallons (excluding water and exempt solvents) of each coating, as applied.

3. When calculating a daily volume-weighted average VOC content, the permittee shall collect and record the following information each day:

   a. the name and identification number of each coating, as applied;

   b. the VOC content (excluding water and exempt solvents) and the number of gallons (excluding water and exempt solvents) of each coating, as applied;

   c. the volume-weighted average VOC content of all coatings, as applied, calculated in accordance with the equation specified in paragraph (B)(9) of OAC rule 3745-21-10 for CVOC,2; and

   d. the calculated VOC emissions, in lbs of VOC/day and tons of VOC/rolling, 12-month period. The VOC emissions shall be calculated using the VOC content and the number of gallons in section A.III.2.b above and a factor of 2,000 lbs/ton.

   The permittee shall notify the Toledo Division of Environmental Services, in advance, when daily averaging will be used instead of monthly record keeping.

   Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

4. The permittee shall collect and record the following information each month for the purpose of determining average daily, monthly and annual VOC emissions :

   a. the name and identification number of each coating, as applied;

   b. the VOC content of each coating (excluding water and exempt solvents), as applied;

   c. the number of gallons (excluding water and exempt solvents) of each coating employed;

   d. the total number of gallons (excluding water and exempt solvents) of all coatings employed, calculated as a summation of the quantities recorded in (c) above;

   e. the name and identification of each cleanup material employed;

   f. the VOC content of each cleanup material, in pounds per gallon;

   g. the number of gallons of each cleanup material employed;

   h. the total VOC emissions from all coatings and cleanup materials employed, in tons per month;

   i. the rolling 12-month summation of emissions from all coatings and cleanup materials employed, in tons per year;

j. the number of days the emissions units was in operation; and

k. the daily average VOC emissions rate, (h)/(j), in pounds per day.

IV Reporting Requirements

1. The permittee shall notify the Toledo Division of Environmental Services in writing of any record when the dry filtration system was not in service when coating was being applied. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days after the event occurs.

2. The permittee shall notify the Toledo Division of Environmental Services in writing of any record showing the use of noncomplying coatings. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days after the exceedance occurs.

3. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the tons of VOC/rolling, 12-month period exceeds the applicable limitation. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

0.551 lb/hr of particulate emissions (as PM10)

Applicable Compliance Method:

To determine the actual worst case particulate emission rate, the following equation shall be used:

E = (M) x (1-TE) x (1-CE)

where:

E = particulate emission rate (lbs/hr)

M = maximum coating solids usage rate (lbs/hr)

TE = transfer efficiency, which is the ratio of the amount of coating solids deposited on the coated part to the amount of coating solids used

CE = control efficiency of the control equipment. If more than one piece of control equipment is used in series, the equation should be multiplied by additional (1-CE) terms for each additional piece of equipment.

If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in OAC rule 3745-17-03(B)(10). All particulate emissions captured in the front half of a Method 5 test will be considered to be equivalent to PM10.

1.b Emission Limitation:

2.4 tpy of particulate emissions

Applicable Compliance Method:

The tpy emission limitation was developed by multiplying the hourly allowable particulate emission limitation (0.551 lb/hr) by the maximum annual hours of operation (8,760 hours), and then dividing by 2,000 lbs per ton. Therefore, if compliance is shown with the lb/hr limitation, compliance shall also be shown with the annual emission limitation.

1.c Emission Limitation:

5% opacity as a 6-minute average from the Spoven

Applicable Compliance Method:

If required, compliance shall be determined through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.d Emission Limitation:

4.8 lbs VOC/gal of coating, excluding water and exempt solvents

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of section A.III.2 or A.III.3, as appropriate. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rule(s) 3745-21-09(C)(2) and 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services. If, pursuant to Method 24, 40 CFR Part 60, Appendix A, the permittee determines that Method 24 or 24A cannot be used for a particular coating or ink, the permittee shall so notify the Administrator of the USEPA and shall use formulation data for that coating to demonstrate compliance until the USEPA provides alternative analytical procedures or alternative precision statements for Method 24 or 24A.

1.e Emission Limitation:

28 tons of VOC/rolling, 12-month period

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the record keeping requirements of section A.III.4.

VI Miscellaneous Requirements

1. Should any coating formulations cause a nuisance odor, or process changes cause an increase in the quantity or intensity of odors emitted from this facility, as determined by the Toledo Division of Environmental Services, the company shall take corrective action to reduce the impact of the odors. The time schedule for the corrective action shall be approved by the Toledo Division of Environmental Services.

Emissions Unit: **Low bake repair with Spovens (K024)**

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Blackout (K027)
Activity Description: Blackout booth, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Automotive blackout w/ dry filtration; air dried	OAC rule 3745-31-05(A)(3), established by PTI 04-01102	54 tons of volatile organic compounds (VOC)/rolling, 12-month period, 2.8 tpy of particulate emissions (as PM10), 5% opacity as a 6-minute average, and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	2.0 lbs of VOC/gallon of coating, excluding water and exempt solvents, and see section A.I.2.b.
	OAC rule 3745-17-07(A)(1)	See section A.I.2.c.
	OAC rule 3745-17-11(B)	0.551 lb/hr of particulate emissions (as PM10).
	OAC rule 3745-21-09(U)(1)(i) and (2)(f)	See section A.I.2.c.
	40 CFR Part 63, Subpart IIII	See section A.I.2.d.
	40 CFR Part 63, Subpart A	See section A.I.2.e.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-11(B) and 3745-31-10 through 3745-31-20.

2.b The requirements of this rule also include compliance with the requirements of OAC rule 3745-17-11(B).

2.c The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).

2.d Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.e Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall operate the dry filtration system whenever this emissions unit is in operation.

III Monitoring and/or Recordkeeping

1. The permittee shall maintain records that document any day when the dry filtration system was not in service when coating was being applied.

2. When using complying coatings (i.e., each coating contains a maximum of 4.8 lbs of VOC/gal, excluding water and exempt solvents), the permittee shall collect and record the following information each month:

   a. the name and identification number of each coating, as applied; and

   b. the VOC content (excluding water and exempt solvents) and the daily number of gallons (excluding water and exempt solvents) of each coating, as applied.

3. When calculating a daily volume-weighted average VOC content, the permittee shall collect and record the following information each day:

   a. the name and identification number of each coating, as applied;

   b. the VOC content (excluding water and exempt solvents) and the number of gallons (excluding water and exempt solvents) of each coating, as applied;

c. the volume-weighted average VOC content of all coatings, as applied, calculated in accordance with the equation specified in paragraph (B)(9) of OAC rule 3745-21-10 for CVOC,2; and

d. the calculated VOC emissions, in lbs of VOC/day and tons of VOC/rolling, 12-month period. The VOC emissions shall be calculated using the VOC content and the number of gallons in section A.III.2.b above and a factor of 2,000 lbs/ton.

The permittee shall notify the Toledo Division of Environmental Services, in advance, when daily averaging will be used instead of monthly record keeping.

Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

4. The permittee shall collect and record the following information each month for the purpose of determining average daily, monthly and annual VOC emissions:

a. the name and identification number of each coating, as applied;

b. the VOC content of each coating (excluding water and exempt solvents), as applied;

c. the number of gallons (excluding water and exempt solvents) of each coating employed;

d. the total number of gallons (excluding water and exempt solvents) of all coatings employed, calculated as a summation of the quantities recorded in (c) above;

e. the name and identification of each cleanup material employed;

f. the VOC content of each cleanup material, in pounds per gallon;

g. the number of gallons of each cleanup material employed;

h. the total VOC emissions from all coatings and cleanup materials employed, in tons per month;

i. the rolling 12-month summation of emissions from all coatings and cleanup materials employed, in tons per year;

j. the number of days the emissions units was in operation; and

k. the daily average VOC emissions rate, (h)/(j), in pounds per day.

IV Reporting Requirements

1. The permittee shall notify the Toledo Division of Environmental Services in writing of any record when the dry filtration system was not in service when coating was being applied. The

notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days after the event occurs.

2. The permittee shall notify the Toledo Division of Environmental Services in writing of any monthly record showing the use of noncomplying coatings. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days following the end of the calendar month.

3. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the tons of VOC/rolling, 12-month period exceeds the applicable limitation. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

0.551 lb/hr of particulate emissions (as PM10)

Applicable Compliance Method:

To determine the actual worst case particulate emission rate, the following equation shall be used:

E = (M) x (1-TE) x (1-CE)

where:

E = particulate emission rate (lbs/hr)

M = maximum coating solids usage rate (lbs/hr)

TE = transfer efficiency, which is the ratio of the amount of coating solids deposited on the coated part to the amount of coating solids used

CE = control efficiency of the control equipment. If more than one piece of control equipment is used in series, the equation should be multiplied by additional (1-CE) terms for each additional piece of equipment.

If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in OAC rule 3745-17-03(B)(10). All particulate emissions captured in the front half of a Method 5 test will be considered to be equivalent to PM10.

1.b Emission Limitation:

2.8 tpy of particulate emissions

Applicable Compliance Method:

The tpy emission limitation was developed by multiplying the hourly allowable particulate emission limitation (0.551 lb/hr) by the actual annual hours of operation, and then dividing by 2,000 lbs per ton. Therefore, if compliance is shown with the lb/hr limitation, compliance shall also be shown with the annual emission limitation.

1.c Emission Limitation:

5% opacity as a 6-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.d Emission Limitation:

2.0 lbs of VOC/gallon of coating, excluding water and exempt solvents

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of section A.III.2 or A.III.3, as appropriate. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rule 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services. If, pursuant to Method 24, 40 CFR Part 60, Appendix A, the permittee determines that Method 24 or 24A cannot be used for a particular coating or ink, the permittee shall so notify the Administrator of the USEPA and shall use formulation data for that coating to demonstrate compliance until the USEPA provides alternative analytical procedures or alternative precision statements for Method 24 or 24A.

1.e Emission Limitation:

54 tons of VOC/rolling, 12-month period

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the record keeping requirements of section A.III.4.

Emissions Unit: **Blackout (K027)**

VI Miscellaneous Requirements

1. Should any coating formulations cause a nuisance odor, or process changes cause an increase in the quantity or intensity of odors emitted from this facility, as determined by the Toledo Division of Environmental Services, the company shall take corrective action to reduce the impact of the odors. The time schedule for the corrective action shall be approved by the Toledo Division of Environmental Services.

Emissions Unit: Blackout (K027)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Interior touch-up (K029)
Activity Description: Interior paint repair booth, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Automotive off-line touch-up repair w/ dry filtration; air dry	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	5.6 tons of volatile organic compounds (VOC)/rolling, 12-month period, 5% opacity as a 3-minute average, and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20 (PTI 04-01102)	See section A.I.2.b.
	OAC rule 3745-17-07(B)	See section A.I.2.c.
	OAC rule 3745-17-08(B), (B)(3)	See section A.I.2.d.
	OAC rule 3745-21-09(C)(1)(d)	4.8 lbs of VOC/gallon of coating, excluding water and exempt solvents
	40 CFR Part 63, Subpart IIII	See section A.I.2.e.
	40 CFR Part 63, Subpart A	See section A.I.2.f.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-08(B), (B)(3), 3745-21-09(C)(1)(d), and 3745-31-10 through 3745-31-20.

2.b The requirements established pursuant to this rule are equivalent to the requirements of OAC rules 3745-17-08(B), (B)(3) and 3745-21-09(C)(1)(d).

2.c The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).

2.d The permittee shall employ best available control measures for the purpose of ensuring compliance with this applicable requirement including the installation and use hoods, fans, and/or other equipment to adequately enclose, contain, capture, vent and control the fugitive dust.

2.e Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.f Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall operate the dry filtration system whenever this emissions unit is in operation.

III Monitoring and/or Recordkeeping

1. The permittee shall maintain records that document any day when the dry filtration system was not in service when coating was being applied.

2. When using complying coatings (i.e., each coating contains a maximum of 4.8 lbs of VOC/gal, excluding water and exempt solvents), the permittee shall collect and record the following information each month:

   a. the name and identification number of each coating, as applied; and

   b. the VOC content (excluding water and exempt solvents) and the daily number of gallons (excluding water and exempt solvents) of each coating, as applied.

3. When calculating a daily volume-weighted average VOC content, the permittee shall collect and record the following information each day:

   a. the name and identification number of each coating, as applied;

b. the VOC content (excluding water and exempt solvents) and the number of gallons (excluding water and exempt solvents) of each coating, as applied;

c. the volume-weighted average VOC content of all coatings, as applied, calculated in accordance with the equation specified in paragraph (B)(9) of OAC rule 3745-21-10 for CVOC,2; and

d. the calculated VOC emissions, in lbs of VOC/day and tons of VOC/rolling, 12-month period. The VOC emissions shall be calculated using the VOC content and the number of gallons in section A.III.2.b above and a factor of 2,000 lbs/ton.

The permittee shall notify the Toledo Division of Environmental Services, in advance, when daily averaging will be used instead of monthly record keeping.

Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

4. The permittee shall collect and record the following information each month for the purpose of determining average daily, monthly and annual VOC emissions:

a. the name and identification number of each coating, as applied;

b. the VOC content of each coating (excluding water and exempt solvents), as applied;

c. the number of gallons (excluding water and exempt solvents) of each coating employed;

d. the total number of gallons (excluding water and exempt solvents) of all coatings employed, calculated as a summation of the quantities recorded in (c) above;

e. the name and identification of each cleanup material employed;

f. the VOC content of each cleanup material, in pounds per gallon;

g. the number of gallons of each cleanup material employed;

h. the total VOC emissions from all coatings and cleanup materials employed, in tons per month;

i. the rolling 12-month summation of emissions from all coatings and cleanup materials employed, in tons per year;

j. the number of days the emissions units was in operation; and

k. the daily average VOC emissions rate, (h)/(j), in pounds per day.

IV Reporting Requirements

1. The permittee shall notify the Toledo Division of Environmental Services in writing of any record when the dry filtration system was not in service when coating was being applied. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days after the event occurs.

2. The permittee shall notify the Toledo Division of Environmental Services in writing of any record showing the use of noncomplying coatings. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 30 days after the exceedance occurs.

3. The permittee shall submit quarterly deviation (excursion) reports that identify all records showing that the tons of VOC/rolling, 12-month period exceeds the applicable limitation. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

5% opacity as a 3-minute average

Applicable Compliance Method:

If required, compliance shall be determined through visible emission observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

4.8 lbs of VOC/gallon of coating, excluding water and exempt solvents

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of section A.III.2 or A.III.3, as appropriate. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rule 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services. If, pursuant to Method 24, 40 CFR Part 60, Appendix A, the permittee determines that Method 24 or 24A cannot be used for a particular coating or ink, the permittee shall so notify the Administrator of the USEPA and shall use formulation data for that coating to demonstrate compliance until the USEPA provides alternative analytical procedures or alternative precision statements for Method 24 or 24A.

1.c Emission Limitation:

5.6 tons of VOC/rolling, 12-month period

Applicable Compliance Method:

Compliance with the emission limitation shall be demonstrated by the record keeping requirements of section A.III.4.

VI Miscellaneous Requirements

None

Emissions Unit: Interior touch-up (K029)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Window Installation (P002)
Activity Description: Window cleaner and primer applications, Stickney

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Window installation with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-830)	12.5 lbs/hr of volatile organic compounds (VOC), 200.0 lbs/day of VOC, and see sections A.I.2.a and A.I.2.b.
	OAC rule 3745-31-05(D) (PTI 04-830)	30.0 tons of VOC/rolling, 12-month period, and see section A.I.2.c.
	OAC rule 3745-21-07(G)(2)	40 lbs/day and 8 lbs/hour of organic material from cleaners and primers applied to non-metallic surfaces.
	OAC rule 3745-21-09(U)(1)(g)	4.9 lbs of VOC/gallon, excluding water and exempt solvents, when coating metallic surfaces.
	40 CFR Part 63, Subpart IIII	See section A.I.2.d.
	40 CFR Part 63, Subpart A	See section A.I.2.e.

2. Additional Terms and Conditions

2.a The permittee shall not exceed any of the following:

i. for the side window primer - 4.9 lbs of VOC/gallon, excluding water and exempt solvents, and 400 gallons/month;

ii. windshield cleaner - 6.2 lbs of VOC/gallon, excluding water and exempt solvents, and 129.4 gallons/month;

iii. side glass primer - 6.9 lbs of VOC/gallon, excluding water and exempt solvents, and 40.3 gallons/month; and

iv. blackout primer - 4.9 lbs of VOC/gallon, excluding water and exempt solvents, and 400 gallons/month.

2.b The requirements of this rule also include compliance with the requirements of OAC rule 3745-21-07(G)(2), OAC rule 3745-21-09(U)(1)(g), and OAC rule 3745-31-05(D).

2.c This annual emission limitation is based upon the emission unit's potential to emit (PTE) at the maximum usage rates of section A.I.2.a. Therefore, provided compliance with the limitations of section A.I.2.a is demonstrated, it is not necessary to develop additional monitoring, record keeping, and reporting requirements to ensure compliance with the annual emission limitation.

2.d Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.e Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

none

III Monitoring and/or Recordkeeping

1. The permittee shall collect and record the following information for each day for each side window primer, windshield cleaner, side glass primer, and blackout primer employed that are subject to OAC rule 3745-21-07:

a. the company identification;

b. the total number of gallons;

c. the VOC content, in lbs of VOC/gallon, excluding water and exempt solvents;

d. the total VOC emission rate from all primers and cleaners employed, in lbs/day;

e. the total number of hours that this emissions unit was in operation, in hours/day; and

f. the hourly VOC emission rate, i.e., (d)/(e), in lbs/hour (average).

Note: For any month in which no coatings subject to OAC rule 3745-21-07 are utilized in this emissions unit, the permittee may elect to keep the records above on a monthly basis.

2. The permittee shall collect and record each month, the total number of gallons for each classification of solvent or cleaner employed (i.e., side window primer, windshield cleaner, side glass primer, and blackout primer).

3. The permittee shall identify each type of substrate coated (metallic or non-metallic) and the relative surface area of, or the relative rate of cleaner or primer application to, each substrate coated for each cleaner or primer on each day the emissions unit is in operation.

4. When using complying coatings to coat metal surfaces (i.e., each coating contains a maximum of 4.9 lbs of VOC/gal, excluding water and exempt solvents), the permittee shall collect and record the following information each month:

   a. the name and identification number of each coating, as applied; and

   b. the VOC content (excluding water and exempt solvents) and the daily number of gallons (excluding water and exempt solvents) of each coating, as applied.

5. When calculating a daily volume-weighted average VOC content for coatings employed on metal surfaces, the permittee shall collect and record the following information each day:

   a. the name and identification number of each coating, as applied;

   b. the VOC content (excluding water and exempt solvents) and the number of gallons (excluding water and exempt solvents) of each coating, as applied;

   c. the volume-weighted average VOC content of all coatings, as applied, calculated in accordance with the equation specified in paragraph (B)(9) of OAC rule 3745-21-10 for CVOC,2; and

   d. the calculated VOC emissions, in lbs of VOC/day and tons of VOC/rolling, 12-month period. The VOC emissions shall be calculated using the VOC content and the number of gallons in section A.III.4.b above and a factor of 2,000 lbs/ton.

   [Note: When coating substrates with both metallic and non-metallic surfaces, the number of gallons applied may be determined by multiplying the actual number of gallons applied by the relative rate of cleaner or primer application to metallic substrates determined in section A.III.3. of this permit.]

The permittee shall notify the Toledo Division of Environmental Services, in advance, when daily averaging will be used instead of monthly record keeping.

Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

6. The permittee shall collect and record the following information for each day when coating non-metallic surfaces:

   a. the company identification for each cleaner, primer, and photochemically reactive cleanup material employed;

   b. the total number of gallons of each cleaner, primer, and photochemically reactive cleanup material employed;

   c. the organic compound content of each cleaner, primer, and photochemically reactive cleanup material, in lbs/gal;

   d. the total organic compound emission rate for all cleaner, primer, and photochemically reactive cleanup materials, in lbs/day;

   e. the total number of hours that this emissions unit was in operation, in hours/day; and

   f. the hourly organic compound emission rate for the cleaners, primers, and photochemically reactive cleanup materials, i.e., (d)/(e), in lbs/hr (average).

   [Note: When coating substrates with both metallic and non-metallic surfaces, the number of gallons of each cleaner or primer employed may be determined by multiplying the actual number of gallons applied by the relative rate of cleaner or primer application to non-metallic substrates determined in section A.III.3 of this permit. The information must be for the window installation materials as employed, including any thinning solvents added at the emissions unit. The monitoring and record keeping requirements of this section do not apply if the applied coating conforms to the exemptions of OAC rule 3745-21-07(G)(9). Also, the definition of "photochemically reactive material" is based upon OAC rule 3745-21-01(C)(5).]

IV Reporting Requirements

1. The permittee shall notify the Toledo Division of Environmental Services in writing of any monthly record showing the use of noncomplying side window primers, windshield cleaners, side glass primers, or blackout primers. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services 30 days following the end of the calendar month.

2. The permittee shall notify the Toledo Division of Environmental Services in writing of any daily record showing that the daily volume-weighted average VOC content exceeds the applicable limitation when coating metal parts. The notification shall include a copy of such record and

shall be sent to the Toledo Division of Environmental Services within 45 days after the exceedance occurs.

3. The permittee shall submit quarterly deviation (excursion) reports that include the following information:

   a. any daily record showing that the coating line exceeds the applicable hourly VOC emission limitation;

   b. any daily record showing that the coating line exceeds the applicable daily VOC emission limitation;

   c. any monthly record showing that the coating line exceeds the applicable monthly usage limitation;

   d. any monthly record showing that the coating line exceeds the applicable rolling, 12-month emission limitation;

   e. for the days during which a photochemically reactive material was employed on non-metallic surfaces, an identification of each day during which the hourly organic compound emissions from the coatings and photochemically reactive cleanup materials exceeded 8 lbs/hour, and the hourly organic compound emissions for each such day; and

   f. for the days during which a photochemically reactive material was employed on non-metallic surfaces, an identification of each day during which the organic compound emissions from the coatings and photochemically reactive cleanup materials exceeded 40 lbs/day, and the actual organic compound emissions for each such day.

4. The deviation reports shall be submitted in accordance with the requirements specified in Part I - General Term and Condition A.1.c.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitations:

   i. for the side window primer - 4.9 lbs of VOC/gal excluding water and exempt solvents and 400 gal/month;

   ii. windshield cleaner - 6.2 lbs of VOC/gal excluding water and exempt solvents and 129.4 gal/month;

   iii. side glass primer - 6.9 lbs of VOC/gal excluding water and exempt solvents and 40.3 gal/month; and

iv. blackout primer - 4.9 lbs of VOC/gal excluding water and exempt solvents and 400 gal/month.

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of sections A.III.1 and A.III.2. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rule 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR Part 60, Appendix A.

1.b Emission Limitation:

4.9 lbs of VOC/gallon of any coating material, excluding water and exempt solvents, when coating metal parts

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of section A.III.4 or A.III.5, as appropriate. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rule 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services. If, pursuant to Method 24, 40 CFR Part 60, Appendix A, the permittee determines that Method 24 or 24A cannot be used for a particular coating or ink, the permittee shall so notify the Administrator of the USEPA and shall use formulation data for that coating to demonstrate compliance until the USEPA provides alternative analytical procedures or alternative precision statements for Method 24 or 24A. The permittee may elect to comply through monthly record keeping in accordance with OAC rule 3745-21-09(B)(3)(f) of the exclusive usage of compliance coatings.

1.c Emission Limitations:

40 lbs/day and 8 lbs/hr of organic material

Applicable Compliance Method:

Compliance with these organic material emission limitations shall be based upon the daily record keeping requirements specified in section A.III.6.

1.d Emission Limitation:

12.5 lbs/hr and 200 lbs/day of VOC from coatings applied to all surfaces

Applicable Compliance Method:

Compliance with these organic material emission limitations shall be based upon the daily record keeping requirements specified in section A.III.1.

1.e Emission Limitation:

30.0 tons of VOC/rolling, 12-month period

Applicable Compliance Method:

This limitation was established by multiplying the maximum VOC contents of the sealers and adhesives by the maximum usage rates specified in section A.I.2.a. Therefore, provided compliance is shown with the content and usage limitations, compliance shall also be shown with these emission limitations.

2. USEPA Methods 24 and 24A shall be used to determine the VOC contents for the cleaners and primers utilized in this emissions unit. If, pursuant to Method 24, 40 CFR Part 60, Appendix A, an owner or operator determines that Method 24 or 24A cannot be used for a particular cleaner or primer, the permittee shall so notify the Administrator of the USEPA and shall use formulation data for that cleaner or primer to demonstrate compliance until the USEPA provides alternative analytical procedures or alternative precision statements for Method 24 or 24A.

VI Miscellaneous Requirements

None

Emissions Unit: Window Installation (P002)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Sealer & Adhesive Application (P003)
Activity Description: Sealer and adhesive applications, Stickney

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Sealer and adhesive application with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-830)	26.7 lbs/day and 667 lbs/month of volatile organic compounds (VOC) from sealers and adhesives applied to all surfaces, and See sections A.I.2.a, A.I.2.b, and A.I.2.c.
	OAC rule 3745-31-05(C) (PTI 04-830)	4.0 tons of VOC/rolling, 12-month period See section A.I.2.c.
	OAC rule 3745-21-07(G)(2)	On any day when employing photochemically reactive material(s) (PRM) - 40 lbs/day and 8 lbs/hr of organic material from sealers and adhesives applied to non-metallic surfaces.
	OAC rule 3745-21-09(U)(1)(c)	3.5 lbs of VOC/gallon, excluding water and exempt solvents, when coating metallic surfaces.
	40 CFR Part 63, Subpart IIII	See section A.I.2.d.

40 CFR Part 63, Subpart A	See section A.I.2.e.

2. Additional Terms and Conditions

2.a The permittee shall not exceed any of the following:

i. silencer adhesive or equivalent - 0.26 lb of VOC/gallon, excluding water and exempt solvents, 0.15 lb of VOC/gallon, including water and exempt solvents, and 247 gallons/month as applied, including water and exempt solvents;

ii. windshield sealer or equivalent - 1.5 lbs of VOC/gallon, excluding water and exempt solvents and 140 gallons/month; and

iii. door sealer or equivalent - 2.8 lbs of VOC/gallon, minus water and exempt solvents and 150 gallons/month.

2.b The requirements of this rule also include compliance with the requirements of OAC rules 3745-21-07(G)(2), 3745-21-09(U)(1)(c), and 3745-31-05(C).

2.c The monthly and annual emission limitations outlined in section A.I.1. are based upon the emissions unit's potential to emit (PTE) at the maximum usage rates of section A.I.2.a. Therefore, it is not necessary to develop additional monitoring, record keeping and reporting requirements to ensure compliance with these limits.

2.d Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.e Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. Door sealer shall be applied in such a way that no asbestos is released to the ambient air. No sanding, scraping, grinding, etc. of applied door sealer containing asbestos shall be performed unless precautions are taken to prevent the material from becoming airborne. Disposal of any waste door sealer containing asbestos shall be by all prescribed solid and/or hazardous waste rules or regulations.

III Monitoring and/or Recordkeeping

1. The permittee shall collect and record the following information for each day for each silencer adhesive or equivalent employed, each windshield sealer or equivalent employed, and each door sealer or equivalent employed that are subject to OAC rule 3745-21-07:

a. the company identification for each;

b. the total number of gallons employed;

c. the VOC content, in pounds of VOC per gallon, excluding water;

d. the VOC content, in pounds of VOC per gallon, including water; and

e. the total VOC emission rate of all silencer adhesives, windshield sealers, and door sealers employed, in pounds per day.

Note: The coating information must be for the sealers and adhesives as employed, including any thinning solvents added at the emissions unit. Also, for any month in which no sealers and adhesives subject to OAC rule 3745-21-07 are utilized in this emissions unit, the permittee may elect to keep the records above on a monthly basis.

2. The permittee shall collect and record each month, the total number of gallons for each classification of sealer and adhesive employed, as follows:

a. silencer adhesives or equivalent, as applied;

b. windshield sealers or equivalent; and

c. door sealers or equivalent.

3. The permittee shall identify each type of substrate coated (metallic or non-metallic) and the relative surface area of, or the relative rate of sealer or adhesive application to, each substrate coated for each sealer and adhesive on each day the emissions unit is in operation.

4. When using complying coatings to coat metal surfaces (i.e., each coating contains a maximum of 3.5 lbs of VOC/gal, excluding water and exempt solvents), the permittee shall collect and record the following information each month:

a. the name and identification number of each coating, as applied; and

b. the VOC content (excluding water and exempt solvents) and the daily number of gallons (excluding water and exempt solvents) of each coating, as applied.

5. When calculating a daily volume-weighted average VOC content for coatings employed on metal surfaces, the permittee shall collect and record the following information each day:

a. the name and identification number of each coating, as applied;

b. the VOC content (excluding water and exempt solvents) and the number of gallons (excluding water and exempt solvents) of each coating, as applied;

c. the volume-weighted average VOC content of all coatings, as applied, calculated in accordance with the equation specified in paragraph (B)(9) of OAC rule 3745-21-10 for CVOC,2; and

d. the calculated VOC emissions, in lbs of VOC/day and tons of VOC/rolling, 12-month period. The VOC emissions shall be calculated using the VOC content and the number of gallons in section A.III.4.b above and a factor of 2,000 lbs/ton.

[Note: When coating substrates with both metallic and non-metallic surfaces, the number of gallons applied may be determined by multiplying the actual number of gallons applied by the relative rate of cleaner or primer application to metallic substrates determined in section A.III.3. of this permit.]

The permittee shall notify the Toledo Division of Environmental Services, in advance, when daily averaging will be used instead of monthly record keeping.

Formulation data may be used. Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

6. When coating non-metallic surfaces, the permittee shall collect and record the following information for each day:

a. the company identification for each sealer, adhesive, and photochemically reactive cleanup material employed;

b. the total number of gallons of each sealer, adhesive, and photochemically reactive cleanup material employed;

c. the organic compound content of each sealer, adhesive, and photochemically reactive cleanup material, in pounds per gallon;

d. For each day during which a photochemically reactive material is employed, the total organic compound emission rate for all sealers, adhesives, and photochemically reactive cleanup materials, in pounds per day;

e. For each day during which a photochemically reactive material is employed, the total number of hours that this emissions unit was in operation, in hours per day; and

f. For each day during which a photochemically reactive material is employed, the hourly organic compound emission rate for the sealers, adhesives, and photochemically reactive cleanup materials, i.e., (d)/(e), in pounds per hour (average).

[Note: When coating substrates with both metallic and non-metallic surfaces, the number of gallons of each sealer, adhesive, and photochemically reactive cleanup material employed may be determined by multiplying the actual number of gallons applied by the relative rate of sealer or adhesive application to non-metallic substrates determined in section A.III.2 of this permit.

The sealer or adhesive information must be for the sealers or adhesives as employed, including any thinning solvents added at the emissions unit. The monitoring and record keeping requirements of this section do not apply if the applied coating conforms to the exemptions of OAC rule 3745-21-07(G)(9). Also, the definition of "photochemically reactive material" is based upon OAC rule 3745-21-01(C)(5).]

IV Reporting Requirements

1. The permittee shall notify the Toledo Division of Environmental Services in writing of any monthly record showing the use of noncomplying silencer adhesives, windshield sealers, or door sealers. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services 30 days following the end of the calendar month.

2. The permittee shall notify the Toledo Division of Environmental Services in writing of any daily record showing that the daily volume-weighted average VOC content exceeds the applicable limitation when coating metal parts. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services within 45 days after the exceedance occurs.

3. The permittee shall submit quarterly deviation (excursion) reports that include the following information:

   a. any daily record showing that the coating line exceeds the applicable daily VOC emission limitation;

   b. any monthly record showing that the coating line exceeds the applicable monthly usage limitation;

   c. for the days during which a photochemically reactive material was employed on non-metallic surfaces, an identification of each day during which the average hourly organic compound emissions from the sealers, adhesives, and photochemically reactive cleanup materials exceeded 8 lbs/hr, and the actual average hourly organic compound emissions for each such day; and

   d. for the days during which a photochemically reactive material was employed on non-metallic surfaces, an identification of each day during which the organic compound emissions from the sealers, adhesives, and photochemically reactive cleanup materials exceeded 40 lbs/day, and the actual organic compound emissions for each such day.

4. The deviation reports shall be submitted in accordance with the requirements specified in Part I - General Term and Condition A.1.c.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitations:

i. for the silencer adhesive or equivalent - 0.26 lb of VOC/gallon, excluding water and exempt solvents, 0.15 lb of VOC/gallon, including water and exempt solvents, and 247 gallons/month as applied, including water and exempt solvents;

ii. windshield sealer or equivalent - 1.5 lbs of VOC/gallon, excluding water and exempt solvents and 140 gallons/month; and

iii. door sealer or equivalent - 2.8 lbs of VOC/gallon, minus water and exempt solvents and 150 gallons/month.

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of sections A.III.1 and A.III.2. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rule 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR Part 60, Appendix A.

1.b Emission Limitation:

3.5 lbs of VOC/gallon of any sealer or adhesive, excluding water and exempt solvents, when coating metal parts

Applicable Compliance Method:

Compliance with this emission limitation shall be demonstrated based upon record keeping requirements of section A.III.4 or A.III.5, as appropriate, and the methods and procedures of OAC rule 3745-21-10(B).

1.c Emission Limitations:

40 lbs/day and 8 lbs/hr of organic material from sealers and adhesives applied to non-metallic surfaces

Applicable Compliance Method:

Compliance with these organic material emission limitations shall be based upon the daily record keeping of section A.III.6.

1.d Emission Limitation:

26.7 lbs/day of VOC from sealers and adhesives applied to all surfaces

Applicable Compliance Method:

Compliance with this organic material emission limitation shall be based upon daily record keeping of section A.III.1.

1.e Emission Limitations:

667 lbs/month and 4.0 tons per rolling, 12-month period of VOC

Applicable Compliance Method:

These emission limitations were established by multiplying the maximum VOC contents of the sealers and adhesives by the maximum usage rates specified in section A.I.2.a. Therefore, provided compliance is shown with the content and usage limitations, compliance shall also be shown with these emission limitations.

2. USEPA Methods 24 and 24A shall be used to determine the VOC contents for the sealers and adhesives utilized in this emissions unit. If, pursuant to Method 24, 40 CFR Part 60, Appendix A, an owner or operator determines that Method 24 or 24A cannot be used for a particular sealer or adhesive, the permittee shall so notify the Administrator of the USEPA and shall use formulation data for that sealer or adhesive to demonstrate compliance until the USEPA provides alternative analytical procedures or alternative precision statements for Method 24 or 24A.

VI Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Misc. Solvents and Cleaners Application (P004)
Activity Description: Plant wide miscellaneous solvent and cleaner applications, Stickney

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Miscellaneous solvents and cleaners with no controls	OAC rule 3745-31-05(A)(3) (PTI 04-830)	200.0 lbs/day of volatile organic compounds (VOC), 2.5 tons/month of VOC, and see sections A.I.2.a, A.I.2.b, and A.I.2.c.
	OAC rule 3745-31-05(C) (PTI 04-830)	30.0 tons of VOC per rolling, 12-month period, and see section A.I.2.c.
	OAC rule 3745-21-07(G)(4)	See section A.I.2.d.
	40 CFR Part 63, Subpart IIII	See section A.I.2.e.
	40 CFR Part 63, Subpart A	See section A.I.2.f.

2. Additional Terms and Conditions

2.a The permittee shall not exceed any of the following:

i. for the body wipe solvent or equivalent - 6.8 lbs of VOC/gallon, excluding water and exempt solvents, and 368 gallons/month;

ii. booth cleaner or equivalent - 7.4 lbs of VOC/gallon, excluding water and exempt solvents, and 176 gallons/month; and

iii. machine cleaner or equivalent - 6.8 lbs of VOC/gallon, excluding water and exempt solvents, and 176 gallons/month.

2.b The requirements of this rule also include compliance with the requirements of OAC rules 3745-21-07(G)(4) and 3745-31-05(C).

2.c The monthly and annual emission limitations are based upon the emissions unit's potential to emit (PTE) at the maximum usage rates of section A.I.2.a. Therefore, provided compliance with the limitations of section A.I.2.a is demonstrated, it is not necessary to develop additional monitoring, record keeping and reporting requirements to ensure compliance with the monthly and annual emission limitations.

2.d The use of photochemically reactive materials, as defined in OAC rule 3745-21-01(C)(5), in this emissions unit is prohibited. Prior to employing any photochemically reactive materials, the permittee shall provide written notification to, and obtain approval from, Toledo Division of Environmental Services. Such notification shall include information sufficient to determine that the emissions associated with the proposed change in materials will comply with the emission limits and/or control requirements as defined in OAC 3745-21-07(G)(2). This notification, at a minimum, shall include the company identification of the new material to be employed, the solvent composition of the material, and the maximum amount to be used, in pounds per hour.

2.e Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.f Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

1. The permittee shall collect and record the following information for each day for each body wipe or equivalent employed, booth cleaner or equivalent employed, and machine cleaner or equivalent employed:

   a. the company identification;

   b. the total number of gallons or pounds (pre-saturated body wipes), as appropriate;

   c. the VOC content, in lbs of VOC/gallon or pounds (pre-saturated body wipes), as appropriate, excluding water; and

d. the total VOC emission rate from all solvents and cleaners employed, in lbs/day.

2. The permittee shall collect and record each month, the total number of gallons or pounds for each classification of solvent or cleaner employed, as follows:

   a. body wipes or equivalent;

   b. booth cleaner or equivalent; and

   c. machine cleaner or equivalent.

3. Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

IV Reporting Requirements

1. The permittee shall notify the Toledo Division of Environmental Services in writing of any daily record showing the use of noncomplying body wipes, booth cleaners or machine cleaners. The notification shall include a copy of such record and shall be sent to the Toledo Division of Environmental Services 30 days following the end of the calendar month.

2. The permittee shall submit quarterly deviation (excursion) reports that include the following information:

   a. any monthly record showing that the coating line exceeds the applicable daily VOC emission limitation; and

   b. any monthly record showing that the coating line exceeds the applicable monthly usage limitation.

3. The deviation reports shall be submitted in accordance with the requirements specified in Part I - General Term and Condition A.1.c.

V Testing Requirements

1. Compliance with the emission limitation(s) in sections A.I.1 and A.I.2 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitations:

   i. for the body wipe solvent or equivalent - 6.8 lbs of VOC/gallon, excluding water and exempt solvents, and 368 gallons/month;

   ii. booth cleaner or equivalent - 7.4 lbs of VOC/gallon, excluding water and exempt solvents, and 176 gallons/month; and

iii. machine cleaner or equivalent - 6.8 lbs of VOC/gallon, excluding water and exempt solvents, and 176 gallons/month.

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of sections A.III.1 and A.III.2. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rule 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR Part 60, Appendix A.

1.b Emission Limitation:

200 lbs/day of VOC from solvents and cleaners applied to all surfaces

Applicable Compliance Method:

Compliance with these organic material emission limitations shall be based upon daily record keeping of section A.III.2.

1.c Emission Limitations:

2.5 tons/month and 30.0 tons per rolling, 12-month period of VOC

Applicable Compliance Method:

These limitations were established by multiplying the maximum VOC contents of the solvents and cleaners by the maximum usage rates specified in section A.I.2.a. Therefore, provided compliance is shown with the content and usage limitations, compliance shall also be shown with these emission limitations.

VI Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Non-Production maint.material spraybth cleaning & purge (P007)
Activity Description: Non-production maintenance materials, spray booth cleaning and purge applications, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Non-production maintenance materials, spray booth cleaning and purge solvents	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	See section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20	514.18 tons of volatile organic compounds (VOC)/rolling, 12-month period
	40 CFR Part 63, Subpart IIII	See section A.I.2.b.
	40 CFR Part 63, Subpart A	See section A.I.2.c.

2. Additional Terms and Conditions

2.a The requirements established pursuant to this rule are equivalent to the requirements of OAC rules 3745-31-10 through 3745-31-20.

2.b Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.c Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall employ only appropriate solvent dispensers, disposal containers, and booth cleaning techniques appropriate to minimize evaporation in this emissions unit.

III Monitoring and/or Recordkeeping

1. The permittee shall collect and record the following information each month for the non-production maintenance material operations:

   a. the company identification for each non-production maintenance material employed;

   b. the number of gallons of each non-production maintenance material employed;

   c. the organic compound content of each non-production maintenance material, in lbs/gal, excluding water and exempt solvents; and

   d. the monthly emissions of VOC and the rolling, 12-month summation of the monthly emissions.

2. Formulation data may be used. Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

IV Reporting Requirements

1. The permittee shall submit quarterly deviation (excursion) reports that identify records showing that the material used in this emissions unit exceeds the applicable limitation. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

514.18 tons of VOC, as a rolling, 12-month total

Applicable Compliance Method:

Compliance shall be demonstrated through the record keeping requirements of section A.III.1 and OAC rule 3745-21-10(B).

VI Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Sealers and Adhesives (P008)
Activity Description: Sealer and Adhesive Applications, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Automotive sealers and adhesives with no control	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	140 tons of volatile organic compounds (VOC)/rolling, 12-month period, and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20 (PTI 04-01102)	0.5 lb of VOC/gallon, excluding water and exempt solvents, as a monthly average.
	OAC rule 3745-21-07(G)(9)(f)	See section A.I.2.b.
	40 CFR Part 63, Subpart IIII	See section A.I.2.c.
	40 CFR Part 63, Subpart A	See section A.I.2.d.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rules 3745-21-07(G)(9)(f) and 3745-31-10 through 3745-31-20.

2.b The permittee shall not employ any photochemically reactive materials, as defined in OAC rule 3745-21-01(C)(5), in this emissions unit.

2.c Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.d Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall employ only dispensers and disposal containers appropriate to minimize exposure times in this emissions unit.

III Monitoring and/or Recordkeeping

1. The permittee shall collect and record the following information each month for the sealer and adhesive operations:

   a. the company identification for each sealer and adhesive material employed;

   b. a determination of whether each sealer and adhesive material is photochemically reactive or non-photochemically reactive as defined in OAC rule 3745-21-09(C)(5);

   c. the unit quantity of each sealer and adhesive material employed;

   d. the organic compound content of each sealer and adhesive material, in lbs/unit quantity, excluding water and exempt solvents;

   e. the monthly average organic compound content for all sealer and adhesive material, in lbs of VOC/gallon, excluding water and exempt solvents; and

   f. the monthly emissions of VOC and the rolling, 12-month summation of the monthly emissions.

IV Reporting Requirements

1. The permittee shall submit quarterly deviation (excursion) reports that identify any photochemically reactive sealer or adhesive material that was used in this emissions unit.

2. The permittee shall submit quarterly deviation (excursion) reports that identify records showing that the material used in this emissions unit exceeds the applicable limitation. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

0.5 lb of VOC/gallon of sealer and adhesive material, excluding water and exempt solvents, as a monthly average

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of section A.III.1. If required, compliance shall be demonstrated by an evaluation performed in accordance with OAC rules 3745-21-10(B) using the methods and procedures specified in USEPA Reference Method 24 of 40 CFR Part 60, Appendix A. Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services. If, pursuant to Method 24, 40 CFR Part 60, Appendix A, the permittee determines that Method 24 or 24A cannot be used for a particular coating or ink, the permittee shall so notify the Administrator of the USEPA and shall use formulation data for that coating to demonstrate compliance until the USEPA provides alternative analytical procedures or alternative precision statements for Method 24 or 24A.

1.b Emission Limitation:

140 tons of VOC/rolling, 12-month period

Applicable Compliance Method:

Compliance shall be demonstrated through the record keeping requirements of section A.III.1.

1.c Emission Limitation:

The permittee shall not employ any photochemically reactive materials, as defined in OAC rule 3745-21-01(C)(5), in this emissions unit.

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of section A.III.1.

VI Miscellaneous Requirements

None

Emissions Unit: Sealers and Adhesives (P008)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Misc. Solvents and Cleaners Application (P009)
Activity Description: Non-photochemically reactive miscellaneous solvent and cleaner, applications, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Miscellaneous solvents, solvent body wipes and use of other nonphotochemically reactive solvents	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	96.9 tons of volatile organic compounds (VOC)/rolling, 12-month period, and see section A.I.2.a.
	OAC rule 3745-21-07(G)(9)(f)	See section A.I.2.b.
	40 CFR Part 63, Subpart IIII	See section A.I.2.c.
	40 CFR Part 63, Subpart A	See section A.I.2.d.

2. **Additional Terms and Conditions**

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-21-07(G)(9)(f).

2.b The permittee shall not employ any photochemically reactive materials, as defined in OAC rule 3745-21-01(C)(5), in this emissions unit.

2.c Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.7 through A.43, for the requirements of 40 CFR Part 63, Subpart IIII; - National Emission Standards for Hazardous Air Pollutants for Auto and Light Duty Truck Manufacturing.

2.d Refer to Part II - Specific Facility Terms and Conditions of this permit, sections A.75 through A.90, for the requirements of 40 CFR Part 63, Subpart A; - National Emission Standards for Hazardous Air Pollutants General Provisions.

II Operational Restrictions

1. The permittee shall employ only dispensers and disposal containers appropriate to minimize exposure times.

III Monitoring and/or Recordkeeping

1. The permittee shall collect and record the following information each month for the solvent body wipes operations:

   a. the company identification for each solvent employed;

   b. a determination of whether each solvent is photochemically reactive or non-photochemically reactive as defined in OAC rule 3745-21-09(C)(5);

   c. the unit quantity of each solvent employed;

   d. the organic compound content of each solvent, in lbs/unit quantity, excluding water and exempt solvents; and

   e. the monthly emissions of VOC and the rolling, 12-month summation of the monthly emissions.

   Formulation data may be used. Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

IV Reporting Requirements

1. The permittee shall submit quarterly deviation (excursion) reports that identify any photochemically reactive solvent material that was used in this emissions unit.

2. The permittee shall submit quarterly deviation (excursion) reports that identify records showing that the material used in this emissions unit exceeds the applicable limitation. The notification shall include a copy of such record.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

96.9 tons of VOC/rolling, 12-month period

Applicable Compliance Method:

Compliance shall be demonstrated through the record keeping requirements of section A.III.1. and OAC rule 3745-21-10(B).

1.b Emission Limitation:

The permittee shall not employ any photochemically reactive materials, as defined in OAC rule 3745-21-01(C)(5), in this emissions unit.

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of section A.III.1.

VI Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Plant-Wide Misc. Solvents and Cleaners Application (P010)
Activity Description: Plant wide photochemically reactive miscellaneous solvent and cleaner applications, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Miscellaneous solvents, plantwide use of photochemically reactive solvents	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	5.1 tons of volatile organic compounds (VOC)/rolling, 12-month period, and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20 (PTI 04-01102)	See section A.I.2.b.
	OAC rule 3745-21-07(G)(2)	8 lbs/hr of organic compounds (OC), and 40 lbs/day of OC.

2. **Additional Terms and Conditions**

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-21-07(G)(2) and OAC rules 3745-31-10 through 3745-31-20.

2.b The requirements established pursuant to this rule are equivalent to the requirements of OAC rule 3745-21-07(G)(2).

II Operational Restrictions

1. The permittee shall employ only dispensers and disposal containers appropriate to minimize exposure times.

III Monitoring and/or Recordkeeping

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

   a. the company identification for each photochemically reactive cleanup material employed;

   b. the number of gallons of each photochemically reactive cleanup material employed;

   c. the OC content of each photochemically reactive cleanup material, in lbs/gal;

   d. the total OC emission rate for all photochemically reactive cleanup materials, in lbs/day;

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

   f. the average hourly OC emission rate for all photochemically reactive cleanup materials, i.e., (d)/(e), in lbs/hr (average); and

   g. the monthly emissions of OC and the rolling, 12-month summation of the monthly emissions.

2. Formulation data may be used. Alternate, equivalent record keeping methods may be used upon written approval by the Toledo Division of Environmental Services.

IV Reporting Requirements

1. The permittee shall submit quarterly deviation (excursion) reports that include the following information:

   a. an identification of each day during which the average hourly organic compound emissions from the coatings and photochemically reactive cleanup materials exceeded 8 lbs/hr, and the actual average hourly organic compound emissions for each such day; and

   b. an identification of each day during which the organic compound emissions from the coatings and photochemically reactive cleanup materials exceeded 40 lbs/day, and the actual organic compound emissions for each such day.

V Testing Requirements

1. Compliance with the emission limitation(s) in section A.I.1 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

8 lbs/hr of VOC
40 lbs/day of VOC

Applicable Compliance Method:

Compliance shall be determined through the monitoring and record keeping requirements of section A.III.1.

1.b Emission Limitation:

5.1 tons VOC/rolling, 12-month period

Applicable Compliance Method:

Compliance shall be demonstrated through the record keeping requirements of section A.III.1.

VI Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: BIW Inspection and Grinding (P011)
Activity Description: Body in White (BIW) inspection and grinding process,TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Body in white (BIW) inspection and grinding, building enclosure control	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	2.1 tpy of particulate emissions, and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20 (PTI 04-01102)	0.48 lb/hr of particulate emissions.
	OAC rule 3745-17-07(B)(1)	See section A.I.2.b.
	OAC rule 3745-17-08(B)(3)	See section A.I.2.c.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-17-07(B)(1), OAC rule 3745-17-08(B)(3), and OAC rules 3745-31-10 through 3745-31-20.

2.b Visible particulate emissions of fugitive dust shall not exceed 20% opacity as a 3-minute average.

2.c The permittee shall install and use hoods, fans, and/or other equipment to adequately enclose, contain, capture, vent, and control the fugitive dust.

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

1. The permittee shall perform weekly checks, when the emissions unit is in operation and when the weather conditions allow, for any visible fugitive particulate emissions from the egress points (i.e., building windows, doors, roof monitors, etc.) 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. the total duration of any visible emission incident; and
c. any corrective actions taken to eliminate the visible emissions.

If the weekly checks show no visible emissions for 12 consecutive operating weeks, the required frequency of visible emissions checks may be reduced to monthly. If a subsequent check indicates that visible emissions are present, the frequency of emissions checks shall revert to weekly until such time as there are 12 consecutive operating weeks of no visible emissions. This emissions unit is eligible for the reduced frequency of visible emission checks (i.e., monthly) due to its very low hourly mass emission rate.

IV Reporting Requirements

1. The permittee shall submit semiannual written reports that (a) identify all days during which any visible fugitive particulate emissions were observed from the from the egress points (i.e., building windows, doors, roof monitors, etc.) serving this emissions unit, and (b) describe any corrective actions taken to eliminate the visible fugitive particulate emissions. These reports shall be submitted to the Director (the Toledo Division of Environmental Services) by January 31 and July 31 of each year and shall cover the previous 6-month period.

V Testing Requirements

1. Compliance with the emission limitation(s) in sections A.I.1 and A.I.2 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

Visible particulate emissions of fugitive dust shall not exceed 20% opacity as a 3-minute average.

Applicable Compliance Method:

If required, compliance shall be determined through 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)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.48 lb/hr of particulate emissions

Applicable Compliance Method:

If required, compliance shall be demonstrated based upon the emission testing procedures specified in Methods 1 through 5 of 40 CFR Part 60, Appendix A.

1.c Emission Limitation:

2.1 tpy of particulate emissions

Applicable Compliance Method:

This emission limitation was established by multiplying the hourly allowable particulate emission limitation (0.48 lb/hr) by the maximum annual hours of operation (8760 hrs), and then dividing by 2000 lbs/ton. Therefore, if compliance is shown with the hourly allowable particulate emission limitation, compliance shall also be shown with the annual emission limitation.

VI Miscellaneous Requirements

None

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Part III - Terms and Conditions for Emissions Units

Emissions Unit ID: Finish welding (P012)
Activity Description: Bodyshop welding operations, TNAP

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
Finish welding, building enclosure	OAC rule 3745-31-05(A)(3) (PTI 04-01102)	2.4 tpy of particulate emissions, and see section A.I.2.a.
	OAC rules 3745-31-10 through 3745-31-20 (PTI 04-01102)	0.56 lb/hr of particulate emissions.
	OAC rule 3745-17-07(B)(1)	See section A.I.2.b.
	OAC rule 3745-17-08(B)(3)	See section A.I.2.c.

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of OAC rule 3745-17-07(B)(1), OAC rule 3745-17-08(B)(3), and OAC rules 3745-31-10 through 3745-31-20.

2.b Visible particulate emissions of fugitive dust shall not exceed 20% opacity as a 3-minute average.

2.c The permittee shall install and use hoods, fans, and/or other equipment to adequately enclose, contain, capture, vent, and control the fugitive dust.

Emissions Unit: **Finish welding (P012)**

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

1. The permittee shall perform weekly checks, when the emissions unit is in operation and when the weather conditions allow, for any visible fugitive particulate emissions from the egress points (i.e., building windows, doors, roof monitors, etc.) 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. the total duration of any visible emission incident; and
c. any corrective actions taken to eliminate the visible emissions.

If the weekly checks show no visible emissions for 12 consecutive operating weeks, the required frequency of visible emissions checks may be reduced to monthly. If a subsequent check indicates that visible emissions are present, the frequency of emissions checks shall revert to weekly until such time as there are 12 consecutive operating weeks of no visible emissions. This emissions unit is eligible for the reduced frequency of visible emission checks (i.e., monthly) due to its very low hourly mass emission rate.

IV Reporting Requirements

1. The permittee shall submit semiannual written reports that (a) identify all days during which any visible fugitive particulate emissions were observed from the from the egress points (i.e., building windows, doors, roof monitors, etc.) serving this emissions unit, and (b) describe any corrective actions taken to eliminate the visible fugitive particulate emissions. These reports shall be submitted to the Director (the Toledo Division of Environmental Services) by January 31 and July 31 of each year and shall cover the previous 6-month period.

V Testing Requirements

1. Compliance with the emission limitation(s) in sections A.I.1 and A.I.2 of these terms and conditions shall be determined in accordance with the following method(s):

1.a Emission Limitation:

Visible particulate emissions of fugitive dust shall not exceed 20% opacity as a 3-minute average.

Applicable Compliance Method:

If required, compliance shall be determined through 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)(3). Alternate, equivalent methods may be used upon approval by the Toledo Division of Environmental Services.

1.b Emission Limitation:

0.56 lb/hr of particulate emissions

Applicable Compliance Method:

If required, compliance shall be demonstrated based upon the emission testing procedures specified in Methods 1 through 5 of 40 CFR Part 60, Appendix A.

1.c Emission Limitation:

2.4 tpy of particulate emissions

Applicable Compliance Method:

This emission limitation was established by multiplying the hourly allowable particulate emission limitation (0.56 lb/hr) by the maximum annual hours of operation (8760 hrs), and then dividing by 2000 lbs/ton. Therefore, if compliance is shown with the hourly allowable particulate emission limitation, compliance shall also be shown with the annual emission limitation.

VI Miscellaneous Requirements

None

Emissions Unit: Finish welding (P012)

B. State Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

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

2. Additional Terms and Conditions

None

II Operational Restrictions

None

III Monitoring and/or Recordkeeping

None

IV Reporting Requirements

None

V Testing Requirements

None

VI Miscellaneous Requirements

None

Federal Register

Monday,
September 13, 2004

Part II

Environmental Protection Agency

40 CFR Part 63

National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[OAR–2002–0058; FRL–7633–9]

RIN 2060–AG69

National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is promulgating national emission standards for hazardous air pollutants (NESHAP) for industrial, commercial, and institutional boilers and process heaters. The EPA has identified industrial, commercial, and institutional boilers and process heaters as major sources of hazardous air pollutants (HAP) emissions. The final rule will implement section 112(d) of the Clean Air Act (CAA) by requiring all major sources to meet HAP emissions standards reflecting the application of the maximum achievable control technology (MACT). The final rule is expected to reduce HAP emissions by 50,600 to 58,000 tons per year (tpy).

The HAP emitted by facilities in the boiler and process heater source category include arsenic, cadmium, chromium, hydrogen chloride (HCl), hydrogen fluoride, lead, manganese, mercury, nickel, and various organic HAP. Exposure to these substances has been demonstrated to cause adverse health effects such as irritation to the lung, skin, and mucus membranes, effects on the central nervous system, kidney damage, and cancer. These adverse health effects associated with the exposure to these specific HAP are further described in this preamble. In general, these findings only have been shown with concentrations higher than those typically in the ambient air.

The final rule contains numerous compliance provisions including health-based compliance alternatives for the hydrogen chloride and total selected metals emission limits.

DATES: The final rule is effective November 12, 2004. The incorporation by reference of certain publications listed in the final rule is approved by the Director of the Federal Register as of November 12, 2004.

ADDRESSES: The official public docket is the collection of materials that is available for public viewing at the Office of Air and Radiation Docket and Information Center (Air Docket) in the EPA Docket Center, Room B–102, 1301 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: For information concerning applicability and rule determinations, contact your State or local representative or appropriate EPA Regional Office representative. For information concerning rule development, contact Jim Eddinger, Combustion Group, Emission Standards Division (C439–01), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5426, fax number (919) 541–5450, electronic mail address *eddinger.jim@epa.gov.*

SUPPLEMENTARY INFORMATION: Regulated Entities. Categories and entities potentially regulated by this action include:

Category	NAICS code	SIC code	Examples of potentially regulated entities
Any industry using a boiler or process heater as defined in the final rule.	211	13	Extractors of crude petroleum and natural gas.
	321	24	Manufacturers of lumber and wood products.
	322	26	Pulp and paper mills.
	325	28	Chemical manufacturers.
	324	29	Petroleum refineries, and manufacturers of coal products.
	316, 326, 339	30	Manufacturers of rubber and miscellaneous plastic products.
	331	33	Steel works, blast furnaces.
	332	34	Electroplating, plating, polishing, anodizing, and coloring.
	336	37	Manufacturers of motor vehicle parts and accessories.
	221	49	Electric, gas, and sanitary services.
	622	80	Health services.
	611	82	Educational services.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists examples of the types of entities EPA is now aware could potentially be regulated by this action. Other types of entities not listed could also be affected. To determine whether your facility, company, business, organization, etc., is regulated by this action, you should examine the applicability criteria in § 63.7485 of the final rule. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Docket. The EPA has established an official public docket for this action under Docket ID No. OAR–2002–0058 and Docket ID No. A–96–47. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. All items may not be listed under both docket numbers, so interested parties should inspect both docket numbers to ensure that they have received all materials relevant to the final rule. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Office of Air and Radiation Docket and Information Center (Air Docket) in the EPA Docket Center, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Air and Radiation Docket is (202)

566–1742. A reasonable fee may be charged for copying docket materials.

Electronic Access. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.*

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket identification number.

Worldwide Web (WWW). In addition to being available in the docket, an electronic copy of the final rule is also available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of the final rule will be posted on the TTN policy and guidance page for newly proposed or promulgated rules at the following address: *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Judicial Review. Under section 307(b)(1) of the CAA, judicial review of the NESHAP is available by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by November 12, 2004. Only those objections to the final rule that were raised with reasonable specificity during the period for public comment may be raised during judicial review. Under section 307(b)(2) of the CAA, the requirements that are the subject of the final rule may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Background Information Document. The EPA proposed the NESHAP for industrial, commercial, and institutional boilers and process heaters on January 13, 2003 (68 FR 1660) and received 218 comment letters on the proposal. A memorandum ''National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters, Summary of Public Comments and Responses,'' containing EPA's responses to each public comment is available in Docket No. OAR–2002–0058.

Outline. The information presented in this preamble is organized as follows:

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I. Background Information

A. What Is the Statutory Authority for the Final Rule?

Section 112 of the CAA requires us to list categories and subcategories of major sources and area sources of HAP and to establish NESHAP for the listed source categories and subcategories. Industrial boilers, commercial and institutional boilers, and process heaters were listed on July 16, 1992 (57 FR 31576). Major sources of HAP are those that have the potential to emit greater than 10 tpy of any one HAP or 25 tpy of any combination of HAP.

B. What Criteria Are Used in the Development of NESHAP?

Section 112(c)(2) of the CAA requires that we establish NESHAP for control of HAP from both existing and new major sources, based upon the criteria set out in CAA section 112(d). The CAA requires the NESHAP to reflect the maximum degree of reduction in emissions of HAP that is achievable, taking into consideration the cost of achieving the emission reduction, any non-air quality health and environmental impacts, and energy requirements. This level of control is commonly referred to as the MACT.

The minimum control level allowed for NESHAP (the minimum level of stringency for MACT) is the ''MACT floor,'' as defined under section 112(d)(3) of the CAA. The MACT floor for existing sources is the emission limitation achieved by the average of the best-performing 12 percent of existing sources for categories and subcategories with 30 or more sources, or the average of the best-performing five sources for categories or subcategories with fewer than 30 sources. For new sources, the MACT floor cannot be less stringent than the emission control achieved in practice by the best-controlled similar source.

C. How Was the Final Rule Developed?

We proposed standards for industrial, commercial, and institutional boilers and process heaters on January 13, 2003 (68 FR 1660). Public comments were solicited at the time of proposal. The public comment period lasted from January 13, 2003, to March 14, 2003.

We received a total of 218 public comment letters on the proposed rule. Comments were submitted by industry trade associations, owners/operators of boilers and process heaters, State regulatory agencies and their representatives, and environmental groups. Today's final rule reflects our consideration of all of the comments and additional information received. Major public comments on the proposed rules, along with our responses to those comments, are summarized in this preamble.

D. What Is the Relationship Between the Final Rule and Other Combustion Rules?

The final rule regulates source categories covering industrial boilers, institutional and commercial boilers, and process heaters. These source categories potentially include combustion units that are already regulated by other MACT standards. Therefore, we are excluding from the final rule any combustion units that are already or will be subject to regulation under another MACT standard under 40 CFR part 63.

Combustion units that are regulated by other standards and are therefore excluded from the final rule include solid waste incineration units covered by section 129 of the CAA; boilers or process heaters required to have a permit under section 3005 of the Solid Waste Disposal Act or covered by the hazardous waste combustor NESHAP in 40 CFR part 63, subpart EEE [1]; and recovery boilers or furnaces covered by 40 CFR part 63, subpart MM.

With regards to solid waste incineration units covered by section 129 of the CAA, EPA solicited on February 17, 2004 (69 FR 7390) public comments on the definition of ''commercial and industrial solid waste incineration unit'' for the purpose of determining which combustion sources to regulate under section 129 and which to regulate under section 112 (*e.g.*, boilers and process heaters). As stated above, combustion units covered under section 129 are not subject to the final rule.

Electric utility steam generating units are not subject to the final rule. An electric utility steam generating unit is a fossil fuel-fired combustion unit of more than 25 megawatts that serves a generator that produces electricity for sale. A fossil fuel-fired unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 megawatts electrical output to any utility power distribution system for sale is considered an electric utility steam generating unit. Non-fossil fuel-fired utility boilers and electric utility steam generating units less than 25 megawatts are covered by the final rule.

In 1986, EPA codified the NSPS for industrial boilers (40 CFR part 60, subparts Db and Dc) and revised portions of them in 1999. The NSPS regulates emissions of particulate matter (PM), sulfur dioxide, and nitrogen oxides from boilers constructed after June 19, 1984. Sources subject to the NSPS are also subject to the final rule because the final rule regulates sources of hazardous air pollutants while the NSPS does not. However, in developing the final rule for industrial, commercial, and institutional boilers and process heaters, EPA minimized the monitoring requirements, testing requirements, and recordkeeping requirements to avoid duplicating requirements.

Because of the broad applicability of the final rule due to the definition of a process heater, certain process heaters could appear to fit the applicability of another existing MACT rule. We have, therefore, included in the list of combustion units not subject to the final rule refining kettles subject to the secondary lead MACT rule (40 CFR part 63, subpart X); ethylene cracking furnaces covered by 40 CFR part 63, subpart YY; and blast furnace stoves described in the EPA document entitled ''National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Plants—Background Information for Proposed Standards'' (EPA–453/R–01–005).

E. What Are the Health Effects of Pollutants Emitted From Industrial, Commercial, and Institutional Boilers and Process Heaters?

The final rule protects air quality and promotes the public health by reducing emissions of some of the HAP listed in section 112(b)(1) of the CAA. As noted above, emissions data collected during development of the proposed rule show that HCl emissions represent the predominant HAP emitted by industrial boilers. Industrial boilers emit lesser amounts of hydrogen fluoride, chlorine, metals (arsenic, cadmium, chromium, mercury, manganese, nickel, and lead), and organic HAP emissions. Although numerous organic HAP may be emitted from industrial boilers and process heaters, only a few account for essentially all the mass of organic HAP emissions. These organic HAP are: Formaldehyde, benzene, and acetaldehyde.

Exposure to high levels of these HAP is associated with a variety of adverse health effects. These adverse health effects include chronic health disorders (*e.g.*, irritation of the lung, skin, and mucus membranes, effects on the central nervous system, and damage to the kidneys), and acute health disorders (*e.g.*, lung irritation and congestion, alimentary effects such as nausea and vomiting, and effects on the kidney and central nervous system). We have classified three of the HAP as human carcinogens and five as probable human carcinogens. Our screening assessment for respiratory HAP and for central nervous system (CNS) HAP, using health protective assumptions, indicates that manganese and chlorine are the only boiler-related HAP that are reasonably expected to approach health based criteria concentrations at receptor locations at or beyond facility boundaries. Emissions of all other HAP modeled on an individual basis appears to be insignificant relative to the concentration that would produce the health effects that they represent. The maximal hazard index (HI) for summation of the HAP modeled in the screening assessment for respiratory effects, including chlorine, was less than 3. The maximal HI for summation of the HAP modeled in the screening assessment for CNS effects, including manganese, was less than 3. Therefore, effects noted below for HAP at high concentrations are not expected to occur prior or after regulation as a result of emissions from these facilities, and are provided to illustrate the nature of the contaminant's effects at high dose. A screening assessment was also conducted for acute effects, and no exceedances were seen. Therefore, potential acute effects are not discussed below. However, to the extent the adverse effects do occur, the final rule will reduce emissions and subsequent exposures.

Acetaldehyde

Acetaldehyde is ubiquitous in the environment and may be formed in the body from the breakdown of ethanol (ethyl alcohol). In humans, symptoms of chronic (long-term) exposure to acetaldehyde resemble those of alcoholism. Long-term inhalation exposure studies in animals reported effects on the nasal epithelium and mucous membranes, and increased kidney weight. The EPA has classified acetaldehyde as a probable human carcinogen (Group B2) based on animal studies that have shown nasal tumors in rats and laryngeal tumors in hamsters.

[1] Please note that boilers that burn small quantities of hazardous waste under the exemptions provided by 40 CFR 266.108 are subject to today's final rule.

Attachment I
Attachment I

Arsenic

Chronic (long-term) inhalation exposure to inorganic arsenic in humans is associated with irritation of the skin and mucous membranes. Human data suggest a relationship between inhalation exposure for women working at or living near metal smelters and an increased risk of reproductive effects. Inorganic arsenic exposure in humans by the inhalation route has been shown to be strongly associated with lung cancer, while ingestion of inorganic arsenic in humans has been linked to a form of skin cancer and also to bladder, liver, and lung cancer. The EPA has classified inorganic arsenic as a Group A, human carcinogen.

Benzene

Chronic (long-term) inhalation exposure has caused various disorders in the blood, including reduced numbers of red blood cells. Increased incidence of leukemia (cancer of the tissues that form white blood cells) has been observed in humans occupationally exposed to benzene. The EPA has classified benzene as a Group A, known human carcinogen.

Beryllium

Chronic (long-term) inhalation exposure of humans to high levels of beryllium has been reported to cause chronic beryllium disease (berylliosis), in which granulomatous (noncancerous) lesions develop in the lung. Inhalation exposure to high levels of beryllium has been demonstrated to cause lung cancer in rats and monkeys. Human studies are limited, but suggest a causal relationship between beryllium exposure and an increased risk of lung cancer. We have classified beryllium as a Group B1, probable human carcinogen, when inhaled; data are inadequate to determine whether beryllium is carcinogenic when ingested.

Cadmium

Chronic (long-term) inhalation or oral exposure to cadmium leads to a build-up of cadmium in the kidneys that can cause kidney disease. Cadmium has been shown to be a developmental toxicant at high doses in animals, resulting in fetal malformations and other effects, but no conclusive evidence exists in humans. Animal studies have demonstrated an increase in lung cancer from long-term inhalation exposure to cadmium. The EPA has classified cadmium as a Group B1, probable carcinogen.

Chlorine

Chlorine is a commonly used household cleaner and disinfectant. Chlorine is an irritant to the eyes, the upper respiratory tract, and lungs. Chronic (long-term) exposure to chlorine gas in workers has resulted in respiratory effects, including eye and throat irritation and airflow obstruction. No information is available on the carcinogenic effects of chlorine in humans from inhalation exposure. A National Toxicology Program (NTP) study showed no evidence of carcinogenic activity in male rats or male and female mice, and equivocal evidence in female rats, from ingestion of chlorinated water. The EPA has not classified chlorine for potential carcinogenicity.

Chromium

Chromium may be emitted by industrial boilers in two forms, trivalent chromium (chromium III) or hexavalent chromium (chromium VI). The respiratory tract is the major target organ for chromium VI toxicity for inhalation exposures. Bronchitis, decreased pulmonary function, pneumonia, and other respiratory effects have been noted from chronic high dose exposure in occupational settings to chromium VI. Limited human studies suggest that chromium VI inhalation exposure may be associated with complications during pregnancy and childbirth, while animal studies have not reported reproductive effects from inhalation exposure to chromium VI. Human and animal studies have clearly established that inhaled chromium VI is a carcinogen, resulting in an increased risk of lung cancer. The EPA has classified chromium VI as a Group A, human carcinogen.

Chromium III is less toxic than chromium VI. The respiratory tract is also the major target organ for chromium III toxicity, similar to chromium VI. Chromium III is an essential element in humans, with a daily intake of 50 to 200 micrograms per day recommended for an adult. The body can detoxify some amount of chromium VI to chromium III. The EPA has not classified chromium III with respect to carcinogenicity.

Formaldehyde

Exposure to formaldehyde irritates the eyes, nose, and throat. Reproductive effects, such as menstrual disorders and pregnancy problems, have been reported in female workers exposed to high levels of formaldehyde. Limited human studies have reported an association between formaldehyde exposure and lung and nasopharyngeal cancer. Animal inhalation studies have reported an increased incidence of nasal squamous cell cancer. The EPA considers formaldehyde a probable human carcinogen (Group B2).

Hydrogen chloride

Hydrogen chloride, also called hydrochloric acid, is corrosive to the eyes, skin, and mucous membranes at high concentration. Chronic (long-term) occupational exposure to high levels of hydrochloric acid has been reported to cause gastritis, bronchitis, and dermatitis in workers. Prolonged exposure to lower concentrations may also cause dental discoloration and erosion. No information is available on the reproductive or developmental effects of hydrochloric acid in humans. In rats exposed to high levels of hydrochloric acid by inhalation, altered estrus cycles have been reported in females and increased fetal mortality and decreased fetal weight have been reported in offspring. The EPA has not classified hydrochloric acid for carcinogenicity.

Hydrogen fluoride

Chronic (long-term) exposure to fluoride at low levels has a beneficial effect of dental cavity prevention and may also be useful for the treatment of osteoporosis. Exposure to higher levels of fluoride may cause dental fluorosis. One study reported menstrual irregularities in women occupationally exposed to fluoride. The EPA has not classified hydrogen fluoride for carcinogenicity.

Lead

Lead can cause a variety of effects at low dose levels. Chronic (long-term) exposure to high levels of lead in humans results in effects on the blood, central nervous system (CNS), blood pressure, and kidneys. Children are particularly sensitive to the chronic effects of lead, with slowed cognitive development, reduced growth and other effects reported. Reproductive effects, such as decreased sperm count in men and spontaneous abortions in women, have been associated with lead exposure. The developing fetus is at particular risk from maternal lead exposure, with low birth weight and slowed postnatal neurobehavioral development noted. Human studies are inconclusive regarding lead exposure and cancer, while animal studies have reported an increase in kidney cancer from high-dose lead exposure by the oral route. The EPA has classified lead as a Group B2, probable human carcinogen.

Attachment I
Attachment I

Manganese

Health effects in humans have been associated with both deficiencies and excess intakes of manganese. Chronic (long-term) exposure to low levels of manganese in the diet is considered to be nutritionally essential in humans, with a recommended daily allowance of 2 to 5 milligrams per day (mg/d). Chronic exposure to high levels of manganese by inhalation in humans results primarily in CNS effects. Visual reaction time, hand steadiness, and eye-hand coordination were affected in chronically-exposed workers. Impotence and loss of libido have been noted in male workers afflicted with manganism attributed to high-dose inhalation exposures. The EPA has classified manganese in Group D, not classifiable as to carcinogenicity in humans.

Mercury

Mercury exists in three forms: Elemental mercury, inorganic mercury compounds (primarily mercuric chloride), and organic mercury compounds (primarily methyl mercury). Each form exhibits different health effects. Various major sources may release elemental or inorganic mercury; environmental methyl mercury is typically formed by biological processes after mercury has precipitated from the air.

Chronic (long-term) exposure to elemental mercury in humans also affects the CNS, with effects such as increased excitability, irritability, excessive shyness, and tremors. The EPA has not classified elemental mercury with respect to cancer.

The major effect from chronic exposure to inorganic mercury is kidney effects. Reproductive and developmental animal studies have reported effects such as alterations in testicular tissue, increased embryo resorption rates, and abnormalities of development. Mercuric chloride (an inorganic mercury compound) exposure has been shown to result in tumors in experimental animals. The EPA has classified mercuric chloride as a Group C, possible human carcinogen.

Nickel

Nickel is an essential element in some animal species, and it has been suggested it may be essential for human nutrition. Nickel dermatitis, consisting of itching of the fingers, hand and forearms, is the most common effect in humans from chronic (long-term) skin contact with nickel. Respiratory effects have also been reported in humans from inhalation exposure to nickel. No information is available regarding the reproductive or developmental effects of nickel in humans, but animal studies have reported such effects, although a consistent dose-response relationship has not been seen. Nickel forms released from industrial boilers include soluble nickel compounds, nickel subsulfide, and nickel carbonyl. Human and animal studies have reported an increased risk of lung and nasal cancers from exposure to nickel refinery dusts and nickel subsulfide. Animal studies of soluble nickel compounds (*i.e.*, nickel carbonyl) have reported lung tumors. The EPA has classified nickel refinery subsulfide as Group A, human carcinogens and nickel carbonyl as a Group B2, probable human carcinogen.

Selenium

Selenium is a naturally occurring substance that is toxic at high concentrations but is also a nutritionally essential element. Studies of humans chronically (long-term) exposed to high levels of selenium in food and water have reported discoloration of the skin, pathological deformation and loss of nails, loss of hair, excessive tooth decay and discoloration, lack of mental alertness, and listlessness. The consumption of high levels of selenium by pigs, sheep, and cattle has been shown to interfere with normal fetal development and to produce birth defects. Results of human and animal studies suggest that supplementation with some forms of selenium may result in a reduced incidence of several tumor types. One selenium compound, selenium sulfide, is carcinogenic in animals exposed orally. We have classified elemental selenium as a Group D, not classifiable as to human carcinogenicity, and selenium sulfide as a Group B2, probable human carcinogen.

II. Summary of the Final Rule

A. What Source Categories and Subcategories Are Affected by the Final Rule?

The final rule affects industrial boilers, institutional and commercial boilers, and process heaters. In the final rule, process heater means an enclosed device using controlled flame, that is not a boiler, and the unit's primary purpose is to transfer heat indirectly to a process material (liquid, gas, or solid) or to heat a transfer material for use in a process unit, instead of generating steam. Process heaters are devices in which the combustion gases do not directly come into contact with process materials. Process heaters do not include units used for comfort heat or space heat, food preparation for on-site consumption, or autoclaves. Boiler means an enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water. Waste heat boilers are excluded from the definition of boiler. A waste heat boiler (or heat recovery steam generator) means a device, without controlled flame combustion, that recovers normally unused energy and converts it to usable heat. Waste heat boilers incorporating duct or supplemental burners that are designed to supply 50 percent or more of the total rated heat input capacity of the waste heat boiler are considered boilers and not waste heat boilers. Emissions from a combustion unit with a waste heat boiler are regulated by the applicable standards for the particular type of combustion unit. For example, emissions from a commercial or industrial solid waste incineration unit, or other incineration unit with a waste heat boiler are regulated by standards established under section 129 of the CAA.

Hot water heaters also are not regulated under the final rule. A hot water heater is a closed vessel, with a capacity of no more than 120 U.S. gallons, in which water is heated by combustion of gaseous or liquid fuel and is withdrawn for use external to the vessel at pressures not exceeding 160 pounds per square inch gauge and water temperatures not exceeding 210 degree Fahrenheit (99 degrees Celsius).

Temporary boilers also are not regulated under the final rule. A temporary boiler is any gaseous or liquid fuel-fired boiler that is designed, and is capable of, being carried or moved from one location to another, and remains at any one location for less than 180 consecutive days. Additionally, any new temporary boiler that replaces an existing temporary boiler and is intended to perform the same or similar function will be included in the determination of the consecutive 180-day time period.

Boilers or process heaters that are used specifically for research and development are not regulated under the final rule. However, units that only provide steam to a process at a research and development facility are still subject to the final rule.

B. What Is the Affected Source?

In the final rule, the affected source is defined as follows: (1) The collection of all existing industrial, commercial, or institutional boilers and process heaters within a subcategory located at a major source; or (2) each new or reconstructed industrial, commercial or institutional

boiler and process heater located at a major source.

The affected source does not include combustion units that are subject to another standard under 40 CFR part 63, or covered by other standards listed in this preamble.

C. What Pollutants Are Emitted and Controlled?

Boilers and process heaters can emit a wide variety of HAP, depending on the material burned. Because of the large number of HAP potentially present in emissions and the disparity in the quantity and quality of the emissions information available, we use several surrogates to control multiple HAP in the final rule. This will reduce the burden of implementation and compliance on both regulators and the regulated community.

We grouped the HAP into four common categories: mercury, non-mercury metallic HAP, inorganic HAP, and organic HAP. In general, the pollutants within each group have similar characteristics and can be controlled with the same techniques.

Next, we identified compounds that could be used as surrogates for all the compounds in each pollutant category. For the non-mercury metallic HAP, we chose to use PM as a surrogate. Most, if not all, non-mercury metallic HAP emitted from combustion sources will appear on the flue gas fly-ash. Therefore, the same control techniques that would be used to control the fly-ash PM will control non-mercury metallic HAP. Particulate matter was also chosen instead of specific metallic HAP because all fuels do not emit the same type and amount of metallic HAP but most generally emit PM. The use of PM as a surrogate will also eliminate the cost of performance testing to comply with numerous standards for individual metals.

However, we are sensitive to the fact that some sources burn fuels containing very little metals, but would have sufficient PM emissions to require control under the PM provisions of the proposed rule. In such cases, PM would not be an appropriate surrogate for metallic HAP. Therefore, in the final rule, an alternative metals emission limit is included. A source may choose to comply with the alternative metals emissions limit instead of the PM limit to meet the final rule.

For inorganic HAP, we chose to use HCl as a surrogate. The emissions test information available indicate that the primary inorganic HAP emitted from boilers and process heaters are acid gases, with HCl present in the largest amounts. Other inorganic compounds emitted are found in much smaller quantities. Also, control technologies that would reduce HCl would also control other inorganic compounds that are acid gases. Thus, the best controls for HCl would also be the best controls for other inorganic HAP that are acid gases. Therefore, HCl is a good surrogate for inorganic HAP because controlling HCl will result in a corresponding control of other inorganic HAP emissions.

For organic HAP, we chose to use carbon monoxide (CO) as a surrogate to represent the variety of organic compounds, including dioxins, emitted from the various fuels burned in boilers and process heaters. Because CO is a good indicator of incomplete combustion, there is a direct correlation between CO emissions and the formation of organic HAP emissions. Monitoring equipment for CO is readily available, which is not the case for organic HAP. Also, it is significantly easier and less expensive to measure and monitor CO emissions than to measure and monitor emissions of each individual organic HAP. Therefore, using CO as a surrogate for organic HAP is a reasonable approach because minimizing CO emissions will result in minimizing organic HAP emissions.

D. Does the Final Rule Apply to Me?

The final rule applies to you if you own or operate a boiler or process heater located at a major source meeting the requirements in the final rule.

E. What Are the Emission Limitations and Work Practice Standards?

You must meet the emission limits and work practice standards for the subcategories in Table 1 of this preamble for each of the pollutants listed. Emission limits and work practice standards were developed for new and existing sources; and for large, small, and limited use solid, liquid, and gas fuel-fired units. Large units are those watertube boilers and process heaters with heat input capacities greater than 10 million British thermal units per hour (MMBtu/hr). Small units are any firetube boilers or any boiler and process heater with heat input capacities less than or equal to 10 MMBtu/hr. Limited use units are those large units with capacity utilizations less than or equal to 10 percent as required in a federally enforceable permit.

If your new or existing boiler or process heater is permitted to burn a solid fuel (either as a primary fuel or a backup fuel), or any combination of solid fuel with liquid or gaseous fuel, the unit is in one of the solid subcategories. If your new or existing boiler or process heater burns a liquid fuel, or a liquid fuel in combination with a gaseous fuel, the unit is in one of the liquid subcategories, except if the unit burns liquid only during periods of gas curtailment. If your new or existing boiler or process heater burns a gaseous fuel not combined with any liquid or solid fuels, or burns liquid fuel only during periods of gas curtailment or gas supply emergencies, the unit is in the gaseous subcategory.

TABLE 1—EMISSION LIMITS AND WORK PRACTICE STANDARDS FOR BOILERS AND PROCESS HEATERS

[(Pounds per million British thermal units (lb/MMBtu)]

Source	Subcategory	Particulate Matter (PM)	or	Total Selected Metals	Hydrogen Chloride (HCl)	Mercury (Hg)	Carbon Monoxide (CO) (ppm)
New or reconstructed Boiler or Process Heater.	Solid Fuel, Large Unit.	0.025	or	0.0003	0.02	0.000003	400 (@7% oxygen).
	Solid Fuel, Small Unit.	0.025	or	0.0003	0.02	0.000003	
	Solid Fuel, Limited Use.	0.025	or	0.0003	0.02	0.000003	400 (@7% oxygen).
	Liquid Fuel, Large Unit.	0.03	.....	.....	0.0005	.....	400 (@3% oxygen).

TABLE 1—EMISSION LIMITS AND WORK PRACTICE STANDARDS FOR BOILERS AND PROCESS HEATERS—Continued

[(Pounds per million British thermal units (lb/MMBtu)]

Source	Subcategory	Particulate Matter (PM)	or	Total Selected Metals	Hydrogen Chloride (HCl)	Mercury (Hg)	Carbon Monoxide (CO) (ppm)
	Liquid Fuel, Small Unit.	0.03	.....	.....	0.0009	.....	
	Liquid Fuel, Limited Use.	0.03	.....	.....	0.0009	.....	400 (@3% oxygen).
	Gaseous Fuel, Large Unit.		.....	.....	.....	.....	400 (@3% oxygen).
	Gaseous Fuel, Small Unit.		.....	.....	.....	.....	
	Gaseous Fuel Limited Use.		.....	.....	.....	.....	400 (@3% oxygen).
Existing Boiler or Process Heater.	Solid Fuel, Large Unit.	0.07	or	0.001	0.09	0.000009	
	Solid Fuel, Small Unit.		.....	.....	.....	.....	
	Solid Fuel, Limited Use.	0.21	or	0.004	.....	.....	
	Liquid Fuel, Large Unit.		.....	.....	.....	.....	
	Liquid Fuel, Small Unit.		.....	.....	.....	.....	
	Liquid Fuel, Limited Use.		.....	.....	.....	.....	
	Gaseous Fuel		.....	.....	.....	.....	

For solid fuel-fired boilers or process heaters, sources may choose one of two emission limit options: (1) Existing and new affected units may choose to limit PM emissions to the level listed in Table 1 of this preamble, or (2) existing and new affected units may choose to limit total selected metals emissions to the level listed in Table 1 of this preamble. Sources meeting the emission limits must also meet operating limits.

We have provided several compliance alternatives in the final rule. Sources may choose to demonstrate compliance based on the fuel pollutant content. Sources are also allowed to demonstrate compliance for existing large solid fuel units using emissions averaging.

F. What Are the Testing and Initial Compliance Requirements?

As the owner or operator of a new or existing boiler or process heater, you must conduct performance tests (*i.e.* stack testing) or an initial fuel analysis to demonstrate compliance with any applicable emission limits. The applicable emission limits and, therefore, the required performance tests and fuel analysis are different depending on the subcategory classification of the unit. Existing units in the small solid fuel subcategory and existing units in any of the liquid or gaseous fuel subcategories do not have applicable emission limits and, therefore, are not required to conduct stack tests or fuel analyses. Other units are required to conduct the following compliance tests or fuel analyses where applicable:

(1) Conduct initial and annual stack tests to determine compliance with the PM emission limits using EPA Method 5 or Method 17 in appendix A to part 60 of this chapter.

(2) Affected sources in the solid fuel subcategories may choose to comply with an alternative total selected metals emission limit instead of PM. Sources would conduct initial and annual stack tests to determine compliance with the total selected metals emission limit using EPA Method 29 in appendix A to part 60 of this chapter.

(3) Conduct initial and annual stack tests to determine compliance with the mercury emission limits using EPA Method 29 in appendix A to part 60 of this chapter or the ASTM D6784–02.

(4) Conduct initial and annual stack tests to determine compliance with the HCl emission limits using EPA Method 26 in appendix A to part 60 of this chapter (for boilers without wet scrubbers) or EPA Method 26A in appendix A to part 60 of this chapter (for boilers with wet scrubbers).

(5) For new boilers and process heaters in any of the limited use subcategories and new boilers and process heaters in any of the large subcategories with heat input capacities greater than 10 MMBtu/hr but less than 100 MMBtu/hr, conduct initial and annual stack tests to determine compliance with the CO work practice limit using EPA Method 10, 10A, or 10B in appendix A to part 60 of this chapter.

(6) Use EPA Method 19 in appendix A to part 60 of this chapter to convert measured concentration values to pounds per million British thermal units (MMBtu) values.

(7) For new units in any of the liquid fuel subcategories that do not burn residual oil, instead of conducting an initial and annual compliance test you may submit a signed statement in the Notification of Compliance Status report that indicates that you only burn liquid fossil fuels other than residual oil.

(8) For affected sources that choose to meet the emission limits based on fuel analysis, conduct the fuel analysis using method ASTM D5865–01ae1 or ASTM E711–87 to determine heat content; ASTM D3684–01 (for coal), SW–846–7471A (for solid samples) or SW–846–7470A (for liquid samples) to determine mercury levels; SW–846–6010B or ASTM D3683–94 (for coal) or ASTM E885–88 (for biomass) to determine total selected metals concentration; SW–846–9250 or ASTM E776–87 (for biomass) to determine chlorine concentration; and ASTM D3173 or ASTM E871 to determine moisture content.

As part of the initial compliance demonstration, you must monitor specified operating parameters during the initial performance tests that demonstrate compliance with the PM (or metals), mercury, and HCl emission limits. You must calculate the average parameter values measured during each

test run over the 3-run performance test. The minimum or maximum of the three average values (depending on the parameter measured) for each applicable parameter establishes the site-specific operating limit. The applicable operating parameters for which operating limits must be established are based on the emissions limits applicable to your unit as well as the types of add-on controls on the unit. A summary of the operating limits that must be established for the various types of controls are as follows:

(1) For boilers and process heaters without wet scrubbers that must comply with the mercury emission limit and either a PM emission limit or a total selected metals emission limit, you must meet an opacity limit of 20 percent for existing sources (based on 6-minute averages), except for one 6-minute period per hour of not more than 27 percent, or 10 percent for new sources (based on 1-hour block averages). Or, if the unit is controlled with a fabric filter, instead of meeting an opacity operating limit, you may elect to operate the fabric filter using a bag leak detection system such that corrective actions are initiated within 1 hour of a bag leak detection system alarm and you operate and maintain the fabric filter such that the alarm is not engaged for more than 5 percent of the total operating time in a 6-month reporting period.

(2) For boilers and process heaters without wet or dry scrubbers that must comply with an HCl emission limit, you must determine the average chloride content level in the input fuel(s) during the HCl performance test. This is your maximum chloride input operating limit.

(3) For boilers and process heaters with wet scrubbers that must comply with a mercury, PM (or total selected metals) and/or an HCl emission limit, you must measure pressure drop and liquid flow rate of the scrubber during the performance test and calculate the average value for each test run. The minimum test run average establishes your site-specific pressure drop and liquid flow rate operating levels. If different average parameter levels are measured during the mercury, PM (or metals) and HCl tests, the highest of the minimum test run average values establishes your site-specific operating limit. If you are complying with an HCl emission limit, you must measure pH during the performance test for HCl and determine the average for each test run and the minimum value for the performance test. This establishes your minimum pH operating limit.

(4) For boilers and process heaters with dry scrubbers that must comply with an HCl emission limit, you must measure the sorbent injection rate during the performance test for mercury and HCl and calculate the average for each test run. The minimum test run average during the performance test establishes your site-specific minimum sorbent injection rate operating limit.

(5) For boilers and process heaters with fabric filters in combination with wet scrubbers that must comply with a mercury emission limit, PM (or total selected metals) emission limit and/or an HCl emission limit, you must measure the pH, pressure drop, and liquid flowrate of the wet scrubber during the performance test and calculate the average value for each test run. The minimum test run average establishes your site-specific pH, pressure drop, and liquid flowrate operating limits for the wet scrubber. Furthermore, the fabric filter must be operated such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during any 6-month period.

(6) For boilers and process heaters with electrostatic precipitators (ESP) in combination with wet scrubbers that must comply with a mercury, PM (or total selected metals) and/or an HCl emission limit, you must measure the pH, pressure drop, and liquid flow rate of the wet scrubber during the HCl performance test, and you must measure the voltage and secondary current of the ESP collection plates or total power input during the mercury and PM (or metals) performance test. Calculate the average value of these parameters for each test run. The minimum test run averages establish your site-specific minimum pH, pressure drop, and liquid flowrate operating limit for the wet scrubber and the minimum voltage and current operating limits for the ESP.

(7) For boilers and process heaters that choose to comply with the alternative total selected metals emission limit instead of PM, you must determine the total selected metals content of the inlet fuels that were burned during the total selected metals performance test. This value is your maximum fuel inlet metals content operating limit.

(8) For boilers and process heaters that burn a mixture of multiple fuels, you must determine the mercury content of the inlet fuels that were burned during the mercury performance test. This value is your maximum fuel inlet mercury operating limit. Units burning only a single fuel type (not including start-up fuels) do not need to determine, by fuel analysis, the fuel inlet operating limit when conducting performance tests.

(9) For new boilers and process heaters in any of the large subcategories and with heat input capacities greater or equal to 100 MMBtu/hr, you must monitor CO to demonstrate that average CO emissions, on a 30-day rolling average, are at or below an exhaust concentration of 400 parts per million (ppm) by volume on a dry basis corrected to 3 percent oxygen for units in the liquid subcategories and corrected to 7 percent for units in the solid subcategories. For new boilers and process heaters in any of the limited use subcategories or with heat input capacities less than 100 MMBtu/hr, you must conduct initial test of CO emissions to demonstrate compliance with the CO work practice limit.

The final rule also provides you another compliance alternative. You may demonstrate compliance by emissions averaging for existing large solid fuel boilers in States that choose to allow emissions averaging in their operating permit program.

G. What Are the Continuous Compliance Requirements?

To demonstrate continuous compliance with the emission limitations, you must monitor and comply with the applicable site-specific operating limits established during the performance tests or fuel analysis. Upon detecting an excursion or exceedance, you must restore operation of the unit to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance. Such actions may include initial inspections and evaluation, recording that operations returned to normal without operator action, or any necessary follow-up actions to return operation to below the work practice standard.

(1) For boilers and process heaters without wet scrubbers that must comply with a mercury emission limit and either a PM emission limit or a total selected metals emission limit, you must continuously monitor opacity and maintain the opacity at or below the maximum opacity operating limit for new and existing sources. Or, if the unit is controlled with a fabric filter, instead of continuous monitoring opacity, the fabric filter may be continuously operated such that the bag leak detection system alarm does not sound

more than 5 percent of the operating time during any 6-month period.

(2) For boilers and process heaters without wet or dry scrubbers that must comply with an HCl emission limit, you must maintain monthly records of fuel use that demonstrate that you have burned no new fuel types or new mixtures such that you have maintained the fuel HCl content level at or below your site-specific maximum HCl input operating limit. If you plan to burn a new fuel type or a new mixture than what was burned during the initial performance test, then you must re-calculate the maximum HCl input anticipated from the new fuels based on supplier data or your own fuel analysis. If the results of re-calculating the HCl input exceeds the average HCl content level established during the initial test, then you must conduct a new performance test to demonstrate continuous compliance with the HCl emission limit.

(3) For boilers and process heaters with wet scrubbers that must comply with a mercury, PM (or total selected metals) and/or an HCl emission limit, you must monitor pressure drop and liquid flow rate of the scrubber and maintain the 3-hour block averages at or above the operating limits established during the performance test. You must monitor the pH of the scrubber and maintain the 3-hour block average at or above the operating limit established during the performance test to demonstrate continuous compliance with the HCl emission limits.

(4) For boilers and process heaters with dry scrubbers that must comply with a PM (or total selected metals) or mercury emission limit, and/or an HCl emission limit, you must continuously monitor the sorbent injection rate and maintain it at or above the operating limits established during the HCl performance test.

(5) For boilers and process heaters with fabric filters in combination with wet scrubbers, you must monitor the pH, pressure drop, and liquid flow rate of the wet scrubber and maintain the levels at or above the operating limits established during the HCl performance test. You must also maintain the operation of the fabric filter such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during any 6-month period.

(6) For boilers and process heaters with ESP in combination with wet scrubbers that must comply with a mercury, PM and/or an HCl emission limit, you must monitor the pH, pressure drop, and liquid flow rate of the wet scrubber and maintain the 3-hour block averages at or above the operating limits established during the HCl performance test. Also, you must monitor the voltage and secondary current of the ESP collection plates or total power input and maintain the 3-hour block averages at or above the operating limits established during the mercury or PM (or metals) performance test.

(7) For boilers and process heaters that choose to comply with the alternative total selected metals limit instead of PM emission limit, you must maintain monthly fuel records that demonstrate that you burned no new fuel type or new mixtures such that the total selected metals content of the inlet fuel was maintained at or below your maximum fuel inlet metals content operating limit set during the metals performance test. If you plan to burn a new fuel type or new mixture, then you must re-calculate the maximum metals input anticipated from the new fuels based on supplier data or own fuel analysis. If the results of re-calculating the metals input exceeds the average metals content level established during the initial test, then you must conduct a new performance test to demonstrate continuous compliance with the alternate selected metals emission limit.

(8) For boilers and process heaters that must comply with the mercury emission limit, you must maintain monthly fuel records that demonstrate that you burned no new fuel type or new mixture such that the total selected mercury content of the inlet fuel was maintained at or below your maximum fuel inlet metals content operating limit set during the mercury performance test. If you plan to burn a new fuel type or new mixture than what was burned during the initial performance test, then you must re-calculate the maximum mercury input anticipated from the new fuels based on supplier data or own fuel analysis. If the results of re-calculating the mercury input exceeds the average mercury content level established during the initial test, then you must conduct a new performance test to demonstrate continuous compliance with the mercury emission limit.

(9) For boilers and process heaters that choose to comply with any emission limit based on fuel analysis, you must maintain monthly fuel records to demonstrate that the content of fuel is maintained below the appropriate applicable emission limit.

(10) For new boilers and process heaters in any of the large subcategories with heat input capacities greater or equal to 100 MMBtu/hr, you must continuously monitor CO and maintain the 30-day rolling average CO emissions at or below 400 ppm by volume on a dry basis (corrected to 3 percent oxygen for units in the liquid or gaseous subcategories, and 7 percent for units in the solid fuel subcategories) to demonstrate compliance with the work practice standards at all times except during startup, shutdown, and malfunction and when the unit is operating less than 50 percent of the rated capacity.

If a control device other than the ones specified in this section is used to comply with the final rule, you must establish site-specific operating limits and establish appropriate continuous monitoring requirements, as approved by the EPA Administrator.

If you choose to comply using emissions averaging, you must demonstrate on a monthly basis that mercury, metals, PM, and HCl emission limits can be met over a 12-month period.

H. What Are the Notification, Recordkeeping and Reporting Requirements?

If your boiler or process heater is in the existing large gaseous fuel subcategory, or existing limited use gaseous fuel subcategory, or existing large liquid fuel subcategory, or existing limited use liquid fuel subcategory, or a new small liquid fuel unit that only burn gaseous fuels or distillate oil, you only have to submit the initial notification report. If your boiler or process heater is in the existing small gaseous, liquid, or solid fuel subcategories or new small gaseous fuel subcategory, you are not required to keep any records or submit any reports.

If your boiler or process heater is in any other subcategory, then you must keep the following records:

(1) All reports and notifications submitted to comply with the final rule.

(2) Continuous monitoring data as required in the final rule.

(3) Each instance in which you did not meet each emission limit work practice and operating limit, including periods of startup, shutdown, and malfunction (*i.e.*, deviations from the final rule).

(4) Monthly hours of operation by each source that is in a limited use subcategory.

(5) Monthly fuel use by each boilers and process heaters subject to an emission limit including a description of the type(s) of fuel(s) burned, amount of each fuel type burned, and units of measure.

(6) Calculations and supporting information of chloride fuel input, as required in the final rule.

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(7) Calculations and supporting information of total selected metals and mercury fuel input, as required in the final rule, if applicable.

(8) A copy of the results of all performance tests, fuel analysis, opacity observations, performance evaluations, or other compliance demonstrations conducted to demonstrate initial or continuous compliance with the final rule.

(9) A copy of any federally enforceable permit that limits the annual capacity factor of the source to less than or equal to 10 percent.

(10) A copy of your site-specific startup, shutdown, and malfunction plan.

(11) A copy of your site-specific monitoring plan developed for the final rule, if applicable.

(12) A copy of your site-specific fuel analysis plan developed for the final rule, if applicable.

(13) A copy of the emissions averaging plan, if applicable.

You must submit the following reports and notifications:

(1) Notifications required by the General Provisions.

(2) Initial Notification no later than 120 calendar days after you become subject to the final rule.

(3) Notification of Intent to conduct performance tests and/or compliance demonstration at least 30 calendar days before the performance test and/or compliance demonstration is scheduled.

(4) Notification of Compliance Status 60 calendar days following completion of the performance test and/or compliance demonstration.

(5) Notification of intent to demonstrate compliance by emissions averaging.

(6) Notification of intent to demonstrate eligibility for either health-based compliance alternative.

(7) Compliance reports semi-annually.

I. What Are the Health-Based Compliance Alternatives, and How Do I Demonstrate Eligibility?

HCl Compliance Alternative

As an alternative to the requirement for each large solid fuel-fired boiler to demonstrate compliance with the HCl emission limit in the final rule, you may demonstrate compliance with a health-based HCl equivalent allowable emission limit.

The procedures for demonstrating eligibility for the HCl compliance alternative (as outlined in appendix A of the final rule) are:

(1) You must include in your demonstration every emission point covered under the final rule.

(2) You must conduct HCl and chlorine emissions tests for every emission point covered under the final rule.

(3) You must determine the total maximum hourly mass HCl-equivalent emission rate for your affected source by summing the maximum hourly emission rates of HCl and chlorine for each of the affected units at your facility covered under the final rule.

(4) Use the look-up table in the appendix A of the final rule to determine if your facility is in compliance with the health-based HCl-equivalent emission limit.

(5) Select the maximum allowable HCl-equivalent emission rate from the look-up table in appendix A of the final rule for your affected source using the average stack height of your emission units covered under the final rule as your stack height and the minimum distance between any affected emission point and the property boundary as your property boundary.

(6) Your facility is in compliance if your maximum HCl-equivalent emission rate does not exceed the value specified in the look-up table in appendix A of the final rule.

(7) As an alternative to using the look-up table, you may conduct a site-specific compliance demonstration (as outlined in appendix A of the final rule) which demonstrates that the subpart DDDDD units at your facility are not expected to cause an individual chronic inhalation exposure from HCl and chlorine which can exceed a Hazard Index (HI) value of 1.0.

Total Selected Metals Compliance Alternative

In lieu of complying with the emission standard for total selected metals (TSM) in the final rule based on the sum of emissions for the eight selected metals, you may demonstrate eligibility for complying with the TSM standard based on excluding manganese emissions from the summation of TSM emissions for the affected source unit(s).

The procedures for demonstrating eligibility for the TSM compliance alternative (as outlined in appendix A of the final rule) are:

(1) You must include in your demonstration every emission point covered under the final rule that emits manganese.

(2) You must conduct manganese emissions tests for every emission point covered under the final rule that emits manganese.

(3) You must determine the total maximum hourly manganese emission rate from your affected source by summing the maximum hourly manganese emission rates for each of the affected units at your facility covered under the final rule.

(4) Use the look-up table in appendix A of the final rule to determine if your facility is eligible for complying with the alternative TSM limit based on the sum of emissions for seven metals (excluding manganese) for the affected source units.

(5) Select the maximum allowable manganese emission rate from the look-up table in appendix A of the final rule for your affected source using the average stack height of your emission units covered under the final rule as your stack height and the minimum distance between any of those emission points and the property boundary as your property boundary.

(6) Your facility is eligible if your maximum manganese emission rate does not exceed the value specified in the look-up table in appendix A of the final rule.

(7) As an alternative to using look-up table to determine if your facility is eligible for the TSM compliance alternative, you may conduct a site-specific compliance demonstration (as outlined in appendix A of the final rule) which demonstrates that the subpart DDDDD units at your facility are not expected to cause an individual chronic inhalation exposure from manganese which can exceed a Hazard Quotient (HQ) value of 1.0.

If you elect to demonstrate eligibility for either of the health-based compliance alternatives, you must submit certified documentation supporting compliance with the procedures at least 1 year before the compliance date.

You must submit supporting documentation including documentation of all maximum capacities, existing control devices used to reduce emissions, stack parameters, and property boundary distances to each affected source of HCl-equivalent and/or manganese emissions.

You must keep records of the information used in developing the eligibility demonstration for your affected source.

To be eligible for either health-based compliance alternative, the parameters that defined your affected source as eligible for the health-based compliance alternatives (including, but not limited to, fuel type, type of control devices, process parameters reflecting the emission rates used for your eligibility demonstration) must be incorporated as Federally enforceable limits into your title V permit. If you do not meet these criteria, then your affected source is subject to the applicable emission

limits, operating limits, and work practice standards in the final rule.

If you intend to change key parameters (including distance of stack to the property boundary) that may result in lower allowable health-based emission limits, you must recalculate the limits under the provisions of this section, and submit documentation supporting the revised limits prior to initiating the change to the key parameter.

If you intend to install a new solid fuel-fired boiler or process heater or change any existing emissions controls that may result in increasing HCl-equivalent and/or manganese emissions, you must recalculate the total maximum hourly HCl-equivalent and/or manganese emission rate from your affected source, and submit certified documentation supporting continued eligibility under the revised information prior to initiating the new installation or change to the emissions controls.

III. What Are the Significant Changes Since Proposal?

A. Definition of Affected Source

The definition of affected source in § 63.7490 has been revised to be: (1) The collection of all existing industrial, commercial, or institutional boilers or process heaters within a subcategory located at a major source; and/or (2) each new or reconstructed industrial, commercial, or institutional boiler or process heater located at a major source.

B. Sources Not Covered by the NESHAP

The applicability section of the final rule (§ 63.7490(c)) has been written to clarify that the following are not subject to the final rule: Blast furnace stoves, any boiler or process heater specifically listed as an affected source in another MACT standard, temporary boilers, and blast furnace gas fuel-fired boilers and process heaters.

C. Emission Limits

The emission limit for mercury in the existing large solid fuel subcategories has been written as 0.000009 lb/MMBtu (from 0.000007 lb/MMBtu at proposal).

D. Definitions Added or Revised

The EPA has written the definitions of large, limited use, and small gaseous subcategories to include gaseous fuel-fired boilers and process heaters that burn liquid fuel during periods of gas curtailment or gas supply emergencies.

The final rule also includes a definition of fuel type which is used in the fuel analysis compliance options. Fuel type means each category of fuels that share a common name of classification. Examples include, but are not limited to: bituminous coal, subbituminous coal, lignite, anthracite, biomass, construction/demolition material, salt water laden wood, creosote treated wood, tires, and residual oil. Individual fuel types received from different suppliers are not considered new fuel types except for construction/demolition material.

Construction/demolition material means waste building material that result from the construction or demolition operations on houses and commercial and industrial buildings.

Unadulterated wood, component of biomass, means wood or wood products that have not been painted, pigment-stained, or pressure treated with compounds such as chromate copper arsenate, pentachlorophenol, and creosote. Plywood, particle board, oriented strand board, and other types of wood products bound by glues and resins are included in this definition.

We have included a definition for temporary boiler to mean any gaseous or liquid fuel-fired boiler that is designed, and is capable of, being carried or moved from one location to another. A temporary boiler that remains at a location for more than 180 consecutive days is no longer considered to be a temporary boiler. Any temporary boiler that replaces a temporary boiler at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period.

The final rule also contains a definition written for waste heat boiler that identifies waste heat boilers incorporating duct or supplemental burners that are designed to supply 50 percent or more of the total rated heat input capacity of the waste heat boiler as not being waste heat boilers, but are considered boilers and subject to the final rule.

E. Requirements for Sources in Subcategories Without Emission Limits or Work Practice Requirements

In the final rule, we have clarified that sources in the existing large and limited use gaseous fuel subcategories, existing large and limited use liquid fuel subcategories, and new small liquid fuel subcategory that burn only distillate oil are only subject to the initial notification requirements in § 63.9(b) of subpart A of this part and are not required to submit as startup, shutdown, and malfunction (SSM) plan as part of their initial notification. We have written the final rule to state that sources in the existing small gaseous fuel, liquid fuel, and solid fuel subcategories and in the new small gaseous fuel subcategory are not subject to any requirements in the final rule or of subpart A of this part.

F. Carbon Monoxide Work Practice Emission Levels and Requirements

The final rule provides revisions to the CO work practice emission levels. For new sources in the solid fuel subcategory, the work practice standard has been written to be corrected to 7 percent oxygen rather than 3 percent. Units in the gaseous and liquid fuel subcategories still have to correct to 3 percent oxygen.

The final rule also allows sources with heat input capacities greater than 10 MMBtu/hr but less than 100 MMBtu/hr to conduct initial and annual compliance tests to demonstrate compliance with the CO limit. Sources greater than 100 MMBtu/hr must still demonstrate compliance using CO continuous emission monitors (CEMS).

The final rule also does not allow you to calculate data average using data recorded during periods where your boiler or process heater is operating at less than 50 percent of its rated capacity, monitoring malfunctions, associated repairs, out-of-control periods, or required quality assurance or control activities. You must use all data collected during all other periods in assessing compliance.

G. Fuel Analysis Option

We have clarified the fuel analysis options in the final rule. You are not required to conduct performance tests for hydrogen chloride, mercury, or total selected metals if you demonstrate compliance with the hydrogen chloride, mercury, or total selected metals limits based on the fuel pollutant content. Your operating limit is then the emission limit of the applicable pollutant. You are not required to conduct emission tests.

If you demonstrate compliance with the HCl, mercury, or TSM limit by performance tests, then your operating limits are the operating limits of the control device (if used) and the fuel pollutant content of the fuel type/mixture burned. Units burning multiple fuel types are required to determine by fuel analysis, the fuel pollutant content of the fuel/mixture burned during the performance test.

The final rule specifies the testing and initial and continuous compliance requirements to be used when complying with the fuel analysis options. Fuel analysis tests for total chloride, gross calorific value, mercury, metal analysis, sample collection, and sample preparation are included in the final rule.

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We have written the requirement to remove the need for conducting additional tests if you receive fuel from a new supplier. You are required to conduct another performance test, if you demonstrated compliance through performance testing, only when you burn a new fuel type or mixture and the results of recalculating the fuel pollutant content are higher than the level established during the initial performance test.

H. Emissions Averaging

We have included a compliance alternative in the final rule to allow emissions averaging between existing large solid fuel boilers. Compliance must be demonstrated on a 12-month rolling average basis, determined at the end of every month. If you elect to comply with the emissions averaging compliance alternative, you must use equations provided in the final rule to demonstrate that particulate matter or TSM, HCl, or mercury from all applicable units do not exceed the emission limits specified in the final rule. If you use this option, you must also develop and submit an implementation plan no later than 6 months before the date that the facility intends to demonstrate compliance.

I. Opacity Limit

At proposal, we required sources meeting the PM and mercury limits to determine site-specific opacity operating limits based on levels during the initial performance test. To demonstrate continuous compliance with the opacity limit, the opacity operating limits have been established to be 20 percent (based on 6-minute averages) except for one 6-minute period per hour of not more than 27 percent for existing sources and 10 percent (based on 1-hour block averages) for new sources.

J. Operating Limit Determination

The final rule defines maximum and minimum operating parameters that must be met. For sources complying with the alternative opacity requirement of establishing opacity limits during the initial performance test, the maximum opacity operating limit is 110 percent of the highest test-run average opacity measured according to the final rule during the most recent performance test demonstrating compliance with the applicable emission limit. For sources meeting the standards using scrubbers or ESP, the minimum pressure drop, scrubber effluent pH, scrubber flow rate, sorbent flow rate, voltage or amperage means 90 percent of the lowest test run average pressure drop, scrubber effluent pH, scrubber flow rate, sorbent flow rate, voltage or amperage measured according to the most recent performance test demonstrating compliance with the applicable emission limits.

The final rule clarifies that operation above the established maximum or below the established minimum operating parameters constitute a deviation of established operating parameters.

K. Revision of Compliance Dates

In § 63.7510, we have also written the date by which you have to complete a compliance demonstration to be 180 days after the compliance date instead of at the compliance date.

IV. What Are the Responses to Significant Comments?

We received 218 public comment letters on the proposed rule. Complete summaries of all the comments and responses are found in the Response-to-Comments document (see **SUPPLEMENTARY INFORMATION** section).

A. Applicability

Comment: Many commenters requested that EPA exempt units that are not subject to emission limits or work practice requirements from monitoring, recordkeeping, and reporting requirements.

Response: Sources in subcategories that do not have any emission limitations and work practices are not required to keep records or reports other than the initial notification. This is appropriate because no reports other than the initial notification would apply to these units. The SSM plan is not necessary nor required for these units because § 63.6(e)(3) of subpart A of this part requires an affected source to develop an SSM plan for control equipment used to comply with the relevant standard. The proposed rule was not intended to require monitoring, recordkeeping, and reporting (including startup, shutdown, and malfunction plans), other than the initial notification for sources not subject to an emission limit. We have clarified this decision in the final rule. We have also determined that existing small units and new small gaseous fuel units, which are not subject to emission limits or work practices in this standard, and which are also not subject to such requirements in any other Federal regulation, should also not have to provide an initial notification. These small sources are generally gas-fired and since they have minimal emissions, they are usually considered as insignificant emission units by State permitting agencies.

Comment: Several commenters requested that EPA specifically exclude portable/transportable units from the final rule. The commenters stated that facilities periodically use these units to supply or supplement other site steam supplies when there is a mechanical problem that takes a unit out of service or during planned outages. The commenters added that because they are used on a limited basis, portable units are not fully integrated with site control systems and most portable/transportable units are owned by a rental company and may not be operated by the facility owner/operator.

Response: We agree with the commenters that temporary/portable units are used only on a limited basis and are not integrated into a facility's control system. These units are gas or oil fired units. Units in the existing gaseous or liquid subcategories are not subject to emission limits or work practice standards. Consequently, we have decided that temporary/portable units are not subject to the final rule. We have added a definition for temporary boiler to mean any gaseous or liquid fuel-fired boiler that is designed, and is capable of, being carried or moved from one location to another. A temporary boiler that remains at a location for more than 180 consecutive days is no longer considered to be a temporary boiler. Any temporary boiler that replaces a temporary boiler at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period. We chose the 180-day time frame because that is the length of time a new source has after startup to conduct the initial performance test.

Comment: Several commenters requested EPA provide a lower size cut-off for the small unit subcategory. Several commenters argued that the benefits from requiring smaller units to install controls would be minimal given the overall monitoring, recordkeeping, and reporting burden. Several commenters also requested lower size cutoffs to make the final rule similar to others established by EPA (*e.g.,* NSPS Nitrogen Oxide (NO_X) SIP Call). Several commenters noted several recent court decisions in which the court has decided that a *de minimis* exemption is appropriate since the regulation of small sources would yield a gain of trivial or no value yet would impose significant regulatory burden. A wide range of lower size cutoffs were suggested. However, one commenter said that EPA should not develop *de minimis* exemptions. The commenter noted that *de minimis* exemptions do not spare EPA's resources for use on other

purposes and are not justified by reductions in industry burden or inconvenience. The commenter noted that EPA did not establish any administrative record justifying the *de minimis* exemption.

Response: We have reviewed the commenters arguments and all the data provided in the comment letters. There is no justification for developing a lower size cut-off or *de minimis* level. We would also note the designation of large and small subcategories was not based solely on size of the unit. Large and small subcategories were developed because small units less than 10 MMBtu/hr heat input typically use a combustor design that is not common in larger units. Large boilers generally use the watertube combustor design. The design of the boiler or process heater will influence the completeness of the combustion process which will influence the formation of organic HAP emissions. Additionally, the vast majority of small units use natural gas as fuel. The EPA chose to develop large and small subcategories to account for these differences and their affect on the type of emissions. The cut-off between the large and small subcategories of 10 MMBtu/hr was based on typical sizes for fire tube units, and also when considering cut-offs in State and Federal rules. Lastly, we would like to note that the final rule does not impose any requirements for existing units in any of the small subcategories.

Comment: Many commenters asked EPA to clarify which sources are not covered by the final rule.

Response: We have included an extensive list of sources that are not subject to the final rule. The final rule clarifies that boilers and process heaters that are included as part of the affected source in any other NESHAP are not subject to the NESHAP for industrial boilers and process heaters. However, we do not exclude boilers and process heaters that are used as control devices unless they are specifically considered part of any other NESHAP's definition of affected source. Incinerators, thermal oxidizers, and flares do not generally fall under the definition of a boiler or process heater and would not be subject to the final rule. The final rule excludes waste heat boilers and waste heat boilers with supplemental firing, as long as the supplemental firing does not provide more than 50 percent of the waste heat boiler's heat input. If your waste heat boiler does receive 50 percent of its total heat input from supplemental firing, it would be subject to the NESHAP for industrial boilers unless it is subject to any other NESHAP. We specifically exclude comfort heaters from the final rule. However, this exclusion does not include boilers used to make steam or heated water for comfort heat. If your boiler meets the definition of a hot water heater, then it would not be subject to the final rule. However, if the temperature, pressure, or capacity specifications of your boiler exceed the criteria specified for hot water heaters, then your boiler would be subject to the final rule. We recognize the unique properties of blast furnace gas having high CO concentrations and none to almost no organic compounds. Consequently, we agree that for these sources CO is not a surrogate for organic HAP emissions since CO is the primary component of blast furnace gas and virtually no organic HAP are generated in its combustion. As a result, we exclude from the final rule units that receive 90 percent or more of their total heat input from blast furnace gas. In addition, research and development (R&D) operations are not subject to the final rule. However, units that only provide steam to a process or for heating at a research and development facility are still subject to the final rule. This should address the commenters' concern over overlapping applicability.

Comment: Several commenters suggested that EPA revise the proposed definition of affected source to be consistent with the definition of affected source in the General Provisions. The definition in the rule as proposed is much more narrow than that in the General Provisions, even though the General Provisions states that each standard will redefine affected source based on published justification as to why the definition would result in significant administration, practical or implementation problems. The commenters argued that EPA failed to provide justification for the proposed definition of affected source, which is narrower than the definition of affected source in the General Provisions.

Response: We agree with the commenters and in the final rule have incorporated the broader definition of affected source from the revised General Provisions. The General Provisions define the affected source as ''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 * * *'' Therefore, the definition of existing affected source in the final rule is the collection of existing industrial, commercial, or institutional boilers and process heaters within a subcategory located at a major source of HAP emissions.

B. Format

Comment: Several commenters opposed using one or more surrogates for the HAP regulated. Some commenters stated that EPA must set emission standards for each HAP emitted by this category. One commenter explained that the use of surrogates is acceptable if: (1) The surrogates reflect the actual emissions of the represented pollutants, (2) the emission limit set for the surrogate is consistent with the emission limit calculated for the represented pollutants, and (3) the surrogates have substantially the same properties as the represented pollutants and is controlled by the same mechanism. Based on these criteria, the commenter argued that EPA's selection of surrogates is inadequate. One commenter specifically contended that CO is not an adequate surrogate for dioxin because dioxin emissions are affected by the temperature of the emissions, how quickly the temperature is lowered, and the levels of chlorine in the materials that are being combusted and control devices. Other commenters supported the use of surrogates to represent the HAP list.

Response: As discussed in the proposal preamble, the use of surrogates for the HAP regulated is appropriate. Because of the large number of HAP potentially present, the disparity in the quality and quantity of the emissions information available, particularly for different fuel types, we chose to group HAP into four categories: Mercury, non-mercury metallic HAP, inorganic HAP, and organic HAP. In general, the pollutants within each group have similar characteristics and can be controlled with the same techniques. We then chose compounds that could be used as surrogates for all the compounds in each pollutant category. We have used surrogates in previous NESHAP as a technique to reduce the performance testing costs, and thus the use of surrogates is appropriate in the final rule.

For inorganic HAP, we chose to use HCl as a surrogate. The emissions test information available to us indicated that the primary inorganic HAP emitted from boilers and process heaters is HCl. Much smaller amounts of hydrogen fluoride and chlorine are emitted. Control technologies that would reduce HCl would also control other inorganic HAP. Additionally, we had limited emissions information for other inorganic HAP. By focusing on HCl, we have achieved control of the largest emitted and most widely emitted HAP,

and control of HCl would also constitute control of other inorganic HAP.

For non-mercury metallic HAP, we chose to use PM as a surrogate. Most, if not all, non-mercury metallic HAP emitted from combustion sources will appear on the flue gas fly-ash. Therefore, the same control technology that would be used to control fly-ash PM will control non-mercury metallic HAP. A review of data in the emission database for PM control devices having both inlet and outlet emissions results shows control efficiencies for each non-mercury metallic HAP similar to PM. Particulate matter was also chosen instead of a specific metallic HAP because all fuels do not emit the same type and amount of metallic HAP, but most generally emit PM that includes some amount and combination of metallic HAP. We maintain that particulate matter reflects the emissions of non-mercury metallic HAP as these compounds usually comprise a percentage of the emitted particulate matter. Since the NESHAP program is technology-based, the technologies that have been developed and implemented to control particulate matter, also control non-mercury metallic HAP. Furthermore, since non-mercury metallic HAP is a component of particulate matter, we can use particulate matter as a surrogate for the purposes of the final rule.

While we did use PM as a surrogate for non-mercury metallic HAP, we also provided an alternative total selected metals emission limit based on the sum of the emissions of the eight most common and largest emitted metallic HAP compounds from boilers and process heaters. Again, a total selected metals number was used instead of limits for each individual metallic HAP because sufficient information was not available for each metallic HAP for every fuel type. However, a total metals number could be calculated for every fuel type.

We realize that mercury emissions can exist in different forms depending on combustion conditions and concentrations of other compounds. That is why we have mercury as a separate pollutant category in the final rule and do not provide for a surrogate.

For organic HAP, we chose to use CO as a surrogate to represent the variety of organic compounds emitted from the various fuels burned. Both organic HAP and CO emissions are the result of incomplete combustion of the fuel. Because CO is a good indicator of incomplete combustion, there is a direct correlation between CO emissions and minimizing organic HAP emissions. The extent to which CO and HAP emissions are related can also depend on site-specific operating conditions for each boiler or process heater. This site-specific nature may result in various degrees of correlation between CO and organic HAP emissions, but it is proven that reductions in CO emissions result in a reduction of organic HAP emissions. The control methods for both CO and organic HAP are the same, *i.e.*, complete combustion. This result would not have been different if MACT floor analyses were conducted for specific organic HAP or for a surrogate compound such as CO. For boilers and process heaters, we have determined that CO is a reasonable indicator of incomplete combustion. Also, we did not set emission limits for each specific organic HAP because we lacked sufficient information for many of the organic HAP for all the fuels combusted. We acknowledge that there are many factors that affect the formation of dioxin, but we also recognize that dioxin can be formed in both the combustion unit and downstream in the associated PM control device. Minimizing organic HAP emissions can limit the formation of dioxin in the combustion unit. We reviewed all the good combustion practice (GCP) information available in the boiler population database and determined that no floor level of control exists, except for limiting CO emissions, such that GCP could be incorporated into the standard. One control technique, controlling inlet temperature to the PM control device, that has demonstrated controlling downstream formation of dioxins in other source categories (*e.g.,* municipal waste combustors) was analyzed for industrial boilers. In all cases, no increase in dioxins emissions were indicated across the PM control device even at high inlet temperatures. However, we requested comment on controls that would achieve reductions of organic HAP, including any additional data that might be available. The EPA did not receive any additional supporting information or data. Additionally, more stringent options beyond the floor level of control were evaluated, but were determined to be too costly and emissions reductions associated with the options could not be evaluated because no information was available that indicated a relationship between the GCP and emission reduction of organics (including dioxin).

C. Compliance Schedule

Comment: Many commenters requested that EPA provide an additional year to comply with the final rule. Commenters explained that the time lines associated with permitting, capital appropriation, project bid, and construction activities are significant and that the 3-year deadline would not provide adequate time for the estimated 3,730 existing units at affected sources to be retrofitted as necessary to meet the new MACT standards. The commenters added that sources subject to the final rule would also be competing with sources that are subject to other combustion rules for the same vendors.

Response: The EPA disagrees with the commenters that the 3-year compliance deadline is too short considering the number of sources that will be competing for the resources and materials from engineering consultants, equipment vendors, construction contractors, financial institutions, and other critical suppliers. The EPA recognizes the possibility that these same consultants, vendors, etc., may also be used to comply with the utility MACT standard. However, we know that many sources will not need to install controls. As a result, since not everyone will need more than 3 years to actually install controls, the final rule does not allow an extra year for existing sources to comply with the final rule. Section 112(i)(3)(B) of the CAA allows EPA or the permit authority, on a case-by-case basis, to grant an extension permitting an existing source up to 1 additional year to comply with standards if such additional period is necessary for the installation of controls. This provision is sufficient for those sources where the 3-year deadline would not provide adequate time to retrofit as necessary to comply with the requirements of the standard. We anticipate that a number of units will seek and be granted the 1-year extension since construction of needed control devices could be constrained by the potential impacts on delays in obtaining funding and potential labor and equipment shortages.

D. Subcategorization

Comment: Two commenters said that EPA does not have the authority to develop subcategories for the purpose of reducing compliance costs or weakening the standard. The commenters also noted that costs should not be considered in subcategorizing and establishing the MACT floor. One commenter explained that EPA has failed to present a persuasive rationale for the establishment of new or different subcategories, such as a wood-fired unit subcategory and noted that EPA cannot subcategorize based on fuel type, cost, level of emissions reductions, control technology applicability or effectiveness, achievability of emissions reductions, or health risks. The

commenter argued that EPA cannot subcategorize to reduce cost because that would change CAA section 112 standards into a cost-benefit program and that is not legally defensible. The commenter noted that the DC Circuit court recently held that, when confronted with the cost argument, costs are not relevant when determining MACT floors.

Response: If the commenters are referring to the request for comment regarding further subcategorizations than what was proposed, the EPA agrees that there is no justification for any further subcategories. The final rule maintains the subcategories presented in the proposed rule. If the commenters are referring to subcategories presented in the proposed rule, section 112(d)(1) of the CAA states ''the Administrator may distinguish among classes, types, and sizes of sources within a category or subcategory'' in establishing emission standards. Thus, we have discretion in determining appropriate subcategories based on classes, types, and sizes of sources. We used this discretion in developing subcategories for the industrial, commercial, and institutional boilers and process heaters source category. Through subcategorization, we are able to define subsets of similar emission sources within a source category if differences in emissions characteristics, processes, air pollution control device (APCD) viability, or opportunities for pollution prevention exist within the source category. We first subcategorized boilers and process heaters based on the physical state of the fuel (solid, liquid, or gaseous), which will affect the type of pollutants emitted and controls applicable, and the design and operation of the boiler, which influences the formation of organic HAP emissions. We then further subcategorized boilers and process heaters based on size. Our distinctions are based on technological differences in the equipment. For example, small units are package units typically having capacities less than 10 million Btu per hour heat input and use a combustor design which is not common in large units. A review of the information gathered on boilers also shows that a number of units operate as backup, emergency, or peaking units that operate infrequently. The boiler database indicates that these infrequently operated units typically operate 10 percent of the year or less. These limited use boilers, when called upon to operate, must respond without failure and without lengthy periods of startup. Since their use and operation are different compared to typical industrial, commercial, and institutional boilers, we decided that such limited use units should have their own subcategory.

Neither the subcategories or MACT floor analysis was conducted considering costs, either in the proposed rule or in the final rule.

Comment: Many commenters requested EPA to develop a separate subcategory for small municipal electric utilities. Reasons for creating a subcategory for small electrical utility steam generating units included: (1) EPA has authority to establish such a subcategory of sources to be regulated under CAA section 112 and is meant to address control costs and feasibility, (2) past EPA practice supports subcategorization in this instance, (3) differences between municipal utility boilers and non-utility boilers justify subcategorization, and (4) EPA cannot properly account for cost and energy concerns mandated in the MACT standard setting process without subcategorization for municipal utility boilers. The commenters added that the unique physical attributes of municipally-owned utilities, as well as their significant and direct impact on municipal tax base, support a separate subcategorization.

Response: The EPA sees no technical or legal justification for creating a separate subcategory for municipal utilities. Boilers at municipal utilities fire the same type of fuels, have the same type of combustor designs, and can use the same type of controls as other units in the large subcategory. Consequently, the subcategories that are in the final rule are the same as at proposal. We would also like to clarify that subcategories were developed based on combustor design and not on industrial sector. Also, had we gone beyond-the-floor, we would have considered cost in the final determination. Since we did not go beyond-the-floor level of control, cost did not play a role in the analysis.

Comment: Many commenters requested EPA add a subcategory for medium sized boilers and process heaters.

Response: The EPA does not see justification for creating a separate subcategory for medium sized units. The designation of large and small subcategories was not based

Response: The EPA does not see justification for creating a separate subcategory for medium sized units. The designation of large and small subcategories was not based solely on size of the unit. Large and small subcategories were developed because small units less than 10 MMBtu/hr heat input typically use a combustor design that is not common in larger units. Large boilers generally use the watertube combustor design. The design of the boiler or process heater will influence the completeness of the combustion process which will influence the formation of organic HAP emissions. The EPA developed large and small subcategories to account for these differences and their affect on the type of emissions. The proposed size break between the large and small subcategories of 10 MMBtu/hr was based on typical sizes for firetube and cast iron units and considering cut-offs in State and Federal permitting requirements and rules. The EPA does not view medium sized boilers as being different than larger boilers. Combustor designs, applicable air pollution control devices, fuels used, and operation are similar for large and medium. While actual pollution controls used and monitoring equipment may be different, the CAA does not allow EPA to subcategorize on these parameters.

Section 112(d)(1) of the CAA allows EPA to distinguish among classes, types, and size in establishing MACT standards. As indicated above, at proposal, the size break selected between large and small units of 10 MMBtu/hr was based on typical sizes for fire tube units and also considering cut-offs in State and Federal permitting requirements and emission rules. Based on comments, we have examined information in the docket regarding the population and characteristics of industrial, commercial, and institutional boilers. It is correct that boilers below 10 MMBtu/hr are generally not required to be permitted and are either firetube or cast iron boilers. Based on review of the thousands of responses received on an information collection request (ICR) conducted during the rulemaking process, it is obvious and appropriate that the distinction between small and large units needs to include size. It is apparent from the ICR responses that facilities know the size of their units but do not generally know the exact type of the units. Many responses indicated that the boiler was both firetube and watertube. Many more responses did not list the boiler type at all. Therefore, the inclusion of size in the definition of small and large subcategories is appropriate.

Based on review of the 1979 EPA document on boiler population and the ICR survey database, the appropriate size break between small and large type units is 10 MMBtu/hr. In the EPA document, 99 percent of the boilers listed as being below 10 MMbtu/hr are either firetube or cast iron. Since these trends are from a 25 year old report, we

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analyzed our ICR survey database which confirmed these findings.

E. MACT Floor

Comment: Several commenters supported EPA's finding that the MACT floor level for existing gas and liquid fuel-fired units is no emissions reductions. Other commenters contended that EPA has legal authority to set the MACT floor as ''no emissions control'' for particular HAP categories. A commenter noted that EPA has a clear statutory obligation to set emission standards for each listed HAP. One commenter specifically challenged EPA's determination that ''no control'' is the MACT floor for organic pollutants. The commenter noted that the U.S. Court of Appeals for the DC Circuit had squarely held, in the National Lime case, that EPA was not allowed to make a ''no control'' determination for a pollutant emitted by a listed category of sources.

Response: First, the MACT floor methodology we use is consistent with DC Circuit's holding in the National Lime case. The DC Circuit held that by focusing only on technology EPA ignored the directive in CAA section 112(d)(2) to consider pollution-reducing measures including process changes and substitution of materials.

The EPA has ample legal authority to set the MACT floor at ''no emissions reductions.'' This is because the statute requires EPA to set standards that are duplicable by others. In the National Lime case, the court threw out EPA's determination of a no control floor because it was based only on a control technology approach. The court stated that EPA must look at what the best performers achieve, regardless of how they achieve it. Therefore, our determination that the MACT floor for certain subcategories or HAP is ''no emissions reductions'' is lawful because we determined that the best-performing sources were not achieving emissions reductions through the use of an emission control system and there were no other appropriate methods by which boilers and process heaters could reduce HAP emissions. Furthermore, setting emissions standards on the basis of actual emissions data alone where facilities have no way of controlling their HAP emissions would contravene the plain statutory language as well as Congressional intent that affected sources not be forced to shut down.

The EPA agrees with the commenter that all factors which might control HAP emissions must be considered in making a floor determination for each subcategory. However, EPA disagrees that it must express the floor as a quantitative emission level in those instances where the source on which the floor determination is based has not adopted or implemented any measure that would reduce emissions.

A detailed discussion of the MACT floor methodology is presented in the memorandum ''MACT Floor Analysis for New and Existing Sources in the Industrial, Commercial, and Institutional Boilers and Process Heaters Source Categories'' in the docket. In summary, we considered several approaches to identifying MACT floor for existing industrial, commercial, and institutional boilers and process heaters. Based on recent court decisions, in most cases the most acceptable approach for determining the MACT floor is likely to involve primarily the consideration of available emissions test data. However, after review of the available HAP emission test data, we determined that it was inappropriate to use this MACT floor approach to establish emission limits for boilers and process heaters. The main problem with using only the HAP emissions data is that, based on the test data alone, uncontrolled units (or units with low efficiency add-on controls) were frequently identified as being among the best performing 12 percent of sources in a subcategory, while many units with high efficiency controls were not. However, these uncontrolled or poorly controlled units are not truly among the best controlled units in the category. Rather, the emissions from these units are relatively low because of particular characteristics of the fuel that they burn, that can not reasonably be replicated by other units in the category or subcategory. A review of fuel analyses indicate that the concentration of HAP (metals, HCl, mercury) vary greatly, not only between fuel types, but also within each fuel type. Therefore, a unit without any add-on controls, but burning a fuel containing lower amounts of HAP, can have emission levels that are lower than the emissions from a unit with the best available add-on controls. If only the available HAP emissions data are used, the resulting MACT floor levels would, in most cases, be unachievable for many, if not most, existing units, even those that employ the most effective available emission control technology. Another problem with using only emissions data is that there is very limited or no HAP emissions information available to the Agency for the subcategories. This is consistent with the fact that units in these source categories have not historically been required to test for HAP emissions.

We also considered using HAP emission limits contained in State regulations and permits as a surrogate for actual emission data in order to identify the emissions levels from the best performing units in the category for purposes of establishing MACT standards. However, we found no State regulations or State permits which specifically limit HAP emissions from these sources.

Consequently, we concluded that the most appropriate approach for determining MACT floors for boilers and process heaters is to look at the control options used by the units within each subcategory in order to identify the best performing units. Information was available regarding the emission control options employed by the population of boilers identified by the EPA. We considered several possible control techniques (*i.e.*, factors that influence emissions), including fuel substitution, process changes and work practices, and add-on control technologies.

We first considered whether fuel switching would be an appropriate control option for sources in each subcategory. We considered the feasibility of both fuel switching to other fuels used in the subcategory and to fuels from other subcategories. This consideration included determining whether switching fuels would achieve lower HAP emissions. A second consideration was whether fuel switching could be technically achieved by boilers and process heaters in the subcategory considering the existing design of boilers and process heaters. We also considered the availability of various types of fuel. After considering these factors, we determined that fuel switching was not an appropriate control technology for purposes of determining the MACT floor level of control for any subcategory. This decision was based on the overall effect of fuel switching on HAP emissions, technical and design considerations, and concerns about fuel availability.

We also concluded that process changes or work practices were not appropriate criteria for identifying the MACT floor level of control for units in the boilers and process heaters category. The HAP emissions from boilers and process heaters are either fuel dependent (*i.e.*, mercury, metals, and inorganic HAP) or combustion related (*i.e.*, organic HAP). Fuel dependent HAP are typically controlled by removing them from the flue gas after combustion. Therefore, they are not affected by the operation of the boiler or process heater. Consequently, process changes would be ineffective in reducing these fuel-related HAP emissions.

On the other hand, organic HAP can be formed from incomplete combustion

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of the fuel. Good combustion practice (GCP), in terms of boilers and process heaters, could be defined as the system design and work practices expected to minimize organic HAP emissions. While few sources in EPA's database specifically reported using good combustion practices, the data that we have suggests that boilers and process heaters within each subcategory might use any of a wide variety of different work practices, depending on the characteristics of the individual unit. The lack of information, and lack of a uniform approach to assuring combustion efficiency, is not surprising given the extreme diversity of boilers and process heaters, and given the fact that no applicable Federal standards, and most applicable State standards, do not include work practice requirements for boilers and process heaters. Even those States that do have such requirements do not require the same work practices. For example, CO emissions are generally a good indicator of incomplete combustion, and, therefore, low CO emissions might reflect good combustion practices. (As discussed in the proposal, CO is considered a surrogate for organic HAP emissions.) Therefore, we considered whether existing CO emission limits might be used to establish good combustion practice standards for boilers and process heaters. We reviewed State regulations applicable to boilers and process heaters, and then for each subcategory we matched the applicability of State CO emission limits with information on the locations and characteristics of the boilers and process heaters in the population database. Ultimately, we found that very few units (less than 6 percent) in any subcategory were subject to CO emission limits. We concluded that this information did not allow EPA to identify a level of performance that was representative of good combustion across the various units in any subcategory. Therefore, we did not establish a CO emission limit, as a surrogate for organic HAP emissions, as a part of the MACT floor for existing units. However, we have considered the appropriateness of such requirements in the context of evaluation possible beyond-the-floor options.

In general, boilers and process heaters are designed for good combustion. Facilities have an economic incentive to ensure that fuel is not wasted, and the combustion device operates properly and is appropriately maintained. In fact, existing boilers and process heaters are used typically as high efficiency control devices to control (reduce) emission streams containing organic HAP compounds from various process operations. Therefore, EPA's inability to establish a combustion practice requirement as part of the MACT floor for existing sources in this category should not reduce the incentive for owners and operators to run their boilers and process heaters at top efficiency.

As a result of the evaluation of the feasibility of establishing emission limits based on control techniques such as fuel switching and good combustion practices, we concluded that add-on control technology should be the primary factor for purposes of identifying the best controlled units within each subcategory of boilers and process heaters. We identified the types of air pollution control techniques currently used. We ranked those controls according to their effectiveness in removing the different HAP categories of pollutants; including metallic HAP and PM, inorganic HAP such as acid gases, mercury, and organic HAP. We then listed all the boilers and process heaters in the population database in order of decreasing control device effectiveness within each subcategory for each pollutant type. Then we identified the top 12 percent of units within each category based on this ranking, and determined what kind of emission control technology, or combination of technologies, the units in the top 12 percent employed. Finally, we looked at the emissions test data from boilers and process heaters that used the same control technology, or technologies, as the units in the top 12 percent to estimate the average emissions limitation achieved by these units.

This approach reasonably ensures that the emission limit selected as the MACT floor adequately represents the average level of control actually achieved by units in the top 12 percent. The analysis of the measured emissions from units representative of the top 12 percent is reasonably designed to provide a meaningful estimate of the average performance, or central tendency, of the best controlled 12 percent of units in a given subcategory. For existing subcategories where less than 12 percent of units in the subcategory use any type of control technology, we looked to see if we could estimate the central tendency of the best controlled units by looking at the unit occupying the median point in the top 12 percent (the unit at the 94th percentile). If the median unit of the top 12 percent is using some control technology, we might use the measured emission performance of that individual unit as the basis for estimating an appropriate average level of control of the top 12 percent. For subcategories where less than 6 percent of the units in a HAP grouping used controls or limited emissions, the median unit for that HAP grouping reflects no emissions reductions. Therefore, in these circumstances, EPA has appropriately established the MACT floor emission levels for these sources as no emission reduction.

Comment: Many commenters opposed EPA using emissions data from units in the large subcategory to develop emission limits for units in the small or limited use subcategories. Some commenters stated that it was not appropriate to assume that emissions rates achievable by large units are achievable by small units, even the best controlled units. Other commenters argued that the use of large unit data in MACT determinations for other subcategories would defeat the purpose of the subcategorization and violate the requirements of CAA section 112 because the use of this data does not represent sources in the relevant category or subcategory.

Response: The EPA disagrees with the commenters and maintains that it has conducted the MACT floor analysis appropriately. Section 112(d) of the CAA requires us to establish emission limits for new sources based on the performance of the best-controlled similar source. The CAA does not specify that the similar source must be within the same source category or subcategory. To the contrary, our interpretation of section 112(d) is that we are obligated to consider similar sources from other source categories or subcategories in determining the best-controlled similar source for establishing MACT for new sources.

For new limited use and small units, we concluded that the best-controlled similar sources are found in the large subcategory. First, EPA determined the control technology used by the best controlled sources in the subcategory. For example, only units in the population database less than 10 MMBtu/hr (and not in the limited use subcategory) were used to determine the MACT floor control technology for units in the small subcategories. Second, EPA used information in the emissions test database to establish the emission level associated with the MACT floor control technology. The emissions test database did not contain test data for limited use or small boilers and process heaters. Section 112(d) of the CAA requires EPA to use information from similar sources to set the MACT floor. Such sources may not be in the same subcategory. Although the units in the small and

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limited use subcategories are different enough to warrant their own subcategory (*i.e.*, different purposes and operation), emissions of the specific types of HAP for which limits are being proposed are expected to be related more to the type of fuel burned and the type of control used, than to unit operation. Consequently, EPA determined that emissions information from large fuel-fired units could be used to establish MACT floor levels for the small and limited use subcategories because the fuels and controls are similar. The proposal preamble requested additional information from commenters to refine/revise the approach if necessary. No commenters provided emissions information for limited use or small subcategory boilers or process heaters.

Comment: Several commenters requested that EPA account for variability in fuel composition as MACT floors are established and to provide adequate allowances for inherent fuel supply variability. Some commenters argued that there is no flexibility in the rule to account for this variability and noted that coal composition can vary by location and also within an individual seam.

Response: As described in the memorandum ''Revised MACT Floor Analysis for the Industrial, Commercial, and Institutional Boilers and Process Heater National Emission Standards for Hazardous Air Pollutants Based on Public Comments'' in the docket, the calculation of numerical emission limits was a two-step analysis. The first step involved calculating a numerical average of the appropriate subset of emission test data. The second step involved generating and applying an appropriate variability factor to account for unavoidable variations in emissions due to uncontrollable variations in fuel characteristics and ordinary operational variability. Accounting for variability is appropriate in order to generate a more accurate estimation of the actual, long term, performance of a source (*e.g.*, the source occupying the median point in the top 12 percent). An emission test provides a momentary snapshot, not an estimation of continuous performance. In order to translate the former into the latter, we must account for that ordinary and unavoidable variability that the source is likely to experience over time. This gives us a more reasonable estimate of the actual level of emissions control that the unit is achieving. The EPA contends that by considering the variability of emissions information, we have indirectly incorporated variability in fuel, operating conditions, and sampling and analytical conditions because these parameters vary from emission tests conducted from one unit to another, and even within each test set of three measurements at a single unit. The most elementary measure of variation is range. Range is defined as the difference between the largest and smallest values. This is the variability methodology used in the proposed rule. That is, for each unit with multiple emissions tests conducted over time, the variability was calculated by dividing the highest three-run test result by the lowest three-run test result. The overall variability was calculated by averaging all the individual unit variability factors. This overall variability factor was multiplied by the overall average emission level to derive a MACT floor limit representative of the average emission limitation achieved by the top 12 percent of units. This approach adequately accounts for inherent fuel supply variability. Based on comments, EPA did conduct a more robust statistical analysis (t-test) of the mercury emissions data used in the MACT floor analysis to identify the 97.5th percent confidence limit. This analysis provided similar results to the variability analysis conducted in the proposed rule. Consequently, EPA decided not to change its variability methodology. A detailed discussion of the statistical analysis conducted is provided in the memorandum ''Statistical Analysis of Mercury Test Data Variability in Response to Public Comments on Determination of the MACT Floor for Mercury Emissions'' in the docket.

Comment: Several commenters supported EPA's finding that the MACT floor level of control for existing gaseous and liquid fuel units is no control. Other commenters noted that EPA has a clear statutory obligation to set emission standards for each listed HAP (the commenter cited legal briefs). One commenter specifically challenged EPA's determination of the MACT floor for organic pollutants. The commenter explained that EPA should rank the units for which emissions data is available according to the best performing units, not based on the add-on control level of 6 percent of the total population. The commenter noted that the U.S. Court of Appeals for the DC Circuit had squarely held, in the National Lime case, that EPA was not allowed to make a ''no control'' determination for a pollutant emitted by a listed category of sources.

Response: The EPA agrees that all factors which might control HAP emissions must be considered in making a floor determination for each subcategory. However, EPA disagrees that it must express the floor as a quantitative emission level in those instances where the sources on which the floor determination is based has not adopted or implemented any measure that would reduce emissions. For several subcategories and certain HAP, EPA has not identified any adjustments or other operational modifications that would materially reduce emissions by these units, and EPA had determined that no add-on controls are presently in use. In these circumstances, EPA has established appropriately the MACT floors for these sources as no emission reduction.

Comment: One commenter pointed out that the variability factor used to make the calculated MACT floor less stringent is not allowed by section 112 of the CAA. The commenter mentioned that the variability factors are not consistent, as one factor considers the fuel variability and the other factor considers the test data variability.

Response: Section 112(d)(2) of the CAA requires that emissions standards promulgated shall require the maximum degree of reductions in emissions that the EPA Administrator, taking into consideration the costs of achieving such emission reduction, determines is achievable for new and existing sources in the subcategory to which such emission standards applies. Accounting for variability is appropriate in order to generate a more accurate estimation of the actual, long term, performance of a source (*e.g.*, the source occupying the median point in the top 12 percent). An emission test provides a momentary snapshot, not an estimation of continuous performance. In order to translate the former into the latter, we must account for that ordinary and unavoidable variability that the source is like to experience over time. This give us a more reasonable estimate of the actual level of emissions control that the unit is achieving. As such, due to variations in fuel burned, and ordinary operational variability any emission limit set from a point source measurement alone may not be indicative of normal emissions or operations of the unit. Attempting to base a standard (either a floor standard, or a beyond-the-floor standard) solely on point measurements would lead to unachievable standards for all sources. Limits set by EPA must be achieved at all times, and it is important that the MACT floor limit adequately account for the normal and unavoidable variability in the process and in the operation of the control device.

Variability was assessed two ways. For existing subcategories, variability in emissions information was used to develop variability factors for all

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subcategories where emissions information was available. Variability in fuel content was used only in situations regarding determining the achievable MACT floor level for new sources from the emission test result on the best controlled similar source. This approach is appropriate since the main uncertainty associated with the emission test result from the best controlled similar source is fuel variability. Corresponding fuel analysis results were not available for the emissions test results from the best controlled similar source. Whereas, the average emission level of the best 12 percent of the units has, besides fuel variability, the uncertainty associated with operational and design variability of the various control devices installed on units that represent the best 12 percent of the units. For example, available fuel analysis information shows that mercury content of coal varies by a factor of 12.54. Dividing the highest mercury emission test result by the lowest mercury test results from coal-fired units included in units that represent the best 12 percent results in a variability factor of 20. Therefore, we concluded that fuel availability was inherently considered in the MACT floor analysis approach used for existing subcategories.

Comment: Many commenters requested that EPA revise the MACT floor methodology for mercury emission limits. The commenters contended that the variability factor was calculated inappropriately. Other commenters stated that EPA should account for variability in fuel composition in the MACT floor analysis. Other commenters expressed concern that the floor level of control was based on fabric filters, which has not been proven at all sources to reduce mercury.

Response: As discussed in the proposal preamble, the MACT floor analysis for mercury was based on a two step process. First the percentage of units with control technologies that could achieve mercury emissions reductions was determined using the boiler population databases. If the control technology analysis indicated that at least 12 percent of sources in the subcategory used a control device that could achieve mercury emissions reductions, then the control technology present at the median (6th percentile) was identified as the MACT floor control technology. The MACT floor level of control for mercury was identified as a fabric filter. The control effectiveness of fabric filters was based on emissions information for utility boilers that indicated that mercury emissions reductions were being achieved with this technology. In this case, we could use control efficiency information from another similar source category to supplement the information available in this source category because of the similarity in fuel burned, combustor type, and control methodology and operation. We maintain that fabric filters are still the appropriate level of control for the MACT floor.

Second, the emission limit associated with the MACT floor control technology was calculated using emissions information for units in the subcategory, whenever possible. For most of the subcategories developed, emissions information was adequate. Only for the emission limit for new source liquids and the variability factor for new source solids was fuel pollutant content incorporated into the MACT floor analyses. The mercury fuel content of coal from the utility industry was used in developing the variability factors for new solid fired units. This was done because mercury emissions are dependent on the quantity of mercury in the fuel burned. Coal available to utilities and industrial boilers and process heaters is expected to be similar, and coal is the solid fuel that is routinely used in such units that has generally the greatest degree of HAP variability. We maintain that the utility database used at proposal to develop the variability factor for new sources was adequate in establishing the MACT floor emission limit.

The EPA recognizes that the mercury emissions database for industrial boilers is limited. However, EPA is directed by the CAA to develop standards for sources using whatever data is available. Prior to proposal and during the Industrial Combustion Coordinated Rulemaking (ICCR) process, EPA conducted a thorough search for HAP emission test reports. This search was supported by industry, trade groups, and States. For criteria pollutants, such as PM, substantial emission information was available and gathered. For mercury and other HAP, this was not the case. Industrial boilers have not generally been required to test for HAP emissions. In the proposed rule, EPA requested commenters to provide additional emissions information. However, only one source provided any additional mercury emissions data. This information (test results from three additional coal-fired industrial boilers) was used to revise the mercury emission limit for existing sources. We also reviewed the mercury emission database used to develop the MACT floor emission limit for existing sources. After review, we determined that a revision to the variability factor was appropriate. The additional data and the revised variability factor was used to re-calculate the mercury emission limit to be 0.000009 lb/MMBtu (from 0.000007 lb/MMBtu at proposal). A detailed discussion of the revised MACT floor analysis conducted is provided in the memorandum ''Revised MACT Floor Analysis for the Industrial, Commercial, and Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants Based on Public Comments'' in the docket.

Variability of the emissions data were incorporated into the final emission limits. The EPA contends that by considering the variability of emissions information, we have indirectly incorporated variability in fuel, operating conditions, and sampling and analytical conditions because these parameters vary from emission tests conducted from one unit to another, and even within one unit. The EPA does not consider it appropriate or feasible to incorporate variability from a multitude of parameters because such information is not available and cannot be correlated to the emissions information in the emissions test database. For the final rule, EPA did conduct a statistical analysis of the data to identify the 97.5th percent confidence interval. This analysis provided similar results to the variability analysis conducted in the proposed rule. Consequently, EPA decided not to change its variability methodology. A detailed discussion of the statistical analysis conducted is provided in the memorandum ''Statistical Analysis of Mercury Test Data Variability in Response to Public Comments on Determination of the MACT Floor for Mercury Emissions'' in the docket.

Comment: Several commenters contended that the California standards which the CO requirements are based on do not require CO CEMS, but require initial compliance testing and periodic subsequent performance testing.

Response: The commenters are correct that the California CO regulations do not require CO CEMS. The regulations do provide sources with the option of conducting annual testing or installing CO CEMS to demonstrate compliance with the CO emission limit. Because the regulations that were the basis of the MACT floor do not provide specifics on which boilers should conduct annual testing and which should use CO CEMS, we reviewed the cost information provided by the commenters to make this determination. In considering the additional cost information and reviewing the cost information used in the proposed rule, the EPA decided that

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changes to the CO compliance requirements were warranted. The final rule requires that new units with heat input capacities less than 100 MMBtu/hr conduct initial and annual performance tests for CO emissions. New units with heat input capacities greater or equal to 100 MMBtu/hr are still required to install, operate, and maintain a CO CEMS.

Regardless of whether the California regulations do or do not require CO CEMS, we would have reviewed the need for continuous monitoring and operating limits in order to ensure the most accurate indication of proper operation of the control system. The purpose of all of the minimum operating parameter limits in the standard is to ensure continuous compliance by ensuring that the air pollution control equipment is operating as they were during the latest performance test demonstrating compliance with the emission limits. The operating parameters are established as ''minimum'' to provide enforceable boundaries in their operation. Operating outside the bounds of the minimum parameters may lead to increased air emissions.

The EPA would also like to clarify that operation above the CO limit constitutes a deviation of the work practice standard. However, the determination of what deviations constitute violations of the standard is up to the discretion of the entity responsible for enforcement of the standards.

F. Beyond the MACT Floor

Comment: Many commenters contended that carbon injection should have been required as a beyond-the-floor option. Other commenters supported EPA's decision to not require any controls beyond-the-floor.

Response: For the final rule, EPA maintains that options beyond the MACT floor are not appropriate for the standard. The EPA is required by the CAA to set the standard at a minimum on the best controlled 12 percent of sources (for existing units) or best controlled similar source (for new units). The CAA also requires EPA to consider costs and non-air quality impacts and energy requirements when considering more stringent requirements than the MACT floor. As documented in the memorandum ''Methodology for Estimating Costs and Emissions Impacts for Industrial, Commercial, and Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants'' in the docket, EPA did consider the cost and emission impacts of a variety of regulatory options more stringent than the MACT floor for each subcategory. The EPA recognizes that for some subcategories, more stringent controls than the MACT floor can be applied and achieve additional emissions reductions. However, EPA also determined that the cost impacts of such controls were very high. Considering both the costs and emissions reductions, EPA determined that it would be infeasible to require any options more stringent than the floor level.

For the final rule, EPA maintains that carbon injection should not be required as an above the floor technology. As discussed in the proposal preamble, we identified one existing industrial boiler that was using carbon injection. The emissions data that we obtained from the boiler indicated that this carbon injection unit was not achieving mercury emissions reductions. This result led us to conclude that it was not the new source floor level of control. However, there may have been other reasons for the ineffectiveness of this system (*e.g.*, low inlet mercury levels, insufficient carbon injection rate, ESP instead of fabric filter for PM control). Therefore, we considered carbon injection as a beyond-the-floor option, but decided that while this control technique has been used in other source categories, there is no demonstrated evidence that it would work for industrial boilers and process heaters because the type of mercury emitted and properties of the emission streams are sufficiently different for boilers and process heaters and other source categories.

G. Work Practice Requirements

Comment: Many commenters requested EPA consider exceedences of the CO limit to be a trigger for corrective action rather than a violation.

Response: In the final rule, we have clarified that an exceedence of the CO limit constitutes a deviation of the work practice standard. An observed exceedence of a monitoring parameter is not an automatic violation. You are required to report any deviation from an applicable emission limitation (including operating limit). We will review the information in your report along with other available information to determine if the deviation constitutes a violation. The determination of what emission or operating limit deviation constitutes violations of the standard is up to the discretion of the entity responsible for enforcement of the standard.

H. Compliance

Comment: Many commenters requested that EPA simplify and write the fuel monitoring requirements to not require retesting of fuel for changes in fuel supplier.

Response: We agree that the fuel monitoring requirements in the proposal needed to be clarified and explained further. Therefore, we have clarified the fuel analysis options in the final rule. If you elect to demonstrate compliance with the HCl, mercury, or total selected metals limit by using fuel which has a statistically lower pollutant content than the emission limit, then your operating limit is the emission limit of the applicable pollutant. Under this option, you are not required to conduct performance tests (*i.e.* stack tests).

If you demonstrate compliance with the HCl, mercury, or total selected metals limit by using fuel with a statistically higher pollutant content than the applicable emission limit, but performance tests demonstrate that you can meet the emission limits, then your operating limits are the operating limits of the control device (if used) and the fuel pollutant content of the fuel type/mixture burned.

The final rule specifies the testing methodology and procedures and the initial and continuous compliance requirements to be used when complying with the fuel analysis options. Fuel analysis tests for total chloride, gross calorific value, mercury, metal analysis, sample collection, and sample preparation are included in the final rule.

If you elect to comply based on fuel analysis, you are required to statistically analyze, using the z-test, the data to determine the 90th percentile confidence level. It is the 90th percentile confidence level that is required to be used to determine compliance with the applicable emission limit. The statistical approach is required to assist in ensuring continuous compliance by statistically accounting for the inherent variability in the fuel type.

You are required to recalculate the fuel pollutant content only if you burn a new fuel type or fuel mixture. You are required to conduct another performance test if you demonstrate compliance through performance testing, you burn a new fuel type or mixture, and the results of recalculating the fuel pollutant content are higher than the level established during the initial performance test.

Comment: Many commenters requested EPA consider exceedences of

parametric limits to be a trigger for corrective action rather than a violation.

Response: In the final rule, we have clarified that an exceedence of the parametric limits constitute a deviation of the operating limits. An observed exceedence of a monitoring parameter is not an automatic violation. You are required to report any deviation from an applicable emission limitation (including operating limit). We will review the information in your report along with other available information to determine if the deviation constitutes a violation. The determination of what emission or operating limit deviation constitutes violations of the standard is up to the discretion of the entity responsible for enforcement of the standard.

Comment: Many commenters requested EPA revise the opacity requirements. Commenters objected to the provision in the proposed NESHAP that would establish an opacity ''operating limit'' based on the initial performance test. Some commenters contended that EPA has provided no data or references demonstrating a relationship between opacity and particulate, total metals, or mercury emissions. Other commenters argued that the proposed opacity limit approach for dry control devices is unworkable due to the inherent inability of continuous opacity monitors (COMS) to accurately measure opacity at levels less than 10 percent. Some commenters argued that the performance and opacity achieved during the initial test may not be representative of the unit's performance. Other commenters explained that equipment condition, fuel and operating variations, and other uncontrollable parameters may result in varying emissions and emissions control equipment efficiencies over time. Commenters suggested requiring the NSPS limits for opacity rather than setting opacity based on the initial compliance test.

Response: We have reviewed the information provided by the commenters, and agree that the opacity operating limit requirements in the proposed rule are not appropriate for this source category. Because of the variability in fuels burned, the combination of fuels burned, and the typical operation of boilers and process heaters, we have decided that an opacity limit set based on the initial performance test may not be representative of the units typical performance.

We have revised the opacity operating limit provision by requiring existing units to maintain opacity to less than or equal to 20 percent (based on 6-minute averages) except for one 6-minute period per hour of not more than 27 percent. This is the opacity limit contained in the current NSPS for industrial boilers, which has a similar PM emission limit as the final rule. Therefore, it was determined that it was appropriate to include a similar opacity level as the control device operating limit for existing units. New sources can maintain their opacity operating limit to less than or equal to 10 percent (based on 1-hour block averages). This level appears to be the lowest opacity level currently applicable to industrial boilers in State regulations.

Comment: Several commenters objected to the requirement to conduct performance testing at worst case conditions. The commenters found this requirement to be unrealistic because stack testing must be scheduled well in advance and worst-case conditions depend on fuel, load, and many other variables, making it impossible to assure that the testing will occur during worst-case conditions. Two commenters contended there can be no guarantee that mineral properties for a fuel source at the time of the baseline test can be guaranteed beyond the content identified during purchase contract negotiations with a fuel supplier. Two commenters suggested that EPA define what worst case conditions are because sources do not have the experience to determine worst-case representative process conditions.

Response: We agree that more direction and clarification is needed regarding testing at worst case conditions. We have modified fuel sampling requirements and performance testing fuel use requirements to simplify compliance. During performance testing, sources are required to burn the type of fuel or mixture of fuel types that have the highest concentration of regulated HAP. This, in combination with revised fuel sampling requirements (*e.g.*, based on fuel type and not on supplier, etc.), will simplify the determination of the fuel blend during the performance test. Sources are also required to conduct performance tests under representative full load operating conditions.

Comment: Several commenters objected to the requirement for annual performance tests because they felt that it is overly burdensome given the ongoing compliance demonstrations required by the NESHAP. Several commenters suggested that initial performance testing should be required with subsequent performance testing occurring every 3 to 5 years. Some commenters stated that 5-year test intervals are consistent with title V permits and have been allowed in other MACT standards (*e.g.* Hazardous Waste Combustors).

Response: We have worked to minimize the testing and monitoring requirements of the final rule while retaining the ability to ensure compliance with the emission limits and work practice requirements. We are providing an option for sources to conduct performance testing once every 3 years if they conduct successful performance testing for 3 consecutive years. We are also allowing sources to demonstrate compliance with the HCl, mercury, and total selected metals emission limits through fuel testing if they do not need emission control devices to achieve the standard.

I. Emissions Averaging

In the proposal preamble, we solicited comments on an emissions averaging or bubbling compliance alternative, as part of the EPA's general policy of encouraging the use of flexible compliance approaches where they can be properly monitored and enforced, and whether EPA should include emissions averaging in the final rule. Emissions averaging can provide sources the flexibility to comply in the least costly manner while still maintaining regulation that is workable and enforceable. We requested comment on an averaging approach for determining compliance with the non-mercury metallic HAP, HCl, mercury, and/or PM standards for existing sources. We indicated that averaging would allow owners and operators to submit non-mercury metals, mercury, HCl, and/or PM emissions limits to the EPA Administrator for approval for each existing boiler in the averaging group such that if these emission limits are met, the total emissions from all existing boilers in the averaging group are less than or equal to emission limits (for non-mercury metals, mercury, HCl, or PM) applicable to units in the particular subcategory. We indicated also that averaging would not be applicable to new sources and could only be used between boilers and process heaters in the same subcategory. Also, owners or operators of existing sources subject to the Industrial Boiler New Source Performance Standards NSPS (40 CFR part 60, subparts Db and Dc) would be required to continue to meet the PM emission standard of that NSPS regardless of whether or not they are averaging.

Emissions averaging has been incorporated into the final rule as an alternative means of complying with the final rule. Emissions averaging allows an individual affected unit emitting

above the allowable emission limit required by the final rule to comply with that emission limit by averaging its emissions with other affected units at the same facility emitting below the allowable emission limit required by the final rule.

Comment: Many commenters supported including averaging in the final rule. Commenters cited numerous reasons, including cost effectiveness, energy efficiency, greater flexibility in compliance, and greater environmental benefit. Commenters also cited 40 CFR part 63, subpart MM, Pulping Chemical Recovery Combustion MACT as a precedent for including emissions averaging in MACT standards. Two commenters disagreed with allowing emissions averaging, stating that it would complicate compliance determinations, does not fit within the CAA mandate, and is inconsistent with the purpose of CAA section 112. Many of those commenters who supported emissions averaging recommended additional flexibility, such as including new units, and bubbling across subcategories.

Response: The final rule includes an emissions averaging compliance alternative because emissions averaging represents an equivalent, more flexible, and less costly alternative to controlling certain emission points to MACT levels. We have concluded that a limited form of averaging could be implemented and not lessen the stringency of the standard. We agree with the commenters that some type of emissions averaging would provide flexibility in compliance, cost and energy savings to owners and operators. We also recognize that we must ensure that any emissions averaging option can be implemented and enforced, will be clear to sources, and most importantly, will achieve no less emissions reductions than unit by unit implementation of the MACT requirements.

The final rule is not the first NESHAP to include provisions permitting emission averaging. In general, EPA has concluded that it is permissible to establish within a NESHAP a unified compliance regimen that permits averaging across affected units subject to the standard under certain conditions. Averaging across affected units is permitted only if it can be demonstrated that the total quantity of any particular HAP that may be emitted by that portion of a contiguous major source that is subject to the NESHAP will not be greater under the averaging mechanism than it would be if each individual affected unit complied separately with the applicable standard. Under this rigorous test, the practical outcome of averaging is equivalent in every respect to compliance by the discrete units, and the statutory policy embodied in the MACT floor provisions is, therefore, fully effectuated.

The EPA has generally imposed certain limits on the scope and nature of emissions averaging programs. These limits include: (1) No averaging between different types of pollutants, (2) no averaging between sources that are not part of the same major source, (3) no averaging between sources within the same major source that are not subject to the same NESHAP, and (4) no averaging between existing sources and new sources.

The final rule fully satisfies each of these criteria. Accordingly, EPA has concluded that the averaging of emissions across affected units permitted by the final rule is consistent with the CAA. In addition, EPA notes that the provision in the final rule that requires each facility that intends to utilize emission averaging to submit an emission averaging plan provides additional assurance that the necessary criteria will be followed. In this emission averaging plan, the facility must include the identification of (1) all units in the averaging group, (2) the control technology installed, (3) the process parameter that will be monitored, (4) the specific control technology or pollution prevention measure to be used, (5) the test plan for the measurement of particulate matter (or selected total metals), hydrogen chloride, or mercury emissions, and (6) the operating parameters to be monitored for each control device. Upon receipt, the regulatory authority will not approve an emission averaging plan containing averaging between emissions of different types of pollutants or between sources in different subcategories.

The final rule excludes new affected sources from the emissions averaging provision. New sources have historically been held to a stricter standard than existing sources because it is most cost effective to integrate state-of-the-art controls into equipment design and to install the technology during construction of new sources. One reason we allow emissions averaging is to give existing sources flexibility to achieve compliance at diverse points with varying degrees of add-on control already in place in the most cost-effective and technically reasonable fashion. This concern does not apply to new sources which can be designed and constructed with compliance in mind.

Only existing large solid fuel units, as defined in the final rule, can be included in the emissions averaging compliance alternative. Of the nine subcategories established for existing sources, existing large solid fuel units is the only subcategory for which multiple HAP emissions limits apply. For the existing small solid fuel subcategory and the six existing gaseous and liquid fuel subcategories, no HAP emissions limits are included in the final rule and, thus, it would not be appropriate to allow these units to average emissions. As for the existing limited use solid fuel subcategory, since these units, as defined in the final rule, operated on a limited basis (capacity factor of less than 10 percent) and are subject only to a less stringent PM emissions limit (as a surrogate for non-mercury metals), it would be inappropriate to allow these units to average emissions.

With concern about the equivalency of emissions reductions from averaging and non-averaging in mind, the EPA Administrator is also imposing under the emission averaging provision caps on the current emissions from each of the sources in the averaging group. The emissions for each unit in the averaging group would be capped at the emission level being achieved on the effective date of the final rule. These caps would ensure that emissions do not increase above the emission levels that sources currently are designed, operated, and maintained to achieve. In the absence of performance tests, in documenting these caps, these sources will documented the type, design, and operating specification of control devices installed on the effective date of the final rule to ensure that existing controls are not removed or lessen. By including this provision in the final rule, the EPA Administrator has taken yet another step to assist in ensuring that emission averaging results in environmental benefits equivalent or better over what would have happened without emission averaging.

The inclusion of emissions averaging into rules and the decision on how to design an emission averaging approach for a particular source category must be evaluated for each source category.

J. Risk-based Approach

Comment: Multiple commenters supported EPA's incorporation of risk-based concepts into the MACT Program. One commenter stated that providing risk-based applicability criteria for sources whose HAP emissions do not pose a significant risk is appropriate. Several commenters stated that there is clear legal authority in the CAA to construct NESHAP based on risk, and such an approach is very appropriate in the case of the Industrial Boiler MACT. The commenter also noted that the regulatory framework exists within their

State to implement such an approach. Several commenters added that risk-based alternatives will function as indirect emission limits that must be maintained by the facilities to assure that the criteria are met, and, thus, such alternatives for low-risk facilities are supportable by EPA's authority under section 112(d)(4) and 112(c)(9) of the CAA and EPA's inherent *de minimis* authority. Another commenter asserted that there are ways to structure the rule to focus on facilities that pose significant risks and avoid imposition of high costs on facilities that pose little risk. An appropriate approach would be to allow individual facilities to conduct a risk assessment to show that they pose insignificant risks to the public. However, one commenter stated that it is not appropriate for State and local programs to determine which facilities should be exempted from MACT. Several commenters supported a risk-based compliance alternative for HCl.

Response: The EPA has determined that it can establish applicable health-based emission standards for HCl and manganese for affected sources in this category pursuant to its authority under section 112(d)(4) of the CAA. As a result, EPA has included such standards in the final rule as alternative compliance requirements. Under this approach, affected sources can choose to comply with either the MACT-based emission limits or the health-based emission limits. Sources which choose to comply with the health-based emission limit(s) will remain subject to those limits, but will need to comply with testing, monitoring and reporting requirements commensurate with the compliance option they have chosen. Such health-based standards are consistent with both the commenters' support for an approach that minimizes the impact on low-risk facilities and EPA's statutory mandate under section 112.

Section 112(d)(4) of the CAA authorizes EPA to consider established health thresholds, with an ample margin of safety, when promulgating emission standards under section 112. Hydrogen chloride and Mn are two pollutants for which health thresholds have been established. Issues concerning our legal authority to establish health-based emission standards under section 112(d)(4) are discussed in detail below.

We are not using CAA section 112(c)(9) for the final rule, and there is no delisting of categories or subcategories, as would be consistent with section 112(c)(9).

The criteria defining how affected sources demonstrate that they meet the threshold emissions levels for the health-based compliance alternative(s) is included in appendix A to the final rule. The criteria in appendix A to the final rule were developed for and apply only to the Boiler and process heater source category and are not applicable to other source categories. The final rule provides two ways that an affected source may demonstrate compliance with the health-based emission limits. The first option is through the use of lookup tables which allow facilities to determine, using a limited number of site-specific input parameters, whether emissions from boilers and process heaters might cause a hazard index (HI) limit for non-carcinogens to be exceeded. The second option is a modeling approach which allows those facilities that do not match the site-specific input parameters on which the lookup tables are based to demonstrate compliance with the health-based emission limits by modeling using site-specific information.

The affected source will have to demonstrate that it meets the criteria established by today's final rule and then assume Federally enforceable limitations, as described in appendix A of the final rule, that ensure their specified HAP emissions do not subsequently increase to exceed levels reflected in their demonstrations.

Comment: Multiple commenters are opposed to the risk-based exemptions. Some noted that the proposal to include risk-based exemptions is critically flawed and opposes adoption of the risk-based exemptions.

One commenter stated that the inclusion of case-by-case risk-based exemptions into the first phase of the MACT program will negate the legislative mandate and jeopardize the effectiveness of the national air toxics program to adequately protect public health and the environment and to establish a level playing field. The commenter was very concerned that EPA referenced a fundamentally flawed interpretation of CAA section 112(d)(4) written by an industry (AF&PA) subject to regulation. Of particular concern was AF&PA's unprecedented proposal to include ''*de minimis* exemptions'' and ''cost'' in the MACT standard process.

One commenter stated that the use of risk-based concepts to evade MACT applicability is contrary to the intent of the CAA and is based on a flawed interpretation of section 112(d)(4) of the CAA. The commenter added that the CAA requires a technology-based floor level of control and does not provide exclusions for risk or secondary impacts from applying the MACT floor.

One commenter stated that in separate rulemakings and lawsuits, EPA has adopted legal positions and policies that refute and contradict the very risk-based and cost-based approaches contained in the proposals. In these other arenas, the commenter contended that EPA has properly rejected risk assessment to alter the establishment of MACT standards. The EPA also has properly rejected cost in determining MACT floors and in denying a basis for avoiding the MACT floor.

Several commenters stated that the preamble discussion of the risk-based approaches is not sufficient to allow for complete public comment and, therefore, it would not be appropriate for EPA to go directly to a final rule (without reproposal) with any of the approaches outlined in the proposal.

Response: We are not identifying and deleting a subcategory of sources in this source category pursuant to the authority of CAA section 112(c)(9). Legal issues associated with the health-based provisions are addressed below and in the comment/response memorandum.

As discussed above, we are, however, including in the final rule alternative health-based emission standards for HCl and TSM based on our authority under CAA section 112(d)(4). Section 112(d)(4) authorizes EPA to consider health thresholds, with an ample margin of safety, in establishing emission standards. The analysis necessary to do this can generally be characterized as a risk analysis. Thus, we disagree with the commenter that we must wait for implementation of CAA section 112(f) before utilizing risk analysis.

Comment: Many commenters stated that the proposal to include risk-based exemptions is contrary to the 1990 CAA Amendments (CAAA) which calls for MACT standards based on technology rather than risk as a first step. They added that congress incorporated the residual risk program under CAA section 112(f) to follow the MACT standards (not to replace them). The commenters added that the need for the technology-based approach has been recently reinforced by the results of the National Air Toxics Assessment (NATA), which indicates that exposure to air toxics is very high throughout the country in urban and remote areas. Several commenters added that risk-based approaches will be used separately to augment and improve technology-based standards that do not adequately provide protection to the public. One commenter added that they have been unable to substantiate the basis for EPA's support of the regulatory relief sought by industry through risk-based exemptions and that, in fact, the use of risk assessment at this stage of the

MACT program is directly opposed to title III of the CAA.

Response: We disagree that inclusion of health-based compliance alternatives, in the form of emission standards based on the authority of section 112(d)(4) of the CAA, in the final rule is contrary to the 1990 CAAA. The final rule is a technology-based standard developed using the procedures dictated by section 112 of the CAA. The only difference between the final rule and other MACT is that we used our discretion under section 112(d)(4) to base appropriate parts of the final rule on established health thresholds, with an ample margin of safety. The final rule is particularly well-suited for a health-based compliance alternative, established pursuant to the criteria set forth in section 112(d)(4). In addition to the fact that there are established health thresholds for HCl and manganese, EPA has determined that many of the facilities in this source category do not emit these pollutants in amounts that pose a significant risk to the surrounding population. Those sources that can demonstrate that the emissions of acid gases and manganese meet the threshold emission levels will be in compliance with the MACT. The criteria are based on health-protective estimates of risk and the threshold emission levels will provide ample protection of human health and the environment.

Inclusion of health-based compliance alternatives in the final rule does not alter the MACT program. Rather, it merely represents EPA availing itself, in appropriate circumstances, of the authority Congress granted it in section 112(d)(4) of the CAA. We recognize that such provisions are only appropriate for certain HAP, and our decision-making process required source category-specific input from stakeholders.

Although the NATA modeling study may show measurable concentrations of toxic air pollution across the country, these data do not suggest that EPA should not establish health-based emission standards pursuant to its authority under CAA section 112(d)(4) when it determines that it is appropriate to do so. The alternative health-based emission standards included in the final rule will ensure that affected sources which choose to comply with those standards do not emit HCl and/or manganese at levels that are harmful to public health.

Comment: Many commenters stated that the proposal to allow risk-based exemptions would divert back to the time-consuming NESHAP development process that existed prior to the CAAA of 1990. The commenters asserted that under this process, which began with a risk assessment step, only eight NESHAP were promulgated during a 20-year period. The commenters continued that if the proposed approaches are inserted into upcoming standards, the commenters fear the MACT program (which is already far behind schedule) would be further delayed. One commenter supported EPA efforts to determine alternative MACT setting methodologies but strongly recommended that these be pursued separately from the final rule. The commenter contended that this will provide for timely issuance of final RICE and Boiler/Process Heater MACT rules relative to the settlement deadline. Two commenters stated that delays could be exacerbated by litigation following legal challenges to the rules, and such delays would trigger the MACT hammer, which would unnecessarily burden the State and local agencies and the industries. The commenters concluded that further delay is unacceptable. The commenters did not want to be in a position of implementing the CAA section 112(j) program and urged EPA to not delay the issuance of any MACT standard. The commenters noted that according to a recently proposed EPA rule regarding section 112(j), the regulated community and State and local agencies would have to proceed with part 2 permit applications, followed by case-by-case MACT, if EPA misses the newly agreed-upon MACT deadlines by as little as 2 months. This would be time consuming, costly, and burdensome for both regulators and the regulated community.

Response: We disagree that allowing health-based compliance alternatives in the final rule will alter the MACT program or affect the schedule for promulgation of the remaining MACT standards. We do not anticipate any further delays in completing the remaining MACT standards. The setting of alternative health-based emission standards in the final rule affects only the final rule.

The approach taken in the final rule is particularly well-suited to acid gases and manganese, which are the only pollutants included in the health-based compliance alternatives. For many facilities, these pollutants are currently emitted in amounts that do not expose anyone in surrounding population to concentrations above the established health thresholds. As a result, emissions of HCl and/or manganese at these facilities do not pose a significant risk to the surrounding population. Only those Boiler facilities that demonstrate that their emissions are below the health-based emission standard(s), are eligible for the compliance alternatives.

Including health-based compliance alternatives for boiler sources does not mean that EPA will automatically provide such alternatives for other industries. Rather, as has been the case throughout the MACT rule development process, EPA will undertake in each individual rule to determine whether it is appropriate to exercise its discretion to use its authority under CAA section 112(d)(4) in developing applicable emission standards. The Boilers NESHAP is being promulgated by the February 2004 court-ordered deadline.

Comment: Many commenters stated that the risk-based proposal removes the level-playing field that would result from the proper implementation of technology-based MACT standards. The commenters added that establishing a baseline level of control is essential to prevent industry from moving to areas of the country that have the least stringent air toxics programs, which was one of the primary goals of developing a uniform national air toxics program under section 112 of the 1990 CAA amendments. The risk-based approaches would jeopardize future reductions of HAP in a uniform and consistent manner across the nation.

Response: Providing health-based compliance alternatives for sources that can meet them in the final rule will assure the application of a uniform set of requirements across the nation. The final rule and its criteria for demonstrating eligibility for the health-based compliance alternatives apply uniformly to boilers across the nation in the large solid fuel-fired subcategories. The final rule establishes a two baseline levels of emission reduction for HCl and manganese, one based on a traditional MACT analysis and the other based on EPA's evaluation of the health threat posed by emissions of these two pollutants. All Boiler facilities must meet one of these baseline levels, and all facilities with boilers in the applicable subcategories have the same opportunity to demonstrate that they can meet the alternative health-based emission standards. The criteria for qualifying to comply with the alternative health-based emission standards are not dependent on local air toxics programs. Therefore, concerns regarding facilities moving to areas of the country with less-stringent air toxics programs should be alleviated.

Comment: Multiple commenters stated that section 112(d)(4) of the CAA provides EPA with authority to exclude sources that emit threshold pollutants from regulation. The commenters indicated that section 112(d)(4) allows for discretion in developing MACT standards for HAP with health

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thresholds. The commenters added that the use of section 112(d)(4) authority also is supported by CAA's legislative history, which emphasizes that Congress included section 112(d)(4) in the CAA to prevent unnecessary regulation of source categories.

One commenter pointed out that Congress does not differentiate between technology-based ''emission standards'' set under CAA section 112(d)(3) versus ''health threshold'' based ''emission standards'' set under CAA section 112(d)(4). Instead, the statute explicitly treats emission standards promulgated under section 112(d)(3) and 112(d)(4) as equivalent by not distinguishing between those emission standards under the residual risk provisions of CAA section 112(f). One commenter added that EPA is permitted to establish alternative standards as long as it ensures that ambient concentrations are less than the health thresholds plus a margin of safety and the emissions do not cause adverse environmental effects. Multiple commenters pointed out that EPA has exercised such authority and cited the NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills. In addition, the commenters added that in that NESHAP, EPA identified circumstances in which they would decline to exercise 112(d)(4) authority-where significant or widespread environmental harm would occur as a result of emissions from the category and the estimated health thresholds are subject to substantial scientific uncertainty. The commenters concluded that EPA determined that these considerations were not relevant to emissions from the pulp and paper source category, and the commenters stated that the same is true for their source categories and that the same treatment is warranted for many facilities within the source categories. The commenters noted that facilities that cannot meet the risk criteria would remain subject to the MACT requirements.

One commenter added that the risk-based approaches are squarely in line with the plain meaning of section CAA 112(d)(4). The commenters cited the Senate report (Sen Rep. No. 228, 101st Congress, 1st Sess 175–6 (1990)) showed that Congress contemplated that sources within the same category or subcategory would be subject to varied regulatory requirements, depending on the risk they pose to public health. The commenters added that nothing in the statutory definition of ''emission standard'' suggests that the term is limited to a requirement for the installation of control technology. The commenters added that the risk-based compliance alternatives would meet this requirement because they would apply to an entire source category or subcategory. The EPA could create a subcategory for low-risk sources and tailor an emission standard to this subcategory, or apply to all sources in the category a NESHAP containing multiple compliance options, one or more being risk-based.

Multiple commenters stated that the plain meaning of CAA section 112(d)(4) does not allow EPA to make MACT standards for individual sources. Two commenters noted that section 112(d)(4) states that ''with respect to pollutants for which a health threshold has been established, the EPA Administrator may consider such threshold level, with ample margin of safety, when establishing emission standards under this subsection.''

Several commenters contended that EPA has misinterpreted the provision in CAA section 112(d)(4) in that section 112(d)(4) does not state that EPA can use applicability thresholds ''in lieu of'' the CAA section 112(d)(3) MACT floor requirements. The commenter interpreted section 112(d)(4) to state that health based thresholds can be considered when establishing the degree of the MACT floor requirements, but it should not be used to supplant the requirements established pursuant to section 112(d)(3).

Many commenters stated that the legislative history of CAA section 112(d)(4) clearly rejects EPA's proposed facility-by-facility MACT exemptions. The commenters noted that Congress considered and rejected the applicability cutoffs upon which EPA now solicits comment. The commenters noted that the House version of the 1990 Amendments allowed States to issue permits that exempted a source from compliance with MACT rules if the source presented sufficient evidence to demonstrate negligible risk, and the Senate version of the 1990 Amendments contained no such provision. In conference, Congress considered both the House and Senate versions and rejected the House bill's exemption for specific facilities in favor of the Senate bill's language.

Response: The EPA has properly exercised the authority granted to it pursuant to CAA section 112(d)(4) of the CAA in establishing health-based emission standards for HCl and manganese which are applicable to the large solid fuel-fired subcategory. Section 112(d)(4) authorizes it to by-pass the mandate in section 112(d)(3) in appropriate circumstances. Those circumstances are present in the large solid fuel-fired Boiler subcategories.

Section 112(d)(4) of the CAA provides EPA with authority, at its discretion, to develop health-based emission standards for HAP ''for which a health threshold has been established,'' provided that the standard reflects the health threshold ''with an ample margin of safety.'' (The full text of the section 112(d)(4): ''[with respect to pollutants for which a health threshold has been established, the Administrator may consider such threshold level, within an ample margin of safety, when establishing emission standards under this subsection.'')

Both the plain language of CAA section 112(d)(4) and the legislative history cited above indicate that EPA has the discretion under section 112(d)(4) to develop health-based standards for some source categories emitting threshold pollutants, and that those standards may be less stringent than the corresponding ''floor''-based MACT standard would be. The EPA's use of such standards is not limited to situations where every source in the category or subcategory can comply with them. As is the case with technology-based standards, a particular source's ability to comply with a health-based standard will depend on its individual circumstances, as will what it must do to achieve compliance.

In developing health-based emission standards under CAA section 112(d)(4), EPA seeks to assure that those standards ensure that the concentration of the particular HAP to which an individual exposed at the upper end of the exposure distribution is exposed does not exceed the health threshold. The upper end of the exposure distribution is calculated using the ''high end exposure estimate,'' defined as ''a plausible estimate of individual exposure for those persons at the upper end of the exposure distribution, conceptually above the 90th percentile, but not higher than the individual in the population who has the highest exposure'' (EPA Exposure Assessment Guidelines, 57 FR 22888, May 29, 1992). Assuring protection to persons at the upper end of the exposure distribution is consistent with the ''ample margin of safety'' requirement in section 112(d)(4).

We agree that section 112(d)(4) is appropriate for establishing emission standards for HCl and manganese applicable to the large solid fuel-fired subcategories, and, therefore, we have established such standards as an alternate compliance requirement for affected sources in those subcategories. Affected sources in the large solid fuel-fired subcategories which believe that

they can demonstrate compliance with one or both of the health-based emission standards may choose to comply with those standards in lieu of the otherwise applicable MACT-based standard.

For purposes of the final rule, we are not considering background HAP emissions in developing the section CAA 112(d)(4) compliance alternatives. As we indicated in the Residual Risk Report to Congress, however, the Agency intends to consider facility-wide HAP emissions in future CAA section 112(f) residual risk actions.

Comment: Many commenters contended that the proposal will place a very intensive resource demand on State and local agencies to review source's risk assessments, and State/local agencies may not have expertise in risk assessment methodology or the resources needed to verify information (*e.g.*, emissions data and stack parameters) submitted with each risk assessment.

Other commenters stated that a risk-based program can be structured and implemented in a manner that does not adversely impact limited State resources. One commenter asserted that EPA should work closely with States and industry to implement the risk-based approach in a non-burdensome manner. Another commenter stated that the risk-based approaches, like other MACT standards, would simply be incorporated into each State's existing title V program. The commenter concluded that because the title V framework already exists, the addition of a risk-based MACT standard would not require States to overhaul existing permitting programs. Another commenter contended that the final MACT rule itself should set forth the applicability criteria—including the threshold levels of exposure—that sources must meet to qualify for a risk-based determination. Each source would have the burden of demonstrating that its exposures are below this limit and, therefore, the States would not be required to develop their own risk assessment guidance or to conduct source-specific risk assessments.

Response: The health-based emission limits for HCl and TSM which EPA has adopted in the final rule should not impose significant resource burdens on States. Further, the required compliance demonstration methodology is structured in such a way as to avoid the need for States to have significant expertise in risk assessment methodology. We have considered the commenters' concerns in developing the criteria defining eligibility for these compliance alternatives, and the approach that is included in the final rule provides clear, flexible requirements and enforceable compliance parameters. The final rule provides two ways that a facility may demonstrate eligibility for complying with the alternative health-based emission standard. First, look-up tables, which are included as Tables 2 (HCl) and 3 (manganese) in appendix A of the final rule, allow facilities to determine, using a limited number of site-specific input parameters, whether emissions from their sources might cause a hazard index limit (hazard quotient in the case of manganese) to be exceeded. If a facility cannot demonstrate eligibility using a look-up table, a modeling approach can be followed. Appendix A to the final rule presents the criteria for performing this modeling.

Regarding commenters' concerns with looking for a threshold level for carcinogens, the compliance alternatives only apply to HCl and manganese, which are not currently expected to be carcinogens. Also, the concern expressed by a commenter about exempting a facility based on limited emission data if EPA established a subcategory listing low-risk sources is not relevant here, because we have not used CAA section 112(c)(9) authority to establish a low-risk subcategory for the Industrial/Commercial/Institutional Boilers and Process Heaters source category. With respect to guidance for performing site-specific modeling, all of the procedures for performing such modeling are available in peer-reviewed scientific literature and, therefore, no additional guidance needs to be developed.

Only a portion of the major facilities in the large solid fuel-fired boilers and process heaters subcategory will submit eligibility demonstrations for the compliance alternatives. Of this portion of major sources, most will be able to demonstrate eligibility based on simple analyses (*e.g.*, using the look-up tables provided in appendix A of the final rule). However, it is likely that some facilities will require more detailed modeling. The criteria for demonstrating eligibility for the compliance alternatives are clearly spelled out in the final rule. Because these requirements are clearly spelled out and because any standards or requirements created under CAA section 112 are considered applicable requirements under 40 CFR part 70, the compliance alternatives would be incorporated into title V programs, and States would not have to overhaul existing permitting programs.

Finally, with respect to the burden associated with ongoing assurance that facilities which opt to do so continue to comply with the health-based compliance alternatives, the burden to States will be minimal. In accordance with the provisions of title V of the CAA and part 70 of 40 CFR (collectively ''title V''), the owner or operator of any affected source opting to comply with the health-based emission standards will be required to certify compliance with those standards on an annual basis. Additionally, before changing key parameters that may impact an affected source's ability to continue to meet one or both of the health-based emission standards, the affected source is required to evaluate its ability to continue to comply with the health-based emission standard(s) and submit documentation to the permitting authority supporting continued eligibility for the compliance alternative.

The promulgation of specific alternative health-based emission limits and a uniform methodology for demonstrating compliance with those alternatives alleviates any concern regarding the public process required in reviewing/approving the proposed approaches and making substantial changes to existing regulations. It also addresses concerns regarding the costs and resources associated with assuring adequate public participation in the process of reviewing site-specific risk analyses.

To ensure that affected sources which choose to comply with the alternative health-based emission standards continue to comply with those standards after the initial compliance demonstration, specified assessment parameters (*e.g.*, HCl and/or manganese emission rate, boiler heat output, etc.) must be included in their title V permit as enforceable requirements. Draft permits and permit applications must be made available to the public from the State or local agency responsible for issuing the permit, or in the case where EPA is issuing the permit, from the EPA regional office. Members of the public may request that the State or local agency include them on their public notice mailing list, thus providing the public the opportunity to review the appropriateness of these requirements. Every proposed title V permit has a 30-day public comment period and a 45-day EPA review period. If EPA does not object to the permit, any member of the public may petition EPA to object to the permit within 60 days of the end of the EPA review period.

Comment: A commenter contended that exempting HCl emissions from control is inappropriate, particularly since EPA proposed HCl as a surrogate measure for all the inorganic HAP

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emitted by this source category. Hence, an exemption that excluded HCl emission points from control requirements would also exclude emissions of all the other inorganic HAP that would likely include hydrogen cyanide and hydrogen fluoride.

Response: Facilities attempting to utilize the health-based compliance alternative for HCl will not be required to evaluate emissions of other inorganic HAP except for chlorine. We conducted an assessment of boiler emissions and determined that, of the acid gas HAP controlled by scrubbing technology, chlorine is responsible for the great majority of risk and HCl is responsible for the next largest portion of the total risk. The contributions of other HAP, including hydrogen fluoride, to the total risk were negligible. Therefore, facilities attempting to demonstrate eligibility for the health-based compliance alternative for HCl, either by conducting a lookup table analysis or by conducting a site-specific compliance demonstration, must include emission rates of chlorine and HCl from their boilers. We do not expect hydrogen cyanide emissions from boilers covered under the final rule.

Comment: Commenters stated that the proposal does not address ecological risk that may result from uncontrolled HAP emissions, especially in those areas with sensitive habitats but few people nearby to be exposed and that EPA provided inadequate discussion of how environmental risks will be evaluated.

Response: To identify HAP with potential to cause multimedia and/or environmental effects, the EPA has identified HAP with significant potential to persist in the environment and to bioaccumulate. This list does not include HCl or manganese which are the only HAP with health-based compliance alternatives in the final rule. Additionally, a screening level analysis conducted by the EPA indicates that acute impacts of these HAP from industrial boiler facilities are highly unlikely. For these reasons we do not believe that emissions of HCl or manganese from industrial boiler facilities will pose a significant risk to the environment and facilities attempting to comply with the health-based alternatives for these HAP are not required to perform an ecological assessment.

V. Impacts of the Final Rule

A. What Are the Air Impacts?

Nationwide emissions of selected HAP (*i.e.*, HCl, hydrogen fluoride, lead, and nickel) will be reduced by 58,500 tpy for existing units and 73 tpy for new units. Depending on the number of facilities demonstrating eligibility for the health-based compliance alternatives, the total HAP reduction for existing units could be 50,600 tpy. Emissions of HCl will be reduced by 42,000 tpy for existing units and 72 tpy for new units. Depending on the number of facilities demonstrating eligibility for the health-based compliance alternatives, the total HCl emissions reduction for existing units could be 36,400 tpy. Emissions of mercury will be reduced by 1.9 tpy for existing units and 0.006 tpy for new units. Emissions of PM will be reduced by 565,000 tpy for existing units and 480 tpy for new units. Depending on the number of facilities demonstrating eligibility for the health-based compliance alternatives, the total PM emissions reduction for existing units could be 547,000 tpy. Emissions of total selected nonmercury metals (*i.e.*, arsenic, beryllium, cadmium, chromium, lead, manganese, nickel, and selenium) will be reduced by 1,100 tpy for existing units and will be reduced by 1.4 tpy for new units. Depending on the number of facilities demonstrating eligibility for the health-based compliance alternatives, the total nonmercury metals emissions reduction for existing units could be 950 tpy. In addition, emissions of sulfur dioxide (SO_2) are established to be reduced by 113,000 tpy for existing sources and 110 tpy for new sources. Depending on the number of facilities demonstrating eligibility for the health-based compliance alternatives, the total SO_2 emissions reduction for existing units could be 49,000 tpy.

As noted above, use of the health-based compliance alternatives by eligible facilities will affect reductions in HAP, PM (and total non-mercury metals that are generally controlled along with PM), and SO_2. Nevertheless, our analysis indicates that the difference in emissions of HCl and manganese with and without the compliance alternatives will not affect health risks because the compliance alternative is available only to those facilities that demonstrate that their emissions pose little risks. Emissions of PM and SO_2 will still be reduced by the implementation of other provisions of the Clean Air Act, such as attainment of the health-based National Ambient Air Quality Standards, which include mechanisms to control such emissions.

A discussion of the methodology used to estimate emissions and emissions reductions is presented in ''Estimation of Baseline Emissions and Emissions Reductions for Industrial, Commercial, and Institutional Boilers and Process Heaters'' in the docket. To estimate the potential impacts of the health-based compliance alternatives, we performed a preliminary ''rough'' assessment of the large solid fuel subcategory to determine the extent to which facilities might become eligible for the health-based compliance alternatives. Based on the results of this rough assessment, 448 coal-fired boilers could potentially be eligible for the HCl compliance alternative and 386 biomass-fired boilers could be potentially eligible for the TSM compliance alternative.

B. What Are the Water and Solid Waste Impacts?

The EPA estimates the additional water usage that would result from the MACT floor level of control to be 110 million gallons per year for existing sources and 0.6 million gallons per year for new sources. In addition to the increased water usage, an additional 3.7 million gallons per year of wastewater will be produced for existing sources and 0.6 million gallons per year for new sources. The costs of treating the additional wastewater are $18,000 for existing sources and $2,300 for new sources, in advance of any facility demonstrating eligibility for the health-based compliance alternatives. These costs are accounted for in the control costs estimates.

The EPA estimates the additional solid waste that would result from the MACT floor level of control to be 102,000 tpy for existing sources and 1 tpy for new sources. The estimated costs of handling the additional solid waste generated are $1.5 million for existing sources and $17,000 for new sources, in advance of any facility demonstrating eligibility for the health-based compliance alternatives. These costs are also accounted for in the control costs estimates.

A discussion of the methodology used to estimate impacts is presented in ''Estimation of Impacts for Industrial, Commercial, and Institutional Boilers and Process Heaters NESHAP'' in the docket.

C. What Are the Energy Impacts?

The EPA expects an increase of approximately 1,130 million kilowatt hours (kWh) in national annual energy usage as a result of the final rule, in advance of any facility demonstrating eligibility for the health-based compliance alternatives. Of this amount, 1,120 million kWh is estimated from existing sources and 13 million kWh is estimated from new sources. The increase results from the electricity required to operate control devices

installed to meet the final rule, such as wet scrubbers and fabric filters.

D. What Are the Control Costs?

To estimate the national cost impacts of the final rule for existing sources, EPA developed several model boilers and process heaters and determined the cost of control equipment for these model boilers. The EPA assigned a model boiler or heater to each existing unit in the database based on the fuel, size, design, and current controls. The analysis considered all air pollution control equipment currently in operation at existing boilers and process heaters. Model costs were then assigned to all existing units that could not otherwise meet the proposed emission limits. The resulting total national cost impact of the final rule is $1,790 million in capital expenditures and $860 million per year in total annual costs. Depending on the number of facilities demonstrating eligibility for the health-based compliance alternatives, these costs could be $1,440 million in capital expenditures and $690 million per year in total annual costs. The total capital and annual costs include costs for testing, monitoring, and recordkeeping and reporting. Costs include testing and monitoring costs, but not recordkeeping and reporting costs.

Using Department of Energy projections on fuel expenditures, EPA estimated the number of additional boilers that could be potentially constructed. The resulting total national cost impact of the final rule in the 5th year is $58 million in capital expenditures and $18.6 million per year in total annual costs, in advance of any facility demonstrating eligibility for the health-based provisions. Costs are mainly for testing and monitoring.

A discussion of the methodology used to estimate cost impacts is presented in ''Methodology for Estimating Control Cost for the Industrial, Commercial, and Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants'' in the docket.

E. What Are the Economic Impacts?

The economic impact analysis shows that the expected price increase for output in the 40 affected industries would be no more than 0.04 percent as a result of the final rule for industrial boilers and process heaters. The expected change in production of affected output is a reduction of only 0.03 percent or less in the same industries. In addition, impacts to affected energy markets show that prices of petroleum, natural gas, electricity and coal should increase by no more than 0.05 percent as a result of implementation of the final rule, and output of these types of energy should decrease by no more than 0.01 percent. These impacts are generated in advance of any facility demonstrating eligibility for the health-based compliance alternatives. Depending on the number of affected facilities demonstrating eligibility for the health-based compliance alternatives, these impacts on product prices could fall to a 0.03 percent increase, and a decrease in output of the energy types mentioned previously of less than 0.01 percent. Therefore, it is likely that there is no adverse impact expected to occur for those industries that produce output affected by the final rule, such as lumber and wood products, chemical manufacturers, petroleum refining, and furniture manufacturing.

F. What Are the Social Costs and Benefits of the Final Rule?

Our assessment of costs and benefits of the final rule is detailed in the ''Regulatory Impact Analysis for the Final Industrial, Commercial, and Institutional Boilers and Process Heaters MACT.'' The Regulatory Impact Analysis (RIA) is located in the Docket.

It is estimated that 3 years after implementation of the final rule, HAP will be reduced by 58,500 tpy (53,200 megagrams per year (Mg/yr)) due to reductions in arsenic, beryllium, HCl, and several other HAP from existing affected emission sources. Of these reductions, 42,000 tpy (38,200 Mg/yr) are of HCl. In addition to these reductions, there are 73 tpy (66 Mg/yr) of HAP reductions expected from new sources. Of these reductions, virtually all of them are of HCl. The health effects associated with these HAP are discussed earlier in this preamble. While it is beneficial to society to reduce these HAP, we are unable to quantify and provide a monetized estimate of the benefits at this time.

Despite our inability to quantify and provide monetized benefit estimates from HAP reductions, it is possible to derive rough estimates for one of the more important benefit categories, *i.e.*, the potential number of cancer cases avoided and cancer risk reduced as a result of the imposition of the MACT level of control on this source category. Our analysis suggests that imposition of the MACT level of control would reduce cancer cases at worst case baseline assumptions by possibly tens of cases per year, on average, starting some years after implementation of the final rule. This risk reduction estimate is uncertain, is likely to overestimate benefits, and should be regarded as an extremely rough estimate. Furthermore, the estimate should be viewed in the context of the full spectrum of unquantified noncancer effects associated with the HAP reductions. Noncancer effects associated with the HAP are presented earlier in this preamble.

The control technologies used to reduce the level of HAP emitted from affected sources are also expected to reduce emissions of PM (PM_{10}, $PM_{2.5}$), and sulfur dioxide (SO_2). It is estimated that PM_{10} emissions reductions total approximately 562,000 tpy (510,000 Mg/yr), $PM_{2.5}$ emissions reductions total approximately 159,000 tpy (145,000 Mg/yr), and SO_2 emissions reductions total approximately 113,000 tpy (102,670 Mg/yr). These estimated reductions occur from existing sources in operation 3 years after the implementation of the requirements of the final rule and are expected to continue throughout the life of the sources.

In general, exposure to high concentrations of PM may aggravate existing respiratory and cardiovascular disease including asthma, bronchitis and emphysema, especially in children and the elderly. SO_2 is also a contributor to acid deposition, or acid rain, which causes acidification of lakes and streams and can damage trees, crops, historic buildings and statues. Exposure to $PM_{2.5}$ can lead to decreased lung function, and alterations in lung tissue and structure and in respiratory tract defense mechanisms which may then lead to, increased respiratory symptoms and disease, or in more severe cases, premature death or increased hospital admissions and emergency room visits. Children, the elderly, and people with cardiopulmonary disease, such as asthma, are most at risk from these health effects. Fine PM can also form a haze that reduces the visibility of scenic areas, can cause acidification of water bodies, and have other impacts on soil, plants, and materials. As SO_2 emissions transform into PM, they can lead to the same health and welfare effects listed above.

For PM_{10} and $PM_{2.5}$ (including SO_2 contributions to ambient concentrations of $PM_{2.5}$), we provide a monetary estimate for the benefits associated with the reduction in emissions associated with the final rule. To do so, we conducted an air quality assessment to determine the change in ambient concentrations of PM_{10} and $PM_{2.5}$ that result from reductions of PM and SO_2 at existing affected facilities. Unfortunately, our data are not able to define the exact location of the reductions for every affected boiler and process heater. Because of this

limitation, the benefits assessment is conducted in two phases. First, an air quality analysis was conducted for emissions reductions from those emissions sources that have an known link to a specific control device, which represents approximately 50 percent of the total emissions reductions mentioned above. Using this subset of information, we determined the air quality change nationwide. The results of the air quality assessment served as input to a model that estimates the total monetary value of benefits of the health effects listed above. Total benefits associated with this portion of the analysis (in phase one) are $8.2 billion in the year 2005 (presented in 1999 dollars).

In the second phase of our analysis, for those emissions reductions from affected sources that do not have a known link to a specific control device, the results of the air quality analysis in phase one serve as a reasonable approximation of air quality changes to transfer to the remaining emissions reductions of the final rule. Because there is not a reasonable way to apportion the total benefits of the combined impact of the PM and SO_2 reductions from the air quality and benefit analyses completed above, we performed two additional air quality analyses. One analysis was performed to evaluate the impact on air quality of the PM reductions alone (holding SO_2 unchanged), and one to evaluate the impact on air quality from the SO_2 reductions alone (holding PM unchanged). With independent PM and SO_2 air quality assessments, we can determine the total benefit associated with each component of total pollutant reductions. The total benefit associated with the PM and SO_2 reductions with unspecified location (in phase two) are $7.9 billion.

The benefit estimates derived from the air quality modeling in the first phase of our analysis uses an analytical structure and sequence similar to that used in the benefits analyses for the proposed Nonroad Diesel rule and proposed Integrated Air Quality Rule (IAQR) and in the ''section 812 studies'' analysis of the total benefits and costs of the Clean Air Act. We used many of the same models and assumptions used in the Nonroad Diesel and IAQR analyses as well as other Regulatory Impact Analyses (RIAs) prepared by the Office of Air and Radiation. By adopting the major design elements, models, and assumptions developed for the section 812 studies and other RIAs, we have largely relied on methods which have already received extensive review by the independent Science Advisory Board (SAB), the National Academies of Sciences, by the public, and by other federal agencies.

The benefits transfer method used in the second phase of the analysis is similar to that used to estimate benefits at the proposal of the rule, and in the proposed Reciprocating Internal Combustion Engines NESHAP. A similar method has also been used in recent benefits analyses for the proposed Nonroad Large Spark-Ignition Engines and Recreational Engines standards (67 FR 68241, November 8, 2002).

The sum of benefits from the two phases of analysis provide an estimate of the total benefits of the rule. Total benefits of the final rule are approximately $16.3 billion (1999$). This economic benefit is associated with approximately 2,270 avoided premature mortalities, 5,100 avoided cases of chronic bronchitis, thousands of avoided hospital and emergency room visits for respiratory and cardiovascular diseases, tens of thousands of avoided days with respiratory symptoms, and millions of avoided work loss and restricted activity days. This estimate is generated in advance of any facility demonstrating eligibility for the health-based compliance alternatives.

Every benefit-cost analysis examining the potential effects of a change in environmental protection requirements is limited, to some extent, by data gaps, limitations in model capabilities (such as geographic coverage), and uncertainties in the underlying scientific and economic studies used to configure the benefit and cost models. Deficiencies in the scientific literature often result in the inability to estimate changes in health and environmental effects. Deficiencies in the economics literature often result in the inability to assign economic values even to those health and environmental outcomes that can be quantified. While these general uncertainties in the underlying scientific and economics literatures are discussed in detail in the RIA and its supporting documents and references, the key uncertainties which have a bearing on the results of the benefit-cost analysis of today's action are the following:

1. The exclusion of potentially significant benefit categories (*e.g.*, health and ecological benefits of reduction in hazardous air pollutants emissions);
2. Errors in measurement and projection for variables such as population growth;
3. Uncertainties in the estimation of future year emissions inventories and air quality;
4. Uncertainties associated with the extrapolation of air quality monitoring data to some unmonitored areas required to better capture the effects of the standards on the affected population;
5. Variability in the estimated relationships of health and welfare effects to changes in pollutant concentrations; and
6. Uncertainties associated with the benefit transfer approach.
7. Uncertainties in the size of the effect estimates linking air pollution and health endpoints.
8. Uncertainties about relative toxicity of different components within the complex mixture.

Despite these uncertainties, we believe the benefit-cost analysis provides a reasonable indication of the expected economic benefits of the final rule under a given set of assumptions.

Based on estimated compliance costs (control + administrative costs associated with Paperwork Reduction Act requirements associated with the rule and predicted changes in the price and output of electricity), the estimated annualized social costs of the Industrial, Commercial, and Institutional Boilers and Process Heaters NESHAP are $863 million (1999$). Depending on the number of affected facilities demonstrating eligibility for the health-based compliance alternatives, these annualized social costs could fall to $746 million. Social costs are different from compliance costs in that social costs take into account the interactions between affected producers and the consumers of affected products in response to the imposition of the compliance costs.

As explained above, we estimate $16.3 billion in benefits from the final rule, compared to $863 million in costs. It is important to put the results of this analysis in the proper context. The large benefit estimate is not attributable to reducing human and environmental exposure to the HAPs that are reduced by this rule. It arises from ancillary reductions in PM and SO_2 that result from controls aimed at complying with the NESHAP. Although consideration of ancillary benefits is reasonable, we note that these benefits are not uniquely attributable to the regulation. The Agency believes nonetheless that the key rationale for controlling arsenic, beryllium, HCl, and the other HAPs associated with this rule is to reduce public and environmental exposure to these HAPs, thereby reducing risk to public health and wildlife. Although the available science does not support quantification of these benefits at this time, the Agency believes the qualitative

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benefits are large enough to justify substantial investment in these emission reductions.

It should be recognized, however, that this analysis does not account for many of the potential benefits that may result from these actions. Thus, our estimate of total benefits also includes a ''B'' to represent those additional health and environmental benefits which could not be expressed in quantitative incidence and/or economic value terms. The net benefits would be greater if all the benefits of the other pollutant reductions could be quantified. Notable omissions to the net benefits include all benefits of HAP reductions, including reduced cancer incidences, toxic morbidity effects, and cardiovascular and CNS effects, and all welfare effects from reduction of ambient PM and SO_2. A full appreciation of the overall economic consequences of the industrial boiler and process heater standards requires consideration of all benefits and costs expected to result from the final rule, not just those benefits and costs that could be expressed here in dollar terms. A full listing of the benefit categories that could not be quantified or monetized in our base estimate are provided in Table 2 of this preamble.

TABLE 2.—UNQUANTIFIED BENEFIT CATEGORIES

	Unquantified benefit categories associated with HAP eductions	Unquantified benefit categories associated with PM eductions
Health Categories	—Airway responsiveness —Pulmonary inflammation —Susceptibility to respiratory infection —Acute inflammation and respiratory cell damage —Chronic respiratory damage/Premature aging of lungs —Emergency room visits for asthma	—Changes in pulmonary function. —Morphological changes. Altered host defense mechanisms. —Other chronic respiratory disease. —Emergency room visits for asthma. —Emergency visits for non-asthma respiratory and cardiovascular causes. —Lower and upper respiratory systems. —Acute bronchitis. —Shortness of breath.
Welfare Categories	—Ecosystem and vegetation effects —Damage to urban ornamentals (e.g., grass, flowers, shrubs, and trees in urban areas). —Commercial field crops —Fruit and vegetable crops —Yields of tree seedlings, commercial and non-commercial forests. —Damage to ecosystems —Materials damage	—School absence rates. —Materials damage. —Damage to ecosystems (e.g., acid sulfate deposition). —Nitrates in drinking water. —Visibility in recreational and residential areas.

Using the results of the benefit analysis, we can use benefit-cost comparison (or net benefits) as another tool to evaluate the reallocation of society's resources needed to address the pollution externality created by the operation of industrial boilers and process heaters. The additional costs of internalizing the pollution produced at major sources of emissions from industrial boilers and process heaters are compared to the improvement in society's well-being from a cleaner and healthier environment. Comparing benefits of the final rule to the costs imposed by alternative ways to control emissions optimally identifies a strategy that results in the highest net benefit to society. In the final rule, we include only one option, the minimal level of control mandated by the CAA, or the MACT floor. Other alternatives that lead to higher levels of control (or beyond-the-floor alternatives) lead to higher estimates of benefits net of costs, but also lead to additional economic impacts, including more substantial impacts to small entities. For more details, please refer to the RIA for the final rule.

Based on estimated compliance costs associated with the final rule and the predicted change in prices and production in the affected industries, the estimated annualized social costs of the final rule are $863 million (1999 dollars). This estimate of social cost is generated in advance of any facility demonstrating eligibility for the health-based compliance alternatives. Depending on the number of affected facilities demonstrating eligibility for the health-based compliance alternatives, these annualized social costs could fall to $746 million. Social costs are different from compliance costs in that social costs take into account the interactions of consumers and producers of affected products in response to the imposition of the compliance costs. Therefore, the Agency's estimate of monetized benefits net of costs is $15.4 billion + B (1999 dollars) in 2005.

VI. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

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

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligation of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, the EPA has determined that the final rule is a ''significant regulatory action'' because it has an annual effect on the economy of over $100 million. As such, the final rule was submitted to OMB for review.

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B. Paperwork Reduction Act

The information collection requirements in the final rule have been submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq*. The information collection requirements are not enforceable until OMB approves them.

The information requirements are based on notification, recordkeeping, and reporting requirements in the NESHAP General Provisions (40 CFR part 63, subpart A), which are mandatory for all operators subject to national emission standards. These recordkeeping and reporting requirements are specifically authorized by section 114 of the CAA (42 U.S.C. 7414). All information submitted to EPA pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to Agency policies set forth in 40 CFR part 2, subpart B.

The final rule requires maintenance inspections of the control devices, but does not require any notifications or reports beyond those required by the General Provisions. The recordkeeping requirements require only the specific information needed to determine compliance.

The annual monitoring, reporting, and recordkeeping burden for this collection (averaged over the first 3 years after the effective date of the final rule) is estimated to be $91 million. This includes 1.2 million labor hours per year at a total labor cost of $67 million per year, and total non-labor capital costs of $24 million per year. This estimate includes a one-time performance test, semiannual excess emission reports, maintenance inspections, notifications, and recordkeeping. The total burden for the Federal government (averaged over the first 3 years after the effective date of the final rule) is estimated to be 346,000 hours per year at a total labor cost of $14 million per year. Table 3 of this preamble shows the average annualized burden for monitoring, reporting, and recordkeeping for each subcategory.

TABLE 3.—SUMMARY OF THE AVERAGE REPORTING AND RECORDKEEPING COSTS

Subcategory	Total labor costs ($)	Total capital costs ($)	Total costs ($)
Large Solid Fuel Units	56,253,000	12,488,000	68,741,000
Limited Use Solid Fuel Units	2,565,000	2,267,000	4,832,000
Small Solid Fuel Units	627,000	111,000	738,000
Large Liquid Fuel Units	498,000	491,000	989,000
Limited Use Liquid Fuel Units	214,000	264,000	478,000
Small Liquid Fuel Units	442,000	0	442,000
Large Gaseous Fuel Units	3,673,000	6,615,000	10,288,000
Limited Use Gaseous Fuel Units	663,000	1,209,000	1,872,000
Small Gaseous Fuel Units	2,413,000	0	2,413,000

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR part 9 in the **Federal Register** to display the OMB control number for the approved information collection requirements contained in this final rule.

The EPA requested comments on the need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques.

C. Regulatory Flexibility Act

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with the final rule. We have also determined that the final rule will not have a significant impact on a substantial number of small entities.

For purposes of assessing the impacts of the final rule on small entities, small entity is defined as:

(1) A small business according to Small Business Administration size standards by the North American Industry Classification System (NAICS) category of the owning entity. The range of small business size standards for the 40 affected industries ranges from 500 to 1,000 employees, except for petroleum refining and electric utilities. In these latter two industries, the size standard is 1,500 employees and a mass throughput of 75,000 barrels/day or less, and 4 million kilowatt-hours of production or less, respectively;

(2) A small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and

(3) A small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

After considering the economic impact of the final rule on small entities, we have determined that the final rule will not have a significant economic impact on a substantial number of small entities. Based on SBA size definitions for the affected industries and reported sales and employment data, EPA identified 185 of the 576 entities, or 32 percent, owning affected facilities as small entities. Although small entities represent 32 percent of the entities within the source category, they are expected to incur only 4 percent of the total compliance costs of $862.7 million (1998 dollars). There are only ten small entities with compliance costs equal to or greater than 3 percent of their sales. In addition, there are only 24 small entities with cost-to-sales ratios between 1 and 3 percent.

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An economic impact analysis was performed to estimate the changes in product price and production quantities for the final rule. As mentioned in the summary of economic impacts earlier in this preamble, the estimated changes in prices and output for affected entities is no more than 0.05 percent. For more information, consult the docket for the final rule.

It should be noted that these small entity impacts are in advance of any facility demonstrating eligibility for the health-based compliance alternatives. Depending on the number of affected facilities demonstrating eligibility for the health-based compliance alternatives, the estimated small entity impacts could fall to eight small entities with compliance costs equal to or greater than 3 percent of their sales, and 14 small entities with compliance costs between 1 and 3 percent of their sales.

The final rule will not have a significant economic impact on a substantial number of small entities as a result of several decisions EPA made regarding the development of the rule, which resulted in limiting the impact of the rule on small entities. First, as mentioned earlier in this preamble, EPA identified small units (heat input of 10 MMBtu/hr or less) and limited use boilers (operate less than 10 percent of the time) as separate subcategories different from large units. Many small and limited use units are located at small entities. As also discussed earlier, the results of the MACT floor analysis for these subcategories of existing sources was that no MACT floor could be identified except for the limited use solid fuel subcategory, which is less stringent than the MACT floor for large units. Furthermore, the results of the beyond-the-floor analysis for these subcategories indicated that the costs would be too high to consider them feasible options. Consequently, the final rule contains no emission limitations for any of the existing small and limited use subcategories except the existing limited use solid fuel subcategory. In addition, the alternative metals emission limit resulted in minimizing the impacts on small entities since some of the potential entities burning a fuel containing very little metals are small entities.

D. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, we generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the EPA Administrator publishes with the final rule an explanation why that alternative was not adopted. Before we establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, we must develop a small government agency plan under section 203 of the UMRA. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of regulatory promulgation with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

We determined that the final rule contains a Federal mandate that may result in expenditures of $100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector in any 1 year. Accordingly, we have prepared a written statement (titled ''Unfunded Mandates Reform Act Analysis for the Industrial Boilers and Process Heaters NESHAP)'' under section 202 of the UMRA, which is summarized below.

Statutory Authority

As discussed in this preamble, the statutory authority for the final rulemaking is section 112 of the CAA. Title III of the CAA Amendments was enacted to reduce nationwide air toxic emissions. Section 112(b) of the CAA lists the 188 chemicals, compounds, or groups of chemicals deemed by Congress to be HAP. These toxic air pollutants are to be regulated by NESHAP.

Section 112(d) of the CAA directs us to develop NESHAP, which require existing and new major sources to control emissions of HAP using MACT based standards. The final rule applies to all industrial, commercial, and institutional boilers and process heaters located at major sources of HAP emissions.

In compliance with section 205(a) of the UMRA, we identified and considered a reasonable number of regulatory alternatives. Additional information on the costs and environmental impacts of these regulatory alternatives is presented in the docket.

The regulatory alternative upon which the final rule is based represents the MACT floor for industrial boilers and process heaters and, as a result, it is the least costly and least burdensome alternative.

Social Costs and Benefits

The regulatory impact analysis prepared for the final rule including the EPA's assessment of costs and benefits, is detailed in the ''Regulatory Impact Analysis for the Industrial Boilers and Process Heaters MACT'' in the docket. Based on estimated compliance costs associated with the final rule and the predicted change in prices and production in the affected industries, the estimated social costs of the final rule are $863 million (1999 dollars). Depending on the number of affected facilities demonstrating eligibility for the health-based compliance alternatives, these annualized social costs could fall to $746 million.

It is estimated that 5 years after implementation of the final rule, HAP will be reduced by 58,500 tpy due to reductions in arsenic, beryllium, dioxin, hydrochloric acid, and several other HAP from industrial boilers and process heaters. Studies have determined a relationship between exposure to these HAP and the onset of cancer, however, there are some questions remaining on how cancers that may result from exposure to these HAP can be quantified in terms of dollars. Therefore, the EPA is unable to provide a monetized estimate of the benefits of the HAP reduced by the final rule at this time. However, there are significant reductions in PM and in SO_2 that occur. Reductions of 560,000 tons of PM with a diameter of less than or equal to 10 micrometers (PM_{10}), 159,000 tons of PM with a diameter of less than or equal to 2.5 micrometers ($PM_{2.5}$), and 112,000 tons of SO_2 are expected to occur. These reductions occur from existing sources in operation 5 years after the implementation of the regulation and are expected to continue throughout the life of the affected sources. The major health effect that results from these PM

and SO_2 emissions reductions is a reduction in premature mortality. Other health effects that occur are reductions in chronic bronchitis, asthma attacks, and work-lost days (*i.e.*, days when employees are unable to work).

While we are unable to monetize the benefits associated with the HAP emissions reductions, we are able to monetize the benefits associated with the PM and SO_2 emissions reductions. For SO_2 and PM, we estimated the benefits associated with health effects of PM, but were unable to quantify all categories of benefits (particularly those associated with ecosystem and environmental effects). Unquantified benefits are noted with ''B'' in the estimates presented below. Our primary estimate of the monetized benefits in 2005 associated with the implementation of the proposed alternative is $16.3 billion + B (1999 dollars). This estimate is about $15.3 billion + B (1999 dollars) higher than the estimated social costs shown earlier in this section. These benefit estimates are in advance of any facility demonstrating eligibility for the health-based compliance alternatives. Depending on the number of affected facilities demonstrating eligibility for the health-based compliance alternatives, the benefit estimate presuming the health-based compliance alternatives is $14.5 billion + B, which is $1.7 billion lower than the estimate for the final rule. This estimate is $13.8 billion + B higher than the estimated social costs presuming the health-based compliance alternatives. The general approach to calculating monetized benefits is discussed in more detail earlier in this preamble. For more detailed information on the benefits estimated for the final rule, refer to the RIA in the docket.

Future and Disproportionate Costs

The Unfunded Mandates Act requires that we estimate, where accurate estimation is reasonably feasible, future compliance costs imposed by the rule and any disproportionate budgetary effects. Our estimates of the future compliance costs of the final rule are discussed previously in this preamble.

We do not feel that there will be any disproportionate budgetary effects of the final rule on any particular areas of the country, State or local governments, types of communities (*e.g.,* urban, rural), or particular industry segments. This is true for the 257 facilities owned by 54 different government bodies, and this is borne out by the results of the ''Economic Impact Analysis of the Industrial Boilers and Process Heaters NESHAP,'' the results of which are discussed previously in this preamble.

Effects on the National Economy

The Unfunded Mandates Act requires that we estimate the effect of the final rule on the national economy. To the extent feasible, we must estimate the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of the U.S. goods and services, if we determine that accurate estimates are reasonably feasible and that such effect is relevant and material.

The nationwide economic impact of the final rule is presented in the ''Economic Impact Analysis for the Industrial Boilers and Process Heaters MACT'' in the docket. This analysis provides estimates of the effect of the final rule on some of the categories mentioned above. The results of the economic impact analysis are summarized previously in this preamble. The results show that there will be little impact on prices and output from the affected industries, and little impact on communities that may be affected by the final rule. In addition, there should be little impact on energy markets (in this case, coal, natural gas, petroleum products, and electricity). Hence, the potential impacts on the categories mentioned above should be minimal.

Consultation With Government Officials

The Unfunded Mandates Act requires that we describe the extent of the EPA's prior consultation with affected State, local, and tribal officials, summarize the officials' comments or concerns, and summarize our response to those comments or concerns. In addition, section 203 of the UMRA requires that we develop a plan for informing and advising small governments that may be significantly or uniquely impacted by a rule. Although the final rule does not significantly affect any State, local, or Tribal governments, we have consulted with State and local air pollution control officials. We also have held meetings on the final rule with many of the stakeholders from numerous individual companies, environmental groups, consultants and vendors, labor unions, and other interested parties. We have added materials to the docket to document these meetings.

In addition, we have determined that the final rule contains no regulatory requirements that might significantly or uniquely affect small governments. While some small governments may have some sources affected by the final rule, the impacts are not expected to be significant. Therefore, the final rule is not subject to the requirements of section 203 of the UMRA. However, EPA did complete a report containing analyses called for in the UMRA as a response to comments from many municipal utilities regarding the final rule and its potential impacts. This report, ''Unfunded Mandates Reform Act Analysis for the Industrial Boilers and Process Heaters NESHAP,'' is in the docket.

E. Executive Order 13132: Federalism

Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' are defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

The final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132.

The agency is required by section 112 of the CAA, to establish the standards in the final rule. The final rule primarily affects private industry, and does not impose significant economic costs on State or local governments. The final rule does not include an express provision preempting State or local regulations. Thus, the requirements of section 6 of the Executive Order do not apply to the final rule.

Although section 6 of Executive Order 13132 does not apply to the final rule, we consulted with representatives of State and local governments to enable them to provide meaningful and timely input into the development of the final rule. This consultation took place during the ICCR Federal Advisory Committee Act (FACA) committee meetings where members representing State and local governments participated in developing recommendations for EPA's combustion-related rulemakings, including the final rule. The concerns raised by representatives of State and local governments were considered during the development of the final rule.

In the spirit of Executive Order 13132, and consistent with EPA policy to

promote communications between EPA and State and local governments, EPA specifically solicited comment on the final rule from State and local officials.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175 (65 FR 67249, November 9, 2000) requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' The final rule does not have tribal implications, as specified in Executive Order 13175.

The final rule does not significantly or uniquely affect the communities of Indian tribal governments. We do not know of any industrial-commercial-institutional boilers or process heaters owned or operated by Indian tribal governments. However, if there are any, the effect of these rules on communities of tribal governments would not be unique or disproportionate to the effect on other communities. Thus, Executive Order 13175 does not apply to the final rule. The EPA specifically solicited additional comment on the final rule from tribal officials, but received none.

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

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any regulation that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children.

If the regulatory action meets both criteria, the EPA must evaluate the environmental health or safety effects of the planned regulation on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the EPA.

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

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Executive Order 13211 (66 FR 28355, May 22, 2001) provides that agencies shall prepare and submit to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, a Statement of Energy Effects for certain actions identified as ''significant energy actions.'' Section 4(b) of Executive Order 13211 defines ''significant energy actions'' as ''any action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of final rulemaking, and notices of final rulemaking: (1)(i) That is a significant regulatory action under Executive Order 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a ''significant energy action.'' The final rule is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The basis for the determination is as follows.

The reduction in petroleum product output, which includes reductions in fuel production, is estimated at only 0.001 percent, or about 68 barrels per day based on 2000 U.S. fuel production nationwide. That is a minimal reduction in nationwide petroleum product output. The reduction in coal production is estimated at only 0.014 percent, or about 3.5 million tpy (or less than 1,000 tons per day) based on 2000 U.S. coal production nationwide. The combination of the increase in electricity usage estimated with the effect of the increased price of affected output yields an increase in electricity output estimated at only 0.012 percent, or about 0.72 billion kilowatt-hours per year based on 2000 U.S. electricity production nationwide. All energy price changes estimated show no increase in price more than 0.05 percent nationwide, and a similar result occurs for energy distribution costs. We also expect that there will be no discernable impact on the import of foreign energy supplies, and no other adverse outcomes are expected to occur with regards to energy supplies. All of the results presented above account for the pass through of costs to consumers, as well as the cost impact to producers. For more information on the estimated energy effects, please refer to the economic impact analysis for the final rule. The analysis is available in the public docket. It should be noted that these energy impact estimates are in advance of any facility demonstrating eligibility for the health-based compliance alternatives.

Depending on the number of affected facilities demonstrating eligibility for the health-based compliance alternatives, the reduction in petroleum product output, which includes reductions in fuel production, could fall to 65 barrels per day, or only 0.001 percent. The reduction in coal production could fall to only 0.010 percent, or about 2.5 million tpy based on 2000 U.S. coal production nationwide. The combination of the increase in electricity usage estimated with the effect of the increased price of affected output could yield an increase in electricity output could fall to only 0.0067 percent, or about 0.40 billion kilowatt-hours per year based on 2000 U.S. electricity production nationwide. All energy price changes estimated could now fall to increases of no more than 0.04 percent nationwide, and a similar result occurs for energy distribution costs. There should be no discernable impact on import of foreign energy supplies, and no other adverse outcomes are expected to occur with regards to energy supplies. All of the results presented with presumption of the health-based compliance alternatives also account for the pass through of costs to consumers as well as the cost impact to producers.

Therefore, we conclude that the final rule when implemented is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. 104–113; 15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in their regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, business practices) developed or adopted by one or more voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through annual reports to the OMB, with explanations when an agency does not use available and applicable voluntary consensus standards.

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The final rule involves technical standards. The EPA cites the following standards in the final rule: EPA Methods 1, 2, 2F, 2G, 3A, 3B, 4, 5, 5D, 17, 19, 26, 26A, 29 of 40 CFR part 60. Consistent with the NTTAA, EPA conducted searches to identify voluntary consensus standards in addition to these EPA methods. No applicable voluntary consensus standards were identified for EPA Methods 2F, 2G, 5D, and 19. The search and review results have been documented and are placed in the docket for the final rule.

The three voluntary consensus standards described below were identified as acceptable alternatives to EPA test methods for the purposes of the final rule.

The voluntary consensus standard ASME PTC 19–10–1981–Part 10, ''Flue and Exhaust Gas Analyses,'' is cited in the final rule for its manual method for measuring the oxygen, carbon dioxide, and carbon monoxide content of exhaust gas. This part of ASME PTC 19–10–1981–Part 10 is an acceptable alternative to Method 3B.

The voluntary consensus standard ASTM D6522–00, ''Standard Test Method for the Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers and Process Heaters Using Portable Analyzers'' is an acceptable alternative to EPA Methods 3A and 10 for identifying carbon monoxide and oxygen concentrations for the final rule when the fuel is natural gas.

The voluntary consensus standard ASTM Z65907, ''Standard Method for Both Speciated and Elemental Mercury Determination,'' is an acceptable alternative to EPA Method 29 (portion for mercury only) for the purpose of the final rule. This standard can be used in the final rule to determine the mercury concentration in stack gases for boilers with rated heat input capacities of greater than 250 MMBtu per hour.

In addition to the voluntary consensus standards EPA uses in the final rule, the search for emissions measurement procedures identified 15 other voluntary consensus standards. The EPA determined that 13 of these 15 standards identified for measuring emissions of the HAP or surrogates subject to the emission standards were impractical alternatives to EPA test methods for the purposes of the final rule. Therefore, EPA does not intend to adopt these standards for this purpose. (See Docket ID No. OAR–2002–0058 for further information on the methods.)

Two of the 15 voluntary consensus standards identified in this search were not available at the time the review was conducted for the purposes of the final rule because they are under development by a voluntary consensus body: ASME/BSR MFC 13M, ''Flow Measurement by Velocity Traverse,'' for EPA Method 2 (and possibly 1); and ASME/BSR MFC 12M, ''Flow in Closed Conduits Using Multiport Averaging Pitot Primary Flowmeters,'' for EPA Method 2.

Section 63.7520 and Tables 4A through 4D of the final rule list the EPA testing methods. Under § 63.7(f) and § 63.8(f) of subpart A, 40 CFR part 63, of the General Provisions, a source may apply to EPA for permission to use alternative test methods or alternative monitoring requirements in place of any of the EPA testing methods, performance specifications, or procedures.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801, *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the final rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is a ''major rule'' as defined by 5 U.S.C. section 804(2). The rule will be effective on November 12, 2004.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 26, 2004.

Michael O. Leavitt,

Administrator.

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

PART 63—[AMENDED]

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

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

Subpart A—[Amended]

■ 2. Section 63.14 is amended by revising paragraph (b)(27) and paragraph (i)(3) and adding paragraph (b)(35) and paragraphs (b)(39) through (53) to read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(b) * * *

(27) ASTM D6522–00, Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers,[1] IBR approved for § 63.9307(c)(2), Table 4 of Subpart ZZZZ, and Table 5 to Subpart DDDDD of this part.

* * * * *

(35) ASTM D6784–02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method),[1] IBR approved for Table 5 to Subpart DDDDD of this part.

* * * * *

(39) ASTM Method D388–99,$^{\epsilon 1}$ Standard Classification of Coals by Rank,[1] IBR approved for § 63.7575.

(40) ASTM D396–02a, Standard Specification for Fuel Oils,[1] IBR approved for § 63.7575.

(41) ASTM D1835–03a, Standard Specification for Liquified Petroleum (LP) Gases,[1] IBR approved for § 63.7575.

(42) ASTM D2013–01, Standard Practice for Preparing Coal Samples for Analysis,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(43) ASTM D2234–00, $^{\epsilon 1}$ Standard Practice for Collection of a Gross Sample of Coal,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(44) ASTM D3173–02, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(45) ASTM D3683–94 (Reapproved 2000), Standard Test Method for Trace Elements in Coal and Coke Ash Absorption,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(46) ASTM D3684–01, Standard Test Method for Total Mercury in Coal by the Oxygen Bomb Combustion/Atomic Absorption Method,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(47) ASTM D5198–92 (Reapproved 2003), Standard Practice for Nitric Acid Digestion of Solid Waste,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(48) ASTM D5865–03a, Standard Test Method for Gross Calorific Value of Coal and Coke,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(49) ASTM D6323–98 (Reapproved 2003), Standard Guide for Laboratory Subsampling of Media Related to Waste Management Activities,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(50) ASTM E711–87 (Reapproved 1996), Standard Test Method for Gross Calorific Value of Refuse-Derived Fuel by the Bomb Calorimeter,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(51) ASTM E776–87 (Reapproved 1996), Standard Test Method for Forms of Chlorine in Refuse-Derived Fuel,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(52) ASTM E871–82 (Reapproved 1998), Standard Method of Moisture Analysis of Particulate Wood Fuels,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(53) ASTM E885–88 (Reapproved 1996), Standard Test Methods for Analyses of Metals in Refuse-Derived Fuel by Atomic Absorption Spectroscopy,[1] IBR approved for Table 6 to Subpart DDDDD of this part 63.

* * * * *

(i) * * *

(3) ANSI/ASME PTC 19.10–1981, ''Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus],'' IBR approved for §§ 63.865(b), 63.3166(a), 63.3360(e)(1)(iii), 63.3545(a)(3), 63.3555(a)(3), 63.4166(a)(3), 63.4362(a)(3), 63.4766(a)(3), 63.4965(a)(3), 63.5160(d)(1)(iii), 63.9307(c)(2), 63.9323(a)(3), and Table 5 to Subpart DDDDD of this part.

* * * * *

■ 3. Part 63 is amended by adding subpart DDDDD to read as follows:

Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters

Sec.

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63.7480 What is the purpose of this subpart?
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63.7490 What is the affected source of this subpart?
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Emission Limits and Work Practice Standards

63.7499 What are the subcategories of boilers and process heaters?
63.7500 What emission limits, work practice standards, and operating limits must I meet?

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Testing, Fuel Analyses, and Initial Compliance Requirements

63.7510 What are my initial compliance requirements and by what date must I conduct them?
63.7515 When must I conduct subsequent performance tests or fuel analyses?
63.7520 What performance tests and procedures must I use?
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63.7522 Can I use emission averaging to comply with this subpart?
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63.7550 What reports must I submit and when?
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63.7560 In what form and how long must I keep my records?

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63.7565 What parts of the General Provisions apply to me?
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Table 4 to Subpart DDDDD of Part 63—Operating Limits for Boilers and Process Heaters With Hydrogen Chloride Emission Limits
Table 5 to Subpart DDDDD of Part 63—Performance Testing Requirements
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Appendix

Appendix A to Subpart DDDDD—Methodology and Criteria for Demonstrating Eligibility for the Health-Based Compliance Alternatives Specified for the Large Solid Fuel Subcategory

Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters

What This Subpart Covers

§ 63.7480 What is the purpose of this subpart?

This subpart establishes national emission limits and work practice standards for hazardous air pollutants (HAP) emitted from industrial, commercial, and institutional boilers and process heaters. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limits and work practice standards.

§ 63.7485 Am I subject to this subpart?

You are subject to this subpart if you own or operate an industrial, commercial, or institutional boiler or process heater as defined in § 63.7575 that is located at, or is part of, a major source of HAP as defined in § 63.2 or § 63.761 (40 CFR part 63, subpart HH, National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities), except as specified in § 63.7491.

§ 63.7490 What is the affected source of this subpart?

(a) This subpart applies to new, reconstructed, or existing affected sources as described in paragraphs (a)(1) and (2) of this section.

(1) The affected source of this subpart is the collection of all existing industrial, commercial, and institutional boilers and process heaters within a subcategory located at a major source as defined in § 63.7575.

(2) The affected source of this subpart is each new or reconstructed industrial, commercial, or institutional boiler or

process heater located at a major source as defined in § 63.7575.

(b) A boiler or process heater is new if you commence construction of the boiler or process heater after January 13, 2003, and you meet the applicability criteria at the time you commence construction.

(c) A boiler or process heater is reconstructed if you meet the reconstruction criteria as defined in § 63.2, you commence reconstruction after January 13, 2003, and you meet the applicability criteria at the time you commence reconstruction.

(d) A boiler or process heater is existing if it is not new or reconstructed.

§ 63.7491 Are any boilers or process heaters not subject to this subpart?

The types of boilers and process heaters listed in paragraphs (a) through (o) of this section are not subject to this subpart.

(a) A municipal waste combustor covered by 40 CFR part 60, subpart AAAA, subpart BBBB, subpart Cb or subpart Eb.

(b) A hospital/medical/infectious waste incinerator covered by 40 CFR part 60, subpart Ce or subpart Ec.

(c) An electric utility steam generating unit that is a fossil fuel-fired combustion unit of more than 25 megawatts that serves a generator that produces electricity for sale. A fossil fuel-fired unit that cogenerates steam and electricity, and supplies more than one-third of its potential electric output capacity, and more than 25 megawatts electrical output to any utility power distribution system for sale is considered an electric utility steam generating unit.

(d) A boiler or process heater required to have a permit under section 3005 of the Solid Waste Disposal Act or covered by 40 CFR part 63, subpart EEE (*e.g.*, hazardous waste boilers).

(e) A commercial and industrial solid waste incineration unit covered by 40 CFR part 60, subpart CCCC or subpart DDDD.

(f) A recovery boiler or furnace covered by 40 CFR part 63, subpart MM.

(g) A boiler or process heater that is used specifically for research and development. This does not include units that only provide heat or steam to a process at a research and development facility.

(h) A hot water heater as defined in this subpart.

(i) A refining kettle covered by 40 CFR part 63, subpart X.

(j) An ethylene cracking furnace covered by 40 CFR part 63, subpart YY.

(k) Blast furnace stoves as described in the EPA document, entitled ''National Emission Standards for Hazardous Air Pollutants (NESHAP) for Integrated Iron and Steel Plants—Background Information for Proposed Standards,'' (EPA–453/R–01–005).

(l) Any boiler and process heater specifically listed as an affected source in another standard(s) under 40 CFR part 63.

(m) Any boiler and process heater specifically listed as an affected source in another standard(s) established under section 129 of the Clean Air Act (CAA).

(n) Temporary boilers as defined in this subpart.

(o) Blast furnace gas fuel-fired boilers and process heaters as defined in this subpart.

§ 63.7495 When do I have to comply with this subpart?

(a) If you have a new or reconstructed boiler or process heater, you must comply with this subpart by November 12, 2004 or upon startup of your boiler or process heater, whichever is later.

(b) If you have an existing boiler or process heater, you must comply with this subpart no later than September 13, 2007.

(c) If you have an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP, paragraphs (c)(1) and (2) of this section apply to you.

(1) Any new or reconstructed boiler or process heater at the existing facility must be in compliance with this subpart upon startup.

(2) Any existing boiler or process heater at the existing facility must be in compliance with this subpart within 3 years after the facility becomes a major source.

(d) You must meet the notification requirements in § 63.7545 according to the schedule in § 63.7545 and in subpart A of this part. Some of the notifications must be submitted before you are required to comply with the emission limits and work practice standards in this subpart.

Emission Limits and Work Practice Standards

§ 63.7499 What are the subcategories of boilers and process heaters?

The subcategories of boilers and process heaters are large solid fuel, limited use solid fuel, small solid fuel, large liquid fuel, limited use liquid fuel, small liquid fuel, large gaseous fuel, limited use gaseous fuel, and small gaseous fuel. Each subcategory is defined in § 63.7575.

§ 63.7500 What emission limits, work practice standards, and operating limits must I meet?

(a) You must meet the requirements in paragraphs (a)(1) and (2) of this section.

(1) You must meet each emission limit and work practice standard in Table 1 to this subpart that applies to your boiler or process heater, except as provided under § 63.7507.

(2) You must meet each operating limit in Tables 2 through 4 to this subpart that applies to your boiler or process heater. If you use a control device or combination of control devices not covered in Tables 2 through 4 to this subpart, or you wish to establish and monitor an alternative operating limit and alternative monitoring parameters, you must apply to the United States Environmental Protection Agency (EPA) Administrator for approval of alternative monitoring under § 63.8(f).

(b) As provided in § 63.6(g), EPA may approve use of an alternative to the work practice standards in this section.

General Compliance Requirements

§ 63.7505 What are my general requirements for complying with this subpart?

(a) You must be in compliance with the emission limits (including operating limits) and the work practice standards in this subpart at all times, except during periods of startup, shutdown, and malfunction.

(b) You must always operate and maintain your affected source, including air pollution control and monitoring equipment, according to the provisions in § 63.6(e)(1)(i).

(c) You can demonstrate compliance with any applicable emission limit using fuel analysis if the emission rate calculated according to § 63.7530(d) is less than the applicable emission limit. Otherwise, you must demonstrate compliance using performance testing.

(d) If you demonstrate compliance with any applicable emission limit through performance testing, you must develop a site-specific monitoring plan according to the requirements in paragraphs (d)(1) through (4) of this section. This requirement also applies to you if you petition the EPA Administrator for alternative monitoring parameters under § 63.8(f).

(1) For each continuous monitoring system (CMS) required in this section, you must develop and submit to the EPA Administrator for approval a site-specific monitoring plan that addresses paragraphs (d)(1)(i) through (iii) of this section. You must submit this site-specific monitoring plan at least 60 days

before your initial performance evaluation of your CMS.

(i) Installation of the CMS sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of the exhaust emissions (*e.g.*, on or downstream of the last control device);

(ii) Performance and equipment specifications for the sample interface, the pollutant concentration or parametric signal analyzer, and the data collection and reduction systems; and

(iii) Performance evaluation procedures and acceptance criteria (*e.g.*, calibrations).

(2) In your site-specific monitoring plan, you must also address paragraphs (d)(2)(i) through (iii) of this section.

(i) Ongoing operation and maintenance procedures in accordance with the general requirements of § 63.8(c)(1), (c)(3), and (c)(4)(ii);

(ii) Ongoing data quality assurance procedures in accordance with the general requirements of § 63.8(d); and

(iii) Ongoing recordkeeping and reporting procedures in accordance with the general requirements of § 63.10(c), (e)(1), and (e)(2)(i).

(3) You must conduct a performance evaluation of each CMS in accordance with your site-specific monitoring plan.

(4) You must operate and maintain the CMS in continuous operation according to the site-specific monitoring plan.

(e) If you have an applicable emission limit or work practice standard, you must develop and implement a written startup, shutdown, and malfunction plan (SSMP) according to the provisions in § 63.6(e)(3).

§ 63.7506 Do any boilers or process heaters have limited requirements?

(a) New or reconstructed boilers and process heaters in the large liquid fuel subcategory or the limited use liquid fuel subcategory that burn only fossil fuels and other gases and do not burn any residual oil are subject to the emission limits and applicable work practice standards in Table 1 to this subpart. You are not required to conduct a performance test to demonstrate compliance with the emission limits. You are not required to set and maintain operating limits to demonstrate continuous compliance with the emission limits. However, you must meet the requirements in paragraphs (a)(1) and (2) of this section and meet the CO work practice standard in Table 1 to this subpart.

(1) To demonstrate initial compliance, you must include a signed statement in the Notification of Compliance Status report required in § 63.7545(e) that indicates you burn only liquid fossil fuels other than residual oils, either alone or in combination with gaseous fuels.

(2) To demonstrate continuous compliance with the applicable emission limits, you must also keep records that demonstrate that you burn only liquid fossil fuels other than residual oils, either alone or in combination with gaseous fuels. You must also include a signed statement in each semiannual compliance report required in § 63.7550 that indicates you burned only liquid fossil fuels other than residual oils, either alone or in combination with gaseous fuels, during the reporting period.

(b) The affected boilers and process heaters listed in paragraphs (b)(1) through (3) of this section are subject to only the initial notification requirements in § 63.9(b) (*i.e.*, they are not subject to the emission limits, work practice standards, performance testing, monitoring, SSMP, site-specific monitoring plans, recordkeeping and reporting requirements of this subpart or any other requirements in subpart A of this part).

(1) Existing large and limited use gaseous fuel units.

(2) Existing large and limited use liquid fuel units.

(3) New or reconstructed small liquid fuel units that burn only gaseous fuels or distillate oil. New or reconstructed small liquid fuel boilers and process heaters that commence burning of any other type of liquid fuel must comply with all applicable requirements of this subpart and subpart A of this part upon startup of burning the other type of liquid fuel.

(c) The affected boilers and process heaters listed in paragraphs (c)(1) through (4) of this section are not subject to the initial notification requirements in § 63.9(b) and are not subject to any requirements in this subpart or in subpart A of this part (*i.e.*, they are not subject to the emission limits, work practice standards, performance testing, monitoring, SSM plans, site-specific monitoring plans, recordkeeping and reporting requirements of this subpart, or any other requirements in subpart A of this part.

(1) Existing small solid fuel boilers and process heaters.

(2) Existing small liquid fuel boilers and process heaters.

(3) Existing small gaseous fuel boilers and process heaters.

(4) New or reconstructed small gaseous fuel units.

§ 63.7507 What are the health-based compliance alternatives for the hydrogen chloride (HCl) and total selected metals (TSM) standards?

(a) As an alternative to the requirement for large solid fuel boilers located at a single facility to demonstrate compliance with the HCl emission limit in Table 1 to this subpart, you may demonstrate eligibility for the health-based compliance alternative for HCl emissions under the procedures prescribed in appendix A to this subpart.

(b) In lieu of complying with the TSM emission standards in Table 1 to this subpart based on the sum of emissions for the eight selected metals, you may demonstrate eligibility for complying with the TSM emission standards in Table 1 based on the sum of emissions for seven selected metals (by excluding manganese emissions from the summation of TSM emissions) under the procedures prescribed in appendix A to this subpart.

Testing, Fuel Analyses, and Initial Compliance Requirements

§ 63.7510 What are my initial compliance requirements and by what date must I conduct them?

(a) For affected sources that elect to demonstrate compliance with any of the emission limits of this subpart through performance testing, your initial compliance requirements include conducting performance tests according to § 63.7520 and Table 5 to this subpart, conducting a fuel analysis for each type of fuel burned in your boiler or process heater according to § 63.7521 and Table 6 to this subpart, establishing operating limits according to § 63.7530 and Table 7 to this subpart, and conducting CMS performance evaluations according to § 63.7525.

(b) For affected sources that elect to demonstrate compliance with the emission limits for HCl, mercury, or TSM through fuel analysis, your initial compliance requirement is to conduct a fuel analysis for each type of fuel burned in your boiler or process heater according to § 63.7521 and Table 6 to this subpart and establish operating limits according to § 63.7530 and Table 8 to this subpart.

(c) For affected sources that have an applicable work practice standard, your initial compliance requirements depend on the subcategory and rated capacity of your boiler or process heater. If your boiler or process heater is in any of the limited use subcategories or has a heat input capacity less than 100 MMBtu per hour, your initial compliance demonstration is conducting a performance test for carbon monoxide

according to Table 5 to this subpart. If your boiler or process heater is in any of the large subcategories and has a heat input capacity of 100 MMBtu per hour or greater, your initial compliance demonstration is conducting a performance evaluation of your continuous emission monitoring system for carbon monoxide according to § 63.7525(a).

(d) For existing affected sources, you must demonstrate initial compliance no later than 180 days after the compliance date that is specified for your source in § 63.7495 and according to the applicable provisions in § 63.7(a)(2) as cited in Table 10 to this subpart.

(e) If your new or reconstructed affected source commenced construction or reconstruction between January 13, 2003 and November 12, 2004, you must demonstrate initial compliance with either the proposed emission limits and work practice standards or the promulgated emission limits and work practice standards no later than 180 days after November 12, 2004 or within 180 days after startup of the source, whichever is later, according to § 63.7(a)(2)(ix).

(f) If your new or reconstructed affected source commenced construction or reconstruction between January 13, 2003, and November 12, 2004, and you chose to comply with the proposed emission limits and work practice standards when demonstrating initial compliance, you must conduct a second compliance demonstration for the promulgated emission limits and work practice standards within 3 years after November 12, 2004 or within 3 years after startup of the affected source, whichever is later.

(g) If your new or reconstructed affected source commences construction or reconstruction after November 12, 2004, you must demonstrate initial compliance with the promulgated emission limits and work practice standards no later than 180 days after startup of the source.

§ 63.7515 When must I conduct subsequent performance tests or fuel analyses?

(a) You must conduct all applicable performance tests according to § 63.7520 on an annual basis, unless you follow the requirements listed in paragraphs (b) through (d) of this section. Annual performance tests must be completed between 10 and 12 months after the previous performance test, unless you follow the requirements listed in paragraphs (b) through (d) of this section.

(b) You can conduct performance tests less often for a given pollutant if your performance tests for the pollutant (particulate matter, HCl, mercury, or TSM) for at least 3 consecutive years show that you comply with the emission limit. In this case, you do not have to conduct a performance test for that pollutant for the next 2 years. You must conduct a performance test during the third year and no more than 36 months after the previous performance test.

(c) If your boiler or process heater continues to meet the emission limit for particulate matter, HCl, mercury, or TSM, you may choose to conduct performance tests for these pollutants every third year, but each such performance test must be conducted no more than 36 months after the previous performance test.

(d) If a performance test shows noncompliance with an emission limit for particulate matter, HCl, mercury, or TSM, you must conduct annual performance tests for that pollutant until all performance tests over a consecutive 3-year period show compliance.

(e) If you have an applicable work practice standard for carbon monoxide and your boiler or process heater is in any of the limited use subcategories or has a heat input capacity less than 100 MMBtu per hour, you must conduct annual performance tests for carbon monoxide according to § 63.7520. Each annual performance test must be conducted between 10 and 12 months after the previous performance test.

(f) You must conduct a fuel analysis according to § 63.7521 for each type of fuel burned no later than 5 years after the previous fuel analysis for each fuel type. If you burn a new type of fuel, you must conduct a fuel analysis before burning the new type of fuel in your boiler or process heater. You must still meet all applicable continuous compliance requirements in § 63.7540.

(g) You must report the results of performance tests and fuel analyses within 60 days after the completion of the performance tests or fuel analyses. This report should also verify that the operating limits for your affected source have not changed or provide documentation of revised operating parameters established according to § 63.7530 and Table 7 to this subpart, as applicable. The reports for all subsequent performance tests and fuel analyses should include all applicable information required in § 63.7550.

§ 63.7520 What performance tests and procedures must I use?

(a) You must conduct all performance tests according to § 63.7(c), (d), (f), and (h). You must also develop a site-specific test plan according to the requirements in § 63.7(c) if you elect to demonstrate compliance through performance testing.

(b) You must conduct each performance test according to the requirements in Table 5 to this subpart.

(c) New or reconstructed boilers or process heaters in one of the liquid fuel subcategories that burn only fossil fuels and other gases and do not burn any residual oil must demonstrate compliance according to § 63.7506(a).

(d) You must conduct each performance test under the specific conditions listed in Tables 5 and 7 to this subpart. You must conduct performance tests at the maximum normal operating load while burning the type of fuel or mixture of fuels that have the highest content of chlorine, mercury, and total selected metals, and you must demonstrate initial compliance and establish your operating limits based on these tests. These requirements could result in the need to conduct more than one performance test.

(e) You may not conduct performance tests during periods of startup, shutdown, or malfunction.

(f) You must conduct three separate test runs for each performance test required in this section, as specified in § 63.7(e)(3). Each test run must last at least 1 hour.

(g) To determine compliance with the emission limits, you must use the F-Factor methodology and equations in sections 12.2 and 12.3 of EPA Method 19 of appendix A to part 60 of this chapter to convert the measured particulate matter concentrations, the measured HCl concentrations, the measured TSM concentrations, and the measured mercury concentrations that result from the initial performance test to pounds per million Btu heat input emission rates using F-factors.

§ 63.7521 What fuel analyses and procedures must I use?

(a) You must conduct fuel analyses according to the procedures in paragraphs (b) through (e) of this section and Table 6 to this subpart, as applicable.

(b) You must develop and submit a site-specific fuel analysis plan to the EPA Administrator for review and approval according to the following procedures and requirements in paragraphs (b)(1) and (2) of this section.

(1) You must submit the fuel analysis plan no later than 60 days before the date that you intend to demonstrate compliance.

(2) You must include the information contained in paragraphs (b)(2)(i)

through (vi) of this section in your fuel analysis plan.

(i) The identification of all fuel types anticipated to be burned in each boiler or process heater.

(ii) For each fuel type, the notification of whether you or a fuel supplier will be conducting the fuel analysis.

(iii) For each fuel type, a detailed description of the sample location and specific procedures to be used for collecting and preparing the composite samples if your procedures are different from paragraph (c) or (d) of this section. Samples should be collected at a location that most accurately represents the fuel type, where possible, at a point prior to mixing with other dissimilar fuel types.

(iv) For each fuel type, the analytical methods, with the expected minimum detection levels, to be used for the measurement of selected total metals, chlorine, or mercury.

(v) If you request to use an alternative analytical method other than those required by Table 6 to this subpart, you must also include a detailed description of the methods and procedures that will be used.

(vi) If you will be using fuel analysis from a fuel supplier in lieu of site-specific sampling and analysis, the fuel supplier must use the analytical methods required by Table 6 to this subpart.

(c) At a minimum, you must obtain three composite fuel samples for each fuel type according to the procedures in paragraph (c)(1) or (2) of this section.

(1) If sampling from a belt (or screw) feeder, collect fuel samples according to paragraphs (c)(1)(i) and (ii) of this section.

(i) Stop the belt and withdraw a 6-inch wide sample from the full cross-section of the stopped belt to obtain a minimum two pounds of sample. Collect all the material (fines and coarse) in the full cross-section. Transfer the sample to a clean plastic bag.

(ii) Each composite sample will consist of a minimum of three samples collected at approximately equal intervals during the testing period.

(2) If sampling from a fuel pile or truck, collect fuel samples according to paragraphs (c)(2)(i) through (iii) of this section.

(i) For each composite sample, select a minimum of five sampling locations uniformly spaced over the surface of the pile.

(ii) At each sampling site, dig into the pile to a depth of 18 inches. Insert a clean flat square shovel into the hole and withdraw a sample, making sure that large pieces do not fall off during sampling.

(iii) Transfer all samples to a clean plastic bag for further processing.

(d) Prepare each composite sample according to the procedures in paragraphs (d)(1) through (7) of this section.

(1) Throughly mix and pour the entire composite sample over a clean plastic sheet.

(2) Break sample pieces larger than 3 inches into smaller sizes.

(3) Make a pie shape with the entire composite sample and subdivide it into four equal parts.

(4) Separate one of the quarter samples as the first subset.

(5) If this subset is too large for grinding, repeat the procedure in paragraph (d)(3) of this section with the quarter sample and obtain a one-quarter subset from this sample.

(6) Grind the sample in a mill.

(7) Use the procedure in paragraph (d)(3) of this section to obtain a one-quarter subsample for analysis. If the quarter sample is too large, subdivide it further using the same procedure.

(e) Determine the concentration of pollutants in the fuel (mercury, chlorine, and/or total selected metals) in units of pounds per million Btu of each composite sample for each fuel type according to the procedures in Table 6 to this subpart.

§ 63.7522 Can I use emission averaging to comply with this subpart?

(a) As an alternative to meeting the requirements of § 63.7500, if you have more than one existing large solid fuel boiler located at your facility, you may demonstrate compliance by emission averaging according to the procedures in this section in a State that does not choose to exclude emission averaging.

(b) For each existing large solid fuel boiler in the averaging group, the emission rate achieved during the initial compliance test for the HAP being averaged must not exceed the emission level that was being achieved on November 12, 2004 or the control technology employed during the initial compliance test must not be less effective for the HAP being averaged than the control technology employed on November 12, 2004.

(c) You may average particulate matter or TSM, HCl, and mercury emissions from existing large solid fuel boilers to demonstrate compliance with the limits in Table 1 to this subpart if you satisfy the requirements in paragraphs (d), (e), and (f) of this section.

(d) The weighted average emissions from the existing large solid fuel boilers participating in the emissions averaging option must be in compliance with the limits in Table 1 to this subpart at all times following the compliance date specified in § 63.7495.

(e) You must demonstrate initial compliance according to paragraphs (e)(1) or (2) of this section.

(1) You must use Equation 1 of this section to demonstrate that the particulate matter or TSM, HCl, and mercury emissions from all existing large solid fuel boilers participating in the emissions averaging option do not exceed the emission limits in Table 1 to this subpart.

$$\text{AveWeighted Emissions} = \sum_{i=1}^{n}(\text{Er} \times \text{Hm}) \div \sum_{i=1}^{n}\text{Hm} \qquad \text{(Eq. 1)}$$

Where:

AveWeighted = Average weighted emissions for particulate matter or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.

Er = Emission rate (as calculated according to Table 5 to this subpart) or fuel analysis (as calculated by the applicable equation in § 63.7530(d)) for boiler, i, for particulate matter or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.

Hm = Maximum rated heat input capacity of boiler, i, in units of million Btu per hour.

n = Number of large solid fuel boilers participating in the emissions averaging option.

(2) If you are not capable of monitoring heat input, you can use Equation 2 of this section as an alternative to using equation 1 of this section to demonstrate that the particulate matter or TSM, HCl, and mercury emissions from all existing large solid fuel boilers participating in the emissions averaging option do not exceed the emission limits in Table 1 to this subpart.

$$\text{AveWeighted Emissions} = \sum_{i=1}^{n}(\text{Er} \times \text{Sm} \times \text{Cf}) \div \sum_{i=1}^{n}\text{Sm} \times \text{Cf} \qquad \text{(Eq. 2)}$$

Where:

AveWeighted = Average weighted emission level for PM or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.

Er = Emission rate (as calculated according to Table 5 to this subpart) or fuel analysis (as calculated by the applicable equation in § 63.7530(d)) for boiler, i, for particulate matter or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.

Sm = Maximum steam generation by boiler, i, in units of pounds.

Cf = Conversion factor, calculated from the most recent compliance test, in units of million Btu of heat input per pounds of steam generated.

(f) You must demonstrate continuous compliance on a 12-month rolling average basis determined at the end of every month (12 times per year) according to paragraphs (f)(1) and (2). The first 12-month rolling-average period begins on the compliance date specified in § 63.7495.

(1) For each calendar month, you must use Equation 3 of this section to calculate the 12-month rolling average weighted emission limit using the actual heat capacity for each existing large solid fuel boiler participating in the emissions averaging option.

$$\text{AveWeighted Emissions} = \sum_{i=1}^{n}(\text{Er} \times \text{Hb}) \div \sum_{i=1}^{n}\text{Hb} \qquad \text{(Eq. 3)}$$

Where:

AveWeighted Emissions = 12-month rolling average weighted emission level for particulate matter or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.

Er = Emission rate, calculated during the most recent compliance test, (as calculated according to Table 5 to this subpart) or fuel analysis (as calculated by the applicable equation in § 63.7530(d)) for boiler, i, for particulate matter or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.

Hb = The average heat input for each calendar month of boiler, i, in units of million Btu.

n = Number of large solid fuel boilers participating in the emissions averaging option.

(2) If you are not capable of monitoring heat input, you can use Equation 4 of this section as an alternative to using Equation 3 of this section to calculate the 12-month rolling average weighted emission limit using the actual steam generation from the large solid fuel boilers participating in the emissions averaging option.

$$\text{AveWeighted Emissions} = \sum_{i=1}^{n}(\text{Er} \times \text{Sa} \times \text{Cf}) \div \sum_{i=1}^{n}\text{Sa} \times \text{Cf} \qquad \text{(Eq. 4)}$$

Where:

AveWeighted Emissions = 12-month rolling average weighted emission level for PM or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.

Er = Emission rate, calculated during the most recent compliance test (as calculated according to Table 5 to this subpart) or fuel analysis (as calculated by the applicable equation in § 63.7530(d)) for boiler, i, for particulate matter or TSM, HCl, or mercury, in units of pounds per million Btu of heat input.

Sa = Actual steam generation for each calender month by boiler, i, in units of pounds.

Cf = Conversion factor, as calculated during the most recent compliance test, in units of million Btu of heat input per pounds of steam generated.

(g) You must develop and submit an implementation plan for emission averaging to the applicable regulatory authority for review and approval according to the following procedures and requirements in paragraphs (g)(1) through (4).

(1) You must submit the implementation plan no later than 180 days before the date that the facility intends to demonstrate compliance using the emission averaging option.

(2) You must include the information contained in paragraphs (g)(2)(i) through (vii) of this section in your implementation plan for all emission sources included in an emissions average:

(i) The identification of all existing large solid fuel boilers in the averaging group, including for each either the applicable HAP emission level or the control technology installed on;

(ii) The process parameter (heat input or steam generated) that will be monitored for each averaging group of large solid fuel boilers;

(iii) The specific control technology or pollution prevention measure to be used for each emission source in the averaging group and the date of its installation or application. If the pollution prevention measure reduces or eliminates emissions from multiple sources, the owner or operator must identify each source;

(iv) The test plan for the measurement of particulate matter (or TSM), HCl, or mercury emissions in accordance with the requirements in § 63.7520;

(v) The operating parameters to be monitored for each control system or device and a description of how the operating limits will be determined;

(vi) If you request to monitor an alternative operating parameter pursuant to § 63.7525, you must also include:

(A) A description of the parameter(s) to be monitored and an explanation of the criteria used to select the parameter(s); and

(B) A description of the methods and procedures that will be used to demonstrate that the parameter indicates proper operation of the control device; the frequency and content of monitoring, reporting, and recordkeeping requirements; and a demonstration, to the satisfaction of the applicable regulatory authority, that the proposed monitoring frequency is sufficient to represent control device operating conditions; and

(vii) A demonstration that compliance with each of the applicable emission limit(s) will be achieved under representative operating conditions.

(3) Upon receipt, the regulatory authority shall review and approve or disapprove the plan according to the following criteria:

(i) Whether the content of the plan includes all of the information specified in paragraph (g)(2) of this section; and

(ii) Whether the plan presents sufficient information to determine that compliance will be achieved and maintained.

(4) The applicable regulatory authority shall not approve an emission averaging implementation plan containing any of the following provisions:

(i) Any averaging between emissions of differing pollutants or between differing sources; or

(ii) The inclusion of any emission source other than an existing large solid fuel boiler.

§ 63.7525 What are my monitoring, installation, operation, and maintenance requirements?

(a) If you have an applicable work practice standard for carbon monoxide, and your boiler or process heater is in any of the large subcategories and has a heat input capacity of 100 MMBtu per hour or greater, you must install, operate, and maintain a continuous emission monitoring system (CEMS) for carbon monoxide according to the procedures in paragraphs (a)(1) through (6) of this section by the compliance date specified in § 63.7495.

(1) Each CEMS must be installed, operated, and maintained according to Performance Specification (PS) 4A of 40 CFR part 60, appendix B, and according to the site-specific monitoring plan developed according to § 63.7505(d).

(2) You must conduct a performance evaluation of each CEMS according to the requirements in § 63.8 and according to PS 4A of 40 CFR part 60, appendix B.

(3) Each CEMS must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(4) The CEMS data must be reduced as specified in § 63.8(g)(2).

(5) You must calculate and record a 30-day rolling average emission rate on a daily basis. A new 30-day rolling average emission rate is calculated as the average of all of the hourly CO emission data for the preceding 30 operating days.

(6) For purposes of calculating data averages, you must not use data recorded during periods of monitoring malfunctions, associated repairs, out-of-control periods, required quality assurance or control activities, or when your boiler or process heater is operating at less than 50 percent of its rated capacity. You must use all the data collected during all other periods in assessing compliance. Any period for which the monitoring system is out of control and data are not available for required calculations constitutes a deviation from the monitoring requirements.

(b) If you have an applicable opacity operating limit, you must install, operate, certify and maintain each continuous opacity monitoring system (COMS) according to the procedures in paragraphs (b)(1) through (7) of this section by the compliance date specified in § 63.7495.

(1) Each COMS must be installed, operated, and maintained according to PS 1 of 40 CFR part 60, appendix B.

(2) You must conduct a performance evaluation of each COMS according to the requirements in § 63.8 and according to PS 1 of 40 CFR part 60, appendix B.

(3) As specified in § 63.8(c)(4)(i), each COMS must complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(4) The COMS data must be reduced as specified in § 63.8(g)(2).

(5) You must include in your site-specific monitoring plan procedures and acceptance criteria for operating and maintaining each COMS according to the requirements in § 63.8(d). At a minimum, the monitoring plan must include a daily calibration drift assessment, a quarterly performance audit, and an annual zero alignment audit of each COMS.

(6) You must operate and maintain each COMS according to the requirements in the monitoring plan and the requirements of § 63.8(e). Identify periods the COMS is out of control including any periods that the COMS fails to pass a daily calibration drift assessment, a quarterly performance audit, or an annual zero alignment audit.

(7) You must determine and record all the 6-minute averages (and 1-hour block averages as applicable) collected for periods during which the COMS is not out of control.

(c) If you have an operating limit that requires the use of a CMS, you must install, operate, and maintain each continuous parameter monitoring system (CPMS) according to the procedures in paragraphs (c)(1) through (5) of this section by the compliance date specified in § 63.7495.

(1) The CPMS must complete a minimum of one cycle of operation for each successive 15-minute period. You must have a minimum of four successive cycles of operation to have a valid hour of data.

(2) Except for monitoring malfunctions, associated repairs, and required quality assurance or control

activities (including, as applicable, calibration checks and required zero and span adjustments), you must conduct all monitoring in continuous operation at all times that the unit is operating. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(3) For purposes of calculating data averages, you must not use data recorded during monitoring malfunctions, associated repairs, out of control periods, or required quality assurance or control activities. You must use all the data collected during all other periods in assessing compliance. Any period for which the monitoring system is out-of-control and data are not available for required calculations constitutes a deviation from the monitoring requirements.

(4) Determine the 3-hour block average of all recorded readings, except as provided in paragraph (c)(3) of this section.

(5) Record the results of each inspection, calibration, and validation check.

(d) If you have an operating limit that requires the use of a flow measurement device, you must meet the requirements in paragraphs (c) and (d)(1) through (4) of this section.

(1) Locate the flow sensor and other necessary equipment in a position that provides a representative flow.

(2) Use a flow sensor with a measurement sensitivity of 2 percent of the flow rate.

(3) Reduce swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.

(4) Conduct a flow sensor calibration check at least semiannually.

(e) If you have an operating limit that requires the use of a pressure measurement device, you must meet the requirements in paragraphs (c) and (e)(1) through (6) of this section.

(1) Locate the pressure sensor(s) in a position that provides a representative measurement of the pressure.

(2) Minimize or eliminate pulsating pressure, vibration, and internal and external corrosion.

(3) Use a gauge with a minimum tolerance of 1.27 centimeters of water or a transducer with a minimum tolerance of 1 percent of the pressure range.

(4) Check pressure tap pluggage daily.

(5) Using a manometer, check gauge calibration quarterly and transducer calibration monthly.

(6) Conduct calibration checks any time the sensor exceeds the manufacturer's specified maximum operating pressure range or install a new pressure sensor.

(f) If you have an operating limit that requires the use of a pH measurement device, you must meet the requirements in paragraphs (c) and (f)(1) through (3) of this section.

(1) Locate the pH sensor in a position that provides a representative measurement of scrubber effluent pH.

(2) Ensure the sample is properly mixed and representative of the fluid to be measured.

(3) Check the pH meter's calibration on at least two points every 8 hours of process operation.

(g) If you have an operating limit that requires the use of equipment to monitor voltage and secondary current (or total power input) of an electrostatic precipitator (ESP), you must use voltage and secondary current monitoring equipment to measure voltage and secondary current to the ESP.

(h) If you have an operating limit that requires the use of equipment to monitor sorbent injection rate (*e.g.*, weigh belt, weigh hopper, or hopper flow measurement device), you must meet the requirements in paragraphs (c) and (h)(1) through (3) of this section.

(1) Locate the device in a position(s) that provides a representative measurement of the total sorbent injection rate.

(2) Install and calibrate the device in accordance with manufacturer's procedures and specifications.

(3) At least annually, calibrate the device in accordance with the manufacturer's procedures and specifications.

(i) If you elect to use a fabric filter bag leak detection system to comply with the requirements of this subpart, you must install, calibrate, maintain, and continuously operate a bag leak detection system as specified in paragraphs (i)(1) through (8) of this section.

(1) You must install and operate a bag leak detection system for each exhaust stack of the fabric filter.

(2) Each bag leak detection system must be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations and in accordance with the guidance provided in EPA–454/R–98–015, September 1997.

(3) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

(4) The bag leak detection system sensor must provide output of relative or absolute particulate matter loadings.

(5) The bag leak detection system must be equipped with a device to continuously record the output signal from the sensor.

(6) The bag leak detection system must be equipped with an alarm system that will sound automatically when an increase in relative particulate matter emissions over a preset level is detected. The alarm must be located where it is easily heard by plant operating personnel.

(7) For positive pressure fabric filter systems that do not duct all compartments of cells to a common stack, a bag leak detection system must be installed in each baghouse compartment or cell.

(8) Where multiple bag leak detectors are required, the system's instrumentation and alarm may be shared among detectors.

§ 63.7530 How do I demonstrate initial compliance with the emission limits and work practice standards?

(a) You must demonstrate initial compliance with each emission limit and work practice standard that applies to you by either conducting initial performance tests and establishing operating limits, as applicable, according to § 63.7520, paragraph (c) of this section, and Tables 5 and 7 to this subpart OR conducting initial fuel analyses to determine emission rates and establishing operating limits, as applicable, according to § 63.7521, paragraph (d) of this section, and Tables 6 and 8 to this subpart.

(b) New or reconstructed boilers or process heaters in one of the liquid fuel subcategories that burn only fossil fuels and other gases and do not burn any residual oil must demonstrate compliance according to § 63.7506(a).

(c) If you demonstrate compliance through performance testing, you must establish each site-specific operating limit in Tables 2 through 4 to this subpart that applies to you according to the requirements in § 63.7520, Table 7 to this subpart, and paragraph (c)(4) of this section, as applicable. You must also conduct fuel analyses according to § 63.7521 and establish maximum fuel pollutant input levels according to paragraphs (c)(1) through (3) of this section, as applicable.

(1) You must establish the maximum chlorine fuel input (C_{input}) during the initial performance testing according to the procedures in paragraphs (c)(1)(i) through (iii) of this section.

(i) You must determine the fuel type or fuel mixture that you could burn in

your boiler or process heater that has the highest content of chlorine.

(ii) During the performance testing for HCl, you must determine the fraction of the total heat input for each fuel type burned (Q_i) based on the fuel mixture that has the highest content of chlorine, and the average chlorine concentration of each fuel type burned (C_i).

(iii) You must establish a maximum chlorine input level using Equation 5 of this section.

$$Cl_{input} = \sum_{i=1}^{n}\left[(C_i)(Q_i)\right] \qquad \text{(Eq. 5)}$$

Where:

Cl_{input} = Maximum amount of chlorine entering the boiler or process heater through fuels burned in units of pounds per million Btu.

C_i = Arithmetic average concentration of chlorine in fuel type, i, analyzed according to § 63.7521, in units of pounds per million Btu.

Q_i = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest content of chlorine. If you do not burn multiple fuel types during the performance testing, it is not necessary to determine the value of this term. Insert a value of ''1'' for Q_i.

n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest content of chlorine.

(2) If you choose to comply with the alternative TSM emission limit instead of the particulate matter emission limit, you must establish the maximum TSM fuel input level (TSM_{input}) during the initial performance testing according to the procedures in paragraphs (c)(2)(i) through (iii) of this section.

(i) You must determine the fuel type or fuel mixture that you could burn in your boiler or process heater that has the highest content of TSM.

(ii) During the performance testing for TSM, you must determine the fraction of total heat input from each fuel burned (Q_i) based on the fuel mixture that has the highest content of total selected metals, and the average TSM concentration of each fuel type burned (M_i).

(iii) You must establish a baseline TSM input level using Equation 6 of this section.

$$TSM_{input} = \sum_{i=1}^{n}\left[(M_i)(Q_i)\right] \qquad \text{(Eq. 6)}$$

Where:

TSM_{input} = Maximum amount of TSM entering the boiler or process heater through fuels burned in units of pounds per million Btu.

M_i = Arithmetic average concentration of TSM in fuel type, i, analyzed according to § 63.7521, in units of pounds per million Btu.

Q_i = Fraction of total heat input from based fuel type, i, based on the fuel mixture that has the highest content of TSM. If you do not burn multiple fuel types during the performance test, it is not necessary to determine the value of this term. Insert a value of ''1'' for Q_i.

n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest content of TSM.

(3) You must establish the maximum mercury fuel input level ($Mercury_{input}$) during the initial performance testing using the procedures in paragraphs (c)(3)(i) through (iii) of this section.

(i) You must determine the fuel type or fuel mixture that you could burn in your boiler or process heater that has the highest content of mercury.

(ii) During the compliance demonstration for mercury, you must determine the fraction of total heat input for each fuel burned (Q_i) based on the fuel mixture that has the highest content of mercury, and the average mercury concentration of each fuel type burned (HG_i).

(iii) You must establish a maximum mercury input level using Equation 7 of this section.

$$Mercury_{input} = \sum_{i=1}^{n}\left[(HG_i)(Q_i)\right] \qquad \text{(Eq. 7)}$$

Where:

$Mercury_{input}$ = Maximum amount of mercury entering the boiler or process heater through fuels burned in units of pounds per million Btu.

HG_i = Arithmetic average concentration of mercury in fuel type, i, analyzed according to § 63.7521, in units of pounds per million Btu.

Q_i = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest mercury content. If you do not burn multiple fuel types during the performance test, it is not necessary to determine the value of this term. Insert a value of ''1'' for Q_i.

n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest content of mercury.

(4) You must establish parameter operating limits according to paragraphs (c)(4)(i) through (iv) of this section.

(i) For a wet scrubber, you must establish the minimum scrubber effluent pH, liquid flowrate, and pressure drop as defined in § 63.7575, as your operating limits during the three-run performance test. If you use a wet scrubber and you conduct separate performance tests for particulate matter, HCl, and mercury emissions, you must establish one set of minimum scrubber effluent pH, liquid flowrate, and pressure drop operating limits. The minimum scrubber effluent pH operating limit must be established during the HCl performance test. If you conduct multiple performance tests, you must set the minimum liquid flowrate and pressure drop operating limits at the highest minimum values established during the performance tests.

(ii) For an electrostatic precipitator, you must establish the minimum voltage and secondary current (or total power input), as defined in § 63.7575, as your operating limits during the three-run performance test.

(iii) For a dry scrubber, you must establish the minimum sorbent injection rate, as defined in § 63.7575, as your operating limit during the three-run performance test.

(iv) The operating limit for boilers or process heaters with fabric filters that choose to demonstrate continuous compliance through bag leak detection systems is that a bag leak detection system be installed according to the requirements in § 63.7525, and that each fabric filter must be operated such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during a 6-month period.

(d) If you elect to demonstrate compliance with an applicable emission limit through fuel analysis, you must conduct fuel analyses according to § 63.7521 and follow the procedures in paragraphs (d)(1) through (5) of this section.

(1) If you burn more than one fuel type, you must determine the fuel mixture you could burn in your boiler or process heater that would result in the maximum emission rates of the pollutants that you elect to demonstrate compliance through fuel analysis.

(2) You must determine the 90th percentile confidence level fuel pollutant concentration of the composite samples analyzed for each fuel type using the one-sided z-statistic test described in Equation 8 of this section.

$$P_{90} = \text{mean} + (SD \times t) \qquad \text{(Eq. 8)}$$

Where:

P_{90} = 90th percentile confidence level pollutant concentration, in pounds per million Btu.

mean = Arithmetic average of the fuel pollutant concentration in the fuel samples analyzed according to § 63.7521, in units of pounds per million Btu.

SD = Standard deviation of the pollutant concentration in the fuel samples analyzed according to § 63.7521, in units of pounds per million Btu.

t = t distribution critical value for 90th percentile (0.1) probability for the appropriate degrees of freedom (number of samples minus one) as obtained from a Distribution Critical Value Table.

(3) To demonstrate compliance with the applicable emission limit for HCl, the HCl emission rate that you calculate for your boiler or process heater using Equation 9 of this section must be less than the applicable emission limit for HCl.

$$HCl = \sum_{i=1}^{n}\left[\left(C_{i90}\right)\left(Q_i\right)\left(1.028\right)\right] \qquad \text{(Eq. 9)}$$

Where:

HCl = HCl emission rate from the boiler or process heater in units of pounds per million Btu.

C_{i90} = 90th percentile confidence level concentration of chlorine in fuel type, i, in units of pounds per million Btu as calculated according to Equation 8 of this section.

Q_i = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest content of chlorine. If you do not burn multiple fuel types, it is not necessary to determine the value of this term. Insert a value of ''1'' for Q_i.

n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest content of chlorine.

1.028 = Molecular weight ratio of HCl to chlorine.

(4) To demonstrate compliance with the applicable emission limit for TSM, the TSM emission rate that you calculate for your boiler or process heater using Equation 10 of this section must be less than the applicable emission limit for TSM.

$$TSM = \sum_{i=1}^{n}\left[\left(M_{i90}\right)\left(Q_i\right)\right] \qquad \text{(Eq. 10)}$$

Where:

TSM = TSM emission rate from the boiler or process heater in units of pounds per million Btu.

M_{i90} = 90th percentile confidence level concentration of TSM in fuel, i, in units of pounds per million Btu as calculated according to Equation 8 of this section.

Q_i = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest content of total selected metals. If you do not burn multiple fuel types, it is not necessary to determine the value of this term. Insert a value of ''1'' for Q_i.

n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest content of TSM.

(5) To demonstrate compliance with the applicable emission limit for mercury, the mercury emission rate that you calculate for your boiler or process heater using Equation 11 of this section must be less than the applicable emission limit for mercury.

$$Mercury = \sum_{i=1}^{n}\left[\left(HG_{i90}\right)\left(Q_i\right)\right] \qquad \text{(Eq. 11)}$$

Where:

Mercury = Mercury emission rate from the boiler or process heater in units of pounds per million Btu.

HG_{i90} = 90th percentile confidence level concentration of mercury in fuel, i, in units of pounds per million Btu as calculated according to Equation 8 of this section.

Q_i = Fraction of total heat input from fuel type, i, based on the fuel mixture that has the highest mercury content. If you do not burn multiple fuel types, it is not necessary to determine the value of this term. Insert a value of ''1'' for Q_i.

n = Number of different fuel types burned in your boiler or process heater for the mixture that has the highest mercury content.

(e) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in § 63.7545(e).

Continuous Compliance Requirements

§ 63.7535 How do I monitor and collect data to demonstrate continuous compliance?

(a) You must monitor and collect data according to this section and the site-specific monitoring plan required by § 63.7505(d).

(b) Except for monitor malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), you must monitor continuously (or collect data at all required intervals) at all times that the affected source is operating.

(c) You may not use data recorded during monitoring malfunctions, associated repairs, or required quality assurance or control activities in data averages and calculations used to report emission or operating levels. You must use all the data collected during all other periods in assessing the operation of the control device and associated control system. Boilers and process heaters that have an applicable carbon monoxide work practice standard and are required to install and operate a CEMS, may not use data recorded during periods when the boiler or process heater is operating at less than 50 percent of its rated capacity.

§ 63.7540 How do I demonstrate continuous compliance with the emission limits and work practice standards?

(a) You must demonstrate continuous compliance with each emission limit, operating limit, and work practice standard in Tables 1 through 4 to this subpart that applies to you according to the methods specified in Table 8 to this subpart and paragraphs (a)(1) through (10) of this section.

(1) Following the date on which the initial performance test is completed or is required to be completed under §§ 63.7 and 63.7510, whichever date comes first, you must not operate above any of the applicable maximum operating limits or below any of the applicable minimum operating limits listed in Tables 2 through 4 to this subpart at all times except during periods of startup, shutdown and malfunction. Operating limits do not apply during performance tests. Operation above the established maximum or below the established minimum operating limits shall constitute a deviation of established operating limits.

(2) You must keep records of the type and amount of all fuels burned in each boiler or process heater during the reporting period to demonstrate that all fuel types and mixtures of fuels burned would either result in lower emissions of TSM, HCl, and mercury, than the applicable emission limit for each pollutant (if you demonstrate compliance through fuel analysis), or result in lower fuel input of TSM, chlorine, and mercury than the maximum values calculated during the last performance tests (if you demonstrate compliance through performance testing).

(3) If you demonstrate compliance with an applicable HCl emission limit through fuel analysis and you plan to burn a new type of fuel, you must recalculate the HCl emission rate using Equation 9 of § 63.7530 according to paragraphs (a)(3)(i) through (iii) of this section.

(i) You must determine the chlorine concentration for any new fuel type in units of pounds per million Btu, based on supplier data or your own fuel analysis, according to the provisions in your site-specific fuel analysis plan developed according to § 63.7521(b).

(ii) You must determine the new mixture of fuels that will have the highest content of chlorine.

(iii) Recalculate the HCl emission rate from your boiler or process heater under these new conditions using Equation 9 of § 63.7530. The recalculated HCl emission rate must be less than the applicable emission limit.

(4) If you demonstrate compliance with an applicable HCl emission limit through performance testing and you plan to burn a new type of fuel type or a new mixture of fuels, you must recalculate the maximum chlorine input using Equation 5 of § 63.7530. If the results of recalculating the maximum chlorine input using Equation 5 of § 63.7530 are higher than the maximum chlorine input level established during the previous performance test, then you must conduct a new performance test within 60 days of burning the new fuel type or fuel mixture according to the procedures in § 63.7520 to demonstrate that the HCl emissions do not exceed the emission limit. You must also establish new operating limits based on this performance test according to the procedures in § 63.7530(c).

(5) If you demonstrate compliance with an applicable TSM emission limit through fuel analysis, and you plan to burn a new type of fuel, you must recalculate the TSM emission rate using Equation 10 of § 63.7530 according to the procedures specified in paragraphs (a)(5)(i) through (iii) of this section.

(i) You must determine the TSM concentration for any new fuel type in units of pounds per million Btu, based on supplier data or your own fuel analysis, according to the provisions in your site-specific fuel analysis plan developed according to § 63.7521(b).

(ii) You must determine the new mixture of fuels that will have the highest content of TSM.

(iii) Recalculate the TSM emission rate from your boiler or process heater under these new conditions using Equation 10 of § 63.7530. The recalculated TSM emission rate must be less than the applicable emission limit.

(6) If you demonstrate compliance with an applicable TSM emission limit through performance testing, and you plan to burn a new type of fuel or a new mixture of fuels, you must recalculate the maximum TSM input using Equation 6 of § 63.7530. If the results of recalculating the maximum total selected metals input using Equation 6 of § 63.7530 are higher than the maximum TSM input level established during the previous performance test, then you must conduct a new performance test within 60 days of burning the new fuel type or fuel mixture according to the procedures in § 63.7520 to demonstrate that the TSM emissions do not exceed the emission limit. You must also establish new operating limits based on this performance test according to the procedures in § 63.7530(c).

(7) If you demonstrate compliance with an applicable mercury emission limit through fuel analysis, and you plan to burn a new type of fuel, you must recalculate the mercury emission rate using Equation 11 of § 63.7530 according to the procedures specified in paragraphs (a)(7)(i) through (iii) of this section.

(i) You must determine the mercury concentration for any new fuel type in units of pounds per million Btu, based on supplier data or your own fuel analysis, according to the provisions in your site-specific fuel analysis plan developed according to § 63.7521(b).

(ii) You must determine the new mixture of fuels that will have the highest content of mercury.

(iii) Recalculate the mercury emission rate from your boiler or process heater under these new conditions using Equation 11 of § 63.7530. The recalculated mercury emission rate must be less than the applicable emission limit.

(8) If you demonstrate compliance with an applicable mercury emission limit through performance testing, and you plan to burn a new type of fuel or a new mixture of fuels, you must recalculate the maximum mercury input using Equation 7 of § 63.7530. If the results of recalculating the maximum mercury input using Equation 7 of § 63.7530 are higher than the maximum mercury input level established during the previous performance test, then you must conduct a new performance test within 60 days of burning the new fuel type or fuel mixture according to the procedures in § 63.7520 to demonstrate that the mercury emissions do not exceed the emission limit. You must also establish new operating limits based on this performance test according to the procedures in § 63.7530(c).

(9) If your unit is controlled with a fabric filter, and you demonstrate continuous compliance using a bag leak detection system, you must initiate corrective action within 1 hour of a bag leak detection system alarm and complete corrective actions according to your SSMP, and operate and maintain the fabric filter system such that the alarm does not sound more than 5 percent of the operating time during a 6-month period. You must also keep records of the date, time, and duration of each alarm, the time corrective action was initiated and completed, and a brief description of the cause of the alarm and the corrective action taken. You must also record the percent of the operating time during each 6-month period that the alarm sounds. In calculating this operating time percentage, if inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm shall be counted as a minimum of 1 hour. If you take longer than 1 hour to initiate corrective action, the alarm time shall be counted as the actual amount of time taken to initiate corrective action.

(10) If you have an applicable work practice standard for carbon monoxide, and you are required to install a CEMS according to § 63.7525(a), then you must meet the requirements in paragraphs (a)(10)(i) through (iii) of this section.

(i) You must continuously monitor carbon monoxide according to §§ 63.7525(a) and 63.7535.

(ii) Maintain a carbon monoxide emission level below your applicable carbon monoxide work practice standard in Table 1 to this subpart at all times except during periods of startup, shutdown, malfunction, and when your boiler or process heater is operating at less than 50 percent of rated capacity.

(iii) Keep records of carbon monoxide levels according to § 63.7555(b).

(b) You must report each instance in which you did not meet each emission limit, operating limit, and work practice standard in Tables 1 through 4 to this subpart that apply to you. You must also report each instance during a startup, shutdown, or malfunction when you did not meet each applicable emission limit, operating limit, and work practice standard. These instances are deviations from the emission limits and work practice standards in this subpart. These deviations must be reported according to the requirements in § 63.7550.

(c) During periods of startup, shutdown, and malfunction, you must operate in accordance with the SSMP as required in § 63.7505(e).

(d) Consistent with §§ 63.6(e)and 63.7(e)(1), deviations that occur during a period of startup, shutdown, or malfunction are not violations if you demonstrate to the EPA Administrator's satisfaction that you were operating in accordance with your SSMP. The EPA Administrator will determine whether

deviations that occur during a period of startup, shutdown, or malfunction are violations, according to the provisions in § 63.6(e).

§ 63.7541 How do I demonstrate continuous compliance under the emission averaging provision?

(a) Following the compliance date, the owner or operator must demonstrate compliance with this subpart on a continuous basis by meeting the requirements of paragraphs (a)(1) through (4) of this section.

(1) For each calendar month, demonstrate compliance with the average weighted emissions limit for the existing large solid fuel boilers participating in the emissions averaging option as determined in § 63.7522(f) and (g);

(2) For each existing solid fuel boiler participating in the emissions averaging option that is equipped with a dry control system, maintain opacity at or below the applicable limit;

(3) For each existing solid fuel boiler participating in the emissions averaging option that is equipped with a wet scrubber, maintain the 3-hour average parameter values at or below the operating limits established during the most recent performance test; and

(4) For each existing solid fuel boiler participating in the emissions averaging option that has an approved alternative operating plan, maintain the 3-hour average parameter values at or below the operating limits established in the most recent performance test.

(b) Any instance where the owner or operator fails to comply with the continuous monitoring requirements in paragraphs (a)(1) through (4) of this section, except during periods of startup, shutdown, and malfunction, is a deviation.

Notification, Reports, and Records

§ 63.7545 What notifications must I submit and when?

(a) You must submit all of the notifications in §§ 63.7(b) and (c), 63.8 (e), (f)(4) and (6), and 63.9 (b) through (h) that apply to you by the dates specified.

(b) As specified in § 63.9(b)(2), if you startup your affected source before November 12, 2004, you must submit an Initial Notification not later than 120 days after November 12, 2004. The Initial Notification must include the information required in paragraphs (b)(1) and (2) of this section, as applicable.

(1) If your affected source has an annual capacity factor of greater than 10 percent, your Initial Notification must include the information required by § 63.9(b)(2).

(2) If your affected source has a federally enforceable permit that limits the annual capacity factor to less than or equal to 10 percent such that the unit is in one of the limited use subcategories (the limited use solid fuel subcategory, the limited use liquid fuel subcategory, or the limited use gaseous fuel subcategory), your Initial Notification must include the information required by § 63.9(b)(2) and also a signed statement indicating your affected source has a federally enforceable permit that limits the annual capacity factor to less than or equal to 10 percent.

(c) As specified in § 63.9(b)(4) and (b)(5), if you startup your new or reconstructed affected source on or after November 12, 2004, you must submit an Initial Notification not later than 15 days after the actual date of startup of the affected source.

(d) If you are required to conduct a performance test you must submit a Notification of Intent to conduct a performance test at least 30 days before the performance test is scheduled to begin.

(e) If you are required to conduct an initial compliance demonstration as specified in § 63.7530(a), you must submit a Notification of Compliance Status according to § 63.9(h)(2)(ii). For each initial compliance demonstration, you must submit the Notification of Compliance Status, including all performance test results and fuel analyses, before the close of business on the 60th day following the completion of the performance test and/or other initial compliance demonstrations according to § 63.10(d)(2). The Notification of Compliance Status report must contain all the information specified in paragraphs (e)(1) through (9), as applicable.

(1) A description of the affected source(s) including identification of which subcategory the source is in, the capacity of the source, a description of the add-on controls used on the source description of the fuel(s) burned, and justification for the fuel(s) burned during the performance test.

(2) Summary of the results of all performance tests, fuel analyses, and calculations conducted to demonstrate initial compliance including all established operating limits.

(3) Identification of whether you are complying with the particulate matter emission limit or the alternative total selected metals emission limit.

(4) Identification of whether you plan to demonstrate compliance with each applicable emission limit through performance testing or fuel analysis.

(5) Identification of whether you plan to demonstrate compliance by emissions averaging.

(6) A signed certification that you have met all applicable emission limits and work practice standards.

(7) A summary of the carbon monoxide emissions monitoring data and the maximum carbon monoxide emission levels recorded during the performance test to show that you have met any applicable work practice standard in Table 1 to this subpart.

(8) If your new or reconstructed boiler or process heater is in one of the liquid fuel subcategories and burns only liquid fossil fuels other than residual oil either alone or in combination with gaseous fuels, you must submit a signed statement certifying this in your Notification of Compliance Status report.

(9) If you had a deviation from any emission limit or work practice standard, you must also submit a description of the deviation, the duration of the deviation, and the corrective action taken in the Notification of Compliance Status report.

§ 63.7550 What reports must I submit and when?

(a) You must submit each report in Table 9 to this subpart that applies to you.

(b) Unless the EPA Administrator has approved a different schedule for submission of reports under § 63.10(a), you must submit each report by the date in Table 9 to this subpart and according to the requirements in paragraphs (b)(1) through (5) of this section.

(1) The first compliance report must cover the period beginning on the compliance date that is specified for your affected source in § 63.7495 and ending on June 30 or December 31, whichever date is the first date that occurs at least 180 days after the compliance date that is specified for your source in § 63.7495.

(2) The first compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your source in § 63.7495.

(3) Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(4) Each subsequent compliance report must be postmarked or delivered

no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(5) For each affected source that is subject to permitting regulations pursuant to 40 CFR part 70 or 40 CFR part 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), you may submit the first and subsequent compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (b)(1) through (4) of this section.

(c) The compliance report must contain the information required in paragraphs (c)(1) through (11) of this section.

(1) Company name and address.

(2) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) The total fuel use by each affected source subject to an emission limit, for each calendar month within the semiannual reporting period, including, but not limited to, a description of the fuel and the total fuel usage amount with units of measure.

(5) A summary of the results of the annual performance tests and documentation of any operating limits that were reestablished during this test, if applicable.

(6) A signed statement indicating that you burned no new types of fuel. Or, if you did burn a new type of fuel, you must submit the calculation of chlorine input, using Equation 5 of § 63.7530, that demonstrates that your source is still within its maximum chlorine input level established during the previous performance testing (for sources that demonstrate compliance through performance testing) or you must submit the calculation of HCl emission rate using Equation 9 of § 63.7530 that demonstrates that your source is still meeting the emission limit for HCl emissions (for boilers or process heaters that demonstrate compliance through fuel analysis). If you burned a new type of fuel, you must submit the calculation of TSM input, using Equation 6 of § 63.7530, that demonstrates that your source is still within its maximum TSM input level established during the previous performance testing (for sources that demonstrate compliance through performance testing), or you must submit the calculation of TSM emission rate using Equation 10 of § 63.7530 that demonstrates that your source is still meeting the emission limit for TSM emissions (for boilers or process heaters that demonstrate compliance through fuel analysis). If you burned a new type of fuel, you must submit the calculation of mercury input, using Equation 7 of § 63.7530, that demonstrates that your source is still within its maximum mercury input level established during the previous performance testing (for sources that demonstrate compliance through performance testing), or you must submit the calculation of mercury emission rate using Equation 11 of § 63.7530 that demonstrates that your source is still meeting the emission limit for mercury emissions (for boilers or process heaters that demonstrate compliance through fuel analysis).

(7) If you wish to burn a new type of fuel and you can not demonstrate compliance with the maximum chlorine input operating limit using Equation 5 of § 63.7530, the maximum TSM input operating limit using Equation 6 of § 63.7530, or the maximum mercury input operating limit using Equation 7 of § 63.7530, you must include in the compliance report a statement indicating the intent to conduct a new performance test within 60 days of starting to burn the new fuel.

(8) The hours of operation for each boiler and process heater that is subject to an emission limit for each calendar month within the semiannual reporting period. This requirement applies only to limited use boilers and process heaters.

(9) If you had a startup, shutdown, or malfunction during the reporting period and you took actions consistent with your SSMP, the compliance report must include the information in § 63.10(d)(5)(i).

(10) If there are no deviations from any emission limits or operating limits in this subpart that apply to you, and there are no deviations from the requirements for work practice standards in this subpart, a statement that there were no deviations from the emission limits, operating limits, or work practice standards during the reporting period.

(11) If there were no periods during which the CMSs, including CEMS, COMS, and CPMS, were out of control as specified in § 63.8(c)(7), a statement that there were no periods during which the CMSs were out of control during the reporting period.

(d) For each deviation from an emission limit or operating limit in this subpart and for each deviation from the requirements for work practice standards in this subpart that occurs at an affected source where you are not using a CMSs to comply with that emission limit, operating limit, or work practice standard, the compliance report must contain the information in paragraphs (c)(1) through (10) of this section and the information required in paragraphs (d)(1) through (4) of this section. This includes periods of startup, shutdown, and malfunction.

(1) The total operating time of each affected source during the reporting period.

(2) A description of the deviation and which emission limit, operating limit, or work practice standard from which you deviated.

(3) Information on the number, duration, and cause of deviations (including unknown cause), as applicable, and the corrective action taken.

(4) A copy of the test report if the annual performance test showed a deviation from the emission limit for particulate matter or the alternative TSM limit, a deviation from the HCl emission limit, or a deviation from the mercury emission limit.

(e) For each deviation from an emission limitation and operating limit or work practice standard in this subpart occurring at an affected source where you are using a CMS to comply with that emission limit, operating limit, or work practice standard, you must include the information in paragraphs (c) (1) through (10) of this section and the information required in paragraphs (e) (1) through (12) of this section. This includes periods of startup, shutdown, and malfunction and any deviations from your site-specific monitoring plan as required in § 63.7505(d).

(1) The date and time that each malfunction started and stopped and description of the nature of the deviation (*i.e.*, what you deviated from).

(2) The date and time that each CMS was inoperative, except for zero (low-level) and high-level checks.

(3) The date, time, and duration that each CMS was out of control, including the information in § 63.8(c)(8).

(4) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(5) A summary of the total duration of the deviation during the reporting period and the total duration as a percent of the total source operating time during that reporting period.

(6) A breakdown of the total duration of the deviations during the reporting period into those that are due to startup, shutdown, control equipment problems,

process problems, other known causes, and other unknown causes.

(7) A summary of the total duration of CMSs downtime during the reporting period and the total duration of CMS downtime as a percent of the total source operating time during that reporting period.

(8) An identification of each parameter that was monitored at the affected source for which there was a deviation, including opacity, carbon monoxide, and operating parameters for wet scrubbers and other control devices.

(9) A brief description of the source for which there was a deviation.

(10) A brief description of each CMS for which there was a deviation.

(11) The date of the latest CMS certification or audit for the system for which there was a deviation.

(12) A description of any changes in CMSs, processes, or controls since the last reporting period for the source for which there was a deviation.

(f) Each affected source that has obtained a title V operating permit pursuant to 40 CFR part 70 or 40 CFR part 71 must report all deviations as defined in this subpart in the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If an affected source submits a compliance report pursuant to Table 9 to this subpart along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the compliance report includes all required information concerning deviations from any emission limit, operating limit, or work practice requirement in this subpart, submission of the compliance report satisfies any obligation to report the same deviations in the semiannual monitoring report. However, submission of a compliance report does not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority.

(g) If you operate a new gaseous fuel unit that is subject to the work practice standard specified in Table 1 to this subpart, and you intend to use a fuel other than natural gas or equivalent to fire the affected unit, you must submit a notification of alternative fuel use within 48 hours of the declaration of a period of natural gas curtailment or supply interruption, as defined in § 63.7575. The notification must include the information specified in paragraphs (g)(1) through (5) of this section.

(1) Company name and address.

(2) Identification of the affected unit.

(3) Reason you are unable to use natural gas or equivalent fuel, including the date when the natural gas curtailment was declared or the natural gas supply interruption began.

(4) Type of alternative fuel that you intend to use.

(5) Dates when the alternative fuel use is expected to begin and end.

§ 63.7555 What records must I keep?

(a) You must keep records according to paragraphs (a)(1) through (3) of this section.

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status or semiannual compliance report that you submitted, according to the requirements in § 63.10(b)(2)(xiv).

(2) The records in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction.

(3) Records of performance tests, fuel analyses, or other compliance demonstrations, performance evaluations, and opacity observations as required in § 63.10(b)(2)(viii).

(b) For each CEMS, CPMS, and COMS, you must keep records according to paragraphs (b)(1) through (5) of this section.

(1) Records described in § 63.10(b)(2)(vi) through (xi).

(2) Monitoring data for continuous opacity monitoring system during a performance evaluation as required in § 63.6(h)(7)(i) and (ii).

(3) Previous (*i.e.,* superseded) versions of the performance evaluation plan as required in § 63.8(d)(3).

(4) Request for alternatives to relative accuracy test for CEMS as required in § 63.8(f)(6)(i).

(5) Records of the date and time that each deviation started and stopped, and whether the deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(c) You must keep the records required in Table 8 to this subpart including records of all monitoring data and calculated averages for applicable operating limits such as opacity, pressure drop, carbon monoxide, and pH to show continuous compliance with each emission limit, operating limit, and work practice standard that applies to you.

(d) For each boiler or process heater subject to an emission limit, you must also keep the records in paragraphs (d)(1) through (5) of this section.

(1) You must keep records of monthly fuel use by each boiler or process heater, including the type(s) of fuel and amount(s) used.

(2) You must keep records of monthly hours of operation by each boiler or process heater. This requirement applies only to limited-use boilers and process heaters.

(3) A copy of all calculations and supporting documentation of maximum chlorine fuel input, using Equation 5 of § 63.7530, that were done to demonstrate continuous compliance with the HCl emission limit, for sources that demonstrate compliance through performance testing. For sources that demonstrate compliance through fuel analysis, a copy of all calculations and supporting documentation of HCl emission rates, using Equation 9 of § 63.7530, that were done to demonstrate compliance with the HCl emission limit. Supporting documentation should include results of any fuel analyses and basis for the estimates of maximum chlorine fuel input or HCl emission rates. You can use the results from one fuel analysis for multiple boilers and process heaters provided they are all burning the same fuel type. However, you must calculate chlorine fuel input, or HCl emission rate, for each boiler and process heater.

(4) A copy of all calculations and supporting documentation of maximum TSM fuel input, using Equation 6 of § 63.7530, that were done to demonstrate continuous compliance with the TSM emission limit for sources that demonstrate compliance through performance testing. For sources that demonstrate compliance through fuel analysis, a copy of all calculations and supporting documentation of TSM emission rates, using Equation 10 of § 63.7530, that were done to demonstrate compliance with the TSM emission limit. Supporting documentation should include results of any fuel analyses and basis for the estimates of maximum TSM fuel input or TSM emission rates. You can use the results from one fuel analysis for multiple boilers and process heaters provided they are all burning the same fuel type. However, you must calculate TSM fuel input, or TSM emission rates, for each boiler and process heater.

(5) A copy of all calculations and supporting documentation of maximum mercury fuel input, using Equation 7 of § 63.7530, that were done to demonstrate continuous compliance with the mercury emission limit for sources that demonstrate compliance through performance testing. For sources that demonstrate compliance through fuel analysis, a copy of all calculations and supporting documentation of mercury emission rates, using Equation 11 of § 63.7530, that were done to demonstrate compliance with the mercury emission limit. Supporting documentation should

include results of any fuel analyses and basis for the estimates of maximum mercury fuel input or mercury emission rates. You can use the results from one fuel analysis for multiple boilers and process heaters provided they are all burning the same fuel type. However, you must calculate mercury fuel input, or mercury emission rates, for each boiler and process heater.

(e) If your boiler or process heater is subject to an emission limit or work practice standard in Table 1 to this subpart and has a federally enforceable permit that limits the annual capacity factor to less than or equal to 10 percent such that the unit is in one of the limited use subcategories, you must keep the records in paragraphs (e)(1) and (2) of this section.

(1) A copy of the federally enforceable permit that limits the annual capacity factor of the source to less than or equal to 10 percent.

(2) Fuel use records for the days the boiler or process heater was operating.

§ 63.7560 In what form and how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review, according to § 63.10(b)(1).

(b) As specified in § 63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1). You can keep the records off site for the remaining 3 years.

Other Requirements and Information

§ 63.7565 What parts of the General Provisions apply to me?

Table 10 to this subpart shows which parts of the General Provisions in §§ 63.1 through 63.15 apply to you.

§ 63.7570 Who implements and enforces this subpart?

(a) This subpart can be implemented and enforced by U.S. EPA, or a delegated authority such as your State, local, or tribal agency. If the EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency (as well as the U.S. EPA) has the authority to implement and enforce this subpart. You should contact your EPA Regional Office to find out if this subpart is delegated to your State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under 40 CFR part 63, subpart E, the authorities listed in paragraphs (b)(1) through (5) of this section are retained by the EPA Administrator and are not transferred to the State, local, or tribal agency, however, the U.S. EPA retains oversight of this subpart and can take enforcement actions, as appropriate.

(1) Approval of alternatives to the non-opacity emission limits and work practice standards in § 63.7500(a) and (b) under § 63.6(g).

(2) Approval of alternative opacity emission limits in § 63.7500(a) under § 63.6(h)(9).

(3) Approval of major change to test methods in Table 5 to this subpart under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90.

(4) Approval of major change to monitoring under § 63.8(f) and as defined in § 63.90.

(5) Approval of major change to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

§ 63.7575 What definitions apply to this subpart?

Terms used in this subpart are defined in the CAA, in § 63.2 (the General Provisions), and in this section as follows:

Annual capacity factor means the ratio between the actual heat input to a boiler or process heater from the fuels burned during a calendar year, and the potential heat input to the boiler or process heater had it been operated for 8,760 hours during a year at the maximum steady state design heat input capacity.

Bag leak detection system means an instrument that is capable of monitoring particulate matter loadings in the exhaust of a fabric filter (*i.e.*, baghouse) in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on electrodynamic, triboelectric, light scattering, light transmittance, or other principle to monitor relative particulate matter loadings.

Biomass fuel means unadulterated wood as defined in this subpart, wood residue, and wood products (*e.g.*, trees, tree stumps, tree limbs, bark, lumber, sawdust, sanderdust, chips, scraps, slabs, millings, and shavings); animal litter; vegetative agricultural and silvicultural materials, such as logging residues (slash), nut and grain hulls and chaff (*e.g.*, almond, walnut, peanut, rice, and wheat), bagasse, orchard prunings, corn stalks, coffee bean hulls and grounds.

Blast furnace gas fuel-fired boiler or process heater means an industrial/commercial/institutional boiler or process heater that receives 90 percent or more of its total heat input (based on an annual average) from blast furnace gas.

Boiler means an enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water. Waste heat boilers are excluded from this definition.

Coal means all solid fuels classifiable as anthracite, bituminous, sub-bituminous, or lignite by the American Society for Testing and Materials in ASTM D388–991 $^{\epsilon 1}$, ''Standard Specification for Classification of Coals by Rank ^{1}'' (incorporated by reference, see § 63.14(b)), coal refuse, and petroleum coke. Synthetic fuels derived from coal for the purpose of creating useful heat including but not limited to, solvent-refined coal, coal-oil mixtures, and coal-water mixtures, for the purposes of this subpart. Coal derived gases are excluded from this definition.

Coal refuse means any by-product of coal mining or coal cleaning operations with an ash content greater than 50 percent (by weight) and a heating value less than 13,900 kilojoules per kilogram (6,000 Btu per pound) on a dry basis.

Commercial/institutional boiler means a boiler used in commercial establishments or institutional establishments such as medical centers, research centers, institutions of higher education, hotels, and laundries to provide electricity, steam, and/or hot water.

Construction/demolition material means waste building material that result from the construction or demolition operations on houses and commercial and industrial buildings.

Deviation. (1) Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(i) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limit, operating limit, or work practice standard;

(ii) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(iii) Fails to meet any emission limit, operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction, regardless or whether or not such failure is permitted by this subpart.

(2) A deviation is not always a violation. The determination of whether a deviation constitutes a violation of the

standard is up to the discretion of the entity responsible for enforcement of the standards.

Distillate oil means fuel oils, including recycled oils, that comply with the specifications for fuel oil numbers 1 and 2, as defined by the American Society for Testing and Materials in ASTM D396–02a, ''Standard Specifications for Fuel Oils [1]'' (incorporated by reference, see § 63.14(b)).

Dry scrubber means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gas in the exhaust stream forming a dry powder material. Sorbent injection systems in fluidized bed boilers and process heaters are included in this definition.

Electric utility steam generating unit means a fossil fuel-fired combustion unit of more than 25 megawatts that serves a generator that produces electricity for sale. A fossil fuel-fired unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 megawatts electrical output to any utility power distribution system for sale is considered an electric utility steam generating unit.

Electrostatic precipitator means an add-on air pollution control device used to capture particulate matter by charging the particles using an electrostatic field, collecting the particles using a grounded collecting surface, and transporting the particles into a hopper.

Fabric filter means an add-on air pollution control device used to capture particulate matter by filtering gas streams through filter media, also known as a baghouse.

Federally enforceable means all limitations and conditions that are enforceable by the EPA Administrator, including the requirements of 40 CFR parts 60 and 61, requirements within any applicable State implementation plan, and any permit requirements established under 40 CFR 52.21 or under 40 CFR 51.18 and 40 CFR 51.24.

Firetube boiler means a boiler in which hot gases of combustion pass through the tubes and water contacts the outside surfaces of the tubes.

Fossil fuel means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials.

Fuel type means each category of fuels that share a common name or classification. Examples include, but are not limited to, bituminous coal, subbituminous coal, lignite, anthracite, biomass, construction/demolition material, salt water laden wood, creosote treated wood, tires, residual oil. Individual fuel types received from different suppliers are not considered new fuel types except for construction/demolition material.

Gaseous fuel includes, but is not limited to, natural gas, process gas, landfill gas, coal derived gas, refinery gas, and biogas. Blast furnace gas is exempted from this definition.

Heat input means heat derived from combustion of fuel in a boiler or process heater and does not include the heat input from preheated combustion air, recirculated flue gases, or exhaust gases from other sources such as gas turbines, internal combustion engines, kilns, etc.

Hot water heater means a closed vessel with a capacity of no more than 120 U.S. gallons in which water is heated by combustion of gaseous or liquid fuel and is withdrawn for use external to the vessel at pressures not exceeding 160 psig, including the apparatus by which the heat is generated and all controls and devices necessary to prevent water temperatures from exceeding 210°F (99°C).

Industrial boiler means a boiler used in manufacturing, processing, mining, and refining or any other industry to provide steam, hot water, and/or electricity.

Large gaseous fuel subcategory includes any watertube boiler or process heater that burns gaseous fuels not combined with any solid fuels, burns liquid fuel only during periods of gas curtailment or gas supply emergencies, has a rated capacity of greater than 10 MMBtu per hour heat input, and has an annual capacity factor of greater than 10 percent.

Large liquid fuel subcategory includes any watertube boiler or process heater that does not burn any solid fuel and burns any liquid fuel either alone or in combination with gaseous fuels, has a rated capacity of greater than 10 MMBtu per hour heat input, and has an annual capacity factor of greater than 10 percent. Large gaseous fuel boilers and process heaters that burn liquid fuel during periods of gas curtailment or gas supply emergencies are not included in this definition.

Large solid fuel subcategory includes any watertube boiler or process heater that burns any amount of solid fuel either alone or in combination with liquid or gaseous fuels, has a rated capacity of greater than 10 MMBtu per hour heat input, and has an annual capacity factor of greater than 10 percent.

Limited use gaseous fuel subcategory includes any watertube boiler or process heater that burns gaseous fuels not combined with any liquid or solid fuels, burns liquid fuel only during periods of gas curtailment or gas supply emergencies, has a rated capacity of greater than 10 MMBtu per hour heat input, and has a federally enforceable annual average capacity factor of equal to or less than 10 percent.

Limited use liquid fuel subcategory includes any watertube boiler or process heater that does not burn any solid fuel and burns any liquid fuel either alone or in combination with gaseous fuels, has a rated capacity of greater than 10 MMBtu per hour heat input, and has a federally enforceable annual average capacity factor of equal to or less than 10 percent. Limited use gaseous fuel boilers and process heaters that burn liquid fuel during periods of gas curtailment or gas supply emergencies are not included in this definition.

Limited use solid fuel subcategory includes any watertube boiler or process heater that burns any amount of solid fuel either alone or in combination with liquid or gaseous fuels, has a rated capacity of greater than 10 MMBtu per hour heat input, and has a federally enforceable annual average capacity factor of equal to or less than 10 percent.

Liquid fossil fuel means petroleum, distillate oil, residual oil and any form of liquid fuel derived from such material.

Liquid fuel includes, but is not limited to, distillate oil, residual oil, waste oil, and process liquids.

Minimum pressure drop means 90 percent of the lowest test-run average pressure drop measured according to Table 7 to this subpart during the most recent performance test demonstrating compliance with the applicable emission limit.

Minimum scrubber effluent pH means 90 percent of the lowest test-run average effluent pH measured at the outlet of the wet scrubber according to Table 7 to this subpart during the most recent performance test demonstrating compliance with the applicable hydrogen chloride emission limit.

Minimum scrubber flow rate means 90 percent of the lowest test-run average flow rate measured according to Table 7 to this subpart during the most recent performance test demonstrating compliance with the applicable emission limit.

Minimum sorbent flow rate means 90 percent of the lowest test-run average sorbent (or activated carbon) flow rate measured according to Table 7 to this subpart during the most recent performance test demonstrating compliance with the applicable emission limits.

Attachment I
Attachment I

Minimum voltage or amperage means 90 percent of the lowest test-run average voltage or amperage to the electrostatic precipitator measured according to Table 7 to this subpart during the most recent performance test demonstrating compliance with the applicable emission limits.

Natural gas means:

(1) A naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane; or

(2) Liquid petroleum gas, as defined by the American Society for Testing and Materials in ASTM D1835–03a, ''Standard Specification for Liquid Petroleum Gases'' (incorporated by reference, see § 63.14(b)).

Opacity means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

Particulate matter means any finely divided solid or liquid material, other than uncombined water, as measured by the test methods specified under this subpart, or an alternative method.

Period of natural gas curtailment or supply interruption means a period of time during which the supply of natural gas to an affected facility is halted for reasons beyond the control of the facility. An increase in the cost or unit price of natural gas does not constitute a period of natural gas curtailment or supply interruption.

Process heater means an enclosed device using controlled flame, that is not a boiler, and the unit's primary purpose is to transfer heat indirectly to a process material (liquid, gas, or solid) or to a heat transfer material for use in a process unit, instead of generating steam. Process heaters are devices in which the combustion gases do not directly come into contact with process materials. Process heaters do not include units used for comfort heat or space heat, food preparation for on-site consumption, or autoclaves.

Residual oil means crude oil, and all fuel oil numbers 4, 5 and 6, as defined by the American Society for Testing and Materials in ASTM D396–02a, ''Standard Specifications for Fuel Oils [1]'' (incorporated by reference, see § 63.14(b)).

Responsible official means responsible official as defined in 40 CFR 70.2.

Small gaseous fuel subcategory includes any firetube boiler that burns gaseous fuels not combined with any solid fuels and burns liquid fuel only during periods of gas curtailment or gas supply emergencies, and any boiler or process heater that burns gaseous fuels not combined with any solid fuels, burns liquid fuel only during periods of gas curtailment or gas supply emergencies, and has a rated capacity of less than or equal to 10 MMBtu per hour heat input.

Small liquid fuel subcategory includes any firetube boiler that does not burn any solid fuel and burns any liquid fuel either alone or in combination with gaseous fuels, and any boiler or process heater that does not burn any solid fuel and burns any liquid fuel either alone or in combination with gaseous fuels, and has a rated capacity of less than or equal to 10 MMBtu per hour heat input. Small gaseous fuel boilers and process heaters that burn liquid fuel during periods of gas curtailment or gas supply emergencies are not included in this definition.

Small solid fuel subcategory includes any firetube boiler that burns any amount of solid fuel either alone or in combination with liquid or gaseous fuels, and any other boiler or process heater that burns any amount of solid fuel either alone or in combination with liquid or gaseous fuels and has a rated capacity of less than or equal to 10 MMBtu per hour heat input.

Solid fuel includes, but is not limited to, coal, wood, biomass, tires, plastics, and other nonfossil solid materials.

Temporary boiler means any gaseous or liquid fuel boiler that is designed to, and is capable of, being carried or moved from one location to another. A temporary boiler that remains at a location for more than 180 consecutive days is no longer considered to be a temporary boiler. Any temporary boiler that replaces a temporary boiler at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period.

Total selected metals means the combination of the following metallic HAP: arsenic, beryllium, cadmium, chromium, lead, manganese, nickel and selenium.

Unadulterated wood means wood or wood products that have not been painted, pigment-stained, or pressure treated with compounds such as chromate copper arsenate, pentachlorophenol, and creosote. Plywood, particle board, oriented strand board, and other types of wood products bound by glues and resins are included in this definition.

Waste heat boiler means a device that recovers normally unused energy and converts it to usable heat. Waste heat boilers incorporating duct or supplemental burners that are designed to supply 50 percent or more of the total rated heat input capacity of the waste heat boiler are not considered waste heat boilers, but are considered boilers. Waste heat boilers are also referred to as heat recovery steam generators.

Watertube boiler means a boiler in which water passes through the tubes and hot gases of combustion pass over the outside surfaces of the tubes.

Wet scrubber means any add-on air pollution control device that mixes an aqueous stream or slurry with the exhaust gases from a boiler or process heater to control emissions of particulate matter and/or to absorb and neutralize acid gases, such as hydrogen chloride.

Work practice standard means any design, equipment, work practice, or operational standard, or combination thereof, that is promulgated pursuant to section 112(h) of the CAA.

Tables to Subpart DDDDD of Part 63

TABLE 1 TO SUBPART DDDDD OF PART 63.—EMISSION LIMITS AND WORK PRACTICE STANDARDS

As stated in § 63.7500, you must comply with the following applicable emission limits and work practice standards:

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	You must meet the following emission limits and work practice standards . . .
1. New or reconstructed large solid fuel	a. Particulate Matter (or Total Selected Metals).	0.025 lb per MMBtu of heat input; or (0.0003 lb per MMBtu of heat input).
	b. Hydrogen Chloride	0.02 lb per MMBtu of heat input.
	c. Mercury	0.000003 lb per MMBtu of heat input.
	d. Carbon Monoxide	400 ppm by volume on a dry basis corrected to 7 percent oxygen (30-day rolling average for units 100 MMBtu/hr or greater, 3-run average for units less than 100 MMBtu/hr).

TABLE 1 TO SUBPART DDDDD OF PART 63.—EMISSION LIMITS AND WORK PRACTICE STANDARDS—Continued

As stated in § 63.7500, you must comply with the following applicable emission limits and work practice standards:

If your boiler or process heater is in this subcategory . . .	For the following pollutants . . .	You must meet the following emission limits and work practice standards . . .
2. New or reconstructed limited use solid fuel ...	a. Particulate Matter (or Total Selected Metals).	0.025 lb per MMBtu of heat input; or (0.0003 lb per MMBtu of heat input).
	b. Hydrogen Chloride	0.02 lb per MMBtu of heat input.
	c. Mercury	0.000003 lb per MMBtu of heat input.
	d. Carbon Monoxide	400 ppm by volume on a dry basis corrected to 7 percent oxygen (3-run average).
3. New or reconstructed small solid fuel	a. Particulate Matter (or Total Selected Metals).	0.025 lb per MMBtu of heat input; or (0.0003 lb per MMBtu of heat input).
	b. Hydrogen Chloride	0.02 lb per MMBtu of heat input.
	c. Mercury	0.000003 lb per MMBtu of heat input.
4. New reconstructed large liquid fuel	a. Particulate Matter	0.03 lb per MMBtu of heat input.
	b. Hydrogen Chloride	0.0005 lb per MMBtu of heat input.
	c. Carbon Monoxide	400 ppm by volume on a dry basis corrected to 3 percent oxygen (30-day rolling average for units 100 MMBtu/hr or greater, 3-run average for units less than 100 MMBtu/hr).
5. New or reconstructed limited use liquid fuel ..	a. Particulate Matter	0.03 lb per MMBtu of heat input.
	b. Hydrogen Chloride	0.0009 lb per MMBtu of heat input.
	c. Carbon Monoxide	400 ppm by volume on a dry basis liquid corrected to 3 percent oxygen (3-run average).
6. New or reconstructed small liquid fuel	a. Particulate Matter	0.03 lb per MMBtu of heat input.
	b. Hydrogen Chloride	0.0009 lb per MMBtu of heat input.
7. New reconstructed large gaseous fuel	Carbon Monoxide	400 ppm by volume on a dry basis corrected to 3 percent oxygen (30-day rolling average for units 100 MMBtu/hr or greater, 3-run average for units less than 100 MMBtu/hr).
8. New or reconstructed limited use gaseous fuel.	Carbon Monoxide	400 ppm by volume on a dry basis corrected to 3 percent oxygen (3-run average).
9. Existing large solid fuel	a. Particulate Matter (or Total Selected Metals).	0.07 lb per MMBtu of heat input; or (0.001 lb per MMBtu of heat input).
	b. Hydrogen Chloride	0.09 lb per MMBtu of heat input.
	c. Mercury	0.000009 lb per MMBtu of heat input.
10. Existing limited use solid fuel	Particulate Matter (or Total Selected Metals) ..	0.21 lb per MMBtu of heat input; or (0.004 lb per MMBtu of heat input).

TABLE 2 TO SUBPART DDDDD OF PART 63.—OPERATING LIMITS FOR BOILERS AND PROCESS HEATERS WITH PARTICULATE MATTER EMISSION LIMITS

As stated in § 63.7500, you must comply with the applicable operating limits:

If you demonstrate compliance with applicable particulate matter emission limits using . . .	You must meet these operating limits . . .
1. Wet scrubber control	a. Maintain the minimum pressure drop and liquid flow-rate at or above the operating levels established during the performance test according to § 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limit for particulate matter.
2. Fabric filter control	a. Install and operate a bag leak detection system according to § 63.7525 and operate the fabric filter such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during each 6-month period; or
	b. This option is for boilers and process heaters that operate dry control systems. Existing boilers and process heaters must maintain opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per hour of not more than 27 percent. New boilers and process heaters must maintain opacity to less than or equal to 10 percent opacity (1-hour block average).
3. Electrostatic precipitator control	a. This option is for boilers and process heaters that operate dry control systems. Existing boilers and process heaters must maintain opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per hour of not more than 27 percent. New boilers and process heaters must maintain opacity to less than or equal to 10 percent opacity (1-hour block average); or

TABLE 2 TO SUBPART DDDDD OF PART 63.—OPERATING LIMITS FOR BOILERS AND PROCESS HEATERS WITH PARTICULATE MATTER EMISSION LIMITS—Continued

As stated in § 63.7500, you must comply with the applicable operating limits:

If you demonstrate compliance with applicable particulate matter emission limits using . . .	You must meet these operating limits . . .
	b. This option is only for boilers and process heaters that operate additional wet control systems. Maintain the minimum voltage and secondary current or total power input of the electrostatic precipitator at or above the operating limits established during the performance test according to § 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limit for particulate matter.
4. Any other control type	This option is for boilers and process heaters that operate dry control systems. Existing boilers and process heaters must maintain opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per hour of not more than 27 percent. New boilers and process heaters must maintain opacity to less than or equal to 10 percent opacity (1-hour block average).

TABLE 3 TO SUBPART DDDDD OF PART 63.—OPERATING LIMITS FOR BOILERS AND PROCESS HEATERS WITH MERCURY EMISSION LIMITS AND BOILERS AND PROCESS HEATERS THAT CHOOSE TO COMPLY WITH THE ALTERNATIVE TOTAL SELECTED METALS EMISSION LIMITS

As stated in § 63.7500, you must comply with the applicable operating limits:

If you demonstrate compliance with applicable mercury and/or total selected metals emission limits using . . .	You must meet these operating limits . . .
1. Wet scrubber control	Maintain the minimum pressure drop and liquid flow-rate at or above the operating levels established during the performance test according to § 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limits for mercury and/or total selected metals.
2. Fabric filter control	a. Install and operate a bag leak detection system according to § 63.7525 and operate the fabric filter such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during a 6-month period; or
	b. This option is for boilers and process heaters that operate dry control systems. Existing sources must maintain opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per hour of not more than 27 percent. New sources must maintain opacity to less than or equal to 10 percent opacity (1-hour block average).
3. Electrostatic precipitator control	a. This option is for boilers and process heaters that operate dry control systems. Existing sources must maintain opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per hour of not more than 27 percent. New sources must maintain opacity to less than or equal to 10 percent opacity (1-hour block average); or
	b. This option is only for boilers and process heaters that operate additional wet control systems. Maintain the minimum voltage and secondary current or total power input of the electrostatic precipitator at or above the operating limits established during the performance test according to § 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limits for mercury and/or total selected metals.
4. Dry scrubber or carbon injection control	Maintain the minimum sorbent or carbon injection rate at or above the operating levels established during the performance test according to § 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limit for mercury.
5. Any other control type	This option is only for boilers and process heaters that operate dry control systems. Existing sources must maintain opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per hour of not more than 27 percent. New sources must maintain opacity to less than or equal to 10 percent opacity (1-hour block average).
6. Fuel analysis	Maintain the fuel type or fuel mixture such that the mercury and/or total selected metals emission rates calculated according to § 63.7530(d)(4) and/or (5) is less than the applicable emission limits for mercury and/or total selected metals.

TABLE 4 TO SUBPART DDDDD OF PART 63.—OPERATING LIMITS FOR BOILERS AND PROCESS HEATERS WITH HYDROGEN CHLORIDE EMISSION LIMITS

As stated in § 63.7500, you must comply with the following applicable operating limits:

If you demonstrate compliance with applicable hydrogen chloride emission limits using . . .	You must meet these operating limits . . .
1. Wet scrubber control	Maintain the minimum scrubber effluent pH, pressure drop, and liquid flow-rate at or above the operating levels established during the performance test according to § 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limit for hydrogen chloride.
2. Dry scrubber control	Maintain the minimum sorbent injection rate at or above the operating levels established during the performance test according to § 63.7530(c) and Table 7 to this subpart that demonstrated compliance with the applicable emission limit for hydrogen chloride.
3. Fuel analysis	Maintain the fuel type or fuel mixture such that the hydrogen chloride emission rate calculated according to § 63.7530(d)(3) is less than the applicable emission limit for hydrogen chloride.

TABLE 5 TO SUBPART DDDDD OF PART 63.—PERFORMANCE TESTING REQUIREMENTS

As stated in § 63.7520, you must comply with the following requirements for performance test for existing, new or reconstructed affected sources:

To conduct a performance test for the following pollutant . . .	You must . . .	Using . . .
1. Particulate Matter	a. Select sampling ports location and the number of traverse points.	Method 1 in appendix A to part 60 of this chapter.
	b. Determine velocity and volumetric flow-rate of the stack gas.	Method 2, 2F, or 2G in appendix A to part 60 of this chapter.
	c. Determine oxygen and carbon dioxide concentrations of the stack gas.	Method 3A or 3B in appendix A to part 60 of this chapter, or ASME PTC 19, Part 10 (1981) (IBR, see § 63.14(i)).
	d. Measure the moisture content of the stack gas.	Method 4 in appendix A to part 60 of this chapter.
	e. Measure the particulate matter emission concentration.	Method 5 or 17 (positive pressure fabric filters must use Method 5D) in appendix A to part 60 of this chapter.
	f. Convert emissions concentration to lb per MMBtu emission rates.	Method 19 F-factor methodology in appendix A to part 60 of this chapter.
2. Total selected metals	a. Select sampling ports location and the number of traverse points.	Method 1 in appendix A to part 60 of this chapter.
	b. Determine velocity and volumetric flow-rate of the stack gas.	Method 2, 2F, or 2G in appendix A to part 60 of this chapter.
	c. Determine oxygen and carbon dioxide concentrations of the stack gas.	Method 3A or 3B in appendix A to part 60 of this chapter, or ASME PTC 19, Part 10 (1981) (IBR, see § 63.14(i)).
	d. Measure the moisture content of the stack gas.	Method 4 in appendix A to part 60 of this chapter.
	e. Measure the total selected metals emission concentration.	Method 29 in appendix A to part 60 of this chapter.
	f. Convert emissions concentration to lb per MMBtu emission rates.	Method 19 F-factor methodology in appendix A to part 60 of this chapter.
3. Hydrogen chloride	a. Select sampling ports location and the number of traverse points.	Method 1 in appendix A to part 60 of this chapter.
	b. Determine velocity and volumetric flow-rate of the stack gas.	Method 2, 2F, or 2G in appendix A to part 60 of this chapter.
	c. Determine oxygen and carbon dioxide concentrations of the stack gas.	Method 3A or 3B in appendix A to part 60 of this chapter, or ASME PTC 19, Part 10 (1981) (IBR, see § 63.14(i)).
	d. Measure the moisture content of the stack gas.	Method 4 in appendix A to part 60 of this chapter.
	e. Measure the hydrogen chloride emission concentration.	Method 26 or 26A in appendix A to part 60 of this chapter.
	f. Convert emissions concentration to lb per MMBtu emission rates.	Method 19 F-factor methodology in appendix A to part 60 of this chapter.
4. Mercury	a. Select sampling ports location and the number of traverse points.	Method 1 in appendix A to part 60 of this chapter.
	b. Determine velocity and volumetric flow-rate of the stack gas.	Method 2, 2F, or 2G in appendix A to part 60 of this chapter.
	c. Determine oxygen and carbon dioxide concentrations of the stack gas.	Method 3A or 3B in appendix A to part 60 of this chapter, or ASME PTC 19, Part 10 (1981) (IBR, see § 62.14(i)).

TABLE 5 TO SUBPART DDDDD OF PART 63.—PERFORMANCE TESTING REQUIREMENTS—Continued

As stated in § 63.7520, you must comply with the following requirements for performance test for existing, new or reconstructed affected sources:

To conduct a performance test for the following pollutant . . .	You must . . .	Using . . .
	d. Measure the moisture content of the stack gas.	Method 4 in appendix A to part 60 of this chapter.
	e. Measure the mercury emission concentration.	Method 29 in appendix A to part 60 of this chapter or Method 101A in appendix B to part 61 of this chapter or ASTM Method D6784–02 (IBR, see § 63.14(b)).
	f. Convert emissions concentration to lb per MMBtu emission rates.	Method 19 F-factor methodology in appendix A to part 60 of this chapter.
5. Carbon Monoxide	a. Select the sampling ports location and the number of traverse points.	Method 1 in appendix A to part 60 of this chapter.
	b. Determine oxygen and carbon dioxide concentrations of the stack gas.	Method 3A or 3B in appendix A to part 60 of this chapter, or ASTM D6522–00 (IBR, see § 63.14(b)), or ASME PTC 19, Part 10 (1981) (IBR, see § 63.14(i)).
	c. Measure the moisture content of the stack gas.	Method 4 in appendix A to part 60 of this chapter.
	d. Measure the carbon monoxide emission concentration.	Method 10, 10A, or 10B in appendix A to part 60 of this chapter, or ASTM D6522–00 (IBR, see § 63.14(b)) when the fuel is natural gas.

TABLE 6 TO SUBPART DDDDD OF PART 63.—FUEL ANALYSIS REQUIREMENTS

As stated in § 63.7521, you must comply with the following requirements for fuel analysis testing for existing, new or reconstructed affected sources:

To conduct a fuel analysis for the following pollutant . . .	You must . . .	Using . . .
1. Mercury	a. Collect fuel samples	Procedure in § 63.7521(c) or ASTM D2234–00 ∈1 (for coal)(IBR, see § 63.14(b)) or ASTM D6323–98 (2003)(for biomass)(IBR, see § 63.14(b)) or equivalent.
	b. Composite fuel samples	Procedure in § 63.7521(d) or equivalent.
	c. Prepare composited fuel samples	SW–846–3050B (for solid samples) or SW–846–3020A (for liquid samples) or ASTM D2013–01 (for coal) (IBR, see § 63.14(b)) or ASTM D5198–92 (2003) (for biomass)(IBR, see § 63.14(b)) or equivalent.
	d. Determine heat content of the fuel type	ASTM D5865–03a (for coal)(IBR, see § 63.14(b)) or ASTM E711–87 (1996) (for biomass)(IBR, see § 63.14(b)) or equivalent.
	e. Determine moisture content of the fuel type	ASTM D3173–02 (IBR, see § 63.14(b)) or ASTM E871–82 (1998)(IBR, see § 63.14(b)) or equivalent.
	f. Measure mercury concentration in fuel sample.	ASTM D3684–01 (for coal)(IBR, see § 63.14(b)) or SW–846–7471A (for solid samples) or SW–846 7470A (for liquid samples).
	g. Convert concentrations into units of pounds of pollutant per MMBtu of heat content.	
2. Total selected metals	a. Collect fuel samples	Procedure in § 63.7521(c) or ASTM D2234–00 ∈1 (for coal)(IBR, see § 63.14(b)) or ASTM D6323–98 (2003) (for biomass)(IBR, see § 63.14(b)) or equivalent.
	b. Composite fuel samples	Procedure in § 63.7521(d) or equivalent.
	c. Prepare composited fuel samples	SW–846–3050B (for solid samples) or SW–846–3020A (for liquid samples) or ASTM D2013–01 (for coal)(IBR, see § 63.14(b)) or ASTM D5198–92 (2003)(for biomass)(IBR, see § 63.14(b)) or equivalent.
	d. Determine heat content of the fuel type	ASTM D5865–03a (for coal)(IBR, see § 63.14(b)) or ASTM E 711–87 (for biomass)(IBR, see § 63.14(b)) or equivalent.
	e. Determine moisture content of the fuel type	ASTM D3173–02 (IBR, see § 63.14(b)) or ASTM E871 (IBR, see § 63.14(b)) or equivalent.

TABLE 6 TO SUBPART DDDDD OF PART 63.—FUEL ANALYSIS REQUIREMENTS—Continued

As stated in § 63.7521, you must comply with the following requirements for fuel analysis testing for existing, new or reconstructed affected sources:

To conduct a fuel analysis for the following pollutant . . .	You must . . .	Using . . .
	f. Measure total selected metals concentration in fuel sample.	SW–846–6010B or ASTM D3683–94 (2000) (for coal) (IBR, see § 63.14(b)) or ASTM E885–88 (1996) (for biomass)(IBR, see § 63.14(b)).
	g. Convert concentrations into units of pounds of pollutant per MMBtu of heat content.	
3. Hydrogen chloride	a. Collect fuel samples	Procedure in § 63.7521(c) or ASTM D2234∈1 (for coal)(IBR, see § 63.14(b)) or ASTM D6323–98 (2003) (for biomass)(IBR, see § 63.14(b)) or equivalent.
	b. Composite fuel samples	Procedure in § 63.7521(d) or equivalent.
	c. Prepare composited fuel samples	SW–846–3050B (for solid samples) or SW–846–3020A (for liquid samples) or ASTM D2013–01 (for coal)(IBR, see § 63.14(b)) or ASTM D5198–92 (2003) (for biomass)(IBR, see § 63.14(b)) or equivalent.
	d. Determine heat content of the fuel type	ASTM D5865–03a (for coal)(IBR, see § 63.14(b)) or ASTM E711–87 (1996) (for biomass)(IBR, see § 63.14(b)) or equivalent.
	e. Determine moisture content of the fuel type	ASTM D3173–02 (IBR, see § 63.14(b)) or ASTM E871–82 (1998)(IBR, see § 63.14(b)) or equivalent.
	f. Measure chlorine concentration in fuel sample.	SW–846–9250 or ASTM E776–87 (1996) (for biomass)(IBR, see § 63.14(b)) or equivalent.
	g. Convert concentrations into units of pounds of pollutant per MMBtu of heat content.	

TABLE 7 TO SUBPART DDDDD OF PART 63.—ESTABLISHING OPERATING LIMITS

As stated in § 63.7520, you must comply with the following requirements for establishing operating limits:

If you have an applicable emission limit for . . .	And your operating limits are based on . . .	You must . . .	Using . . .	According to the following requirements
1. Particulate matter, mercury, or total selected metals.	a. Wet scrubber operating parameters.	i. Establish a site-specific minimum pressure drop and minimum flow rate operating limit according to § 63.7530(c).	(1) Data from the pressure drop and liquid flow rate monitors and the particulate matter, mercury, or total selected metals performance test.	(a) You must collect pressure drop and liquid flow-rate data every 15 minutes during the entire period of the performance tests; (b) Determine the average pressure drop and liquid flow-rate for each individual test run in the three-run performance test by computing the average of all the 15-minute readings taken during each test run.
	b. Electrostatic precipitator operating parameters (option only for units with additional wet scrubber control).	i. Establish a site-specific minimum voltage and secondary current or total power input according to § 63.7530(c).	(1) Data from the pressure drop and liquid flow rate monitors and the particulate matter, mercury, or total selected metals performance test.	(a) You must collect voltage and secondary current or total power input data every 15 minutes during the entire period of the performance tests; (b) Determine the average voltage and secondary current or total power input for each individual test run in the three-run performance test by computing the average of all the 15-minute readings taken during each test run.

TABLE 7 TO SUBPART DDDDD OF PART 63.—ESTABLISHING OPERATING LIMITS—Continued

As stated in § 63.7520, you must comply with the following requirements for establishing operating limits:

If you have an applicable emission limit for . . .	And your operating limits are based on . . .	You must . . .	Using . . .	According to the following requirements
2. Hydrogen Chloride ...	a. Wet scrubber operating parameters.	i. Establish a site-specific minimum pressure drop and minimum flow rate operating limit according to § 63.7530(c).	(1) Data from the pH, pressure drop, and liquid flow-rate monitors and the hydrogen chloride performance test.	(a) You must collect pH, pressure drop, and liquid flow-rate data every 15 minutes during the entire period of the performance tests; (b) Determine the average pH, pressure drop, and liquid flow-rate for each individual test run in the three-run performance test by computing the average of all the 15-minute readings taken during each test run.
	b. Dry scrubber operating parameters.	i. Establish a site-specific minimum sorbent injection rate operating limit according to § 63.7530(c).	(1) Data from the sorbent injection rate monitors and hydrogen chloride performance test.	(a) You must collect sorbent injection rate data every 15 minutes during the entire period of the performance tests; (b) Determine the average sorbent injection rate for each individual test run in the three-run performance test by computing the average of all the 15-minute readings taken during each test run.

TABLE 8 TO SUBPART DDDDD OF PART 63.—DEMONSTRATING CONTINUOUS COMPLIANCE

As stated in § 63.7540, you must show continuous compliance with the emission limitations for affected sources according to the following:

If you must meet the following operating limits or work practice standards . . .	You must demonstrate continuous compliance by . . .
1. Opacity	a. Collecting the opacity monitoring system data according to §§ 63.7525(b) and 63.7535; and b. Reducing the opacity monitoring data to 6-minute averages; and c. Maintaining opacity to less than or equal to 20 percent (6-minute average) except for one 6-minute period per hour of not more than 27 percent for existing sources; or maintaining opacity to less than or equal to 10 percent (1-hour block average) for new sources.
2. Fabric Filter Bag Leak Detection Operation	Installing and operating a bag leak detection system according to § 63.7525 and operating the fabric filter such that the requirements in § 63.7540(a)(9) are met.
3. Wet Scrubber Pressure Drop and Liquid Flow-rate	a. Collecting the pressure drop and liquid flow rate monitoring system data according to §§ 63.7525 and 63.7535; and b. Reducing the data to 3-hour block averages; and c. Maintaining the 3-hour average pressure drop and liquid flow-rate at or above the operating limits established during the performance test according to § 63.7530(c).
4. Wet Scrubber pH	a. Collecting the pH monitoring system data according to §§ 63.7525 and 63.7535; and b. Reducing the data to 3-hour block averages; and c. Maintaining the 3-hour average pH at or above the operating limit established during the performance test according to § 63.7530(c).
5. Dry Scrubber Sorbent or Carbon Injection Rate	a. Collecting the sorbent or carbon injection rate monitoring system data for the dry scrubber according to §§ 63.7525 and 63.7535; and b. Reducing the data to 3-hour block averages; and c. Maintaining the 3-hour average sorbent or carbon injection rate at or above the operating limit established during the performance test according to §§ 63.7530(c).
6. Electrostatic Precipitator Secondary Current and Voltage or Total Power Input.	a. Collecting the secondary current and voltage or total power input monitoring system data for the electrostatic precipitator according to §§ 63.7525 and 63.7535; and b. Reducing the data to 3-hour block averages; and

TABLE 8 TO SUBPART DDDDD OF PART 63.—DEMONSTRATING CONTINUOUS COMPLIANCE—Continued

As stated in § 63.7540, you must show continuous compliance with the emission limitations for affected sources according to the following:

If you must meet the following operating limits or work practice standards . . .	You must demonstrate continuous compliance by . . .
7. Fuel Pollutant Content	c. Maintaining the 3-hour average secondary current and voltage or total power input at or above the operating limits established during the performance test according to §§ 63.7530(c). a. Only burning the fuel types and fuel mixtures used to demonstrate compliance with the applicable emission limit according to § 63.7530(c) or (d) as applicable; and b. Keeping monthly records of fuel use according to § 63.7540(a).

TABLE 9 TO SUBPART DDDDD OF PART 63.—REPORTING REQUIREMENTS

As stated in § 63.7550, you must comply with the following requirements for reports:

You must submit a(n)	The report must contain . . .	You must submit the report . . .
1. Compliance report	a. Information required in § 63.7550(c)(1) through (11); and b. If there are no deviations from any emission limitation (emission limit and operating limit) that applies to you and there are no deviations from the requirements for work practice standards in Table 8 to this subpart that apply to you, a statement that there were no deviations from the emission limitations and work practice standards during the reporting period. If there were no periods during which the CMSs, including continuous emissions monitoring system, continuous opacity monitoring system, and operating parameter monitoring systems, were out-of-control as specified in § 63.8(c)(7), a statement that there were no periods during which the CMSs were out-of-control during the reporting period; and c. If you have a deviation from any emission limitation (emission limit and operating limit) or work practice standard during the reporting period, the report must contain the information in § 63.7550(d). If there were periods during which the CMSs, including continuous emissions monitoring system, continuous opacity monitoring system, and operating parameter monitoring systems, were out-of-control, as specified in § 63.8(c)(7), the report must contain the information in § 63.7550(e); and d. If you had a startup, shutdown, or malfunction during the reporting period and you took actions consistent with your startup, shutdown, and malfunction plan, the compliance report must include the information in § 63.10(d)(5)(i)	Semiannually according to the requirements in § 63.7550(b).
2. An immediate startup, shutdown, and malfunction report if you had a startup, shutdown, or malfunction during the reporting period that is not consistent with your startup, shutdown, and malfunction plan, and the source exceeds any applicable emission limitation in the relevant emission standard.	a. Actions taken for the event; and	i. By fax or telephone within 2 working days after starting actions inconsistent with the plan; and
	b. The information in § 63.10(d)(5)(ii)	ii. By letter within 7 working days after the end of the event unless you have made alternative arrangements with the permitting authority.

TABLE 10 TO SUBPART DDDDD OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART DDDDD

As stated in § 63.7565, you must comply with the applicable General Provisions according to the following:

Citation	Subject	Brief description	Applicable
§ 63.1	Applicability	Initial Applicability Determination; Applicability After Standard Established; Permit Requirements; Extensions, Notifications.	Yes.
§ 63.2	Definitions	Definitions for part 63 standards	Yes.
§ 63.3	Units and Abbreviations	Units and abbreviations for part 63 standards.	Yes.
§ 63.4	Prohibited Activities	Prohibited Activities; Compliance date; Circumvention, Severability.	Yes.
§ 63.5	Construction/Reconstruction	Applicability; applications; approvals	Yes.
§ 63.6(a)	Applicability	GP apply unless compliance extension; and GP apply to area sources that become major.	Yes.
§ 63.6(b)(1)–(4)	Compliance Dates for New and Reconstructed sources.	Standards apply at effective date; 3 years after effective date; upon startup; 10 years after construction or reconstruction commences for 112(f).	Yes.
§ 63.6(b)(5)	Notification	Must notify if commenced construction or reconstruction after proposal.	Yes.
§ 63.6(b)(6)	[Reserved].		
§ 63.6(b)(7)	Compliance Dates for New and Reconstructed Area Sources That Become Major.	Area sources that become major must comply with major source standards immediately upon becoming major, regardless of whether required to comply when they were an area source.	Yes.
§ 63.6(c)(1)–(2)	Compliance Dates for Existing Sources	Comply according to date in subpart, which must be no later than 3 years after effective date; and for 112(f) standards, comply within 90 days of effective date unless compliance extension.	Yes.
§ 63.6(c)(3)–(4)	[Reserved].		
§ 63.6(c)(5)	Compliance Dates for Existing Area Sources That Become Major.	Area sources that become major must comply with major source standards by date indicated in subpart or by equivalent time period (for example, 3 years).	Yes.
§ 63.6(d)	[Reserved].		
§ 63.6(e)(1)–(2)	Operation & Maintenance	Operate to minimize emissions at all times; and Correct malfunctions as soon as practicable; and Operation and maintenance requirements independently enforceable; information Administrator will use to determine if operation and maintenance requirements were met.	Yes.
§ 63.6(e)(3)	Startup, Shutdown, and Malfunction Plan (SSMP).	Requirement for SSM and startup, shutdown, malfunction plan; and content of SSMP.	Yes.
§ 63.6(f)(1)	Compliance Except During SSM	Comply with emission standards at all times except during SSM.	Yes.
§ 63.6(f)(2)–(3)	Methods for Determining Compliance	Compliance based on performance test, operation and maintenance plans, records, inspection.	Yes.
§ 63.6(g)(1)–(3)	Alternative Standard	Procedures for getting an alternative standard.	Yes.
§ 63.6(h)(1)	Compliance with Opacity/VE Standards	Comply with opacity/VE emission limitations at all times except during SSM.	Yes.
§ 63.6(h)(2)(i)	Determining Compliance with Opacity/Visible Emission (VE) Standards.	If standard does not state test method, use Method 9 for opacity and Method 22 for VE.	No.
§ 63.6(h)(2)(ii)	[Reserved].		
§ 63.6(h)(2)(iii)	Using Previous Tests to Demonstrate Compliance with Opacity/VE Standards	Criteria for when previous opacity/VE testing can be used to show compliance with this subpart.	Yes.
§ 63.6(h)(3)	[Reserved].		
§ 63.6(h)(4)	Notification of Opacity/VE Observation Date.	Notify Administrator of anticipated date of observation.	No.
§ 63.6(h)(5)(i),(iii)–(v)	Conducting Opacity/VE Observations	Dates and Schedule for conducting opacity/VE observations.	No.

TABLE 10 TO SUBPART DDDDD OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART DDDDD—Continued

As stated in § 63.7565, you must comply with the applicable General Provisions according to the following:

Citation	Subject	Brief description	Applicable
§ 63.6(h)(5)(ii)	Opacity Test Duration and Averaging Times.	Must have at least 3 hours of observation with thirty, 6-minute averages.	No.
§ 63.6(h)(6)	Records of Conditions During Opacity/VE observations.	Keep records available and allow Administrator to inspect.	No.
§ 63.6(h)(7)(i)	Report continuous opacity monitoring system Monitoring Data from Performance Test.	Submit continuous opacity monitoring system data with other performance test data.	Yes.
§ 63.6(h)(7)(ii)	Using continuous opacity monitoring system instead of Method 9.	Can submit continuous opacity monitoring system data instead of Method 9 results even if subpart requires Method 9, but must notify Administrator before performance test.	No.
§ 63.6(h)(7)(iii)	Averaging time for continuous opacity monitoring system during performance test.	To determine compliance, must reduce continuous opacity monitoring system data to 6-minute averages.	Yes.
§ 63.6(h)(7)(iv)	Continuous opacity monitoring system requirements.	Demonstrate that continuous opacity monitoring system performance evaluations are conducted according to §§ 63.8(e), continuous opacity monitoring systems are properly maintained and operated according to § 63.8(c) and data quality as § 63.8(d).	Yes.
§ 63.6(h)(7)(v)	Determining Compliance with Opacity/VE Standards.	Continuous opacity monitoring system is probative but not conclusive evidence of compliance with opacity standard, even if Method 9 observation shows otherwise. Requirements for continuous opacity monitoring system to be probative evidence-proper maintenance, meeting PS 1, and data have not been altered.	Yes.
§ 63.6(h)(8)	Determining Compliance with Opacity/VE Standards.	Administrator will use all continuous opacity monitoring system, Method 9, and Method 22 results, as well as information about operation and maintenance to determine compliance.	Yes.
§ 63.6(h)(9)	Adjusted Opacity Standard	Procedures for Administrator to adjust an opacity standard.	Yes.
§ 63.6(i)(1)–(14)	Compliance Extension	Procedures and criteria for Administrator to grant compliance extension.	Yes.
§ 63.6(j)	Presidential Compliance Exemption	President may exempt source category from requirement to comply with rule.	Yes.
§ 63.7(a)(1)	Performance Test Dates	Dates for Conducting Initial Performance Testing and Other Compliance Demonstrations.	Yes.
§ 63.7(a)(2)	Performance Test Dates	New source with initial startup date before effective date has 180 days after effective date to demonstrate compliance	Yes.
§ 63.7(a)(2)(ii–viii)	[Reserved].		
§ 63.7(a)(2)(ix)	Performance Test Dates	1. New source that commenced construction between proposal and promulgation dates, when promulgated standard is more stringent than proposed standard, has 180 days after effective date or 180 days after startup of source, whichever is later, to demonstrate compliance; and.	Yes.
		2. If source initially demonstrates compliance with less stringent proposed standard, it has 3 years and 180 days after the effective date of the standard or 180 days after startup of source, whichever is later, to demonstrate compliance with promulgated standard.	No.
§ 63.7(a)(3)	Section 114 Authority	Administrator may require a performance test under CAA Section 114 at any time.	Yes.

TABLE 10 TO SUBPART DDDDD OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART DDDDD—Continued

As stated in § 63.7565, you must comply with the applicable General Provisions according to the following:

Citation	Subject	Brief description	Applicable
§ 63.7(b)(1)	Notification of Performance Test	Must notify Administrator 60 days before the test.	No.
§ 63.7(b)(2)	Notification of Rescheduling	If rescheduling a performance test is necessary, must notify Administrator 5 days before scheduled date of rescheduled date.	Yes.
§ 63.7(c)	Quality Assurance/Test Plan	Requirement to submit site-specific test plan 60 days before the test or on date Administrator agrees with: test plan approval procedures; and performance audit requirements; and internal and external QA procedures for testing.	Yes.
§ 63.7(d)	Testing Facilities	Requirements for testing facilities	Yes.
§ 63.7(e)(1)	Conditions for Conducting Performance Tests.	1. Performance tests must be conducted under representative conditions; and	No.
		2. Cannot conduct performance tests during SSM; and	Yes.
		3. Not a deviation to exceed standard during SSM; and	Yes.
		4. Upon request of Administrator, make available records necessary to determine conditions of performance tests.	Yes.
§ 63.7(e)(2)	Conditions for Conducting Performance Tests.	Must conduct according to rule and EPA test methods unless Administrator approves alternative.	Yes.
§ 63.7(e)(3)	Test Run Duration	Must have three separate test runs; and Compliance is based on arithmetic mean of three runs; and conditions when data from an additional test run can be used.	Yes.
§ 63.7(e)(4)	Interaction with other sections of the Act	Nothing in § 63.7(e)(1) through (4) can abrogate the Administrator's authority to require testing under Section 114 of the Act.	Yes.
§ 63.7(f)	Alternative Test Method	Procedures by which Administrator can grant approval to use an alternative test method.	Yes.
§ 63.7(g)	Performance Test Data Analysis	Must include raw data in performance test report; and must submit performance test data 60 days after end of test with the Notification of Compliance Status; and keep data for 5 years.	Yes.
§ 63.7(h)	Waiver of Tests	Procedures for Administrator to waive performance test.	Yes.
§ 63.8(a)(1)	Applicability of Monitoring Requirements	Subject to all monitoring requirements in standard.	Yes.
§ 63.8(a)(2)	Performance Specifications	Performance Specifications in appendix B of part 60 apply.	Yes.
§ 63.8(a)(3)	[Reserved].		
§ 63.8(a)(4)	Monitoring with Flares	Unless your rule says otherwise, the requirements for flares in § 63.11 apply.	No.
§63.8(b)(1)(i)–(ii)	Monitoring	Must conduct monitoring according to standard unless Administrator approves alternative.	Yes.
§ 63.8(b)(1)(iii)	Monitoring	Flares not subject to this section unless otherwise specified in relevant standard.	No.
§ 63.8(b)(2)–(3)	Multiple Effluents and Multiple Monitoring Systems.	Specific requirements for installing monitoring systems; and must install on each effluent before it is combined and before it is released to the atmosphere unless Administrator approves otherwise; and if more than one monitoring system on an emission point, must report all monitoring system results, unless one monitoring system is a backup.	Yes.
§ 63.8(c)(1)	Monitoring System Operation and Maintenance.	Maintain monitoring system in a manner consistent with good air pollution control practices.	Yes.

TABLE 10 TO SUBPART DDDDD OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART DDDDD—Continued

As stated in § 63.7565, you must comply with the applicable General Provisions according to the following:

Citation	Subject	Brief description	Applicable
§ 63.8(c)(1)(i)	Routine and Predictable SSM	Maintain and operate CMS according to § 63.6(e)(1).	Yes.
§ 63.8(c)(1)(ii)	SSM not in SSMP	Must keep necessary parts available for routine repairs of CMSs.	Yes.
§ 63.8(c)(1)(iii)	Compliance with Operation and Maintenance Requirements.	Must develop and implement an SSMP for CMSs.	Yes.
§ 63.8(c)(2)–(3)	Monitoring System Installation	Must install to get representative emission and parameter measurements; and must verify operational status before or at performance test.	Yes.
§ 63.8(c)(4)	Continuous Monitoring System (CMS) Requirements.	CMSs must be operating except during breakdown, out-of-control, repair, maintenance, and high-level calibration drifts.	No.
§ 63.8(c)(4)(i)	Continuous Monitoring System (CMS) Requirements.	Continuous opacity monitoring system must have a minimum of one cycle of sampling and analysis for each successive 10-second period and one cycle of data recording for each successive 6-minute period.	Yes.
§ 63.8(c)(4)(ii)	Continuous Monitoring System (CMS) Requirements.	Continuous emissions monitoring system must have a minimum of one cycle of operation for each successive 15-minute period.	No.
§ 63.8(c)(5)	Continuous Opacity Monitoring system (COMS) Requirements.	Must do daily zero and high level calibrations.	Yes.
§ 63.8(c)(6)	Continuous Monitoring System (CMS) Requirements.	Must do daily zero and high level calibrations.	No.
§ 63.8(c)(7)–(8)	Continuous Monitoring Systems Requirements.	Out-of-control periods, including reporting	Yes.
§ 63.8(d)	Continuous Monitoring Systems Quality Control.	Requirements for continuous monitoring systems quality control, including calibration, etc.; and must keep quality control plan on record for the life of the affected source. Keep old versions for 5 years after revisions.	Yes.
§ 63.8(e)	Continuous monitoring systems Performance Evaluation.	Notification, performance evaluation test plan, reports.	Yes.
§ 63.8(f)(1)–(5)	Alternative Monitoring Method	Procedures for Administrator to approve alternative monitoring.	Yes.
§ 63.8(f)(6)	Alternative to Relative Accuracy Test	Procedures for Administrator to approve alternative relative accuracy tests for continuous emissions monitoring system.	No.
§ 63.8(g)(1)–(4)	Data Reduction	Continuous opacity monitoring system 6-minute averages calculated over at least 36 evenly spaced data points; and continuous emissions monitoring system 1-hour averages computed over at least 4 equally spaced data points.	Yes.
§ 63.8(g)(5)	Data Reduction	Data that cannot be used in computing averages for continuous emissions monitoring system and continuous opacity monitoring system.	No.
§ 63.9(a)	Notification Requirements	Applicability and State Delegation	Yes.
§ 63.9(b)(1)–(5)	Initial Notifications	Submit notification 120 days after effective date; and Notification of intent to construct/reconstruct; and Notification of commencement of construct/reconstruct; Notification of startup; and Contents of each.	Yes.
§ 63.9(c)	Request for Compliance Extension	Can request if cannot comply by date or if installed BACT/LAER.	Yes.
§ 63.9(d)	Notification of Special Compliance Requirements for New Source.	For sources that commence construction between proposal and promulgation and want to comply 3 years after effective date.	Yes.
§ 63.9(e)	Notification of Performance Test	Notify Administrator 60 days prior	No.

TABLE 10 TO SUBPART DDDDD OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART DDDDD—Continued

As stated in § 63.7565, you must comply with the applicable General Provisions according to the following:

Citation	Subject	Brief description	Applicable
§ 63.9(f)	Notification of VE/Opacity Test	Notify Administrator 30 days prior	No.
§ 63.9(g)	Additional Notifications When Using Continuous Monitoring Systems.	Notification of performance evaluation; and notification using continuous opacity monitoring system data; and notification that exceeded criterion for relative accuracy.	Yes.
§ 63.9(h)(1)–(6)	Notification of Compliance Status	Contents; and due 60 days after end of performance test or other compliance demonstration, and when to submit to Federal vs. State authority.	Yes.
§ 63.9(i)	Adjustment of Submittal Deadlines	Procedures for Administrator to approve change in when notifications must be submitted.	Yes.
§ 63.9(j)	Change in Previous Information	Must submit within 15 days after the change.	Yes.
§ 63.10(a)	Recordkeeping/Reporting	Applies to all, unless compliance extension; and when to submit to Federal vs. State authority; and procedures for owners of more than 1 source.	Yes.
§ 63.10(b)(1)	Recordkeeping/Reporting	General Requirements; and keep all records readily available and keep for 5 years.	Yes.
§ 63.10(b)(2)(i)–(v)	Records related to Startup, Shutdown, and Malfunction.	Occurrence of each of operation (process, equipment); and occurrence of each malfunction of air pollution equipment; and maintenance of air pollution control equipment; and actions during startup, shutdown, and malfunction.	Yes.
§ 63.10(b)(2)(vi) and (x–xi)	Continuous monitoring systems Records	Malfunctions, inoperative, out-of-control; and calibration checks; and adjustments, maintenance.	Yes.
§ 63.10(b)(2)(vii)–(ix)	Records	Measurements to demonstrate compliance with emission limitations; and performance test, performance evaluation, and visible emission observation results; and measurements to determine conditions of performance tests and performance evaluations.	Yes.
§ 63.10(b)(2)(xii)	Records	Records when under waiver	Yes.
§ 63.10(b)(2)(xiii)	Records	Records when using alternative to relative accuracy test.	No.
§ 63.10(b)(2)(xiv)	Records	All documentation supporting Initial Notification and Notification of Compliance Status.	Yes.
§ 63.10(b)(3)	Records	Applicability Determinations	Yes.
§ 63.10(c)(1),(5)–(8),(10)–(15)	Records	Additional Records for continuous monitoring systems.	Yes.
§ 63.10(c)(7)–(8)	Records	Records of excess emissions and parameter monitoring exceedances for continuous monitoring systems.	No.
§ 63.10(d)(1)	General Reporting Requirements	Requirement to report	Yes.
§ 63.10(d)(2)	Report of Performance Test Results	When to submit to Federal or State authority.	Yes.
§ 63.10(d)(3)	Reporting Opacity or VE Observations	What to report and when	Yes.
§ 63.10(d)(4)	Progress Reports	Must submit progress reports on schedule if under compliance extension.	Yes.
§ 63.10(d)(5)	Startup, Shutdown, and Malfunction Reports.	Contents and submission	Yes.
§ 63.10(e)(1)(2)	Additional continuous monitoring systems Reports.	Must report results for each CEM on a unit; and written copy of performance evaluation; and 3 copies of continuous opacity monitoring system performance evaluation.	Yes.
§ 63.10(e)(3)	Reports	Excess Emission Reports	No.
§ 63.10(e)(3)(i–iii)	Reports	Schedule for reporting excess emissions and parameter monitor exceedance (now defined as deviations).	No.

TABLE 10 TO SUBPART DDDDD OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART DDDDD—Continued

As stated in § 63.7565, you must comply with the applicable General Provisions according to the following:

Citation	Subject	Brief description	Applicable
§ 63.10(e)(3)(iv–v)	Excess Emissions Reports	Requirement to revert to quarterly submission if there is an excess emissions and parameter monitor exceedance (now defined as deviations); and provision to request semiannual reporting after compliance for one year; and submit report by 30th day following end of quarter or calendar half; and if there has not been an exceedance or excess emission (now defined as deviations), report contents is a statement that there have been no deviations.	No.
§ 63.10(e)(3)(iv–v)	Excess Emissions Reports	Must submit report containing all of the information in § 63.10(c)(5–13), § 63.8(c)(7–8).	No.
§ 63.10(e)(3)(vi–viii)	Excess Emissions Report and Summary Report.	Requirements for reporting excess emissions for continuous monitoring systems (now called deviations); Requires all of the information in § 63.10(c)(5–13), § 63.8(c)(7–8).	No.
§ 63.10(e)(4)	Reporting continuous opacity monitoring system data.	Must submit continuous opacity monitoring system data with performance test data.	Yes.
§ 63.10(f)	Waiver for Recordkeeping/Reporting	Procedures for Administrator to waive	Yes.
§ 63.11	Flares	Requirements for flares	No.
§ 63.12	Delegation	State authority to enforce standards	Yes.
§ 63.13	Addresses	Addresses where reports, notifications, and requests are sent.	Yes.
§ 63.14	Incorporation by Reference	Test methods incorporated by reference	Yes.
§ 63.15	Availability of Information	Public and confidential Information	Yes.

Appendix A to Subpart DDDDD—Methodology and Criteria for Demonstrating Eligibility for the Health-Based Compliance Alternatives Specified for the Large Solid Fuel Subcategory

1. Purpose/Introduction

This appendix provides the methodology and criteria for demonstrating that your affected source is eligible for the compliance alternative for the HCl emission limit and/or the total selected metals (TSM) emission limit. This appendix specifies emissions testing methods that you must use to determine HCl, chlorine, and manganese emissions from the affected units and what parts of the affected source facility must be included in the eligibility demonstration. You must demonstrate that your affected source is eligible for the health-based compliance alternatives using either a look-up table analysis (based on the look-up tables included in this appendix) or a site-specific compliance demonstration performed according to the criteria specified in this appendix. This appendix also specifies how and when you file any eligibility demonstrations for your affected source and how to show that your affected source remains eligible for the health-based compliance alternatives in the future.

2. Who Is Eligible To Demonstrate That They Qualify for the Health-Based Compliance Alternatives?

Each new, reconstructed, or existing affected source may demonstrate that they are eligible for the health-based compliance alternatives. Section 63.7490 of subpart DDDDD defines the affected source and explains which affected sources are new, existing, or reconstructed.

3. What Parts of My Facility Have To Be Included in the Health-Based Eligibility Demonstration?

If you are attempting to determine your eligibility for the compliance alternative for HCl, you must include every emission point subject to subpart DDDDD that emits either HCl or Cl_2 in the eligibility demonstration.

If you are attempting to determine your eligibility for the compliance alternative for TSM, you must include every emission point subject to subpart DDDDD that emits manganese in the eligibility demonstration.

4. How Do I Determine HAP Emissions From My Affected Source?

(a) You must conduct HAP emissions tests or fuel analysis for every emission point covered under subpart DDDDD within the affected source facility according to the requirements in paragraphs (b) through (f) of this section and the methods specified in Table 1 of this appendix.

(1) If you are attempting to determine your eligibility for the compliance alternative for HCl, you must test the subpart DDDDD units at your facility for both HCl and Cl_2. When conducting fuel analysis, you must assume any chlorine detected will be emitted as Cl_2.

(2) If you are attempting to determine your eligibility for the compliance alternative for TSM, you must test the subpart DDDDD units at your facility for manganese.

(b) *Periods when emissions tests must be conducted.*

(1) You must not conduct emissions tests during periods of startup, shutdown, or malfunction, as specified in § 63.7(e)(1).

(2) You must test under worst-case operating conditions as defined in this appendix. You must describe your worst-case operating conditions in your performance test report for the process and control systems (if applicable) and explain why the conditions are worst-case.

(c) *Number of test runs.* You must conduct three separate test runs for each test required in this section, as specified in § 63.7(e)(3). Each test run must last at least 1 hour.

(d) *Sampling locations.* Sampling sites must be located at the outlet of the control device and prior to any releases to the atmosphere.

(e) *Collection of monitoring data for HAP control devices.* During the emissions test, you must collect operating parameter monitoring system data at least every 15 minutes during the entire emissions test and establish the site-specific operating requirements in Tables 3 or 4, as appropriate, of subpart DDDDD using data from the monitoring system and the procedures specified in § 63.7530 of subpart DDDDD.

(f) *Nondetect data.* You may treat emissions of an individual HAP as zero if all of the test runs result in a nondetect measurement and the condition in paragraph (f)(1) of this section is met for the manganese test method. Otherwise, nondetect data for individual HAP must be treated as one-half of the method detection limit.

(1) For manganese measured using Method 29 in appendix A to 40 CFR part 60, you analyze samples using atomic absorption spectroscopy (AAS).

(g) You must determine the maximum hourly emission rate for each appropriate emission point according to Equation 1 of this appendix.

$$\text{Max Hourly Emissions} = \sum_{i=1}^{n} (\text{Er} \times \text{Hm}) \qquad \text{(Eq. 1)}$$

Where:

Max Hourly Emissions = Maximum hourly emissions for hydrogen chloride, chlorine, or manganese, in units of pounds per hour.

Er = Emission rate (the 3-run average as determined according to Table 1 of this appendix or the pollutant concentration in the fuel samples analyzed according to § 63.7521) for hydrogen chloride, chlorine, or manganese, in units of pounds per million Btu of heat input.

Hm = Maximum rated heat input capacity of appropriate emission point, in units of million Btu per hour.

5. What Are the Criteria for Determining If My Facility Is Eligible for the Health-Based Compliance Alternatives?

(a) Determine the HAP emissions from each appropriate emission point within the affected source facility using the procedures specified in section 4 of this appendix.

(b) Demonstrate that your facility is eligible for either of the health-based compliance alternatives using either the methods described in section 6 of this appendix (look-up table analysis) or section 7 of this appendix (site-specific compliance demonstration).

(c) Your facility is eligible for the health-based compliance alternative for HCl if one of the following two statements is true:

(1) The calculated HCl-equivalent emission rate is below the appropriate value in the look-up table;

(2) Your site-specific compliance demonstration indicates that your maximum HI for HCl and $C1_2$ at a location where people live is less than or equal to 1.0;

(d) Your facility is eligible for the health-based compliance alternative for TSM if one of the following two statements is true:

(1) The manganese emission rate for all your subpart DDDDD sources is below the appropriate value in the look-up table;

(2) Your site-specific compliance demonstration indicates that your maximum HQ for manganese at a location where people live is less than or equal to 1.0.

6. How Do I Conduct a Look-Up Table Analysis?

You may use look-up tables to demonstrate that your facility is eligible for either the compliance alternative for the HCl emission limit or the compliance alternative for TSM emission limit.

(a) *HCl health-based compliance alternative.* (1) To calculate the total toxicity-weighted HCl-equivalent emission rate for your facility, first calculate the total affected source emission rate of HCl by summing the maximum hourly HCl emission rates from all your subpart DDDDD sources. Then, similarly, calculate the total affected source emission rate for Cl_2. Finally, calculate the toxicity-weighted emission rate (expressed in HCl equivalents) according to Equation 2 of this appendix.

$$\text{ER}_{tw} = \sum \left(\text{ER}_i \times \left(\text{RfC}_{HCl} / \text{RfC}_i \right) \right) \qquad \text{(Eq. 2)}$$

Where:

ER_{tw} is the HCl-equivalent emission rate, lb/hr.

ER_i is the emission rate of HAP i in lbs/hr

RfC_i is the reference concentration of HAP i

RfC_{HCl} is the reference concentration of HCl (RfCs for HCl and Cl_2 can be found at *http://www.epa.gov/ttn/atw/toxsource/summary.html).*

(2) The calculated HCl-equivalent emission rate will then be compared to the appropriate allowable emission rate in Table 2 of this appendix. To determine the correct value from the table, an average value for the appropriate subpart DDDDD emission points should be used for stack height and the minimum distance between any appropriate subpart DDDDD stack at the facility and the property boundary should be used for property boundary distance. Appropriate emission points and stacks are those that emit HCl and/or Cl_2. If one or both of these values does not match the exact values in the lookup tables, then use the next lowest table value. (**Note:** If your average stack height is less than 5 meters, you must use the 5 meter row.) Your facility is eligible to comply with the health-based alternative HCl emission limit if your toxicity-weighted HCl equivalent emission rate, determined using the methods specified in this appendix, does not exceed the appropriate value in Table 2 of this appendix.

(b) *TSM Compliance Alternative.* To calculate the total manganese emission rate for your affected source, sum the maximum hourly manganese emission rates for all your subpart DDDDD sources. The calculated manganese emission rate will then be compared to the allowable emission rate in the Table 3 of this appendix. To determine the correct value from the table, an average value for the appropriate subpart DDDDD emission points should be used for stack height and the minimum distance between any appropriate subpart DDDDD stack at the facility and the property boundary should be used for property boundary distance. Appropriate emission points and stacks are those that emit manganese. If one or both of these values does not match the exact values in the lookup tables, then use the next lowest table value. (**Note:** If your average stack height is less than 5 meters, you must use the 5 meter row.) Your facility may exclude manganese when demonstrating compliance with the TSM emission limit if your manganese emission rate, determined using the methods specified in this appendix, does not exceed the appropriate value specified in Table 3 of this appendix.

7. How Do I Conduct a Site-Specific Compliance Demonstration?

If you fail to demonstrate that your facility is able to comply with one or both of the alternative health-based emission standards using the look-up table approach, you may choose to perform a site-specific compliance demonstration for your facility. You may use any scientifically-accepted peer-reviewed risk assessment methodology for your site-specific compliance demonstration. An example of one approach for performing a site-specific compliance demonstration for air toxics can be found in the EPA's ''Air Toxics Risk Assessment Reference Library, Volume 2, Site-Specific Risk Assessment Technical Resource Document'', which may be obtained through the EPA's Air Toxics Web site at *http://www.epa.gov/ttn/fera/risk_atoxic.html.*

(a) Your facility is eligible for the HCl alternative compliance option if your site-specific compliance demonstration shows that the maximum HI for HCl and Cl_2 from your subpart DDDDD sources is less than or equal to 1.0.

(b) Your facility is eligible for the TSM alternative compliance option if your site-specific compliance demonstration shows that the maximum HQ for manganese from your subpart DDDDD sources is less than or equal to 1.0.

(c) At a minimum, your site-specific compliance demonstration must:

(1) Estimate long-term inhalation exposures through the estimation of annual

or multi-year average ambient concentrations;

(2) Estimate the inhalation exposure for the individual most exposed to the facility's emissions;

(3) Use site-specific, quality-assured data wherever possible;

(4) Use health-protective default assumptions wherever site-specific data are not available, and;

(5) Contain adequate documentation of the data and methods used for the assessment so that it is transparent and can be reproduced by an experienced risk assessor and emissions measurement expert.

(d) Your site-specific compliance demonstration need not:

(1) Assume any attenuation of exposure concentrations due to the penetration of outdoor pollutants into indoor exposure areas;

(2) Assume any reaction or deposition of the emitted pollutants during transport from the emission point to the point of exposure.

8. What Must My Health-Based Eligibility Demonstration Contain?

(a) Your health-based eligibility demonstration must contain, at a minimum, the information specified in paragraphs (a)(1) through (6) of this section.

(1) Identification of each appropriate emission point at the affected source facility, including the maximum rated capacity of each appropriate emission point.

(2) Stack parameters for each appropriate emission point including, but not limited to, the parameters listed in paragraphs (a)(2)(i) through (iv) below:

(i) Emission release type.

(ii) Stack height, stack area, stack gas temperature, and stack gas exit velocity.

(iii) Plot plan showing all emission points, nearby residences, and fenceline.

(iv) Identification of any control devices used to reduce emissions from each appropriate emission point.

(3) Emission test reports for each pollutant and appropriate emission point which has been tested using the test methods specified in Table 1 of this appendix, including a description of the process parameters identified as being worst case. Fuel analyses for each fuel and emission point which has been conducted including collection and analytical methods used.

(4) Identification of the RfC values used in your look-up table analysis or site-specific compliance demonstration.

(5) Calculations used to determine the HCl-equivalent or manganese emission rates according to sections 6(a) or (b) of this appendix.

(6) Identification of the controlling process factors (including, but not limited to, fuel type, heat input rate, type of control devices, process parameters reflecting the emissions rates used for your eligibility demonstration) that will become Federally enforceable permit conditions used to show that your facility remains eligible for the health-based compliance alternatives.

(b) If you use the look-up table analysis in section 6 of this appendix to demonstrate that your facility is eligible for either health-based compliance alternative, your eligibility demonstration must contain, at a minimum, the information in paragraphs (a) and (b)(1) through (3) of this section.

(1) Calculations used to determine the average stack height of the subpart DDDDD emission points that emit either manganese or HCl and Cl_2.

(2) Identification of the subpart DDDDD emission point, that emits either manganese or HCl and Cl_2, with the minimum distance to the property boundary of the facility.

(3) Comparison of the values in the look-up tables (Tables 2 and 3 of this appendix) to your maximum HCl-equivalent or manganese emission rates.

(c) If you use a site-specific compliance demonstration as described in section 7 of this appendix to demonstrate that your facility is eligible, your eligibility demonstration must contain, at a minimum, the information in paragraphs (a) and (c)(1) through (7) of this section:

(1) Identification of the risk assessment methodology used.

(2) Documentation of the fate and transport model used.

(3) Documentation of the fate and transport model inputs, including the information described in paragraphs (a)(1) through (5) of this section converted to the dimensions required for the model and all of the following that apply: meteorological data; building, land use, and terrain data; receptor locations and population data; and other facility-specific parameters input into the model.

(4) Documentation of the fate and transport model outputs.

(5) Documentation of any exposure assessment and risk characterization calculations.

(6) Comparison of the HQ HI to the limit of 1.0.

9. When Do I Have to Complete and Submit My Health-Based Eligibility Demonstration?

(a) If you have an existing affected source, you must complete and submit your eligibility demonstration to your permitting authority, along with a signed certification that the demonstration is an accurate depiction of your facility, no later than the date one year prior to the compliance date of subpart DDDDD. A separate copy of the eligibility demonstration must be submitted to: U.S. EPA, Risk and Exposure Assessment Group, Emission Standards Division (C404–01), Attn: Group Leader, Research Triangle Park, North Carolina 27711, electronic mail address *REAG@epa.gov*.

(b) If you have a new or reconstructed affected source that starts up before the effective date of subpart DDDDD, or an affected source that is an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP before the effective date of subpart DDDDD, then you must comply with the requirements of subpart DDDDD until your eligibility demonstration is completed and submitted to your permitting authority.

(c) If you have a new or reconstructed affected source that starts up after the effective date of subpart DDDDD, or an affected source that is an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP after the effective date for subpart DDDDD, then you must follow the schedule in paragraphs (c)(1) and (2) of this section.

(1) You must complete and submit a preliminary eligibility demonstration based on the information (*e.g.*, equipment types, estimated emission rates, etc.) used to obtain your title V permit. You must base your preliminary eligibility demonstration on the maximum emissions allowed under your title V permit. If the preliminary eligibility demonstration indicates that your affected source facility is eligible for either compliance alternative, then you may start up your new affected source and your new affected source will be considered in compliance with the alternative HCl standard and subject to the compliance requirements in this appendix or, in the case of manganese, your compliance demonstration with the TSM emission limit is based on 7 metals (excluding manganese).

(2) You must conduct the emission tests or fuel analysis specified in section 4 of this appendix upon initial startup and use the results of these emissions tests to complete and submit your eligibility demonstration within 180 days following your initial startup date. To be eligible, you must meet the criteria in section 11 of this appendix within 18 months following initial startup of your affected source.

10. When Do I Become Eligible for the Health-Based Compliance Alternatives?

To be eligible for either health-based compliance alternative, the parameters that defined your affected source as eligible for the health-based compliance alternatives (including, but not limited to, fuel type, fuel mix (annual average), type of control devices, process parameters reflecting the emissions rates used for your eligibility demonstration) must be submitted for incorporation as Federally enforceable limits into your title V permit. If you do not meet these criteria, then your affected source is subject to the applicable emission limits, operating limits, and work practice standards in Subpart DDDDD.

11. How Do I Ensure That My Facility Remains Eligible for the Health-Based Compliance Alternatives?

(a) You must update your eligibility demonstration and resubmit it each time you have a process change, such that any of the parameters that defined your affected source changes in a way that could result in increased HAP emissions (including, but not limited to, fuel type, fuel mix (annual average), change in type of control device, changes in process parameters documented as worst-case conditions during the emissions testing used for your approved eligibility demonstration).

(b) If you are updating your eligibility demonstration to account for an action in paragraph (a) of this section, then you must perform emission testing or fuel analysis according to section 4 of this appendix for the subpart DDDDD emission points that may have increased HAP emissions beyond the levels reflected in your previously approved eligibility demonstration due to the process

Attachment I
Attachment I

change. You must submit your revised eligibility demonstration to the permitting authority prior to revising your permit to incorporate the process change. If your updated eligibility demonstration indicates that your affected source is no longer eligible for the health-based compliance alternatives, then you must comply with the applicable emission limits, operating limits, and compliance requirements in Subpart DDDDD prior to making the process change and revising your permit.

12. What Records Must I Keep?

You must keep records of the information used in developing the eligibility demonstration for your affected source, including all of the information specified in section 8 of this appendix.

13. Definitions

The definitions in § 63.7575 of subpart DDDDD apply to this appendix. Additional definitions applicable for this appendix are as follows:

Hazard Index (HI) means the sum of more than one hazard quotient for multiple substances and/or multiple exposure pathways.

Hazard Quotient (HQ) means the ratio of the predicted media concentration of a pollutant to the media concentration at which no adverse effects are expected. For inhalation exposures, the HQ is calculated as the air concentration divided by the RfC.

Look-up table analysis means a risk screening analysis based on comparing the HAP or HAP-equivalent emission rate from the affected source to the appropriate maximum allowable HAP or HAP-equivalent emission rates specified in Tables 2 and 3 of this appendix.

Reference Concentration (RfC) means an estimate (with uncertainty spanning perhaps an order of magnitude) of a continuous inhalation exposure to the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime. It can be derived from various types of human or animal data, with uncertainty factors generally applied to reflect limitations of the data used.

Worst-case operating conditions means operation of an affected unit during emissions testing under the conditions that result in the highest HAP emissions or that result in the emissions stream composition (including HAP and non-HAP) that is most challenging for the control device if a control device is used. For example, worst-case conditions could include operation of an affected unit firing solid fuel likely to produce the most HAP.

TABLE 1 TO APPENDIX B OF SUBPART DDDDD—EMISSION TEST METHODS

For . . .	You must . . .	Using . . .
(1) Each subpart DDDDD emission point for which you choose to use a compliance alternative.	Select sampling ports' location and the number of traverse points.	Method 1 of 40 CFR part 60, appendix A.
(2) Each subpart DDDDD emission point for which you choose to use a compliance alternative.	Determine velocity and volumetric flow rate; ...	Method 2, 2F, or 2G in appendix A to 40 CFR part 60.
(3) Each subpart DDDDD emission point for which you choose to use a compliance alternative.	Conduct gas molecular weight analysis	Method 3A or 3B in appendix A to 40 CFR part 60.
(4) Each subpart DDDDD emission point for which you choose to use a compliance alternative.	Measure moisture content of the stack gas	Method 4 in appendix A to 40 CFR part 60.
(5) Each subpart DDDDD emission point for which you choose to use the HCl compliance alternative.	Measure the hydrogen chloride and chlorine emission concentrations.	Method 26 or 26A in appendix A to 40 CFR part 60.
(6) Each subpart DDDDD emission point for which you choose to use the TSM compliance alternative.	Measure the manganese emission concentration.	Method 29 in appendix A to 40 CFR part 60.
(7) Each subpart DDDDD emission point for which you choose to use a compliance alternative.	Convert emissions concentration to lb per MMBtu emission rates.	Method 19 F-factor methodology in appendix A to part 60 of this chapter.

TABLE 2 TO APPENDIX A OF SUBPART DDDDD—ALLOWABLE TOXICITY-WEIGHTED EMISSION RATE EXPRESSED IN HCl EQUIVALENTS (lbs/hr)

Stack ht. (m)	Distance to property boundary (m)											
	0	50	100	150	200	250	500	1000	1500	2000	3000	5000
5	114.9	114.9	114.9	114.9	114.9	114.9	144.3	287.3	373.0	373.0	373.0	373.0
10	188.5	188.5	188.5	188.5	188.5	188.5	195.3	328.0	432.5	432.5	432.5	432.5
20	386.1	386.1	386.1	386.1	386.1	386.1	386.1	425.4	580.0	602.7	602.7	602.7
30	396.1	396.1	396.1	396.1	396.1	396.1	396.1	436.3	596.2	690.6	807.8	816.5
40	408.1	408.1	408.1	408.1	408.1	408.1	408.1	448.2	613.3	715.5	832.2	966.0
50	421.4	421.4	421.4	421.4	421.4	421.4	421.4	460.6	631.0	746.3	858.2	1002.8
60	435.5	435.5	435.5	435.5	435.5	435.5	435.5	473.4	649.0	778.6	885.0	1043.4
70	450.2	450.2	450.2	450.2	450.2	450.2	450.2	486.6	667.4	813.8	912.4	1087.4
80	465.5	465.5	465.5	465.5	465.5	465.5	465.5	500.0	685.9	849.8	940.9	1134.8
100	497.5	497.5	497.5	497.5	497.5	497.5	497.5	527.4	723.6	917.1	1001.2	1241.3
200	677.3	677.3	677.3	677.3	677.3	677.3	677.3	682.3	919.8	1167.1	1390.4	1924.6

TABLE 3 TO APPENDIX A OF SUBPART DDDDD—ALLOWABLE MANGANESE EMISSION RATE (lbs/hr)

Stack ht. (m)	Distance to property boundary (m)											
	0	50	100	150	200	250	500	1000	1500	2000	3000	5000
5	0.29	0.29	0.29	0.29	0.29	0.29	0.36	0.72	0.93	0.93	0.93	0.94
10	0.47	0.47	0.47	0.47	0.47	0.47	0.49	0.82	1.08	1.08	1.08	1.08
20	0.97	0.97	0.97	0.97	0.97	0.97	0.97	1.06	1.45	1.51	1.51	1.51
30	0.99	0.99	0.99	0.99	0.99	0.99	0.99	1.09	1.49	1.72	2.02	2.04
40	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.12	1.53	1.79	2.08	2.42
50	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.15	1.58	1.87	2.15	2.51
60	1.09	1.09	1.09	1.09	1.09	1.09	1.09	1.18	1.62	1.95	2.21	2.61
70	1.13	1.13	1.13	1.13	1.13	1.13	1.13	1.22	1.67	2.03	2.28	2.72
80	1.16	1.16	1.16	1.16	1.16	1.16	1.16	1.25	1.71	2.12	2.35	2.84
100	1.24	1.24	1.24	1.24	1.24	1.24	1.24	1.32	1.81	2.29	2.50	3.10
200	1.69	1.69	1.69	1.69	1.69	1.69	1.69	1.71	2.30	2.92	3.48	4.81

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